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Proclamation 10759 of May 17, 2024

The President

National Safe Boating Week, 2024

By the President of the United States of America

A Proclamation

Boating is a beloved American pastime—each year, nearly 100 million people find peace and freedom on our Nation’s lakes, rivers, bays, and oceans. This week, as so many of us look forward to summer, we remind Americans to be safe and responsible on the water.

Taking basic steps to protect yourself and your loved ones can save lives. Everyone on board should wear a life jacket at all times. Boat operators should always check the weather forecast; bring maps and emergency communication tools; and wear their engine-cut-off switch lanyard, which will automatically stop the vessel if they slip or are thrown overboard. They should always boat sober. Operating a boat is like driving a car and demands full attention.

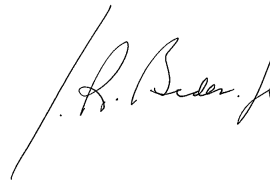
Americans who own a boat should meanwhile make sure it meets Federal safety standards. The civilian Coast Guard Auxiliary can send volunteers to inspect your boat and its safety equipment for free. Free courses on boat safety are available in all 50 States by qualified volunteer organizations, and many offer in-person and online trainings on important topics like boat handling, marine navigation, engine maintenance, weather prediction, and more.

This week, we thank every member of the United States Coast Guard and its Federal, State, Tribal, and local partners, who not only work to prevent boating accidents through education and safety boardings but also protect and rescue distressed mariners. They have helped save thousands of lives, and we can honor their brave service by each doing our own part in staying safe on the water.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved on June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period before Memorial Day weekend as “National Safe Boating Week.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim May 18 through May 24, 2024, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and by taking advantage of boating safety education opportunities. I also encourage the Governors of the States and Territories, and appropriate officials of all units of government, to join me in encouraging boating safety in every community.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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.

Presidential Documents

Proclamation 10760 of May 17, 2024

National Emergency Medical Services Week, 2024

By the President of the United States of America

A Proclamation

During National Emergency Medical Services (EMS) Week, we honor our Nation's courageous EMS providers, who put it all on the line to deliver urgent, life-saving care to people across our country in times of great need.

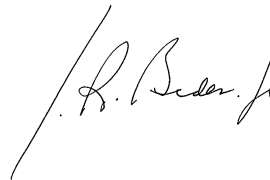
Whether paramedics, emergency medical technicians, 911 and 988 dispatchers, or other first responders, EMS providers routinely work long hours away from loved ones to keep other families whole. They risk their own lives and health, staring down storms, floods, or fires and rushing to rescue people in need. For many Americans, they are a beacon of hope in some of life's toughest moments and let us know we are going to be okay. We have a duty to show up for them the way they show up for us.

That is why my Administration is working to get every EMS department in America the equipment and support they deserve. During my first months in office, we passed the American Rescue Plan, investing billions of dollars to support EMS roles. Today, we are working with State, local, Tribal, and territorial governments to keep EMTs on the job and to help them handle trauma and burn out. We are working to get departments the resources they need to provide better training and equipment for EMS providers. To help ease staffing shortages, we are also helping communities recruit and train more firefighters, who often provide emergency medical services as well. We are fighting to ease the burden of student loans. In all, we have cancelled debt for 4.6 million student borrowers, including for nearly 900,000 public service workers by fixing the Public Service Loan Forgiveness Program, which many non-profit or government EMS provider employees could be eligible for.

I have often said that courage lies in every heart, and the expectation is that it will one day be summoned. It is summoned every day for America's EMS providers. They embody the best of our Nation—bravery, honor, and respect, never failing to answer the call to help others. This week, we thank them and the unions that protect so many of our EMS providers and promise to 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 19 through May 25, 2024, as National Emergency Medical Services Week. I call upon public officials, doctors, nurses, paramedics, EMS providers, and all the people of the United States to observe this week with appropriate programs, ceremonies, and activities to honor our brave EMS workers and to pay tribute to the EMS providers who have lost their lives in the line of duty.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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 diagonal line extending upwards and to the left from the start of the signature.

Presidential Documents

Proclamation 10761 of May 17, 2024

World Trade Week, 2024

By the President of the United States of America

A Proclamation

This week, we recommit to ensuring that global trade reflects America's highest values: fairness, transparency, innovation, dignity, and opportunity for American workers, American businesses, and American families.

For decades, our country embraced trickle-down economics which rewarded wealth, not work. Companies took their jobs overseas to get cheaper labor. Factories closed down. Manufacturing slowed. Entire communities became hollowed out as American workers lost their paychecks and sense of pride.

My Administration is changing that. Since I came into office, we have focused on rebuilding our economy from the bottom up and middle out—not the top down. We have seen the results: We have created over 15 million jobs since I took office, including nearly 800,000 manufacturing jobs. Unemployment has been at under 4 percent for more than 2 years for the first time in more than 6 decades. A record 17 million Americans are starting small businesses. As a result of investments during my Administration, factories are coming back, producing everything from semiconductors to clean energy technology here at home. We have launched over 56,000 infrastructure projects across the country—rebuilding our Nation's roads, highways, bridges, railroads, ports, airports, and so much more.

As we rebuild at home, we are also ensuring American workers and businesses have a fair shot abroad. Together with 13 nations across the Indo-Pacific, we are creating a new Economic Framework that will strengthen our supply chains, raise labor standards, advance our clean energy transition, and combat the corruption that too often robs workers of a fair share of the value they create. I am taking action to protect American workers and businesses from China's unfair trade practices and ensure they compete on a level playing field, including increasing tariffs on \$18 billion of imports from China to protect American workers and businesses. At the same time, we are working to increase trade with Kenya, Taiwan, and other partners around the world.

No region impacts the economic security of the United States more directly than the Western Hemisphere. Together with 11 partners, we have launched the Americas Partnership for Economic Prosperity to build more resilient supply chains, mobilize high-standard investments in our partners' economies, and ensure that trade-enabled growth means inclusive growth across all of our nations. My Administration is helping to better protect workers' rights, end unfair labor practices, and support free and fair union elections. For example, through the Partnership for Workers' Rights we launched with Brazil, we are taking collective action to promote workers' empowerment and end violations of workers' rights, which is key to achieving sustainable economic growth.

My Administration has launched historic trade initiatives with the European Union to promote clean manufacturing and create new jobs on both sides of the Atlantic. For example, through the Global Arrangement on Sustainable Steel and Aluminum, we are partnering to tackle non-market excess capacity and emissions intensity in the steel and aluminum sectors, which threaten the competitiveness of our workers and producers. Together, we created

the U.S.-E.U. Trade and Technology Council that has deepened our cooperation on sustainable, high-standard trade.

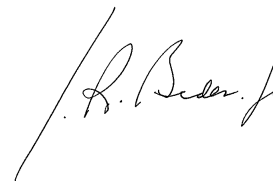
The United States is also working with our partners to combat non-market policies and practices and structural overcapacity that distort global markets, create unfair competitive advantages, and lead to dependencies that make us vulnerable to coercion. From the G7 to our partnerships with developing countries and our engagement at the WTO, we are working across the board to protect our workers, industries, and economic security.

As my Administration takes these steps, American workers will remain front of mind. Through the first-ever Presidential Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally, my Administration is making workers' rights central to all of our international economic partnerships and diplomacy, ensuring that workers get the dignity and opportunity they deserve. We are working to expand trade opportunities for communities that have too often been left behind—including helping small businesses compete in international markets through our new National Export Strategy and making it easier for small and medium sized businesses to access loans from the Export-Import Bank of the United States. The Department of Commerce launched a Global Diversity Export Initiative to help minority-owned businesses overcome barriers to entering international trade.

All across our country, American workers are writing the greatest comeback story our Nation has ever known. This week and every week, my Administration recommits to ensuring our trade supports them, protects them, and helps forge a better future for our Nation—one where no one is left behind and everyone gets a fair shot.

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 19 through May 25, 2024, as World Trade Week. I call upon all Americans to observe this week and to celebrate with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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.

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Presidential Documents

Proclamation 10762 of May 17, 2024

Armed Forces Day, 2024

By the President of the United States of America

A Proclamation

Our Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, National Guard, and Reserve Forces comprise the greatest fighting force the world has ever known. Throughout the annals of history, they have stood on the frontlines of freedom—risking everything to keep the light of liberty burning bright at home and around the globe. On Armed Forces Day, we honor their service. We remember their selfless sacrifices. We renew our solemn vow to them and their families, caregivers, and survivors.

Our Nation has many obligations but only one that is truly sacred: to train and equip those we send into harm's way and care for them and their families when they come home. Since I came into office, I have signed over 30 bipartisan bills to support our service members, our veterans, and their families. That includes the PACT Act—the most significant law in our Nation's history to help the millions of veterans who were exposed to toxic substances and burn pits during their military service. Further, we are working to ensure that service members and their families have access to the mental health care they need—an important step toward ending the silent scourge of suicide that has already taken too many lives.

At the same time, we are working to give service members, veterans, and their families some well-deserved breathing room. My Administration helped fix the student loan system, easing the burden of \$160 billion of student debt for nearly 4.6 million Federal student loan borrowers through various actions. This year, I took the most comprehensive set of administrative actions in our Nation's history to support the economic security of military families, spouses, caregivers, and survivors. We are making it easier for military spouses to find work by making it easier for the Federal Government to hire them, encouraging employers to offer more flexible leave policies, and lowering the cost of child care for military families. Through the First Lady's Joining Forces Initiative, we are taking further action to support military and veteran spouses in finding and keeping good-paying jobs as well as health and wellness resources.

As Commander in Chief, I am committed to ensuring that every member of our military feels safe and respected—and that means ensuring inclusivity, dignity, and decency remain at the core of the culture of our Armed Forces. I am proud to have implemented historic, bipartisan reforms to our military justice system, which better protect victims and ensure prosecutorial decisions for sexual assault, domestic violence, and other crimes are fully independent from the chain of command. One of my earliest acts in office was to end the ban on transgender Americans serving openly in the military. My Administration will continue to stand up to all forms of harassment and hate within our ranks so that all our service members can thrive.

No matter how high the cost, how great the risk, or how heavy the burden—through long deployments and dangers, frequent moves and challenging trainings, and the many other unique burdens of serving our country—our Nation's Armed Forces have always met the moment. They exemplify the very best of our Nation. Today—and every day—let us honor their

service, sacrifice, courage, and commitment. Let us continue to meet our sacred obligation to them and their families, caregivers, and survivors.

May God bless and protect our service members and veterans.

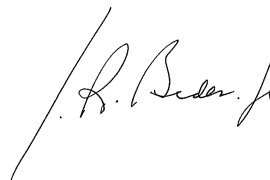
NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense, on behalf of the Army, Navy, Air Force, Marine Corps, and Space Force, and the Secretary of Homeland Security, on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens. I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to provide for the observance of Armed Forces Day within their respective jurisdictions each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic leaders, and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes and businesses on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day.

Proclamation 10585 of May 19, 2023, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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 10763 of May 17, 2024

National Hepatitis Testing Day, 2024

By the President of the United States of America

A Proclamation

Millions of Americans have viral hepatitis, an infection of the liver that can be cured or managed with the right treatment, but every year, it takes the lives of thousands of Americans who for too long did not realize that they were sick. Testing saves lives. On National Hepatitis Testing Day, we encourage folks everywhere to help spread the word and get tested, and we commit to continuing our work to get every American the high-quality health care they need to live long, healthy lives.

Hepatitis C, the most common strain of the disease, is spread through contact with infected blood. It can take years to cause noticeable symptoms, leaving many folks unaware that anything is wrong. As a result, they can unintentionally spread the virus; pregnant women with hepatitis C can, for example, pass it on to their newborns. Left untreated, it can lead to cirrhosis, liver failure, liver cancer, and even death. Fortunately for patients and their families, there is a cure that is 95 percent effective, once folks know to seek it. But it can be very expensive for people without health insurance, putting it out of reach for too many Americans in need, and that is wrong.

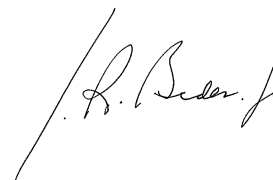
We have the tools to end this public health threat, saving thousands of lives. I have proposed a comprehensive plan that would speed up testing, increase access to life-saving medication, train more medical providers, and boost research into a vaccine. For example, my plan would simplify testing by accelerating the availability of point-of-care diagnostics, which means patients could be diagnosed in a single visit rather than having to follow up with multiple tests. It would launch an innovative subscription model for hepatitis C drugs, which would expand access to life-saving treatments for individuals who are uninsured, enrolled in Medicaid, eligible to receive healthcare from the Indian Health Service, or incarcerated. It would invest in health centers and programs that deliver hepatitis care and in training more health care professionals, including programs that serve Black and Native communities—who are disproportionately affected by hepatitis C. It also supports efforts to raise awareness of the critical benefits of testing and treatment, reaching out directly to communities with high infection rates, including people who are incarcerated or in drug treatment programs. My Budget proposes investments that would help prevent serious illness and avoid serious complications from hepatitis C so that we can save lives and finally end hepatitis C in America once and for all.

At the same time, we are working to prevent hepatitis B, the second most common strain of viral hepatitis, which ultimately contributes to as many as 25 percent of people dying prematurely from liver-related diseases. Over 600,000 Americans, many from Asian American, Native Hawaiian, and Pacific Islander communities, are living with a chronic hepatitis B infection. The good news is that there is already a hepatitis B vaccine that can save lives. The Centers for Disease Control and Prevention urges all adults under 60 to be screened and vaccinated and for 30 years has recommended that children be vaccinated as well.

America has always been a place where we can get big things done together. That includes beating hepatitis once and for all. This work begins with every American taking steps to protect their own health by asking your health care provider about getting tested for hepatitis B and C and getting vaccinated for hepatitis B. My Administration will keep pushing to advance prevention, testing, treatment, and cures. Together, we can save lives.

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 19, 2024, as National Hepatitis Testing Day. I encourage all Americans to join in activities that will increase awareness about viral hepatitis and what we can do to prevent and treat it.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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 "J. R. Biden Jr.", is positioned to the right of the main text block.

Rules and Regulations

Federal Register

Vol. 89, No. 100

Wednesday, May 22, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2024–0722; Special Conditions No. 25–864–SC]

Special Conditions: Aerospace Design & Compliance, LLC (ADC), Textron Aviation Inc. Model 550, 560, and 560XL Airplane; Electronic System Security Protection From Unauthorized External Access

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

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Textron Aviation, Inc. (Textron) 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplanes as modified by Aerospace Design & Compliance, LLC (ADC). This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is the installation of an electronic networks system architecture that will allow increased connectivity to and access from external network sources to the airplane's previously isolated electronic assets (networks, systems, and databases). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on ADC on May 22, 2024. Send comments on or before July 8, 2024.

ADDRESSES: Send comments identified by Docket No. FAA–2024–0722 using any of the following methods:

- **Federal eRegulations Portal:** Go to <https://www.regulations.gov/> and follow the online instructions for sending your comments electronically.

- **Mail:** Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- **Hand Delivery or Courier:** Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** Fax comments to Docket Operations at 202–493–2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Thuan T. Nguyen, Avionics Software & Components Unit, AIR–626D, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3365; email Thuan.T.Nguyen@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR)

11.35, the FAA will post all comments received without change to www.regulations.gov, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

Confidential Business Information 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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, 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 the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these special conditions.

Background

On September 2, 2022, ADC applied for a supplemental type certificate (STC) for the installation of an electronic networks system architecture that will allow increased connectivity to and access from external network sources (e.g., operator networks, wireless devices, internet connectivity, service provider satellite communications, electronic flight bags, etc.) to the airplane's previously isolated electronic assets (networks, systems, and databases). The Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane is a two-engine transport category airplane currently approved under Type Certificate No. A22CE. The maximum seating capacity for the Model 550 (Bravo) is 11 passengers and 2 crew members. The maximum takeoff weight is 14,800

pounds. The seating capacity for the Model 560 (Ultra Encore) is 11 passengers and 2 crew members. The maximum takeoff weight is 16,630 pounds. The seating capacity for the Model 560XL (Excel) is 12 passengers and 2 crew members. The maximum takeoff weight is 20,200 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, ADC must show that the Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel), as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A22CE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Textron Aviation Inc. Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) airplane must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Feature

The STC requested by ADC for the Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane will incorporate the following novel or unusual design feature: the installation of an electronic networks system architecture that will allow increased connectivity to and access from external network sources, (e.g., operator networks, wireless devices, internet connectivity, service provider satellite communications, electronic flight bags, etc.) to the airplane's

previously isolated electronic assets (networks, systems, and databases).

Discussion

The Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane system architecture and network configuration change proposed by ADC is novel or unusual for transport category airplanes because it may allow increased connectivity to and access from external network sources, airline operations, and maintenance networks, to the airplane-control domain and the airline information-services domain.

The airplane's control domain and airline information-services domain perform functions required for the safe operation and maintenance of the airplane. Previously, these domains had very limited connectivity with external network sources. This data network and design integration creates a potential for unauthorized persons to access the airplane-control domain and airline information-services domain and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The applicable FAA regulations did not anticipate these networked airplane system architectures. Furthermore, these regulations and the current guidance material do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (*i.e.*, confidentiality, integrity, and availability) of the airplane's systems is not compromised by unauthorized wired or wireless electronic connections. This includes ensuring that the security of the airplane's systems is not compromised during maintenance of the airplane's electronic systems. These special conditions also require the applicant to provide appropriate instructions to the operator to maintain all electronic-system safeguards that have been implemented as part of the original network design so that this feature does not allow or introduce security threats.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Textron

Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane as proposed to be modified by ADC. Should ADC apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A22CE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature of ADC's proposed STC for the Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of that feature on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, and 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplanes, as modified by ADC.

1. The applicant must ensure airplane electronic system security protection from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.

2. The applicant must ensure that electronic system security threats are identified and assessed, and that effective electronic network system security protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.

3. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post type certification modifications that may have an impact on the approved electronic network system security safeguards.

Issued in Kansas City, Missouri, on May 9, 2024.

Patrick R. Mullen,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2024–10498 Filed 5–21–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2024–0721; Special Conditions No. 25–863–SC]

Special Conditions: Aerospace Design & Compliance, LLC (ADC), Textron Aviation Inc. Model 550, 560, and 560XL Airplane; Electronic System Security Protection From Unauthorized Internal Access

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

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Textron Aviation, Inc. (Textron) 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane as modified by Aerospace Design & Compliance, LLC (ADC). These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is the installation of a digital system that contains a wireless and hardwired network with hosted application functionality that allows access, from sources internal to the airplane, to the airplane's internal electronic components. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on ADC on May 22, 2024. Send comments on or before July 8, 2024.

ADDRESSES: Send comments identified by Docket No. FAA–2024–0721 using any of the following methods:

- *Federal eRegulations Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of

Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Thuan T. Nguyen, Avionics Software & Components Unit, AIR–626D, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3365; email Thuan.T.Nguyen@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to <https://www.regulations.gov/>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

Confidential Business Information 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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, 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 the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these special conditions.

Background

On September 02, 2022, ADC applied for a supplemental type certificate (STC) for the installation of an electronic networks system architecture that contains a wireless and hardwired network with hosted application functionality that allows access, from sources internal to the airplane, to the airplane's internal electronic components in the Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane. The Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane, currently approved under Type Certificate No. A22CE, is a two-engine transport category airplane. The maximum seating capacity for the Model 550 (Bravo) is 11 passengers and 2 crew members. The maximum takeoff weight is 14,800 pounds. The seating capacity for the Model 560 (Ultra Encore) is 11 passengers and 2 crew members. The maximum takeoff weight is 16,630 pounds. The seating capacity for the Model 560XL (Excel) is 12 passengers and 2 crew members. The maximum takeoff weight is 20,200 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, ADC must show that the Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel), as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A22CE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Textron Aviation Inc. Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) airplane must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The STC requested by ADC for the Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane will incorporate the following novel or unusual design feature: the installation of a digital system that contains a wireless and hardwired network with hosted application functionality that allows access, from sources internal to the airplane, to the airplane's internal electronic components.

Discussion

The Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane system architecture and network configuration change proposed by ADC is novel or unusual for transport category airplanes because it is composed of several connected wireless and hardwired networks. This system and network architecture is used for a diverse set of airplane functions including:

- Flight safety related control and navigation systems;
- Airline business and administrative support; and
- Passenger entertainment.

The airplane's control domain and airline information-services domain of these networks perform functions required for the safe operation and

maintenance of the airplane. Previously, these domains had very limited connectivity with other network sources. This network architecture creates a potential for unauthorized persons to access the airplane-control domain and airline information-services domain from sources internal to the airplane and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The applicable FAA regulations did not anticipate these networked airplane system architectures. Furthermore, these regulations and the current guidance material do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (*i.e.*, confidentiality, integrity, and availability) of airplane systems will not be compromised by unauthorized hardwired or wireless electronic connections from within the airplane. These special conditions also require the applicant to provide appropriate instructions to the operator to maintain all electronic-system safeguards that have been implemented as part of the original network design so that this feature does not allow or reintroduce security threats.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplane, as proposed to be modified by ADC. Should ADC apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A22CE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature of ADC's proposed STC for the Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series of airplane. It is not a rule of general applicability and affects only the applicant who applied

to the FAA for approval of that feature on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, and 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Textron Model 550 (Bravo), 560 (Ultra Encore), and 560XL (Excel) series airplanes, as modified by ADC, for airplane electronic-system internal access:

1. The applicant must ensure that the design provides isolation from, or airplane electronic network system security protection against, access by unauthorized sources internal to the airplane. The design must prevent inadvertent and malicious changes to, and all adverse impacts upon, airplane equipment, systems, networks, or other assets required for safe flight and operations.

2. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post type certification modifications that may have an impact on the approved electronic network system security safeguards.

Issued in Kansas City, Missouri, on May 9, 2024.

Patrick R. Mullen,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2024–10500 Filed 5–21–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1302; Project Identifier AD–2024–00213–A; Amendment 39–22749; AD 2024–10–04]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Piper Aircraft, Inc. (Piper) Model PA-28-181, PA-28R-201, PA-34-220T, and PA-44-180 airplanes. This AD was prompted by a report of a double-drilled bolt hole of the rear wing spar attachment fitting found during an unscheduled inspection of an airplane due to a ground collision with an automobile. This AD requires inspecting the rear wing spar attachment fitting and, if discrepancies are found, inspecting the forward wing spar attachment fitting, accomplishing corrective actions as required, and reporting to the FAA when corrective actions are required. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 6, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 6, 2024.

The FAA must receive comments on this AD by July 8, 2024.

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

- **Federal eRulemaking Portal:** Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- **Fax:** (202) 493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-1302; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For service information, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 567-4361; email: customerservice@piper.com; website: [piper.com](https://www.piper.com).

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA,

call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-1302.

FOR FURTHER INFORMATION CONTACT: Fred Caplan, Aviation Safety Engineer, FAA, East Certification Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474-5507; email: 9-ASO-ATLACO-ADs@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2024-1302; Project Identifier AD-2024-00213-A” 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](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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 Fred Caplan, Aviation Safety Engineer, FAA, East Certification Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337. 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 is issuing this AD to correct an unsafe condition on certain serial-numbered Piper Model PA-28-181, PA-28R-201, PA-34-220T, and PA-44-180 airplanes. The FAA received a report that a double-drilled bolt hole of the rear wing spar attachment fitting was found during an unscheduled inspection of an airplane due to a ground collision with an automobile. This was the result of an error made during manufacturing. A double-drilled bolt hole of the rear wing spar attachment fitting reduces its strength below its limit load with possible failure of the fitting, which can lead to load redistribution and result in possible failure of the primary wing structure. This condition, if not addressed, could result in separation of the wing and loss of control of the airplane. The FAA is issuing this AD to address the unsafe condition on these products.

FAA’s Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Piper Service Bulletin No. 1413, dated April 9, 2024 (Piper Service Bulletin No. 1413). This service information specifies procedures for inspecting the front and rear wing spar attachment fittings for correctly drilled holes and corrosion and accomplishing corrective actions if needed. 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**.

AD Requirements

This AD requires accomplishing the actions specified in the service information already described, except as discussed under “Differences Between the AD and the Service Information.” This AD also requires sending the inspection results to the FAA when corrective actions are required.

Differences Between the AD and the Service Information

Piper Service Bulletin No. 1413 includes a corrosion inspection and corrosion corrective actions. However, these are not directly related to the current unsafe condition of this AD and are not part of the required actions of this AD.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity

for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because a double-drilled bolt hole of the rear wing spar attachment fitting reduces the strength of the fitting below its limit load, and, if not addressed, could result in separation of the wing and loss of control of the airplane. Because these airplanes are used heavily in training operations and accumulate a large number of flight hours in a short period of time, inspection for this condition is necessary before further flight. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d)

for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 499 airplanes of U.S. registry.

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

ESTIMATED COSTS				
Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the aft wing spar attachment fitting	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$42,415

The FAA estimates the following costs to do any necessary repairs that would be required based on the results of the inspection. The agency has no way of determining the number of airplanes that might need these repairs:

ON-CONDITION COSTS			
Action	Labor cost	Parts cost	Cost per product
Report discrepant condition	1 work-hour × \$85 per hour = \$85	\$0	\$85.
Inspect the forward wing spar attachment fitting	1 work-hour × \$85 per hour = \$85	\$0	\$85.
Perform corrective actions if condition discovered	10 work-hours × \$85 per hour = \$850	Up to \$2,808	Up to \$3,658.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–10–04 Piper Aircraft, Inc.:

Amendment 39–22749; Docket No. FAA–2024–1302; Project Identifier AD–2024–00213–A.

(a) Effective Date

This airworthiness directive (AD) is effective June 6, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piper Aircraft, Inc. Model PA–28–181, PA–28R–201, PA–34–220T, and PA–44–180 airplanes, certificated in any category, serial numbers as identified in Piper Service Bulletin No. 1413, dated April 9, 2024 (Piper Service Bulletin No. 1413).

(d) Subject

Joint Aircraft System Component (JASC) Code 5740, Wing, Attach Fittings.

(e) Unsafe Condition

This AD was prompted by a report of a double-drilled bolt hole of the rear wing spar attachment fitting found during an unscheduled inspection of an airplane due to a ground collision with an automobile. The FAA is issuing this AD to address the reduction of strength of the part to below its limit load. The unsafe condition, if not addressed, could result in separation of the wing and loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Before further flight after the effective date of this AD, remove the wing fastening hardware securing the aft spar attachment and do the inspection and applicable corrective actions in accordance with Part II, paragraphs 2, 3, 4b, 4c, 5, and 6, of the Instructions in Piper Service Bulletin No. 1413, except the corrosion inspection and corrosion corrective actions are not required by this AD.

(2) If, during the inspection specified in Part II, paragraph 3, of the Instructions in Piper Service Bulletin No. 1413, as required by paragraph (g)(1) of this AD, any

discrepancy is found, before further flight, do an inspection of the bolt holes common to the forward spar attachment for wear that exceeds the specified limits, and before further flight replace any component that has a bolt hole that exceeds the specified limits, in accordance with Part II, paragraph 7, of the Instructions in Piper Service Bulletin No. 1413.

(3) If it is determined that the corrective actions required by paragraph (g)(1) or the replacement required by paragraph (g)(2) of this AD are necessary, submit a report to the FAA at the address referenced in paragraph (j) of this AD. The report must include the airplane registration and serial number, airplane hours time-in-service, a description of the condition discovered, the wing or wings affected, and a description of the replacement or corrective action performed. Submit the report at the applicable time specified in paragraph (g)(3)(i) or (ii) of this AD.

(i) If the action was done on or after the effective date of this AD, submit the report within 10 days after the action was done.

(ii) If the action was done before the effective date of this AD, submit the report within 10 days after the effective date of this AD.

(h) Special Flight Permits

A special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 provided the following limitations identified in paragraphs (h)(1) and (2) are adhered to:

(1) Minimum Crew Only (no passengers);

(2) Do not exceed the design maneuvering speed as defined in the applicable existing pilot's operating handbook (POH).

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, East Certification 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 East Certification Branch, mail it to the address identified in paragraph (j) of this. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Additional Information

Fred Caplan, Aviation Safety Engineer, East Certification Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5507; email: 9-ASO-ATLACO-ADs@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) Piper Service Bulletin No. 1413, dated April 9, 2024.

(ii) [Reserved]

(3) For service information, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 567–4361; email: customerservice@piper.com; website: piper.com.

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. 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 16, 2024.

James D. Foltz,

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

[FR Doc. 2024–11143 Filed 5–16–24; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1298; Project Identifier MCAI–2024–00216–T; Amendment 39–22745; AD 2024–09–03]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all ATR—GIE Avions de Transport Régional Model ATR42–500 and Model ATR72 airplanes. This AD was prompted by reports of heavy corrosion on one of the two lugs of the travel limiting unit (TLU) lever assembly. This AD requires repetitive inspections of the TLU lever assembly for corrosion and, depending on findings, a conductivity test and applicable corrective actions, and prohibits the installation of affected parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 6, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 6, 2024.

The FAA must receive comments on this AD by July 8, 2024.

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

- **Federal eRulemaking Portal:** Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-1298; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For material, 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 ad.easa.europa.eu.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-1298.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206-231-3220; email shahram.daneshmandi@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2024-1298; Project Identifier MCAI-2024-00216-T” 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](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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 Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206-231-3220; email shahram.daneshmandi@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

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024-0096, dated May 2, 2024 (EASA AD 2024-0096) (also referred to as the MCAI), to correct an unsafe condition on all ATR—GIE Avions de Transport Régional Model ATR42-400, -500 and Model ATR72-101, -102, -201, -202, -211, -212, and -212A airplanes. Model ATR42-400 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The MCAI states one of the two lugs of the TLU lever assembly was reported as having heavy corrosion. Subsequent investigation evidenced that heat treatment of that lug of the TLU lever was not correctly accomplished. This improper heat treatment leads to reduced resistance to intergranular corrosion and could result in heavy corrosion and premature failure of the

TLU lever. This condition, if not detected and corrected, could result in the rudder deflection not being limited at high airplane speed, which, if combined with a large rudder pedal input, could ultimately result in loss of control of the airplane.

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

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-1298.

Related Service Information Under 1 CFR Part 51

EASA AD 2024-0096 specifies procedures for a visual inspection of affected TLU lever assemblies for corrosion, and, depending on the inspection results, repetitive inspection of the TLU lever assembly or a conductivity test and applicable corrective actions. Corrective actions depend on the conductivity test findings and include contacting the manufacturer for repair instructions and replacing the TLU lever assembly. EASA AD 2024-0096 also requires the conductivity test for all airplanes, requires reporting the inspection results to ATR—GIE Avions de Transport Régional, and prohibits the installation of affected parts.

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 AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2024-0096 described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with

requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2024–0096 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2024–0096 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0096 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 2024–0096. Service information required by EASA AD 2024–0096 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1298 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because corrosion on the TLU lever assembly, if not addressed, could result in TLU lever assembly failure and excessive rudder deflection with consequent loss of control of the

airplane. In addition, the inspection must be accomplished within 30 calendar days after the effective date of this AD. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

The FAA estimates that this AD affects 58 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1.5 work-hours × \$85 per hour = \$128	\$0	\$128	\$7,424

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × \$85 per hour = \$85	\$5,220	\$5,305

According to the manufacturer, some or all of the costs of this 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.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of

information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of

the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

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

Regulatory Findings

This AD will not have federalism implications under Executive Order

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–09–03 ATR—GIE Avions de Transport Régional: Amendment 39–22745; Docket No. FAA–2024–1298; Project Identifier MCAI–2024–00216–T.

(a) Effective Date

This airworthiness directive (AD) is effective June 6, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all ATR—GIE Avions de Transport Régional Model ATR42–500 and Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by heavy corrosion on one of the two lugs of the travel limiting unit (TLU) lever assembly. The FAA is issuing this AD to address corrosion of the TLU lever assembly. The unsafe condition, if not detected and corrected, could result in the rudder deflection not being limited at high airplane speed which, if combined with a large rudder pedal input, could ultimately 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, European Union Aviation Safety Agency (EASA) AD 2024–0096, dated May 2, 2024 (EASA AD 2024–0096).

(h) Exceptions to EASA AD 2024–0096

(1) Where EASA AD 2024–0096 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (4) of EASA AD 2024–0096 specifies “to contact ATR for repair instructions and to accomplish those instructions accordingly,” this AD requires replacing that text with “repair of any corrosion before further flight using a method approved by the Manager, International Validation Branch, FAA; or EASA; or ATR—GIE Avions de Transport Régional’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.”

(3) The service information referenced in EASA AD 2024–0096 specifies replacement of the TLU lever “before further flight” or “within 6 months,” as applicable depending on the results of the inspection and conductivity test. For this AD, the compliance time to replace the TLU lever starts from the conductivity test.

(4) Replace paragraph (8) of EASA AD 2024–0096 with “Accomplishment of the applicable actions for affected parts in accordance with ATR AOM 2024/04 Issue 1 is acceptable to comply with the requirements of paragraphs (1), (2), (3), and (4) of this AD, as applicable, for those affected parts only.”

(5) Paragraph (9) of EASA AD 2024–0096 specifies to report inspection results to ATR within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(5)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 10 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

(6) This AD does not adopt the “Remarks” section of EASA AD 2024–0096.

(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. 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 ATR—GIE Avions de Transport Régional’s EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Additional Information

For more information about this AD, contact Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3220; email shahram.daneshmandi@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.

(3) The following service information was approved for IBR on June 6, 2024.

(i) European Union Aviation Safety Agency (EASA) AD 2024–0096, dated May 2, 2024.

(ii) [Reserved]

(4) For EASA AD 2024–0096, 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 ad.easa.europa.eu.

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

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

Issued on May 10, 2024.

James D. Foltz,

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

[FR Doc. 2024–11172 Filed 5–17–24; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****DEPARTMENT OF THE TREASURY****19 CFR Part 12**

[CBP Dec. 24–10]

RIN 1515–AE89

Import Restrictions Imposed on Archaeological and Ethnological Material From Ecuador; Correction

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule; correction.

SUMMARY: On February 14, 2020, U.S. Customs and Border Protection (CBP) published a final rule in the **Federal Register** (CBP Dec. 20–03) imposing import restrictions on certain archaeological and ethnological material from Ecuador, pursuant to a memorandum of understanding between the United States and Ecuador. This document corrects the expiration date of the import restrictions to February 11, 2025, to correspond with the date the import restrictions entered into force. The CBP regulations are being amended to reflect this correction. The Designated List of materials to which the restrictions apply remains unchanged.

DATES: The final rule is effective May 22, 2024.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, *ot-trrculturalproperty@cbp.dhs.gov*. For operational aspects, Julie L. Stoeber, Chief, 1USG Branch, Trade Policy and Programs, Office of Trade, (202) 945–7064, *1USGBranch@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:**Correction**

The Convention on Cultural Property Implementation Act (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (the Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on eligible archaeological and ethnological

materials. Under the CPIA and applicable U.S. Customs and Border Protection (CBP) regulations, found in section 12.104 of title 19 of the Code of Federal Regulations (19 CFR 12.104), the restrictions are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States (19 U.S.C. 2602(b)).

On May 22, 2019, the United States concluded a memorandum of understanding (“the MOU”) with the Republic of Ecuador, concerning the imposition of import restrictions on certain categories of archaeological and ethnological material of Ecuador. Pursuant to the terms of the MOU, the MOU entered into force upon the completion of the exchange of diplomatic notes on February 11, 2020. On February 14, 2020, CBP published a final rule, CBP Dec. 20–03, in the **Federal Register** (85 FR 8389) (“the final rule”) amending title 19 of the Code of Federal Regulations (CFR) part 12, specifically § 12.104g(a), to reflect the imposition of restrictions on this material, including a list designating the types of archaeological and ethnological materials covered by the restrictions.

The final rule erroneously stated the import restrictions entered into force on May 22, 2019, citing to the date of the signing of the MOU by both parties, and would expire on May 22, 2024. However, in accordance with the terms of the MOU, the restrictions actually entered into force upon the completion of the exchange of diplomatic notes. The parties exchanged the diplomatic notes on February 11, 2020, and not May 22, 2019, as the final rule stated. Thus, consistent with the requirements of 19 U.S.C. 2602(b) and 19 CFR 12.104g, the import restrictions will expire on February 11, 2025, unless extended. Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the correction of the expiration date.

The Designated List remains unchanged and can be found in CBP Dec. 20–03, and at the following website address: <https://eca.state.gov/cultural-heritage-center/cultural-property-advisory-committee/current-import-restrictions> by selecting the material for “Ecuador.”

Inapplicability of Notice and Delayed Effective Date

This rule involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Executive Orders 12866 and 13563

Executive Orders 12866 (as amended by Executive Order 14094) 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Orders 12866 and 13563 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866 and, by extension, Executive Order 13563.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a general notice of proposed rulemaking is not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1) pertaining to the Secretary of the Treasury’s authority (or that of the Secretary’s delegate) to approve regulations related to customs revenue functions.

Troy A. Miller, the Senior Official Performing the Duties of the Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to the Director (or Acting Director, if applicable) of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the **Federal Register**.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, and Reporting and recordkeeping requirements.

Amendment to the CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority

citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

■ 2. In § 12.104g, the table in paragraph (a) is amended by revising the entry for Ecuador to read as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

(a) * * *

State party	Cultural property	Decision No.
Ecuador	Archaeological and ethnological material representing Ecuador's cultural heritage that is at least 250 years old, dating from the Pre-ceramic (approximately 12,000 B.C.), Formative, Regional development, Integration, Inka periods and into the Colonial period to A.D. 1769.	CBP Dec. 20–03, corrected by CBP Dec. 24–10.

* * * *

Emily K. Rick,
Acting Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.

Approved:
Aviva R. Aron-Dine,
Acting Assistant Secretary of the Treasury for Tax Policy.
[FR Doc. 2024–11177 Filed 5–21–24; 8:45 am]
BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0803]

RIN 1625–AA11

Security Zone; Coast Guard Sector Key West, Trumbo Point Annex, Key West Harbor, Key West, FL

AGENCY: Coast Guard, DHS.
ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a security zone for certain waters of the Key West Harbor surrounding the U.S. Coast Guard Sector Key West on Trumbo Point Annex. This action is necessary to safeguard Coast Guard assets in the interest of national security. This rule will prohibit persons and vessels from being in the security zone unless authorized by the Captain of the Port Key West or a designated representative.

DATES: This rule is effective June 21, 2024.

ADDRESSES: To view documents mentioned in this preamble as being

available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0803 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Hailye Wilson, Waterways Management Division, U.S. Coast Guard; telephone 305–292–8768, email Hailye.M.Wilson@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NAS Naval Air Station
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard Sector Key West, FL and its assets are on property previously under the control of the Naval Air Station (NAS) Key West, FL. The current regulations restricting vessel traffic in and around NAS Key West are found in 33 CFR 334.610 and are only enforceable by the Commanding Officer of NAS Key West, and certain designated agencies. Currently, the Coast Guard requires the authority from the Commanding Officer, NAS Key West, before they can enforce a security zone in and around Coast Guard property and assets. This additional step can generate unnecessary delays, which creates security concerns for the Coast Guard and potential hazards to the public. The Captain of the Port Key West (COTP) has determined that a permanent security zone is in the

interest of national security, the safety of life, and the prevention of damage to property.

In response, on November 9, 2023, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Security Zone; Coast Guard Sector Key West, Trumbo Point Annex, Key West Harbor, Key West, FL, (88 FR 77242). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this security zone. During the comment period that ended December 11, 2023, we received two comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70051 and 70124. The purpose of this rule is to ensure the security of vessels, waterfront facilities, and personnel located at the Coast Guard, Sector Key West.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received comments from two commenters on our NPRM published November 19, 2023. The first commenter requested that the Coast Guard provide a 300-foot exclusion zone of the security zone around the pier extending towards the Key West Bight Channel. The commenter stated the pier is located at the southernmost part of the property being protected by the security zone and is currently leased by Atlantic Targets and Marine Operations (ATMO) Key West Detachment. This commenter expressed concern the security zone would extend beyond that pier and inadvertently create restrictions in the channel that would then require many vessels returning to port to declare their

intentions via marine radio. The security zone will not be measured from the “extended finger pier (extending south)” and would not restrict normal transit paths for vessels in the area. To minimize misinterpretation of the regulatory intent, we have amended the regulatory language to include a specific southwesterly point to the security zone.

The same commenter expressed the security zone could burden certain vessels that require approximately between 50 to 300 feet of clearance from the pier to safely lower their sails and/or make the necessary preparations to dock the vessel. This commenter added the Sunset Key ferry dock location would be encompassed by the security zone, and the security zone would force the ferry dock out of business. Vessels that require extra time to lower their sails can do so in designated areas outside the security zone and outside the Key West Bight Channel.

As stated in the regulatory text, vessels are permitted to transit via safe speed through the adjacent channel without restrictions by the security zone. The pier is currently being leased by ATMO from the U.S. Coast Guard. The pier could be used in the future to house cutters and other military assets, at which time the security zone would need to be in effect in its entirety, not to include the exclusionary zone. Additionally, the security zone does not include the Sunset Key ferry dock area. The security zone does not impose restrictions for vessels transiting the area and will not impact business.

The second commenter expressed the security zone could help protect facilities considered sensitive, protecting naval vessels and cruise ships. The Coast Guard acknowledges this comment.

There is one change in the regulatory text in response to a comment by amending the regulatory language to include a specific southwesterly point to the security zone.

This rule establishes a permanent security zone surrounding the Coast Guard Sector Key West, located adjacent to Trumbo Point Annex, Naval Air Station Key West. The security zone would cover all navigable waters within 100 yards of the Coast Guard Sector Key West. No vessel, other than Government-owned vessels and specifically authorized private craft, or persons would be permitted to stop or land in the security zone.

The Coast Guard is revising the regulatory text in response to comment by amending the regulatory language to include a specific southwesterly point to the security zone.

V. Regulatory Analyses

We developed this 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 rule 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, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the area covered by the permanent security zone created by this rule is already a regulated restricted area as contained in 33 CFR 334.610. Unauthorized vessels and persons have not been allowed to stop and land within 100 yards of the Coast Guard base on Trumbo Point Annex through the regulation in § 334.610. This rule allows the Coast Guard to enforce the restricted area through a security zone. Additionally, the security zone only extends 100 yards from the Coast Guard Sector Key West, located adjacent to Trumbo Point Annex, Naval Air Station Key West and does not impede any regular vessel traffic (*i.e.*, cruise ships, ferries, small passenger vessels, etc.). Vessels will be able to transit safely around the zone.

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 received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the

reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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 rule. If the 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.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will 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 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 rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

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

F. Environment

We have analyzed this 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 determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a security zone that would prohibit vessels and persons from stopping or landing within 100 yards of the United States Coast Guard base on Trumbo Point Annex. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

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.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Add § 165.764 to read as follows:

§ 165.764 Security Zone; Coast Guard Sector Key West, Trumbo Point Annex, Key West Harbor, Key West, FL.

(a) *Location.* The following area is a security zone: All waters within 100 yards of the Coast Guard Sector Key West, from surface to bottom, encompassed by a line that extends north 100 yards into the Fleming Key Channel from point 24°34'02" N, 81°47'52.7" W; thence westerly, maintaining 100 yards from the Coast Guard property; thence southerly, 100 yards from the end of the piers to 24°33'50.6" N 81°48'11.0" W; thence easterly to 24°33'48.8" N, 081°47'54.8" W, and along the shore line back to the beginning point. These coordinates are based on North American Datum 1983.

(b) *Definitions.* As used in this section, *vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, no person or vessel may enter or remain in the security zone described in paragraph (a) of this section without the permission of the Captain of the Port, other than Government-owned vessels.

(2) While anchoring, loitering, or fishing activities are prohibited, vessels may transit the following portions of the security zone at safe speed:

(i) Fleming Key Cut, extending from the northwest corner of Pier D–3 of U.S. Coast Guard Key West, eastward beneath the Fleming Key bridge.

(ii) Key West Bight Channel, which extends easterly from the Main Ship Channel into Key West Bight, the northerly edge of which channel passes 25 feet south of the U.S. Coast Guard Sector Key West piers on the north side of the Bight.

Jason D. Ingram,

Captain, U.S. Coast Guard, Captain of the Port, Sector Key West.

[FR Doc. 2024–11252 Filed 5–21–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 240514–0138; RTID 0648–XD841]

Fisheries of the Northeastern United States; Atlantic Spiny Dogfish Fishery; 2024 Specifications Emergency Measures

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

ACTION: Temporary rule; emergency action; request for comments.

SUMMARY: This emergency rule implements 2024 specifications for the Atlantic spiny dogfish fishery. This action is necessary to establish allowable harvest levels for the spiny dogfish fishery to prevent overfishing while minimizing adverse economic impacts on fishing communities, using the best scientific information available.

DATES: Effective May 21, 2024, through November 18, 2024. Comments must be received by June 21, 2024.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2024–0063 by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2024–0063 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by another method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted for public viewing on <https://www.regulation.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

The Mid-Atlantic Fishery Management Council prepared an environmental assessment (EA) for these specifications that describes the action, other considered alternatives, and analyses of the impacts of all alternatives. Copies of the specifications

document, including the EA, are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at <https://www.mafmc.org/action-archive>.

FOR FURTHER INFORMATION CONTACT:
Emily Keiley, Fishery Policy Analyst,
(978) 281-9116, emily.keiley@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The Mid-Atlantic and New England Fishery Management Councils (Councils) jointly manage the Atlantic Spiny Dogfish Fishery Management Plan (FMP), with the Mid-Atlantic Council acting as the administrative lead. The Atlantic States Marine Fisheries Commission manages the spiny dogfish fishery in state waters from Maine to North Carolina through an interstate fishery management plan. The implementing regulations for the Federal FMP are found at 50 CFR part 648 subpart L, and require the specification of regulatory harvest limits, including an acceptable biological catch (ABC), annual catch limit (ACL), annual catch target (ACT), total allowable landings, and a coastwide commercial quota. These limits and other management measures may be set for up to 5 fishing years at a time, with each fishing year running from May 1 through April 30.

Due to concerns related to national standard 8 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), we are issuing this temporary emergency rule to implement Atlantic spiny dogfish specifications for the 2024 fishing year.

Council Recommended Specifications

In October 2023, the Mid-Atlantic Council's Science and Statistical Committee (SSC) set spiny dogfish ABCs for 2024–2026 based on the 2023 management track assessment. The Spiny Dogfish Monitoring Committee recommended specifications in November 2023, followed by recommendations from the joint Spiny Dogfish Committee. The Mid-Atlantic Council adopted 2024–2026 specifications at its December 2023 meeting and the New England Council adopted identical 2024–2026 specifications at its January 2024 meeting.

The Mid-Atlantic Council's Risk Policy specifies an acceptable risk for overfishing. The risk policy works in conjunction with the SSC's application

of the Mid-Atlantic Council's ABC control rule to account for scientific uncertainty when determining ABCs. For a stock slightly above its biomass target, such as spiny dogfish, the risk policy dictates achieving a 54-percent chance of not overfishing. Using the stock assessment and associated projection methods, the SSC applied the Council's risk policy to generate the 2024–2026 ABCs. The Spiny Dogfish Monitoring Committee recommended reductions for Canadian landings and U.S. recreational landings as well as model-based projected discard set-asides. The specifications recommended by the Monitoring Committee result in a commercial quota of 4,605 metric tons (mt; 10.1 million pounds (lb)) for 2024. The size of this quota was a significant concern for the spiny dogfish industry and, ultimately, both Councils. Representatives of the commercial spiny dogfish industry indicated to the Councils that another reduction beyond that already taken in 2023, particularly a reduction that brings the quota substantially below 12 million lb (5,443 mt), could be devastating for what remains of the industry. Industry testimony has cited a level close to 12 million lb (5,443 mt) as a threshold for the minimum commercial quota necessary for the sole remaining commercial spiny dogfish processor to remain economically viable.

Research track (December 2022) and management track (September 2023) stock assessments were recently completed for spiny dogfish. Initial findings from the research track assessment indicated that recruitment and biomass were trending downward and that the stock may be experiencing overfishing. However, the more recent management track assessment found that, with updated data and indices, the stock is not currently overfished or experiencing overfishing and remains above its biomass target. Even so, in response to the results of these assessments and using the Mid-Atlantic Council's Risk Policy, the SSC recommended an 8-percent decrease to the 2024 ABC (resulting in a 15-percent decrease in the commercial quota), but as noted above, these decreases create a significant risk of the collapse of the fishery in light of the recent loss of the last southern processing facility.

Given concerns about the commercial quota level in 2024, the Councils considered alternative approaches to setting the specifications. Because the Councils cannot set an ABC above the SSC recommendation, they opted to use a discard estimate that was different from the Monitoring Committee's recommendation. The Councils

considered several approaches and ultimately decided to use the 2022 discard estimate as a proxy for predicted discards in 2024. The 2022 estimate of discards represents the lowest level in the time series, and using 2022 discards as a proxy results in a lower value of predicted discards than the model-based estimate recommended by the Monitoring Committee. Specifically, the Monitoring Committee stated that the model-based discard estimate is objective and more likely to reflect actual discards than a recent 3-year average or the most recent year (2022) estimate. The modeled discards integrate the historic discard information as well as the trends in biomass forecasted by the model. The Councils did not identify a compelling reason why the single-year 2022 estimate should be more predictive of 2024 discards than the model-based estimate recommended by the Monitoring Committee. While the lower discard estimate recommended by the Councils did result in a higher commercial quota, we agree with the Monitoring Committee, that it is not based on the best available science. As a result, we are unable to approve the Councils' recommended 2024 specifications with the lower discard estimate, as they violate national standard 2.

Justification for Emergency Action

Section 305(c) of the Magnuson-Stevens Act authorizes us to take “emergency” action to address situations that result from recent, unforeseen events or recently discovered circumstances. NMFS' policy guidelines for the use of emergency rules (62 FR 44421, August 21, 1997) specify the following three criteria that define what an emergency situation is, and justification for final rulemaking: (1) The emergency results from recent, unforeseen events or recently discovered circumstances; (2) the emergency presents serious conservation or management problems in the fishery; and (3) the emergency can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process. NMFS' policy guidelines further provide that emergency action is justified for certain situations where emergency action would prevent significant direct economic loss, to preserve a significant economic opportunity that otherwise

might be foregone, or to prevent significant community impacts.

The emergency here results from recent, unforeseen events and recently discovered circumstances of commercial dogfish quotas being too low to support the fishery in light of the recent closure of one of the last two processing facilities for the fishery. Industry and fishery stakeholders continue to express their concern with any further reduction in annual commercial quotas, indicating that the supply chain for spiny dogfish remains vulnerable to disruption. This summer, one of the last two remaining dogfish processors, and the last major southern processor, unexpectedly closed. Testimony during the recent Council meetings suggests that overly restrictive commercial dogfish quotas will irreparably harm the fishery, and may cause the closure of the last remaining processing facility, which would likely end the commercial fishery and result in significant socioeconomic impacts to the fishing communities that rely on this resource. This testimony and industry feedback suggests that commercial quotas notably under 12 million lb (5,443 mt) will be insufficient to sustain what remains of the processing capacity in this fishery. If the sole remaining processor shuts down due to insufficient volume and inability to sustain the European market, it is unlikely that any other facilities would process high volumes of dogfish, resulting in the potential collapse of the commercial spiny dogfish fishery and significant social and economic impacts on fishing communities.

The emergency presents serious management problems for the fishery. The industry's reliance on a sole operational high-volume processing facility, and the concerns that quotas set below a reasonable threshold would lead to that processor ceasing its dogfish processing operations, lead to concerns under national standard 8 regarding the ability of the dogfish fishery, and the communities that depend upon it, to continue to participate in the fishery. Consistent with the provisions of national standard 1, that we prevent overfishing, and national standard 2, that we base management measures on the best scientific information available, we are also, consistent with national standard 8, taking into account the importance of a viable spiny dogfish fishery in an effort to minimize adverse economic impacts on the communities that depend on this fishery.

In this context, the use of the emergency rulemaking provisions to allow for slightly higher quotas is intended to prevent the collapse of the dogfish fishery, a significant concern

that outweighs the immediate benefits of advance notice and public comment under a normal rulemaking process.

2024 Spiny Dogfish Specifications

Given the significant concerns raised by the fishing industry and the risk to the associated fishing communities, we are taking emergency action to set 2024 spiny dogfish specifications at levels higher than the SSC recommendation for 2024. The Councils' approach to address national standard 8 and to achieve a higher commercial quota in 2024 by using the 2022 discard estimate as the basis for 2024 predicted discards was not based on the best available science, which as noted above, violates national standard 2. While the Councils are constrained in their capacity to address this issue given that their recommendation cannot exceed the SSC's recommended ABC, that restriction applies only to the Councils and NMFS is able to set an ABC higher than the SSC recommendation, so long as the probability of overfishing is 50 percent or less, consistent with national standard 1. Here, setting the ABC equal to the OFL of 7,818 mt (17.24 million lb) would result in no more than a 50-percent chance of overfishing. Using the Monitoring Committee's recommended model-based values for discards, and accounting for expected recreational landings, the resulting 2024 commercial quota is 5,140 mt (11.3 million lb) (table 1). The higher quota level is expected to have social and economic benefits, while still meeting our national standard 1 mandate to prevent overfishing and use the best scientific information available.

TABLE 1—FINAL ATLANTIC SPINY DOGFISH SPECIFICATIONS FOR FY2024

Final 2024 Atlantic spiny dogfish specifications	2024	
	lb	mt
OFL	17,235,719	7,818
ABC	17,235,719	7,818
Canadian Landings	79,366	36
Domestic ABC	17,156,353	7,782
ACL	17,156,353	7,782
Management Uncertainty Buffer	0	0
Amount of buffer	0	0
ACT	17,156,353	7,782
U.S. Discards	5,577,698	2,530
TAL	11,578,664	5,252
U.S. Recreational Landings	246,917	112
Commercial Quota	11,331,747	5,140

This action makes no changes to the 7,500-lb (3,402-kg) trip limit.

We will consider the Councils' recommended specifications for 2025 and 2026 in subsequent

rulemakings. This emergency action is intended to provide a 1-year bridge, with a slightly higher risk of overfishing on a healthy stock above its biomass target, to mitigate the potential long-term adverse economic and social impact should the fishery lose access to its sole remaining commercial processor.

Renewal of Emergency Measures

The Magnuson-Stevens Act limits NMFS' authority to implement interim measures for an initial period of 180 days, with a potential extension up to an additional 186 days, if warranted. The public has an opportunity to comment on the initial emergency management measures in this temporary rule (see **ADDRESSES**). After considering public comments on this rule, NMFS may extend the interim measures for one additional period of not more than 186 days to maintain these measures for the remainder of the 2024 fishing year.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency and is consistent with the national standards and other provisions of the Magnuson-Stevens Act and other applicable laws. The interim measures in this rule may be extended for a period of not more than 186 days as provided under section 305(c)(3)(B) of the Magnuson-Stevens Act.

The Assistant Administrator for Fisheries, NOAA, finds it unnecessary and contrary to the public interest to provide prior notice and an opportunity for public comment. Similarly, the need to implement these measures in a timely manner constitutes good cause to make the rule effective immediately upon filing for public inspection with the Office of the Federal Register. The need to ensure that these emergency specifications are in place as early as possible into the 2024 spiny dogfish fishing year constitutes good cause under the authority contained in 5 U.S.C. 553(d)(3) to waive the 30-day delay in the effective date of this action. The 2024 fishing year began on May 1, 2024. The higher quota that carried over from 2023 until replaced by this rule carries an increased risk of overfishing, and is not consistent with the best available scientific information to prevent overfishing with at least a 50-percent probability. A delay in the date of effectiveness would be contrary to the public interest as it could create confusion in the spiny dogfish industry around current quotas, and with state agencies as they prepare their annual management measures. Furthermore,

regulated parties do not require any additional time to come into compliance with this rule, and thus, a 30-day delay before the emergency rule becomes effective does not provide any benefit. Unlike actions that require an adjustment period, spiny dogfish fishing vessels will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this emergency rule simply means adhering to the new catch limits set for the 2024 fishing year. For these reasons, there is good cause not to

delay this emergency rule's effectiveness, consistent with 5 U.S.C. 553(d)(3), and to implement this action immediately. This rule is being issued at the earliest possible date, as NMFS received the Councils' Environmental Assessment for this action on May 7, 2024.

This action is being taken pursuant to the emergency provision of the Magnuson-Stevens Act and is exempt from OMB review.

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued

without opportunity for prior notice and opportunity for public comment.

This emergency rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

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

Dated: May 15, 2024.

Samuel D. Rauch, III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2024–11024 Filed 5–21–24; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 89, No. 100

Wednesday, May 22, 2024

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 271 and 273

[FNS–2023–0058]

RIN 0584–AF01

Supplemental Nutrition Assistance Program: Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023

AGENCY: Food and Nutrition Service (FNS), USDA

ACTION: Proposed rule; extension of comment period.

SUMMARY: The U.S. Department of Agriculture (USDA) Food and Nutrition Service is extending the public comment period on the proposed rule, “Supplemental Nutrition Assistance Program: Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023,” which was published in the **Federal Register** on April 30, 2024. This action extends the public comment period from May 30, 2024, to June 14, 2024, to give the public additional time to review the proposed rule.

DATES: The comment period for the proposed rule published April 30, 2024, at 89 FR 34340, is extended. To be assured of consideration, comments on this proposed rule must be received by the Food and Nutrition Service on or before June 14, 2024.

ADDRESSES: The Food and Nutrition Service, USDA, invites interested persons to submit written comments on this proposed rule. Comments may be submitted in writing by one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Send comments to Food and Nutrition Service, P.O. Box 9233, Reston, Virginia 20195. Email: SNAPCPBRules@usda.gov. Phone: (703) 305–2022.

- **Website:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **E-Mail:** Send comments to SNAPCPBRules@usda.gov. Include Docket ID Number FNS–2023–0058, “Supplemental Nutrition Assistance Program: Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023” in the subject line of the message.

- All written comments submitted in response to this proposed rule and regulatory impact analysis will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. FNS will make the written comments publicly available on the internet via <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Catrina Kamau, Chief, Certification Policy Branch, Program Development Division, Food and Nutrition Service, 1320 Braddock Place, Alexandria, Virginia 22314. Email: SNAPCPBRules@usda.gov. Phone: (703) 305–2022.

SUPPLEMENTARY INFORMATION: The Food and Nutrition Service is extending the public comment period on the proposed rule, “Supplemental Nutrition Assistance Program: Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023,” which published in the **Federal Register** on April 30, 2024, at 89 FR 34340. This action extends the public comment period to June 14, 2024, to allow the public additional time to review and comment on the proposed rule.

Cynthia Long,

Administrator, Food and Nutrition Service.

[FR Doc. 2024–11205 Filed 5–21–24; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No. FAA–2024–0895; Notice No. 29–24–01–SC]

Special Conditions: Bell Textron Inc. (Bell) Model 525 Helicopter; Static Longitudinal Stability Compliance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Bell Model 525 helicopter. This helicopter will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category helicopters. This design feature is a four-axis full authority digital fly-by-wire (FBW) flight control system (FCS) that provides for aircraft control through pilot input or coupled auto pilot modes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before July 8, 2024.

ADDRESSES: Send comments identified by Docket No. FAA–2024–0895 using any of the following methods:

Federal eRegulations Portal: Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: Fax comments to Docket Operations at 202–493–2251.

Docket: Background documents or comments received may be read at <https://www.regulations.gov/> at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Gregory Thumann, Performance and Environment Unit, AIR-621A, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 1801 S Airport Road, Wichita, KS 67209; telephone and fax (405) 666-1052; email Gregory.G.Thumann@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the proposed special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments, and will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these special conditions based on the comments received.

Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to www.regulations.gov, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, 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 the indicated comments will not be placed in the public docket of these proposed special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these proposed special conditions.

Background

On December 15, 2011, Bell applied for a type certificate for a new 14 CFR part 29 transport category helicopter designated as the Model 525. Bell applied for multiple extensions to its certification application, with the most recent occurring on September 21, 2023. The helicopter is a medium twin-engine rotorcraft. The maximum takeoff weight is 20,500 pounds, with a maximum capacity of 16 passengers and a crew of 2.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Bell must show that the Model 525 meets the applicable provisions of part 29, as amended by Amendments 29-1 through 29-55 thereto. The Bell Model 525 certification basis date is December 31, 2019.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 29) do not contain adequate or appropriate safety standards for the Bell Model 525 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bell Model 525 helicopter must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Feature

The Bell Model 525 helicopter will incorporate the following novel or unusual design feature: a four-axis full authority digital FBW FCS that provides aircraft control through pilot input or coupled auto pilot modes in addition to degraded modes.

Discussion

For a conventional rotorcraft having mechanical linkages from the primary cockpit flight controls to the rotor, static longitudinal stability means that a pull force on the controller (*i.e.*, cyclic) will result in a reduction in speed relative to the trim speed, and a push force will result in a higher speed relative to the trim speed. Longitudinal stability is required by the regulations for the following reasons:

- Airspeed change cues are provided to the pilot through increased and decreased forces on the controller.
- Short periods of unattended control of the rotorcraft do not result in significant changes in attitude, airspeed, or load factor.
- A predictable pitch response is provided to the pilot.
- An acceptable level of pilot workload, to attain and maintain trim speed and altitude, is provided to the pilot.
- Longitudinal stability provides gust stability.

The pitch control movement of the controller (*i.e.*, cyclic) for the FBW FCS is an attitude command, which results in a rotor movement to attain the commanded pitch attitude. The flight path commanded by the initial cyclic input will remain stick-free until the pilot gives another command. This control function is applied during normal control laws within the approved flight envelope. The relevant regulations in part 29, which are §§ 29.173(b), 29.175 for visual flight rules (VFR) operations, and Appendix B to part 29 sections IV and VII—Airworthiness Criteria for Helicopter Instrument Flight, are inadequate for the Bell 525 because the longitudinal flight control laws for the Bell 525 provide neutral and negative static stability, rather than positive static stability, within the normal operational envelope. As detailed in § 29.173(b) and considered in Advisory Circular (AC) 29.173A, "Static Longitudinal Stability" (AC 29.173A), which is contained in AC 29-2C, "Certification of Transport Category Rotorcraft" (AC 29-2C), and the positive control force stability requirements in Appendix B to part 29, sections IV and VII, the slope of the control position (*i.e.*, cyclic) versus

airspeed curve must be positive (*i.e.*, provide positive static stability) throughout the full range of altitude for which certification is requested and with the throttle and collective pitch held constant.

The proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

In lieu of meeting the requirements of §§ 29.173(b), 29.175 for VFR operations and the airworthiness criteria for helicopter instrument flight requirements of Appendix B to part 29, sections IV and VII, the proposed special conditions would require the rotorcraft to be shown to have suitable longitudinal stability and acceptable rotorcraft handling qualities. The suitable static longitudinal stability must be primarily based on a positive control movement, which is described as “control sense of motion” in AC 29.173A contained in AC 29–2C. Additionally, the static longitudinal stability and rotorcraft handling qualities are determined through an assessment of pilot workload, cues, and pilot compensation for specific test procedures performed during the flight test evaluation.

The language “must be primarily based on a positive control movement” reflects a pilot’s perception of aircraft control where the first concern is that the control movements are primarily positive in control movement. Once that is established, the pilot must observe that the second concern of “rotorcraft handling qualities” is not degraded or mis-aligned where the anticipated flight behavior is not what the pilot is witnessing. The proposed special conditions address the concern that these highly computer-controlled control systems can cause the pilot to become disconnected or out-of-sync with the aircraft’s control. Such a situation can lead to control input errors and undesirable feedback that can in turn result in loss of control.

Applicability

As discussed above, these proposed special conditions are applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would apply to the other model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one

model of helicopter. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 29

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, and 44704.

The Proposed Special Conditions

In lieu of meeting the requirements of §§ 29.173(b), 29.175 for VFR operations and the airworthiness criteria for helicopter instrument flight requirements of Appendix B to part 29, sections IV and VII, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Bell Model 525 helicopters.

The rotorcraft must be shown to have suitable longitudinal stability in any condition normally encountered in service, including the effects of atmospheric disturbance. The showing of suitable static longitudinal stability must be primarily based on a positive control movement in addition to acceptable rotorcraft handling qualities, both of which are determined by assessing pilot workload, cues, and pilot compensation for specific test procedures during the flight test evaluation.

Issued in Des Moines, Washington, on May 16, 2024.

Caspar K. Wang,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2024–11158 Filed 5–21–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1469; Project Identifier MCAI–2024–00130–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD)

2009–25–13, which applies to certain Bombardier, Inc., Model BD–100–1A10 (Challenger 300) airplanes. AD 2009–25–13 requires the deactivation of the left-hand (LH) baggage bay heater mat. Since the FAA issued AD 2009–25–13, Bombardier developed a new design solution for the potential uncontrolled heating of the baggage bay sidewall heater mat. This proposed AD would retain the requirements of AD 2009–25–13, and would also require modifying the baggage bay sidewall interior panel, heater mat, and water tank heater installation, and doing functional testing. Upon the completion of the new actions, the retained requirements of AD 2009–25–13 would terminate. This proposed AD would also revise the applicability and prohibit the installation of affected parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by July 8, 2024.

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

- **Federal eRulemaking Portal:** Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- **Fax:** 202–493–2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1469; 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 Bombardier, Inc. service information, contact Bombardier Business Aircraft Customer Response Center, 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; phone 514–855–2999; email ac.yul@aero.bombardier.com; website [bombardier.com](https://www.bombardier.com).

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

FOR FURTHER INFORMATION CONTACT: Steven Dzierzynski, 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:

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–2024–1469; Project Identifier MCAI–2024–00130–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 the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600

Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-cos@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2009–25–13, Amendment 39–16133 (74 FR 65401, December 10, 2009) (AD 2009–25–13), for certain Bombardier, Inc., Model BD–100–1A10 airplanes. AD 2009–25–13 was prompted by MCAI originated by Transport Canada, which is the aviation authority for Canada. Transport Canada issued AD CF–2009–38, dated October 15, 2009 (Transport Canada AD CF 2009–38), to correct an unsafe condition.

AD 2009–25–13 requires the deactivation of the LH baggage bay heater. The FAA issued AD 2009–25–13 to address the possibility of uncontrolled heating by the heater panel, and on the baggage bay compartment, that could lead to flammability issues.

Actions Since AD 2009–25–13 Was Issued

Since the FAA issued AD 2009–25–13, Transport Canada issued AD CF–2023–72, dated October 18, 2023 (Transport Canada AD CF–2023–72) (referred to after this as the MCAI), to correct an unsafe condition on certain Bombardier, Inc., Model BD–100–1A10 airplanes. The MCAI states that new procedures have been developed for modifications of the baggage bay sidewall interior panel, heater mat, and water tank heater installation that will address the unsafe condition. 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](https://www.regulations.gov) under Docket No. FAA–2024–1469.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Bombardier Service Bulletin 100–25–35, Revision 02, dated January 11, 2016. This service information specifies procedures for modifying the LH baggage bay sidewall interior panel and heater mat, installing

a LH baggage bay sidewall interior panel blind insert for certain airplanes, modifying the wiring of the LH and right-hand (RH) baggage bay sidewall heater mats, re-identifying the LH heater mat as P/N 3436–07, installing LH and RH heater pictograms for certain airplanes, modifying the water tank heater installation, and performing a functional test.

This proposed AD would also require Bombardier Service Bulletin A100–25–30, dated July 20, 2009, which the Director of the Federal Register approved for incorporation by reference as of December 28, 2009 (74 FR 65401, December 10, 2009).

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.

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

Proposed AD Requirements in This NPRM

This proposed AD would retain all of the requirements of AD 2009–25–13. This proposed AD would require accomplishing the actions specified in the service information described previously, which would terminate the retained requirements of AD 2009–25–13. This proposed AD would also prohibit the installation of affected parts.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 340 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
Heater mat deactivation (Retained actions from AD 2009–25–13).	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$28,900
Modification and testing (new proposed actions)	12 work-hours × \$85 per hour = \$1,020	1,150	2,170	737,800

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

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 has 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) 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 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 2009–25–13, Amendment 39–16133 (74 FR 65401, December 10, 2009) (AD 2009–25–13); and
 - b. Adding the following new airworthiness directive:

Bombardier, Inc.: Docket No. FAA–2024–1469; Project Identifier MCAI–2024–00130–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 8, 2024.

(b) Affected ADs

This AD replaces AD 2009–25–13, Amendment 39–16133 (74 FR 65401, December 10, 2009) (AD 2009–25–13).

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20003 through 20364 inclusive, 20366, 20367, 20369, and 20372.

(d) Subject

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

(e) Reason

This AD was prompted by reports of the baggage bay sidewall heater mat malfunctioning and by the development of a new design solution for the potential uncontrolled heating of the heater mats. The FAA is issuing this AD to address malfunctioning of a baggage bay sidewall heater mat. The unsafe condition, if not addressed, could result in a fire in the baggage bay.

(f) Compliance

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

(g) Retained Actions, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2009–25–13, with no changes. Within 100 flight hours after December 28, 2009 (the effective date of AD 2009–25–13), deactivate the left-hand (LH) baggage bay sidewall heater having part number (P/N) 3436–06–1/0, in accordance with Bombardier Service Bulletin A100–25–30, dated July 20, 2009.

(h) New Requirement of This AD: Modification

Within 36 months after the effective date of this AD, do the applicable actions specified in paragraphs (h)(1) through (7) of this AD, in accordance with paragraphs 2.B. through 2.E. of the Accomplishment Instructions of Bombardier Service Bulletin

100–25–35, Revision 02, dated January 11, 2016.

(1) Remove the baggage bay sidewall heater mat part number (P/N) 3436–06–1/0 from the LH sidewall panel.

(2) Modify the LH baggage bay sidewall interior panel and heater mat.

(3) Modify the wiring of the LH and right-hand (RH) baggage bay sidewall heater mats.

(4) Reidentify the LH baggage bay sidewall heater mat as P/N 3436–07.

(5) For airplanes having serial numbers (S/N) 20124, 20125, 20128, 20134, 20139, 20143, 20146, and 20148 to 20215 inclusive: install LH baggage bay sidewall interior panel blind insert.

(6) For airplanes having S/N 20003 to 20259 inclusive: install LH and RH heater pictogram.

(7) Modify the water tank heater installation.

(i) New Requirement of This AD: Functional Test

Before further flight after completing paragraph (h) of this AD, perform the functional tests, in accordance with paragraph 2.F. of the Accomplishment Instructions of Bombardier Service Bulletin 100–25–35, Revision 02, dated January 11, 2016.

(j) Terminating Action for Heater Mat Deactivation

Modifying and testing an airplane as required by paragraphs (h) and (i) of this AD terminate the requirements of paragraph (g) of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (h) and (i) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 100–25–35, dated November 15, 2012, or Bombardier Service Bulletin 100–25–35, Revision 01, dated September 23, 2013.

(l) Additional AD Provisions

(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 (m) 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.

(m) Additional Information

For more information about this AD, contact Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-cos@faa.gov.

(n) 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) Bombardier Service Bulletin 100-25-35, Revision 02, dated January 11, 2016.

(ii) [Reserved]

(4) The following service information was approved for IBR on December 28, 2009 (74 FR 65401, December 10, 2009).

(i) Bombardier Service Bulletin A100-25-30, dated July 20, 2009.

(ii) [Reserved]

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

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

(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-locations, or email fr.inspection@nara.gov.

Issued on May 14, 2024.

James D. Foltz,

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

[FR Doc. 2024-10964 Filed 5-21-24; 8:45 am]

BILLING CODE 4910-13-P

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

[Docket No. FAA-2024-1468; Project Identifier MCAI-2023-00975-T]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD-700-2A12 airplanes. This proposed AD was prompted by reports that the pivot door pressure seals on the thrust reverser fixed structure were found disbonded or missing on several airplanes. This proposed AD would require inspecting the pivot door pressure seals and accomplishing applicable corrective actions. This proposed AD would also require a functional test of the thrust reversers. 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 July 8, 2024.

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

- **Federal eRulemaking Portal:** Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-1468; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this 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 Bombardier, Inc. 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.

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

FOR FURTHER INFORMATION CONTACT:

Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590;

telephone 516-228-7366; email joseph.catanzaro@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-2024-1468; Project Identifier MCAI-2023-00975-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 the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7366; email joseph.catanzaro@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF-2023-61, dated August 16, 2023 (Transport Canada AD CF-2023-61) (also referred

to after this as the MCAI), to correct an unsafe condition on certain serial-numbered Bombardier, Inc., Model BD-700-2A12 airplanes. The MCAI states that the pivot door pressure seals on the thrust reverser fixed structure were found disbonded or missing on several airplanes. The investigation revealed that the seal disbond condition was caused by the variation in the installation process of the seals during bonding surface preparation and sealant application. The unsafe condition, if not addressed, could result in engine thrust loss due to flow path overboard leakage during forward thrust operation and reduce airplane performance during one-engine inoperative conditions in climb margin and ceiling altitude.

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](https://www.regulations.gov) under Docket No. FAA-2024-1468.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Bombardier Service Bulletin 700-78-7501, Revision 01, dated July 13, 2023. This service information specifies procedures for a one-time general visual inspection for discrepant (missing, damaged, or disbonded) thrust reverser pivoting door pressure seals, a bonding check of the pivoting door seals, and repair or replacement of discrepant seals. This service information also specifies procedure for performing a functional test of the thrust reverser.

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.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 53 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

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

The FAA estimates the following costs to do any necessary on-condition action that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

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

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2024–1468; Project Identifier MCAI–2023–00975–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 8, 2024.

(b) Affected ADs

None.

(c) Applicability

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

(d) Subject

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

(e) Unsafe Condition

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

(f) Compliance

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

(g) Inspection and Functional Test

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

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

(h) Credit for Previous Actions

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

(i) No Reporting Requirement

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

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-NYACO-COS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(k) Additional Information

For more information about this AD, contact Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7366; email joseph.catanzaro@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the 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) Bombardier Service Bulletin 700–78–7501, Revision 01, dated July 13, 2023.

(ii) [Reserved]

(3) For Bombardier, Inc. 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 Street, Des Moines, WA. For information on the

availability of this material at the FAA, call 206–231–3195.

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

Issued on May 14, 2024.

James D. Foltz,

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

[FR Doc. 2024–10965 Filed 5–21–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 129

[Docket No.: FAA–2024–0176; Notice No. 24–21]

RIN 2120–AL93

Foreign Air Operator Certificates Issued by a Regional Safety Oversight Organization

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: Current FAA regulations require that foreign applicants for operating specifications must hold a valid air operator certificate issued by the State of the Operator. Some International Civil Aviation Organization Contracting States have joined together to form Regional Safety Oversight Organizations. These organizations may provide a uniform regulatory structure for safety oversight and provide technical assistance and the execution of safety oversight functions on behalf of their member States. Regional Safety Oversight Organizations have been established in many parts of the world. These organizations may be formed based on a variety of differing arrangements among member States. The institutional structures of these organizations range from highly formalized intergovernmental organizations established on the basis of formal legal agreements, to less formalized organizations established under the International Civil Aviation Organization Cooperative Development of Operational Safety and Continuing Airworthiness Program. States participating in Regional Safety Oversight Organizations may delegate various functions or tasks to these organizations based on the extent of

delegated legal authority stipulated in the Regional Safety Oversight Organization's formation documentation. One of the functions member States may delegate to some of the highly formalized and more fully resourced Regional Safety Oversight Organizations is the issuance of air operator certificates on behalf of the State of the Operator. This regulation change would allow the FAA to review and, if acceptable to the Administrator, recognize as valid air operator certificates issued by the Regional Safety Oversight Organization to foreign air carriers on behalf of the State of the Operator for purposes of evaluating foreign applicants for operating specifications.

DATES: Send comments on or before June 21, 2024.

ADDRESSES: Send comments identified by docket number FAA–2024–0176 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tim Shaver, International Program Division/International Operations Branch, Federal Aviation Administration, 800 Independence Avenue SW, Washington,

DC 20591; telephone (202) 267–1704; email tim.shaver@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Overview of the Proposed Rule

This proposed rule would amend the regulations for applications by foreign air carriers and foreign persons for operations specifications under 14 CFR part 129 and amend regulations for the denial of applications for operations specifications. The proposed rule would also apply to the operation of foreign carriers within the United States, as well as foreign persons or carriers operating U.S.-registered aircraft in common carriage solely outside the United States.¹ This proposal would amend three sections in subpart A of part 129: § 129.1, Applicability and definitions; § 129.7, Application, issuance, or denial of operations specifications; and § 129.9, Contents of operations specifications.

Section 129.1 would be amended to include definitions for “Regional Safety Oversight Organization” and “State of the Operator.”

Section 129.7 would be amended to accommodate the recognition as valid by the FAA of air operator certificates (AOCs) issued by a Regional Safety Oversight Organization (RSOO) on behalf of the State of the Operator² in the process of reviewing applications for operations specifications. Additional amendment of this section would align the conditions for the FAA's denial of an application for operations specifications with the conditions for eligibility for issuance of operations specifications.

Section 129.9 would be amended to reflect the possible acceptance and recognition as valid by the FAA of AOCs issued by an RSOO on behalf of the State of the Operator for purposes of the contents of operations specifications issued under part 129.

B. Background

Title 49 of the United States Code contains the basic authority for promoting safe flight of civil aircraft in air commerce and for regulating the global operations of U.S.-registered aircraft. For foreign air carriers serving the United States, the basic operating requirements are found in 14 CFR parts 91 and 129. The International Civil Aviation Organization (ICAO) Annexes to the Convention on International Civil Aviation (the Chicago Convention) apply to the international operations of

air carriers.³ The applicable ICAO Annexes are: Annex 1—Personnel Licensing; Annex 6—Part I, Operation of Aircraft—International Commercial Air Transport—Aeroplanes; Annex 6—Part III, Operation of Aircraft—International Operations—Helicopters; and Annex 8—Airworthiness of Aircraft.

ICAO Annexes contain the international standards for safety, regulation, and efficiency of air navigation. These international standards define the minimum level of safety necessary for the recognition by Contracting States⁴ of certificates of airworthiness, certificates of competency, and licenses that allow for the flight of aircraft of other States into or over their territories. They also provide for the protection of other aircraft, third parties, and property. As with all Contracting States to the Chicago Convention, the United States is obligated to recognize only those certificates of airworthiness, certificates of competency, and licenses issued or rendered valid by another Contracting State, provided that the requirements under which these certificates or licenses are issued or rendered valid meet or exceed the minimum standards established by the Chicago Convention.

Under 14 CFR part 129 the FAA issues operations specifications to foreign air carriers conducting operations within the United States and foreign air carriers or foreign persons operating U.S.-registered aircraft in common carriage solely outside the United States. These operations specifications ensure a common understanding between the foreign air carrier or foreign person and the FAA. The FAA-issued operations specifications describe the scope of a foreign air carrier's authorized operations within the United States and currently must include: contact information for the operator in the State of the Operator; the certificate number and validity of the foreign air carrier's AOC issued by the State of the Operator; each regular and alternate airport to be used in scheduled operations; the type of aircraft and registration markings of each aircraft; the approved maintenance program and minimum equipment list for United States registered aircraft authorized for use; the designation of an agent for service within the United States, including the agent's full name and office address or usual place of

³ Convention on International Civil Aviation is available at www.icao.int/publications/documents/7300_orig.pdf.

⁴ The term “Contracting States” refer to States which have ratified or adhered to the Chicago Convention. There are currently 193 Contracting States.

¹ 14 CFR 129.1, Applicability and definitions.

² The term “State of the Operator” is explained later in this document.

residence; and any other item the Administrator determines is necessary. See § 129.9(a). For foreign air carriers or foreign persons operating U.S.-registered aircraft in common carriage solely outside the United States, the FAA-issued operations specifications currently must include: contact information for the operator in the State of the Operator; in the case of a foreign air carrier, the certificate number and validity of the foreign air carrier's AOC issued by the State of the Operator; any other business names under which the foreign air carrier or foreign person may operate; the type, registration markings, and serial number of each United States registered aircraft authorized for use; the approved maintenance program and minimum equipment list for United States registered aircraft authorized for use; the designation of an agent for service within the United States, including the agent's full name and office address or usual place of residence; and any other item the Administrator determines is necessary. See § 129.9(b).

The FAA-issued operations specifications do not, however, affect or interfere with the responsibilities of the relevant State authority of the State of the Operator, such as the foreign Civil Aviation Authority (CAA),⁵ that issued an AOC to the foreign air carrier. A CAA is the national aviation authority empowered by the State of the Operator to govern and regulate that State's civil aviation. The foreign CAA maintains primary responsibility for the certification of the foreign air carrier and the continuing oversight of the air carrier or foreign person's operations in accordance with applicable ICAO standards.⁶

In accordance with the standard in Annex 6,⁷ a foreign air carrier applying for operations within the United States or applying to operate U.S.-registered aircraft solely outside of the United States must meet all the ICAO standards in Annexes 1, 6, and 8. This includes the holding of a valid AOC issued by the State of the Operator. The FAA's regulations in part 129 do not provide

for acceptance of an AOC issued by any entity other than the State of the Operator.

States develop RSOOs to combine the financial, technical, and other resources required to provide safety oversight that the States may not be able to provide individually. ICAO has issued guidance in ICAO Document 9734 to provide a level of consistency across all States that are members of an RSOO.⁸ Some RSOOs provide a uniform regulatory structure through common or harmonized regulations for safety oversight and provide technical assistance and the execution of safety oversight functions on behalf of RSOO members. One of these functions may be the issuance of AOCs on behalf of an RSOO member.

As of May 13, 2024, ICAO has identified 11 RSOOs,⁹ with membership comprising dozens of States.¹⁰ States' use of RSOOs to issue AOCs on behalf of the State of the Operator may expand in the future. For example, since December 2021, the European Union Aviation Safety Agency (EASA), which is the RSOO in the European Union, has issued four AOCs on behalf of the following member States:¹¹ Hungary, Portugal, Malta, and Germany.¹² This rulemaking would allow the FAA to review and, if acceptable to the Administrator, recognize as valid AOCs issued by an RSOO on behalf of the State of the Operator, which, solely by virtue of them not being issued directly by the State of the Operator, currently do not meet the eligibility requirement for issuance of part 129 operations specifications.

C. Statement of the Problem

Part 129 of title 14 CFR prescribes the rules governing foreign air carrier operations within the United States and the operations of U.S.-registered aircraft solely outside the United States in common carriage. The FAA authorizes these operations via the issuance of part 129 operations specifications, which require an applicant to hold a valid AOC issued by the State of the Operator. See § 129.7(c). The current regulations do not provide for acceptance of an

AOC issued by any entity other than the State of the Operator. Allowing acceptance and recognition as valid of RSOO-issued AOCs on behalf of the State of the Operator would provide an additional pathway for the FAA's issuance of part 129 operations specifications to foreign air carriers as well as retention of the current means of obtaining part 129 operations specifications. These foreign air carriers provide service to and from the United States and provide transportation services for U.S. and foreign citizens. Without this rulemaking, foreign air carriers that are issued AOCs by an RSOO on behalf of the State of the Operator would not be eligible to be issued or retain the operation specifications necessary to operate to or from the United States with their own aircraft. As discussed further in this proposal, the FAA has determined that creating this pathway for FAA acceptance of RSOO-issued AOCs on behalf of the State of the Operator as valid would provide an equivalent level of safety to the current FAA regulations and process for acceptance of AOCs by the State of the Operator. Currently, a detailed evaluation of the State of the Operator's AOC issuance process is accomplished during the FAA International Aviation Safety Assessment (IASA) to ensure that it meets the required ICAO standards. This proposal would allow the FAA to issue authorization to foreign air carriers with an AOC issued by an RSOO on behalf of the State of the Operator, as acceptable to the Administrator. The determination of whether the RSOO-issued AOC on behalf of the State of the Operator is acceptable to the Administrator would require an IASA-type detailed review of the State of the Operator functions and tasks to ensure the ICAO standards required for issuance of an AOC are maintained when delegated to the RSOO.¹³ FAA acceptance of RSOO-issued AOCs on behalf of the State of the Operator would follow the same general process, with additional consideration as to which functions or tasks are delegated, to allow foreign air carriers with RSOO-issued AOCs to operate to and from the United States, providing travel services to citizens of the United States and foreign countries, economic opportunities for U.S. airlines through code share agreements, and expanded route structures for code share

⁵ A CAA is defined as, "The governmental entity or entities, however titled, that are directly responsible for the regulation of all aspects of civil air transport, technical (i.e. air navigation and aviation safety) and economic (i.e. the commercial aspects of air transport)." See ICAO Document 9734, "Safety Oversight Manual, Part B—The Establishment and Management of a Regional Safety Oversight Organization", pg. 1-3.

⁶ See 14 CFR 129.1, Applicability and definitions.

⁷ Annex 6—Part I, Operation of Aircraft—International Commercial Air Transport—Aeroplanes, standard 4.2.1.1 ("The operator shall not engage in commercial air transport operations unless in possession of a valid air operator certificate issued by the State of the Operator.").

⁸ ICAO Document 9734, "Safety Oversight Manual, Part B—The Establishment and Management of a Regional Safety Oversight Organization."

⁹ The list of RSOOs can be found at www.icao.int/safety/Implementation/Pages/List-of-RSOOs.aspx.

¹⁰ www.icao.int/safety/Implementation/pages/coscaps-rsoos-raios.aspx.

¹¹ For purposes of this document, the term "member States" refers to States which are members of an RSOO.

¹² The list of EASA-issued AOCs can be found at www.easa.europa.eu/en/approved-air-transport-operators-aoc.

¹³ The FAA process for review and acceptance of AOCs will be included in FAA order 8900.1, Volume 12, Chapter 2, Section 2. A draft of this guidance document has been placed in the docket for this rulemaking.

partners.¹⁴ This proposal also would align the conditions for denial of an application for operations specifications with the conditions for issuance of operations specifications.

As of May 13, 2024, ICAO has identified 11 RSOOs. While States may delegate specific safety oversight tasks and functions to RSOOs, each individual State must still retain the minimum capability required to carry out its responsibilities under the Chicago Convention.¹⁵ That is, each State must maintain the ability to properly and effectively monitor the safety oversight functions it has delegated to the RSOO.¹⁶ Although ICAO Document 9734 part B acknowledges that some RSOO member States have delegated the issuance of AOCs to RSOOs, ICAO guidance specifically addresses the delegation of certain functions or tasks depending on the level of formalized international intergovernmental organizations, availability of resources, and whether the RSOO has established common or harmonized legislation and regulations.

Individual States may adopt and promulgate harmonized national legislation and regulations with the intent of standardizing regulations across all RSOO member States. When an RSOO has adopted common legislation and regulations, member States of that RSOO have gone beyond harmonization and have adopted common civil aviation requirements that are managed by the RSOO and are the same across all RSOO member States. RSOO member states may form a legal entity through an international agreement to comply with a set of common legislative and regulatory provisions and adopt them for application within their individual States, or they may establish less formal arrangements that reflect the understanding of the members.

Where a harmonized regulatory framework prevails in a region, the civil aviation

authorities of member States will remain the sole authority for the issuance of licences and operator certificates, approval of aircraft maintenance organizations, approval of design and production organizations, and approval of training centres. The role of the RSOO is to carry out tasks, such as inspections, audits and surveys, necessary for supporting the issuance of certificates, licences and approvals by the State CAA.¹⁷

Where common legislation and regulations are adopted, RSOO member States may delegate authority to the RSOO for the conduct of licensing, certification, authorization, and approval activities, including the issuance of related documents. In practice, however, the degree of delegation may also depend on the resources available to the RSOO and political and legal considerations peculiar to the region.

The issuance of AOCs by a Contracting State must conform to the standards in ICAO Annex 6, Part I or Part III, guided by ICAO Document 8335, “Manual of Procedures for Operations Inspection, Certification and Continued Surveillance.” Current ICAO Annexes and most ICAO documents only refer to AOCs issued by the State of the Operator.

The current language in 14 CFR 129.7(c)(5) “Application, issuance, or denial of operations specifications” states that a foreign applicant may be issued operations specifications if, after review, the Administrator finds the applicant holds a valid AOC issued by the State of the Operator. The current text in 14 CFR 129.9 “Contents of operations specifications” states that the contents of the FAA operations specifications must include contact information for the applicant in the State of the Operator and the certificate number and validity of the AOC issued by the State of the Operator. See § 129.9(a)(1) and (3) and (b)(1) and (3). The FAA proposes to amend these regulations to allow acceptance as valid of an AOC issued by an RSOO, as well as an AOC issued by the State of the Operator.

The FAA also proposes to amend 14 CFR 129.7(d), as the current regulation states that an application for operations specifications may be denied only if the applicant is not properly or adequately equipped to conduct the operations described in the operations specifications. However, 14 CFR 129.7(c) provides five conditions that must be met before the Administrator

may issue an applicant operations specifications. The conditions include that the applicant meets the applicable requirements of part 129; holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted; complies with the applicable security requirements of 49 CFR chapter XII; is properly and adequately equipped to conduct the operations described in the operations specifications; and holds a valid AOC issued by the State of the Operator.

Currently, if an applicant for part 129 operations specifications is properly and adequately equipped to conduct the operations described in the operations specifications but does not meet one of the other conditions provided in 14 CFR 129.7(c), the application is held in abeyance until the applicant either satisfies the remaining requirements or withdraws their application. The amendment would codify the ability of the Administrator to deny operations specifications if the applicant does not meet any one of the same five conditions.

II. Authority for This Rulemaking

The FAA’s authority to issue rules on 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 FAA’s authority.

This rulemaking is issued under the authority described in subtitle VII, part A, subpart III, section 44701(a)(5). Under that section, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards for practices, methods, and procedures the Administrator finds necessary to ensure safety in air commerce. Amending the regulations for applications for operations specifications under part 129 submitted by foreign air carriers or foreign persons, and the related standards for denial of such an application for operations specifications authorizations, improves the FAA’s ability to manage these authorizations. These operations specifications are issued to foreign air carriers operating within the United States and to foreign air carriers or foreign persons conducting operations of U.S.-registered aircraft solely outside the United States. This regulation is within the scope of that authority.

III. Discussion of the Proposal

This proposed rule would amend the regulations for applications by foreign

¹⁴ A detailed explanation of the DOT code share program can be found at: www.transportation.gov/policy/aviation-policy/licensing/code-sharing.

¹⁵ “Under the Chicago Convention, only the State has responsibility for safety oversight, and this responsibility may not be transferred to a regional body. Thus, although the State may delegate specific safety oversight tasks and functions to an RSOO, such as inspections for the certification of an operator, the State must still retain the minimum capability required to carry out its responsibilities under the Chicago Convention.” ICAO Document 9734, “Safety Oversight Manual, Part B—The Establishment and Management of a Regional Safety Oversight Organization,” Second Edition—2011, Chapter 2, at 2.1.8.

¹⁶ ICAO Document 9734, “Safety Oversight Manual, Part B—The Establishment and Management of a Regional Safety Oversight Organization,” Second Edition—2011, Chapter 2.

¹⁷ ICAO Document 9734, “Safety Oversight Manual, Part B—The Establishment and Management of a Regional Safety Oversight Organization,” Second Edition—2011, Chapter 7, at 7.5.12.

air carriers and foreign persons for operations specifications under 14 CFR part 129 and the regulations for the denial of applications for operations specifications. The proposed rule would apply to the operations of foreign air carriers in the United States and to foreign persons or air carriers operating U.S.-registered aircraft in common carriage solely outside the United States. This proposal would amend three sections in subpart A of part 129: § 129.1, Applicability and definitions; § 129.7, Application, issuance, or denial of operations specifications; and § 129.9, Contents of operations specifications, as discussed further in this section.

A. Adding Definitions for RSOO and State of the Operator and Related Changes

The term “State of the Operator” was introduced into 14 CFR part 129 in 2011 with no accompanying definition. The FAA is proposing to add a definition to § 129.1 for “State of the Operator” by adopting the definition used by ICAO. The term “State of the Operator” is defined by ICAO as:

The State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence.¹⁸

The term “Regional Safety Oversight Organization” has not been defined by ICAO. The FAA has developed a proposed definition for purposes of part 129 using the defining characteristics of RSOOs from ICAO Document 9734, “Safety Oversight Manual, Part B—The Establishment and Management of a Regional Safety Oversight Organization.” As proposed, the FAA would define “Regional Safety Oversight Organization” in § 129.1 as an association or organization that comprises a group of member States, which—

(A) has provided notification to ICAO of the scope of tasks and functions delegated to the RSOO by its member states, including but not limited to: sharing common or harmonized aviation regulations, licensing, certification, authorization, approval, and surveillance of civil aviation activities, and any legal authority delegated by a member State to the RSOO; and

(B) has stipulated the specific tasks, functions, and delegations by member States discussed in paragraph (A), and any other collective understandings of member States in RSOO formation documentation, such as an agreement,

treaty, or informal record, that is available for review by the Administrator.

The FAA has determined that adding these terms to the list of definitions in part 129 is necessary to clarify the intent of existing requirements and the substantive amendments included in this proposal.

The functions of the RSOO, its objectives, and the level of authority to be delegated by member States generally determine the form and size of the RSOO. RSOOs established to date have taken a variety of forms, ranging from a relatively loose association of CAAs that have agreed to cooperate in the development and implementation of requirements and procedures to an intergovernmental organization with regulatory and enforcement authority, as delegated to it by each member State of the Operator. The RSOO structure and authority will be driven by:

The needs of its members, the level of available resources, the scope of activities, [and] the level of authority delegated by member States.¹⁹

ICAO Annex 6, Part I requires that:

The operator shall not engage in commercial air transport operations unless in possession of a valid air operator certificate issued by the State of the Operator.²⁰

The form and content of AOCs must meet the standards in ICAO Annex 6, Part I or Part III, and be issued under the guidance for certification procedures found in ICAO Document 8335. Issuance of an AOC depends on the operator’s ability to demonstrate various areas to the issuing authority, such as: adequate organization, control of flight operations, training programs, and ground and maintenance programs consistent with the proposed operations.²¹ Each State establishes procedures for the issuance of an AOC and for the continuing safety oversight and inspection of the operator.²² The certification and oversight process guidelines that States use in establishing these procedures are found in ICAO

Document 8335, “Manual of Procedures for Operations Inspection, Certification and Continued Surveillance.” Current ICAO Annexes and most ICAO documents only refer to AOCs issued by the State of the Operator. However, ICAO Assembly Resolution A40–6 recognizes:

That Member States are responsible for implementing ICAO Standards and may, in this respect, decide on a voluntary basis to delegate certain functions to RSOOs, and that, when applicable, the word ‘States’ should be read to include RSOOs.²³

This process is further discussed in ICAO Document 9734 Part B, which provides guidance for the establishment and management of RSOOs.²⁴

Whether the AOC is issued by the State of the Operator or an RSOO, the FAA would use the same criteria to determine the acceptability or validity of an AOC. Currently, upon application for part 129 operations specifications, the FAA examines the AOC to determine if the operator is from an ICAO Contracting State and if the AOC meets the content requirements listed in ICAO Annex 6, including the AOC number. The FAA verifies the validity of the AOC with the issuing authority.²⁵ Current practice for acceptance of an AOC issued by the State of the Operator also depends upon an FAA IASA program audit specific to the State that issued the AOC. The IASA determines a State’s compliance with the international standards of ICAO’s eight critical elements of effective aviation safety oversight as described in the ICAO Document 9734, “Safety Oversight Manual, Part A—The Establishment and Management of a State Safety Oversight System.” The FAA’s assessment may result in the State being issued an IASA category rating of 1 or 2. Foreign air carriers from a category 1 State are permitted by the FAA to operate into the United States, provided all other applicable Department of Transportation, FAA, and Transportation Security Administration (TSA) regulatory requirements are met. If applicable to the operation to be conducted, the applicant must present evidence of the approved security program or waiver issued by the TSA and evidence of approval of the

¹⁹ ICAO Document 9734, “Safety Oversight Manual, Part B—The Establishment and Management of a Regional Safety Oversight Organization,” Second Edition—2011, Chapter 2, Section 2.2.6.

²⁰ ICAO Annex 6 to the Convention on International Civil Aviation, Part I—International Commercial Air Transport—Aeroplanes, Twelfth Edition, July 2022, Section 4.2.1.1.

²¹ ICAO Annex 6 to the Convention on International Civil Aviation, Part I—International Commercial Air Transport—Aeroplanes, Twelfth Edition, July 2022, Section 4.2.1.

²² ICAO Document 8335, “Manual of Procedures for Operations Inspection, Certification and Continued Surveillance”, Sixth Edition, 2022, Part III.

²³ ICAO Document 10184, “Assembly Resolutions in Force (as of 7 October 2022),” Part I—Constitutional and General Policy Matters, pg. I–119.

²⁴ ICAO Document 9734, “Safety Oversight Manual, Part B—The Establishment and Management of a Regional Safety Oversight Organization.”

²⁵ FAA Order 8900.1 Change 844, June 21, 2023, Volume 12, Chapter 4, Section 2, paragraph A001(a)&(a)(1).

¹⁸ ICAO Annex 6 to the Convention on International Civil Aviation, Part I—International Commercial Air Transport—Aeroplanes, Twelfth Edition, July 2022.

operator's Hazardous Materials (HAZMAT)/Dangerous Goods Program from the State of the Operator.²⁶ Foreign air carriers from a category 2 State are prohibited by the FAA from initiating service to the United States or have their Operations Specifications limited by the FAA if they are already operating services to the United States prior to the FAA's issuance of the category 2.²⁷

Under this proposal, FAA acceptance of an RSOO-issued AOC on behalf of the State of the Operator would continue to depend upon the outcome of an FAA IASA program audit on the RSOO member State of the Operator, as detailed previously. In addition, consistent with this proposal, the FAA would review the RSOO and its member State's alignment with the guidance in ICAO Document 9734 Part B. This FAA review would include, but is not limited to, a review of: the level of participation of a State's CAA in the activities of the RSOO; whether the RSOO conducts its activities following a set of regulations that are common to all the RSOO's member States; clarification of the role of national inspectors in the conduct of safety oversight activity by the RSOO; the role of the RSOO inspectors during the conduct of safety oversight activity in the member State; and the types of surveillance to be conducted by member States of the RSOO to ensure the fulfilment of each member State's obligation as a signatory to the Chicago Convention.

Before recognizing as valid an AOC issued by an RSOO, as proposed, the FAA would also review the RSOO formation documentation. The FAA notes that based on the proposed definition of RSOO in this rulemaking, an RSOO without such documentation available for FAA review would not be recognized by the FAA for purposes of part 129. Consistent with the FAA's established IASA program, the FAA's review will determine if additional audits of both the member State and the RSOO of the areas of delegated functions or tasks are required to validate compliance with ICAO requirements under this delegation prior to acceptance.

Each RSOO has a unique structure and legal framework. Whether the FAA conducts an IASA on the RSOO

directly, or the level of participation the RSOO will have in the State's IASA, will be based on the structure of the RSOO and what functions have been delegated by the State of the Operator.

Therefore, the FAA proposes the following amendments related to RSOOs:

- In § 129.1(c), insert definitions for “Regional Safety Oversight Organization” and “State of the Operator;”
- In § 129.7(c)(5), adding “or a Regional Safety Oversight Organization” so § 129.7(c)(5) reads as follows: Holds a valid air operator certificate issued by (i) the State of the Operator; or (ii) a Regional Safety Oversight Organization on behalf of the State of the Operator, as acceptable to the Administrator;
- In § 129.9(a)(3), adding “or a Regional Safety Oversight Organization” so § 129.9(a)(3) reads as follows: The certificate number and validity of the foreign air carrier's Air Operator Certificate issued by the State of the Operator or a Regional Safety Oversight Organization on behalf of the State of the Operator; and
- In § 129.9(b)(3), adding “or a Regional Safety Oversight Organization” so § 129.9(b)(3) reads as follows: In the case of a foreign air carrier, the certificate number and validity of the foreign air carrier's Air Operator Certificate issued by the State of the Operator or a Regional Safety Oversight Organization on behalf of the State of the Operator.

B. Denial of an Application for Operations Specifications

The FAA proposes to amend the conditions under which the FAA can deny an application for operations specifications in subpart A of part 129. Currently, § 129.7(c) specifies that an applicant must meet five conditions to be issued operations specifications. These conditions include that the applicant: holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted; complies with the applicable security requirements of 49 CFR chapter XII; is properly and adequately equipped to conduct the operations described in the operations specifications; and holds a valid AOC issued by the State of the Operator. However, § 129.7(d) states that the application may be denied if the Administrator finds that the applicant is not properly or adequately equipped to conduct the operations to be described in the operations specifications. As a result, if an applicant for part 129 operations specifications is properly

and adequately equipped to conduct the operations described in the operations specifications but does not meet one of the other conditions provided in 14 CFR 129.7(c), the regulation does not provide for a formal denial of the application. The practical effect is that the application is held in abeyance by the FAA until the applicant either satisfies the remaining requirements or withdraws their application. Open matters impact the FAA's assignment of resources and business processes. The proposed change would align the bases for denial of an application to the five conditions that must be met for issuance of operations specifications listed in § 129.7(c). This change would allow the FAA to formally deny applications that do not meet the requirements of § 129.7(c). The FAA proposes to amend § 129.7(d), to read as follows: An application may be denied if the Administrator finds that the applicant does not meet one or more of the criteria listed in § 129.7(c).

IV. Regulatory Notices and Analyses

Federal agencies consider the impacts of regulatory actions under a variety of executive orders and other requirements. First, Executive Order 12866 and Executive Order 13563, as amended by Executive Order 14094 (“Modernizing Regulatory Review”), direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify the costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate 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. The current threshold after adjustment for inflation is \$183 million using the most current (2023) Implicit Price Deflator for the Gross Domestic Product.

In conducting these analyses, the FAA has determined that this proposed rule: will result in benefits that justify costs; is not significant under section 3(f)(1) of Executive Order 12866, as amended; will not have a significant economic

²⁶ 14 CFR 129.7(c)(3) requires the applicant “Complies with the applicable security requirements of 49 CFR Chapter XII.” The policy regarding TSA and HAZMAT application evidence requirements is provided in FAA order 8900.1, Volume 12, Chapter 4, Section 1. See www.ecfr.gov/current/title-49/subtitle-B/chapter-XII for TSA requirement details.

²⁷ FAA, IASA Program and Process, www.faa.gov/sites/faa.gov/files/about/initiatives/iasa/FAA_Initiatives_IASA.pdf.

impact on a substantial number of small entities; will not create unnecessary obstacles to the foreign commerce of the United States; and will not impose an unfunded mandate on State, local, or Tribal governments, or on the private sector.

A. Regulatory Impact Analysis

This proposed rule would allow for the acceptance of AOCs issued by RSOOs on behalf of the State of the Operator, and it would update the regulatory basis for denial of applications for operations specifications.

Update the Process for Accepting AOCs Issued by RSOOs

Currently, a foreign air carrier applying for operations within the United States or applying to operate U.S.-registered aircraft solely outside of the United States must hold a valid AOC issued by the State of the Operator. The existing regulations do not provide for acceptance of an AOC issued by any other entity other than the State of the Operator. This rulemaking would allow the FAA to recognize as valid AOCs issued by an RSOO on behalf of the State of the Operator, as acceptable to the Administrator. This allows foreign air carriers with an AOC issued by an RSOO on behalf of the State of the Operator to be issued authorization by the FAA, as acceptable to the Administrator, to operate to and from the United States, providing travel services to citizens of the United States and foreign countries, economic opportunities for U.S. airlines through code share agreements, and expanded route structures for code share partners.²⁸ This proposed rule would be consistent with ICAO resolutions and guidance, which address the development and use of RSOOs.

Under current practice for operations within the United States, before acceptance of the AOC, the FAA conducts an IASA on the State of the Operator.²⁹ These assessments involve pre-work and document review in the United States lasting several weeks, followed by an on-site assessment in the State of the Operator lasting five business days. When the State of the Operator is a member of an RSOO, and that State has delegated functions or tasks to the RSOO, this prework would include a review of functions or tasks that are delegated by the State to an RSOO, the scope and level of those

delegations, and the need for RSOO participation in assessing the State's compliance with the ICAO standards. The assessments involve two to four inspectors and an attorney. An FAA IASA team incurs traveling costs, such as airfare, lodging, and per diem associated with the travel destination. However, these assessments, including the prework, are not expected to represent an additional cost of the rule because the FAA currently conducts them, and the FAA does not expect any increase in the number of assessments as a result of this rulemaking. Currently when accomplishing an IASA on a State that has delegated functions or tasks to an RSOO, the FAA reviews that delegation to ensure that the State's and the RSOO's functions and tasks are in compliance with the ICAO requirements. In these cases, the RSOO's observes and may participate in the State's IASA. However, the State of the Operator is ultimately responsible for the IASA.

The FAA conducts, on average, five IASAs each year. This proposed rule change would not increase that number. If the FAA has previously assessed a State of the Operator and that State subsequently delegated functions or tasks, such as issuance of AOCs by the RSOO, the FAA will review the RSOO formation documentation to determine if further assessment to evaluate the continued compliance with ICAO standards is required. If the FAA determines it needs to do further assessment, it would be one of that year's IASAs.

Update the Regulatory Basis for Denial of Applications for Operations Specifications

The FAA proposes to further amend the conditions under which the FAA can deny the application for operations specifications in subpart A. Currently, § 129.7(c) specifies that an applicant must meet five conditions to be issued operations specifications. These conditions require that the applicant meets the applicable requirements of part 129; holds the economic or exemption authority required by the Department of Transportation, applicable to the operations to be conducted; complies with the applicable security requirements of 49 CFR chapter XII; is properly and adequately equipped to conduct the operations described in the operations specifications; and holds a valid AOC issued by the State of the Operator.

However, § 129.7(d) states that the application may be denied if the applicant is not properly and adequately equipped to conduct the operations

described in the operations specifications. The change would expand the basis for denial to any of the five conditions listed in § 129.7(c). The proposed updates to the regulatory basis for denial of applications for operations specifications would not result in any costs. The proposed change would align the bases for denial of an application to the conditions that must be met for issuance of operations specifications. This would allow the FAA to formally deny applications that do not meet the requirements of § 129.7(c) instead of the FAA's current practice of holding the approval of ineligible applications in abeyance until the conditions are met or the applicant withdraws the application. There are no specific costs associated with holding an application in abeyance. The benefit of allowing denial of an application based on not meeting the regulatory criteria is reduction of applications in process and ensuring currency of information provided with an application.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term “small entities” comprises small businesses and 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.

This proposed rule would update the regulations for applications by foreign air carriers and foreign persons for operations specifications under part 129. The proposed rule would apply to foreign air carrier operations within the United States and to U.S.-registered aircraft in common carriage solely outside the United States. Since this proposed rule only impacts foreign applicants, this proposal has no impact on U.S. small entities. Therefore, the FAA proposes to certify that the rule will not have a significant economic impact on a substantial number of small entities. The FAA welcomes comments on the basis for this certification.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies

²⁸ A detailed explanation of the DOT code share program can be found at: www.transportation.gov/policy/aviation-policy/licensing/code-sharing.

²⁹ 87 FR 58725 (Sept. 28, 2022).

from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this proposed rule and determined that it ensures the safety of the American public by allowing the acceptance of AOCs issued by an RSOO on behalf of the State of the Operator when reviewed and found acceptable to the Administrator. As a result, the FAA does not consider this rule as creating an unnecessary obstacle to foreign commerce.

D. Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or Tribal government or the private sector to incur direct costs without the Federal government having first provided the funds to pay those costs. The FAA determined that the proposed rule will not result in the expenditure of \$183 million or more by State, local, or Tribal governments, in the aggregate, or the private sector, in any one year.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The information collections that are required by this rule are already approved in OMB control number 2120–0749. The applicant is only required to provide a copy of their AOC and is not required to provide any additional information if the AOC is issued by an RSOO. The burden of validating the AOC remains with the FAA in conjunction with the State of the Operator. The FAA has determined that there would be no new requirement for information collection associated with this proposed rule.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International

Civil Aviation, it is FAA policy to conform to ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified the following differences with these proposed regulations. ICAO Annex 6, Part 1 requires:

The operator shall not engage in commercial air transport operations unless in possession of a valid air operator certificate issued by the State of the Operator.³⁰

This regulatory change to allow RSOO-issued AOCs on behalf of the State of the Operator does not comply with this standard. However, the FAA has determined that the resulting action provides an equivalent level of safety to that of the standard. If this proposal is adopted, the FAA intends to file a difference with ICAO. However, this proposed rule would be consistent with ICAO resolutions and guidance that address the development and use of RSOOs.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA) in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6f for regulations and involves no extraordinary circumstances.

V. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order (E.O.) 13132, Federalism. The FAA has determined that this proposed action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

B. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Consistent with Executive Order 13175, Consultation and Coordination

with Indian Tribal Governments,³¹ and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures,³² the FAA ensures that Federally Recognized Tribes (Tribes) are given the opportunity to provide meaningful and timely input regarding proposed Federal actions that have the potential to affect uniquely or significantly their respective Tribes. At this point, the FAA has not identified any unique or significant effects, environmental or otherwise, on Tribes resulting from this proposed rule.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The FAA has determined that it would not be a “significant energy action” under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this proposed action under the policies and agency responsibilities of E.O. 13609 and has determined that this action would require filing a difference with ICAO. However, the FAA has determined that this proposed rule is not a significant regulatory action and that no action is required under E.O. 13609. In addition, this proposed rule would be consistent with ICAO resolutions and guidance that address the development and use of RSOOs and with the principles of E.O. 13609.³³

³¹ 65 FR 67249 (Nov. 6, 2000).

³² FAA Order No. 1210.20 (Jan. 28, 2004), available at www.faa.gov/documentLibrary/media/1210.pdf.

³³ ICAO Resolutions in Force or ICAO documents are guidance material and are not mandatory. The standard in ICAO Annex 6, Part 1 Para 4.2.1.1 requires an AOC to be “issued by the State of the Operator.” Therefore, even though the FAA is using ICAO guidance as a basis for this proposal, the FAA must file a difference to the specific standard.

³⁰ Annex 6—Part I, Operation of Aircraft—International Commercial Air Transport—Aeroplanes, standard 4.2.1.1.

VI. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The FAA also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

B. Confidential Business Information

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 the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

C. Electronic Access and Filing

A copy of this NPRM, all comments received, any final rule, and all

background material may be viewed online at www.regulations.gov using the docket number listed previously. A copy of this proposed rule will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours a day, every day. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at www.federalregister.gov and the Government Publishing Office's website at www.govinfo.gov. A copy may also be found at the FAA's Regulations and Policies website at www.faa.gov/regulations_policies.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267-9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

D. Small Business Regulatory Enforcement Fairness Act

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

List of Subjects in 14 CFR Part 129

Administrative practice and procedure, Air carriers, Aircraft, Aviation safety, Reporting and recordkeeping requirements, Security measures, Smoking.

The Proposed Amendments

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR as follows:

PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

■ 1. The authority citation for part 129 continues to read as follows:

Authority: 49 U.S.C. 1372, 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901–44904, 44906, 44912, 46105, Pub. L. 107–71 sec. 104.

■ 2. Amend § 129.1 by revising paragraph (c)(2) and adding paragraphs (c)(3) and (4) to read as follows:

§ 129.1 Applicability and definitions.

* * * * *

(c) * * *

(2) *Regional Safety Oversight Organization* means an association or organization that comprises a group of member States, which—

(i) Has provided notification to the International Civil Aviation Organization of the scope of tasks and functions delegated to the Regional Safety Oversight Organization, including but not limited to: sharing common or harmonized aviation regulations, licensing, certification, authorization, approval, and surveillance of civil aviation activities, and any legal authority delegated by a member State to the Regional Safety Oversight Organization; and

(ii) Has stipulated the specific tasks, functions, and delegations by member States discussed in paragraph (c)(2)(i) of this section, and any other collective understandings of member States in Regional Safety Oversight Organization formation documentation, such as an agreement, treaty, or informal record, that is available for review by the Administrator.

(3) *State of the Operator* means the State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

(4) *Years in service* means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate.

■ 3. Amend § 129.7 by revising paragraphs (c)(5) and (d) to read as follows:

§ 129.7 Application, issuance, or denial of operations specifications.

* * * * *

(c) * * *

(5) Holds a valid air operator certificate issued by

(i) the State of the Operator; or
(ii) a Regional Safety Oversight Organization on behalf of the State of the Operator, as acceptable to the Administrator.

(d) An application may be denied if the Administrator finds that the applicant does not meet one or more of the criteria listed in paragraph (c) of this section.

■ 4. Amend § 129.9 by revising paragraphs (a)(3) and (b)(3) to read as follows:

§ 129.9 Contents of operations specifications.

(a) * * *

(3) The certificate number and validity of the foreign air carrier's air operator certificate issued by the State of the Operator or a Regional Safety Oversight Organization on behalf of the State of the Operator;

* * * * *

(b) * * *

(3) In the case of a foreign air carrier, the certificate number and validity of the foreign air carrier's Air Operator Certificate issued by the State of the Operator or a Regional Safety Oversight Organization on behalf of the State of the Operator;

* * * * *

Issued under authority provided by 49 U.S.C. 106(f) and 44701(a) in Washington, DC.

Robert M. Ruiz,

Deputy Executive Director, Flight Standards Service.

[FR Doc. 2024-11253 Filed 5-21-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201, 500, 501, 510, 514, and 516

[Docket No. FDA-2023-N-5160]

RIN 0910-AI43

Labeling Requirements for Approved or Conditionally Approved New Animal Drugs; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is extending the comment period for the proposed rule entitled "Labeling Requirements for Approved or Conditionally Approved New Animal Drugs" published in the **Federal Register** of March 12, 2024, by 60 days. The Agency is taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the proposed rule published March 12, 2024 (89 FR 18262), by 60

days. Either electronic or written comments must be submitted by August 9, 2024.

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 August 9, 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 No. FDA-2023-N-5160 for "Labeling Requirements for Approved or Conditionally Approved New Animal Drugs." Received comments, those filed

in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

With regard to the proposed rule: Suzanne Sechen, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-402-0814, Suzanne.Sechen@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 12, 2024 (89 FR 18262), FDA published a proposed rule entitled "Labeling Requirements for Approved or Conditionally Approved New Animal Drugs" with a 90-day

period for submission of public comments.

The Agency has received a request for an extension of the comment period for the proposed rule. The request conveyed concern that the current comment period does not allow sufficient time to develop a meaningful or thoughtful response to the proposed rule.

FDA has considered the request and is extending the comment period for the proposed rule for 60 days, until August 9, 2024. The Agency believes that a 60-day extension allows adequate time for interested persons to submit comments without significantly delaying rulemaking on these important issues.

Dated: May 17, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–11229 Filed 5–21–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0023]

RIN 1625–AA11

Safety Zone; Sea Otter Point, Port of Valdez, AK

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend its regulations titled, Safety Zone; City of Valdez July 4th Fireworks, Port Valdez; Valdez, AK. The City of Valdez has changed the annual firework displays from July 4th to December 31st each year. It is therefore necessary to amend the CFR to reflect the correct date of the fireworks display. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 21, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0023 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 on this rulemaking, call or email LTJG Abigail Ferrara, Waterways Management Division, U.S. Coast Guard; 907–835–7209, email Abigail.C.Ferrara@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Prince William Sound
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The Coast Guard began issuing temporary final rules establishing safety zones during the Valdez July 4th fireworks display beginning in 2014. The Coast Guard received no comments or concerns from the public when the temporary safety zones were in place. Due to the repeating nature of the event, on February 28, 2017, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; City of Valdez July 4th Fireworks, Port Valdez; Valdez, AK (82 FR 12076). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this fireworks display. Since then, the City of Valdez has changed the firework display from July 4th to December 31st. The Coast Guard again began issuing temporary final rules annually for the new date. Again, due to the repeating nature of the event, we are issuing this NPRM to change the date and time to reflect the correct event details.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 200-yard radius of the firework display before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP is proposing to amend 33 CFR part 165.1713, titled Safety Zone; City of Valdez July 4th Fireworks, Port Valdez; Valdez, AK to reflect the actual date of the fireworks display of December 31st. The time of the safety zone would change to 7:30 p.m. to 9:00 p.m. The safety zone would still encompass all navigable waters of Port Valdez within a 200-yard radius from a position of 61°07'22" N and 146°21'13" W. No vessel or person would be permitted to enter the safety zone without obtaining permission from the

COTP or a designated representative. 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 extremely limited vessel traffic in the winter months, as well as the size, location, time of day, and duration of the safety zone. Furthermore, vessels may request authorization to transit through the safety zone with the permission of the COTP, Prince William Sound, Alaska. The Coast Guard will still issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

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.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

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 Changing the date and shortening the duration of an existing safety zone, which prohibits traffic within 200 yards of a firework display. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. 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–2024–0023 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 165

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 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Revise § 165.1713 Safety Zone; City of Valdez July 4th Fireworks, Port Valdez; Valdez, AK. to read as follows:

**§ 165.1713 Safety Zone; City of Valdez
Annual Fireworks Display within the
Captain of the Port, Prince William Sound
Zone, Port Valdez; Valdez, AK.**

(a) *Regulated area.* The following area is a safety zone: All waters of Port Valdez, from surface to bottom, within a 200-yard radius from a position of 61°07'22" N and 146°21'13" W. These coordinates are based on the 1984 World Geodetic System (WGS 84). This includes the entrance to the Valdez small boat harbor.

(b) *Definitions.* As used in this section, *designated representative* means any Coast Guard commissioned, warrant or petty officer of the U. S. Coast Guard and a Federal, State, and local officer designated by or assisting the Captain of the Port Prince William Sound (COTP) in the enforcement of the safety zone. The term "official patrol vessel" may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Prince William Sound.

(c) *Regulations.* (1) The general safety zone regulations contained in subpart C of this part, as well as the following regulations, apply.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the designated representative during periods of enforcement.

(3) All persons and vessels shall comply with the instructions of the COTP or the designated representative. Upon being hailed by a designated representative by siren, radio, flashing light, or other means, the operator of the vessel shall proceed as directed.

(4) Anyone desiring to enter or operate within the regulated area may request permission from the COTP via VHF Channel 16 or (907) 835-7205 (Prince William Sound Vessel Traffic Center) to request permission to do so.

(5) The COTP may be aided by other Federal, state, borough, and local law enforcement officials in the enforcement of this regulation.

(d) *Enforcement Period.* This section will be enforced from 7:30 p.m. until 9:00 p.m. on December 31st of each year, or during the same time frame on specified weather delay dates January 1st through January 5th each year.

Dated: May 15, 2024.

S.K. Rousseau,

*Commander, U.S. Coast Guard, Captain of
the Port Prince William Sound.*

[FR Doc. 2024-11044 Filed 5-21-24; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

**[NPS-CHAT-DTS#37160; PPSEGUI500
PPMPAS1Z.Y00000]**

RIN 1024-AE80

**Chattahoochee River National
Recreation Area; Bicycling**

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service proposes to amend the special regulations for Chattahoochee River National Recreation Area to allow for bicycle use on approximately 20.6 miles of trails.

DATES: Comments on the proposed rule must be received by 11:59 p.m. EDT on July 22, 2024.

ADDRESSES: You may submit comments, identified by Regulation Identifier Number (RIN) 1024-AE80, by either of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments.

(2) *By hard copy:* Mail to: Superintendent, Chattahoochee River National Recreation Area, 1978 Island Ford Parkway, Sandy Springs, Georgia 30350.

Document Availability: The Chattahoochee River National Recreation Area Comprehensive Trails Management Plan/Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and related project documents provide information and context for this proposed rule and are available online at <https://parkplanning.nps.gov/chat> by clicking the link entitled "Comprehensive Trails Management Plan" and then clicking the link entitled "Document List."

Instructions: Comments will not be accepted by fax, email, or in any way other than those specified above. All submissions received must include the words "National Park Service" or "NPS" and must include the docket number or RIN (1024-AE80) for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to view comments received, go to <https://www.regulations.gov> and search for "1024-AE80."

FOR FURTHER INFORMATION CONTACT: Beth Wheeler, Chief of Planning, Resources and Education, Chattahoochee River

National Recreation Area; (678) 538-1321; beth_wheeler@nps.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. In compliance with the Providing Accountability Through Transparency Act of 2023, the plain language summary of the proposal is available on [Regulations.gov](https://www.regulations.gov) in the docket for this rulemaking.

SUPPLEMENTARY INFORMATION:

Background

*Purpose and Management Authority for
the Recreation Area*

The Chattahoochee River is one of the oldest and most stable river channels in North America. It begins as a tiny stream in northern Georgia, passes through the suburbs north of Atlanta, and flows 430 miles to its confluence with the Flint River at the Florida border. In 1978, the United States Congress established Chattahoochee River National Recreation Area by finding that the values of a 48-mile segment of the river and its adjoining lands in the State of Georgia, from Buford Dam downstream to Peachtree Creek, are of special national significance and "should be preserved and protected from developments and uses which would substantially impair or destroy them." 16 U.S.C. 460ii. Congress stated that the Recreational Area shall consist of "the river and its bed together with the lands, waters, and interests therein." 16 U.S.C. 460ii.

In 1984, Congress amended the Recreation Area's enabling legislation by stating that the corridor located within 2,000 feet of each bank along the 48-mile river segment was "an area of national concern." This amendment increased the size of the Recreation Area from 6,300 acres to 6,800 acres. A subsequent amendment, passed in 1999, expanded the authorized boundary of the Recreation Area to include an additional 3,200 acres and provided funding to support the acquisition of land-based linear corridors to link existing units of the Recreation Area and protect other open spaces of the Chattahoochee River corridor.

The National Park Service (NPS) manages the Recreational Area as a unit of the National Park System. In addition to the enabling legislation described above, the NPS manages the Recreation

Area pursuant to the NPS Organic Act of 1916, which gives the NPS broad authority to regulate the use of the lands and waters within System units. See 54 U.S.C. 100101; 100751(a).

Bicycle Use in the Recreation Area

The Recreation Area is located within the Atlanta metropolitan area and is a valuable outdoor recreation resource for local residents as well as visitors from the rest of the United States and around the world. The Recreation Area's 48-mile stretch of river and 15 land units provide an ecological oasis within a densely populated region and contain more than 950 species of plants and a diverse assemblage of wildlife. Its green space and extensive trail network offer abundant opportunities for visitors to explore the riverbanks, historic sites, rolling forests, grassy meadows, and rocky bluffs. The usually clear, cold, and slow-moving river supports a variety of water-based recreational activities such as floating, paddling, rafting, boating, wading, and fishing.

Bicycling is a popular form of recreation in and around the Recreation Area. Bicycles are allowed on roads and in parking areas that are open to public motor vehicle traffic; on an administrative road in the Cochran Shoals unit, the Fitness Loop, which also serves as a part of the trail system; and on a subset of trails. The total trail system is extensive, containing approximately 67 miles of designated trails in 12 of the 15 land units in the Recreation Area. Bicycle use occurs on approximately 11.6 miles of multi-use trails in the Vickery Creek, Gold Branch, Cochran Shoals, and Palisades units. Bicycle routes are designated in special regulations for the Recreation Area at 36 CFR 7.90 and in the Superintendent's compendium, which is a written compilation of designations, closures, permit requirements and visitor use restrictions imposed under the discretionary authority of the Superintendent, as required by 36 CFR 1.7(b). The Superintendent's compendium is available on the Recreation Area's website (<https://www.nps.gov/chat>).

Electric bicycles, which are defined in NPS regulations as two- or three-wheeled cycles with fully operable pedals and electric motors of not more than 750 watts that meet the requirements of one of three classes (36 CFR 1.4), are allowed in the Recreation Area where traditional bicycles are allowed.

Comprehensive Trails Management Plan and Environmental Assessment

In March 2021, the NPS published and sought public input on a Preliminary Trails Management Plan to help inform the development of the EA and guide the development of a more cohesive trail system within the Recreation Area. Following the public scoping period, in April 2022, the NPS published the EA which analyzes the potential environmental impacts of no-action and action alternatives. Under the action alternative, which is the NPS's preferred alternative, the total mileage of designated trails available for public use in the Recreation Area would increase substantially, and the NPS would improve the quality and sustainability of the trails to better serve visitors and achieve greater resource stewardship. The NPS would add approximately 32 miles of trails to the trail system, resulting in a 48% net increase in trail mileage, for a total of 99.3 miles. The NPS would allow bicycle use on 20.6 total miles of trail, an increase of approximately 9 miles. The NPS would continue to allow bicycle use on existing trails in four units of the Recreation Area. With the support of NPS partners, the NPS would construct a new, natural surface multi-use trail that would expand bicycle use in the Cochran Shoals unit, and construct new, hardened surface multi-use trails in the Settles Bridge, McGinnis Ferry, Suwanee Creek, Abbotts Bridge, and Jones Bridge units.

New multi-use trails would be designed and situated so that in the future they could connect to a proposed 100-mile regional Chattahoochee Riverlands greenway project. Many of the new trails would be constructed on previously disturbed corridors, such as utility corridors or remnant roadbeds, to minimize new disturbance and protect historic resources. Trail width would vary by location but would not exceed 10 feet. Trails would be constructed using permeable materials to protect water quality and prevent erosion. In wet locations, special structures, such as boardwalks, would be built to limit trail widening from visitors routing around puddles and mud, which tramples trailside vegetation.

In addition to evaluating the potential impacts of trail construction and modification activities, the EA also evaluated the potential impacts of allowing bicycles on the new trails. The EA and associated written determination evaluate the suitability of each trail surface and soil conditions for accommodating bicycle use; and life cycle maintenance costs, safety

considerations, methods to prevent or minimize user conflict, and methods to protect natural and cultural resources and mitigate impacts associated with bicycle use. The EA contains a full description of the purpose and need for taking action, the alternatives considered, maps of the affected areas, and the environmental impacts associated with the project. The EA evaluates site-specific 60-foot-wide trail corridors. The NPS will determine final trail alignments within those corridors in consultation with NPS natural and cultural resources specialists, which could result in minor adjustments to the trail locations shown on the maps in the EA. If the NPS needs to align a trail outside of an identified corridor, it would conduct additional environmental review of the alignment to avoid or minimize impacts to sensitive resources and would document the change as an amendment to the EA.

The NPS accepted public comments on the EA for 30 days. In January 2023 following a recommendation by the Superintendent of the Recreation Area, the Regional Director for Interior Region 2, South Atlantic—Gulf, signed the FONSI that identified the preferred alternative in the EA as the selected alternative. As stated in the FONSI, the NPS believes the selected alternative will improve the sustainability of the trail system, better protect the resources of the Recreation Area, and improve the visitor experience by facilitating circulation and less visitor conflicts through an expanded trail network. Implementation of the selected alternative will provide new opportunities for visitors to enjoy and be inspired by the Recreation Area.

Proposed Rule

The proposed rule would amend paragraph (a) in 36 CFR 7.90, which contains the special regulations for the Recreation Area. The rule would authorize the Superintendent to designate approximately 20.6 miles of trails for bicycle use in nine units of the Recreation Area. The NPS also proposes to change the paragraph structure and replace a specific web address as the location of maps showing bicycle routes with a general statement that maps will be available at visitor centers and on the Recreation Area's website. The regulatory text includes formal trail names if they exist to make wayfinding easier. Lastly, the proposed rule would remove an unnecessary provision in the current paragraph (a)(4)(ii) that provides the Superintendent with a specific, discretionary authority to close the trails in the Johnson Ferry South and Cochran

Shoals units to mitigate soil erosion and water quality impacts from bicycle use after a rain event. Providing this specific authority is unnecessary because the proposed rule, similar to the existing regulations, would authorize the Superintendent to limit, restrict, or impose conditions on bicycle use, or close any trail to bicycle use, or terminate such conditions, closures, limits, or restrictions after taking into consideration public health and safety, resource protection, and other management activities and objectives, as stated in 36 CFR 4.30(f). Further, as a practical matter, the redevelopment of the trail system would restore poorly designed trails to natural conditions in the Cochran Shoals unit and would position new trails on the landscape in that unit to improve physical sustainability, manage water, and limit erosion. There is no existing or planned bicycle use in the Johnson Ferry South unit.

NPS regulations at 36 CFR 4.30(i) give superintendents the discretionary authority to allow electric bicycles on park roads, parking areas, and administrative roads and trails that are open to traditional bicycles. Currently, the Superintendent allows electric bicycles on all existing bicycle trails. When new trails are constructed under the selected alternative, the Superintendent also could designate those trails as open to some or all classes of electric bicycles. If, in the future, the Superintendent determines that electric bicycles or certain classes of electric bicycles should no longer be allowed on any road, parking area, or trail, or that conditions for use should change, the Superintendent could make such changes by updating the Superintendent's compendium and providing adequate public notice under 36 CFR 1.7.

Compliance With NPS Bicycle Regulations

The EA constitutes the planning document and evaluates the criteria required by the NPS's general bicycle regulations at 36 CFR 4.30. The no action alternative evaluates the impacts of continued bicycle use on existing trails; and the action alternative evaluates the impacts of bicycle use on the new trails that will be constructed. This proposed rule would authorize the Superintendent to allow bicycles on all trails where bicycles would be allowed under the selected alternative. This includes existing trails that do not require construction or significant modification and new trails that will be constructed. Although NPS regulations do not require special regulations to

allow bicycles on existing trails that do not require any construction or significant modification, identifying all of the trails in the special regulations would make it easier for visitors to understand where bicycles are allowed. The other approach would result in some trails designated in the special regulations and others in the Superintendent's compendium.

The Superintendent of the Recreation Area has signed a written determination that bicycle use on all of the trails that would be designated in this rule is consistent with the protection of the Recreation Area's natural, scenic, and aesthetic values; safety considerations; management objectives; and will not disturb wildlife or Recreation Area resources, as required by 36 CFR 4.30. This written determination is available on the Recreation Area's planning website at the URL listed in the **ADDRESSES** section. The NPS is not publishing the written determination separately in the **Federal Register** but welcomes comments on the written determination during the public comment period for this proposed rule.

Compliance With Other Laws, Executive Orders and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563 and 14094)

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

Executive Order 14094 amends Executive Order 12866 and reaffirms the principles of Executive Order 12866 and Executive Order 13563 and states that regulatory analysis should facilitate agency efforts to develop regulations that serve the public interest, advance statutory objectives, and be consistent with Executive Order 12866, Executive Order 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.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. Executive Order 13563 directs agencies to consider

regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The NPS has developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act

This rulemaking would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the economic analyses found in the report entitled "Cost-Benefit and Regulatory Flexibility Threshold Analyses: Proposed Special Regulations to Designate New Trails for Bicycle Use at Chattahoochee River National Recreation Area." The report may be viewed on the Recreation Area's planning website at the URL listed under the **ADDRESSES** section.

Congressional Review Act (CRA)

This rulemaking is not a major rule under 5 U.S.C. 804(2). This rule:

(a) Does not have an annual effect on the economy of \$100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does 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 rulemaking does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or Tribal governments or the private sector. It addresses public use of national park lands and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

This rulemaking does not effect a taking of private property or otherwise have takings implications under

Executive Order 12630. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of federally administered lands and waters. It has no direct effects on other areas. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This rulemaking complies with the requirements of Executive Order 12988. This rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175 and Department Policy)

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. The NPS has evaluated this rulemaking under the criteria in Executive Order 13175 and under the Department's Tribal consultation policy and have determined that Tribal consultation is not required because the rule will have no substantial direct effect on federally recognized Indian Tribes. Nevertheless, in support of the Department of the Interior and NPS commitment for government-to-government consultation, during the EA process, the NPS sent notification letters to Tribal partners to invite participation in the planning process. The Tribes are the Absentee Shawnee Tribe, Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, Cherokee Nation, Coushatta Tribe of Louisiana, Eastern band of Cherokee Indians, Kialegee Tribal Town, Muskogee (Creek) Nation, Poarch Band of Creek Indians, Seminole Nation of Oklahoma, Seminole Tribe of Florida, Shawnee Tribe, Thlopthlocco Tribal Town, and United Keetoowah Band of Cherokee Indians of Oklahoma. Additionally, the park has executed a programmatic agreement in coordination with

consulting parties, including the State historic preservation office and affiliated Tribes, which describes historic identification actions as well as minimization and avoidance practices should it be determined that a proposed implementation action may impact a historic property. Additional information about Tribal coordination and the programmatic agreement is published in the FONSI.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. The NPS may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

The NPS has prepared the EA to determine whether this rulemaking will have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969. This rulemaking would not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required because of the FONSI. A copy of the EA and FONSI can be found online at the URL listed in **ADDRESSES**.

Effects on the Energy Supply (Executive Order 13211)

This rulemaking is not a significant energy action under the definition in Executive Order 13211; the rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and the rule has not otherwise been designated by the Administrator of OIRA as a significant energy action. A Statement of Energy Effects is not required.

Clarity of This Rule

The NPS is required by Executive Orders 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule the NPS publishes must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that the NPS has not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help the NPS revise the rule, your comments should be as specific as possible. For example, you should identify the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule by one of the methods listed in the **ADDRESSES** section of this document.

Public Availability of Comments

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.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 7 as set forth below:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

- 1. The authority citation for part 7 continues to read as follows:

Authority: 54 U.S.C. 100101, 100751, 320102; Sec. 7.96 also issued under D.C. Code 10–137 and D.C. Code 50–2201.07.

- 2. Amend § 7.90 by revising paragraph (a) to read as follows:

§ 7.90 Chattahoochee River National Recreation Area.

(a) *Bicycle Use.* (1) The Superintendent may designate all or a portion of the following trails as open to bicycle use:

- (i) The multi-use trail in the Abbotts Bridge unit (approximately 2 miles).
- (ii) The Fitness Loop in the Cochran Shoals unit (approximately 2.7 miles).
- (iii) The multi-use trails in the Sope Creek Area of the Cochran Shoals unit (approximately 9.1 miles).
- (iv) The Lower Roswell Trail in the Gold Branch unit (approximately 0.5 miles).
- (v) The multi-use trail in the Jones Bridge unit (approximately 1.4 miles).

(vi) The multi-use trail in the McGinnis Ferry unit (approximately 1.4 miles).

(vii) The Rottenwood Creek Trail in the Palisades unit (approximately 1.6 miles).

(viii) The multi-use trail in the Settles Bridge unit (approximately 1.6 miles).

(ix) The multi-use trail in the Suwanee Creek unit (approximately 0.2 miles).

(x) The Roswell Riverwalk Trail in the Vickery Creek unit (approximately 0.1 miles).

(2) A map showing trails open to bicycle use will be available at Recreation Area visitor centers and posted on the Recreation Area website. The Superintendent will provide notice of all trails designated for bicycle use in accordance with § 1.7 of this chapter.

(3) The Superintendent may limit, restrict, or impose conditions on bicycle use, or close any trail to bicycle use, or terminate such conditions, closures, limits, or restrictions in accordance with § 4.30 of this chapter. A violation of any such condition, closure, limit, or restriction is prohibited.

* * * * *

Shannon A. Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2024–08998 Filed 5–21–24; 8:45 am]

BILLING CODE 4312–52–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2024–7; Order No. 7108]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Two). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 30, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Proposal Two
- III. Notice and Comment
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I. Introduction

On May 10, 2024, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.¹ The Petition identifies the proposed analytical changes filed in this docket as Proposal Two. Proposal Two seeks to establish a cost model for the purpose of disaggregating costs for the USPS Ground Advantage (GA) product. Petition, Proposal Two at 1.

II. Proposal Two

Background. Previously, USPS Retail Ground (RG), First-Class Package Service (FCPS), and Parcel Select (PS) were listed as separate Competitive products within the *Mail Classification Schedule* (MCS) with Parcel Select Ground (PSG) as a price category within the PS product. *Id.* at 2. In order to improve service standards for RG and PSG, the Postal Service implemented operational changes to process and transport RG and PSG mail along with FCPS mail in the contiguous United States beginning FY 2022, Quarter 4.²

In addition, classification changes were made to the products on the MCS by removing RG from the Competitive product list, removing PSG as a price category from PS, and expanding the FCPS price structure to include mail pieces weighing up to 70 pounds, thus subsuming the RG and PSG price categories under FCPS.³

In Docket Nos. CP2023–113 and CP2023–114, the Commission approved additional proposed classification

¹ Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Two), May 10, 2024 (Petition). The Postal Service filed a notice of filing of non-public materials relating to Proposal Two. Notice of Filing of USPS–RM2024–7–NP1 and Application for Nonpublic Treatment, May 10, 2024.

² *Id.*; see Docket No. N2022–1, United States Postal Service's Request for an Advisory Opinion on Changes in the Nature of Postal Services, March 21, 2022, at 3.

³ Petition, Proposal Two at 1–2; see Docket Nos. MC2022–81 and MC2022–82, Order Removing USPS Retail Ground from the Competitive Product List and Approving Competitive Classification Changes to First-Class Package Service and Parcel Select, October 28, 2022, at 1–2 (Order No. 6318).

changes to rename FCPS to USPS Ground Advantage and several changes to the PS price structure including: (1) eliminating the distinction of machinable and nonmachinable prices for Parcel Select Heavy Weight (PSHW), (2) establishing a Destination Hub (DHUB) price category for PSHW, (3) establishing a DHUB price category for Parcel Select Lightweight (PSLW), and (4) revising the PSLW price structure that focused on destination entry only.⁴

Proposal. Proposal Two introduces a methodology for reporting GA negotiated service agreement (NSA) costs and presents a model for distributing GA transportation costs by zone. Petition, Proposal Two at 1. The proposal also presents methodologies for distinguishing mail processing and delivery costs between those incurred by pieces under 1 pound and those incurred by pieces 1 pound or greater. *Id.*

The mail processing costs for PSG were previously identified through the Parcel Select Mail Processing Cost Model. *Id.* at 3. The Postal Service states that for purposes of the mail processing cost model, it was assumed that PSG had the same proportion of machinable and nonmachinable volume as Parcel Select Destination Entry. *Id.* at 4. However, the Postal Service asserts that GA does not have a separate rate table for nonmachinable volume and therefore there is no visibility into how much volume may be machinable or nonmachinable. *Id.*

The Postal Service states that there was “insufficient time to attempt to acquire the necessary data, iron out all of the details of the methodology, and present and litigate a proposal in time to incorporate the results of such litigation” into the FY 2023 *Annual Compliance Report* preparation. *Id.* at 5.

Accordingly, the Postal Service filed a motion for a temporary waiver of Rule 3050.10.⁵ The Commission subsequently issued an order taking the motion under advisement, stating that the applicable supporting documents must be sufficient to support the Commission's FY 2023 compliance evaluation.⁶ On March 28, 2024, the

⁴ Docket Nos. CP2023–113 and CP2023–114, Order Concerning Changes in Rates of General Applicability and Classifications for First-Class Package Service and Parcel Select, June 7, 2023, at 1 (Order No. 6536).

⁵ See Docket No. ACR2023, Motion of the United States Postal Service for Waiver of Rule 3050.10 with Respect to Disaggregated Ground Advantage Costs, December 8, 2023.

⁶ See Docket No. ACR2023, Order Taking Under Advisement Postal Service Motion for Waiver of Rule 39 CFR 3050.10 Regarding Disaggregated USPS Ground Advantage Cost Information, December 22, 2023 (Order No. 6894).

Commission issued the FY 2023 *Annual Compliance Determination* (ACD) granting the motion based on the review of the proposed interim methodology and the Postal Service's responses to various Chairman's Information Requests, which "appear[ed] to demonstrate a good-faith effort on the part of the Postal Service to mitigate the consequences of its failure to promptly file a petition for a change of analytical principles."⁷ The Commission also directed the Postal Service to initiate a rulemaking docket to consider costing methodology for GA no later than 60 days after the issuance of the FY 2023 ACD. FY 2023 ACD at 60. The Postal Service filed the proposal subject to this proceeding in response to the directive in the FY 2023 ACD. Petition, Proposal Two at 6.

The Postal Service states that it considered alternative options using the FCPS and PSG methodologies or a combination of both for all GA costs and described the limitations of each. *Id.* at 6–10. The Postal Service proposes a GA transportation model designed similarly to the PSG component of the Parcel Select transportation model⁸ and a GA mail processing cost model which disaggregates the mail processing cost for GA between lightweight (under 1 pound) and heavyweight pieces (1 pound and up). Petition, Proposal Two at 12–22.

Transportation cost model. The Postal Service states that the proposed transportation cost model contains some differences from the PSG transportation model. *Id.* at 12.

First, the Postal Service states that the transportation costs by cost pool from Cost Segment 14 are split into local/intermediate, long-distance, and air costs. *Id.* The Postal Service confirms, however, that air costs are identified separately from other long distance surface transportation costs. *Id.* The Postal Service explains that while PSG was primarily a "fully ground product," GA has "some lanes which currently travel by air in order to meet service standards" and therefore the operational differences between the original PSG product and the GA product "warrant a different treatment of air costs." *Id.* at 12–13.

Second, the Postal Service states that both local and intermediate costs are ultimately distributed by zone using the same method (share of cubic feet by zone), and thus there is no need to

distinguish between these costs in the GA transportation model. *Id.* at 13. The Postal Service confirms that the purpose of the Parcel Select transportation cost model is, first, to disaggregate Parcel Select transportation costs by entry point (destination delivery unit (DDU), destination sectional center facility (DSCF), destination network distribution center (DNDC), and Ground), and second, to disaggregate that entry point's costs further by zone. *Id.* The Postal Service states that because there are no destination entry rate categories for GA, the transportation model is only fulfilling the second function of the PSG transportation model, which is to split the costs by zone. *Id.* The Postal Service concludes that it is therefore not necessary to identify local and intermediate costs of the entry points separately, since they receive the same treatment. *Id.*

Third, the Postal Service states that the GA highway costs by cost pool are assigned fully to local/intermediate or long distance, rather than being split based on the percent of volume that crosses network distribution center (NDC) service areas because GA pieces may travel on a distance-related leg of transportation that does not cross an NDC service area boundary. *Id.* at 14. Additionally, the Postal Service states that the NDC service area is not an appropriate distinction to identify long distance versus local/intermediate transportation because GA is not primarily processed in the NDCs. *Id.* at 15.

Fourth, the Postal Service explains that the Vehicle Service Driver (VSD) costs included in the PSG transportation model in order to disaggregate transportation-related costs by entry point (DDU, DSCF, DNDC, and Ground) are not necessary for GA since there are no destination entry categories and thus, VSD costs can be identified and adjusted separately. *Id.* The Postal Service proposes instead that customer-specific VSD costs for GA are calculated by adjusting the VSD cost by the same percentage as the transportation cost and states this is the same methodology used to calculate customer-specific VSD costs for the legacy FCPS product. *Id.* at 15–16.

Finally, the Postal Service states that once costs have been summarized into the three relevant categories (local/intermediate, long distance, and air), the next step is to distribute them by zone based on the relevant cost-causing characteristics for each category; however, air costs are not treated as non-zone-related long-distance costs and distributed based on the share of cubic feet by zone. *Id.* at 16. The Postal

Service states that the data from the Product Tracking and Reporting (PTR) system are used to identify the share of GA weight that flies by zone and that the distribution of air weight by zone is used to distribute the air cost by zone. *Id.*

The Postal Service explains that the resulting total costs by zone for the three categories (local/intermediate, long distance, and air) are summed together and then divided by the total cubic feet per zone to calculate the cost per cubic foot for each zone, and then the cost per cubic foot for each zone are applied to the relevant volumes in each GA NSA. *Id.* at 17. The Postal Service confirms that this cubic dimensional measurement is in contrast to the legacy FCPS costs, which were adjusted based on weight rather than cubic feet because dimensions did not influence the rate paid for FCPS while PSG was subject to dimensional pricing and nonstandard length fees. *Id.* at 18.

The Postal Service explains that total cubic feet per zone is calculated by multiplying the average cube per piece for each weight step by the total GA volume for that weight step. *Id.* The Postal Service further describes that the average cube per piece for each weight step is developed using a combination of statistical sampling data from the Origin-Destination Information System—Revenue, Pieces, and Weight (ODIS-RPW) for ounce-rated pieces under 1 pound and PTR data for pound-rated and cubic pieces, and dimension data for a sample of GA pieces are collected during ODIS-RPW tests. *Id.* The Postal Service states that although not every dimension of every piece is recorded, the Postal Service was able to construct an average cube per piece by weight step using PTR data. *Id.* The Postal Service also rationalizes that a linear regression was used to smooth the results for weight steps 8 pounds and up in order to mitigate the variation of GA dimension data at the highest weight steps. *Id.*

The Postal Service contends that the use of cube for all rate categories within the GA product provides a more detailed measurement and is the most accurate evaluation of the GA NSA performance. *Id.* at 19.

The Postal Service concludes that "the new GA transportation model represents an improvement over both the existing FCPS methodology and the existing PSG component of the Parcel Select Transportation cost model." *Id.*

Mail processing cost. The Postal Service states that a GA cost analysis has been developed, and it disaggregates the mail processing costs for GA between lightweight pieces (under 1

⁷ See Docket No. ACR2023, *Annual Compliance Determination*, March 28, 2024, at 59 (FY 2023 ACD).

⁸ See Docket No. ACR2023, *Library Reference* USPS–FY23–NP16, December 29, 2023.

pound) and heavyweight pieces (1 pound and over). *Id.* at 19–20. The Postal Service explains that this analysis is based on In-Office Cost System (IOCS) tallies similar to the one applied each year for Priority Mail.⁹ The Postal Service explains that there are fewer IOCS tallies available for GA, especially in the higher weight steps because there was only one-quarter of data, and the product was still dominated by pieces weighing less than 1 pound. Petition, Proposal Two at 20. The Postal Service indicates that it evaluated the available data and determined that such data could not support additional weight groups over 1 pound. *Id.* The Postal Service confirms that the methodology used to estimate product-level mail processing costs is the same for all products (including GA) and its legacy products, but some differences occur.¹⁰ The Postal Service describes that a key distinction for PSG is that it is not directly distinguishable from other Parcel Select rate categories using mail piece markings observable to IOCS data collectors, making the modeling approach necessary to disaggregate Parcel Select costs. *Id.*

The Postal Service explains, however, that the methodology applicable to GA mail processing costs relies on data from IOCS tallies to disaggregate mail processing labor volume-variable cost (VVC) by facility type, “basic function,” and weight category (lightweight USPS Ground Advantage pieces up to 1 pound and heavyweight pieces 1 pound or over). *Id.* The Postal Service states that it applies the resulting costs for GA pieces under and over 1 pound to each customer’s NSA profile by the same weight groups. *Id.* at 22.

The Postal Service concludes that “[t]his methodology for disaggregating the GA mail processing costs is an improvement over any of the alternatives available because it maintains the distinction in costs between those pieces under one pound and over one pound, and it also reflects the nature of the new product which is no longer fully commercial and bulk-entered.” *Id.*

Delivery cost. The Postal Service explains that delivery costs are also reported separately by weight group, which reflects the fact that lightweight

pieces are more likely to fit into the mailbox rather than receive a deviation delivery and therefore will have a lower delivery cost (on average) than the pieces that are more than or equal to 1 pound. *Id.* at 22–23.

Other costs. The Postal Service confirms that costs for other functions, such as window service, packaging, advertising, and credit/debit card fees, are treated in the same manner as they have been historically for FCPS. *Id.* at 24.

Rationale and impact. The Postal Service states that a methodology is needed for reporting GA costs below the product level, for application to customer-specific volume profiles for each GA NSA and that this proposal is filed in compliance with the Commission’s directive in the ACD to file such a rulemaking within 60 days of the issuance of the ACD. *Id.* at 11 (citing FY 2023 ACD at 60).

Transportation cost model. The Postal Service states that because the prior methodology did not provide for any disaggregation by zone and instead applied the same transportation cost across all zones, the new methodology tends to reflect lower costs for the inner zones and higher costs for the outer zones, relative to the FCPS methodology. *Id.* at 26. The Postal Service asserts that these changes represent an improvement because air costs are assigned to the actual zones that incur them rather than being spread across all zones in proportion to the share of cubic feet in each zone, which could result in understated or overstated transportation cost for NSA customers. *Id.*

Mail processing cost analysis. The Postal Service states that it has provided (under seal) comparisons of the resulting mail processing costs for GA lightweight and heavyweight pieces to the mail processing costs for legacy products during FY 2023. *Id.*

Delivery cost. The Postal Service states that it has provided (under seal) comparisons of the resulting delivery costs for GA lightweight and heavyweight pieces to the delivery costs for legacy products during FY 2023.

Negotiated service agreement costing. The Postal Service states that it has begun using the GA costs resulting from the interim methodology introduced in the FY 2023 ACR to project the financial performance of new GA NSAs for Calendar Year 2024. *Id.* at 27. The Postal Service notes that the Commission directed the Postal Service to provide alternate financial workpapers applying the cost models for the GA legacy

products and asserts that it has complied by including alternate workpapers in every GA NSA filed since.¹¹ The Postal Service maintains that application of the new GA costs allows for a more appropriate projection of the expected financial performance of upcoming GA NSAs and represents an improvement over the current situation wherein no accepted analytical principle exists for reporting GA costs below the product level. Petition, Proposal Two at 28.

III. Notice and Comment

The Commission establishes Docket No. RM2024–7 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission’s website at <http://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Two no later than May 30, 2024. Pursuant to 39 U.S.C. 505, Christopher C. Mohr is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2024–7 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Two), filed May 10, 2024.

2. Comments by interested persons in this proceeding are due no later than May 30, 2024.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Christopher C. Mohr to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2024–11105 Filed 5–21–24; 8:45 am]

BILLING CODE 7710–FW–P

⁹ *Id.* at 20 (citing Docket No. ACR2023, Library Reference USPS–FY23–NP27, December 29, 2023, Excel file “MP Cost by wgt-fn for PM NSA–FY2023.xlsx”).

¹⁰ *Id.* These differences are relative to the methodologies employed for the legacy products when costs are disaggregated below the product level for application to NSA customers’ specific volume profiles. *Id.* at 21.

¹¹ *Id.* (citing Docket No. MC2024–158 *et al.*, Order Adding Priority Mail & USPS Ground Advantage Contracts to the Competitive Product List, January 30, 2024, Order No. 6952).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2024-0059; FRL-11682-04-OCSPP]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities—April 2024

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before June 21, 2024.

ADDRESSES: Submit your comments, identified by docket identification (ID) number by one of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <https://www.epa.gov/dockets/where-send-comments-epa-dockets>.

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

FOR FURTHER INFORMATION CONTACT:

Madison H. Le, Biopesticides and Pollution Prevention Division (BPPD) (7511M), main telephone number: (202) 566-1400, email address: BPPDFRNotices@epa.gov; or Dan

Rosenblatt, Registration Division (RD) (7505T), main telephone number: (202) 566-2875, email address: RDNRNotices@epa.gov. The mailing

address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is

listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](https://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets#tips>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental

effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at <https://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

Notice of Filing—New Tolerance Exemptions for Non-Inerts (Except PIPS)

PP 3E9090. EPA-HQ-OPP-2024-0177. The IR-4 Project, 1730 Varsity Drive, Suite 210, Raleigh, NC 27606 on behalf of Lepidext, Inc., 1122 Oak Hill Dr., Suite 150, Lexington, KY 40505, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the insecticide *Helicoverpa zea* nudivirus 2, HzNV2, isolate 90DR71 in or on alfalfa; amaranth; beans; black medic; cabbage; cauliflower; chickpea; citrus; clover; cotton; cucumber; eggplant; groundnut; hemp; henbit deadnettle; lettuce; maize; millet; okra; pea; peppers; quinoa; sorghum; soybean; spinach; strawberry; sunflower; sweet corn; tobacco; tomato.

The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is proposed. *Contact:* BPPD.

New Tolerances for Non-Inerts

PP 1F8942. EPA–HQ–OPP–2021–0833. Valent U.S.A., LLC, 4600 Norris Canyon Road, San Ramon, CA 94583, requests to establish a tolerance in 40

CFR part 180 for residues of the fungicide, inpyrfluxam in or on rapeseed subgroup 20A at 0.01 parts per million (ppm); and rapeseed, forage at 0.02 ppm. The analytical method RM–50C–1 (liquid chromatography, mass/mass detector (LC/MS/MS) and external standardization) is used to measure and evaluate the chemical inpyrfluxam. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: May 13, 2024.

Kimberly Smith,

Acting Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2024–11225 Filed 5–21–24; 8:45 am]

BILLING CODE 6560–50–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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notice of Public Meeting of the Assembly of the Administrative Conference of the United States

AGENCY: Administrative Conference of the United States

ACTION: Notice.

SUMMARY: The Assembly of the Administrative Conference of the United States will meet during a one-day hybrid plenary session to consider four proposed recommendations and to conduct other business. Written comments may be submitted in advance, and the meeting will be accessible to the public.

DATES: The meeting will take place on Thursday, June 13, 2024, from 9 a.m.–5 p.m. The meeting may adjourn early if all business is concluded prior to the stated end time.

ADDRESSES: For those attending in person, the meeting will be held at The George Washington University Law School in the Jacob Burns Moot Court Room, 2000 H Street NW, Washington, DC 20052. There will be a virtual attendance option. Information on how the public can access the meeting will be available on the agency's website prior to the meeting at <https://www.acus.gov/event/81st-plenary-session>.

FOR FURTHER INFORMATION CONTACT: Shawne McGibbon, General Counsel (Designated Federal Officer), Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036; telephone 202–480–2080; email smcgibbon@acus.gov.

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States makes recommendations to Federal agencies, the President, Congress, and the Judicial Conference of the United States regarding the

improvement of administrative procedures (5 U.S.C. 594). The membership of the Conference, when meeting in plenary session, constitutes the Assembly of the Conference (5 U.S.C. 595).

Agenda: Four proposed recommendations will be considered by the Assembly. In addition, there will be updates on past, current, and pending Conference initiatives, as well as other business. Summaries of the recommendations appear below:

Choice of Forum for Judicial Review of Agency Rules. This proposed recommendation identifies a principle that should guide Congress in choosing the appropriate forum for judicial review of agency rules. It also recommends that Congress provide that district courts apply district-wide assignment to certain civil actions seeking to bar or mandate enforcement of federal agency rules or policies and identifies common statutory ambiguities that Congress should avoid in drafting new or amending existing recommendations.

Individualized Guidance. This proposed recommendation examines best practices to promote fairness, accuracy, and efficiency in agency processes for providing written guidance in response to requests for advice from members of the public. It addresses processes for members of the public to request individualized guidance from agencies; agency practices for drafting responses to such requests, including the personnel involved and mechanisms to ensure accuracy and consistency; the public availability of individualized guidance documents; and policies regarding whether and when agencies should allow members of the public to rely on individualized guidance.

Participation of Senate-Confirmed Officials in Administrative Adjudication. This proposed recommendation examines, as a legal and practical matter, whether, when, how, and how often agency heads and other Senate-confirmed officials participate in the adjudication of cases across a range of federal administrative programs. For agencies that have decided to provide or are considering providing for participation by Senate-confirmed officials in the adjudication of individual cases, the proposed recommendation identifies principles

and practicalities that agencies should consider in structuring such participation and provides best practices for developing and communicating relevant policies regarding such participation. This proposed recommendation does not address whether agencies should, for constitutional or other reasons, provide for participation by Senate-confirmed officials in specific programs.

Congressional Constituent Service Inquiries. This proposed recommendation examines how federal agencies receive, process, and respond to congressional inquiries made on behalf of constituents who need assistance accessing federal programs or navigating adjudicative and other similar administrative processes. It identifies best practices for agencies to promote quality, efficiency, and timeliness in their procedures for responding to such inquiries. Among other topics, the proposed recommendation addresses the scope, content, internal dissemination, and public availability of these procedures where adopted.

Additional information about the proposals and the agenda, as well as any changes or updates to the same, can be found at the 81st Plenary Session page on the Conference's website prior to the start of the meeting at: <https://www.acus.gov/event/81st-plenary-session>.

Public Participation: The Conference welcomes the virtual attendance of the public at the meeting. Members of the public wishing to view the meeting are asked to RSVP online at the 81st Plenary Session web page shown above no later than two days before the meeting to ensure adequate bandwidth and accessibility. A link to a livestream of the meeting will be posted the morning of the meeting on the 81st Plenary Session web page. A video recording of the meeting will be available on the Conference's website shortly after the conclusion of the event at https://youtube.com/channel/UC1Gu44Jq1U7XsGdC9TfI_zA.

Written Comments: Persons who wish to comment on any of the proposed recommendations may do so by submitting a written statement either by email to info@acus.gov with "June 2024 Plenary Session Comments" in the subject line of the email, or by U.S. Mail addressed to: June 2024 Plenary Session

Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036. Written submissions must be received no later than 10:00 a.m. (EDT), Friday, June 7, 2024, to ensure consideration by the Assembly.

(Authority: 5 U.S.C. 595)

Dated: May 16, 2024.

Shawne McGibbon,
General Counsel.

[FR Doc. 2024-11179 Filed 5-21-24; 8:45 am]

BILLING CODE 6110-01-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[FSIS-2024-0011]

National Advisory Committee on Microbiological Criteria for Foods: Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, FSIS is announcing that the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will hold a virtual public meeting on June 24, 2024. The Committee will provide updates on FSIS' Genomics charge and the U.S. Food and Drug Administration's (FDA's) *Cronobacter* spp. in Powdered Infant Formula charge.

DATES: The full Committee will hold a virtual public plenary meeting on Monday, June 24, 2024, from 1:00 p.m. to 3:00 p.m. EST. Attendance is free but pre-registration by Wednesday, June 19, 2024, is requested.

The deadline to submit written comments is Wednesday, June 19, 2024.

ADDRESSES: The plenary meeting will be held virtually using Webex. Attendees must pre-register at <https://events.intellor.com/?do=register&t=7&p=508211> to receive a join link, dial-in number, access code, and unique Attendee ID for the plenary meeting. Persons interested in providing oral comments at the Monday, June 24, 2024, plenary meeting should indicate so when registering. Oral comments will be limited to three minutes per speaker.

An American Sign Language interpreter will be present online during the meeting and attendees will also have the option to turn on closed captions.

For more information on the NACMCF charges, visit: <https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-microbiological-criteria-foods-nacmcf>.

www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-microbiological-criteria-foods-nacmcf.

Written comments may be submitted by one of the following methods:

Federal eRulemaking Portal: This website provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Go to <https://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

Mail: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250-3700.

Hand- or Courier-Delivered Submittals: Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350-E, Washington, DC 20250-3700.

Instructions: All items submitted by mail or electronic mail must include the agency name and docket number FSIS-2024-0011. Comments made in response to the docket will be made available for public inspection and posted without change, including any personal information, to <https://www.regulations.gov>.

Docket: For access to background documents or comments received, call 202-720-5046 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250.

Agenda: FSIS will finalize an agenda on or before the meeting date and post it on the FSIS web page at <https://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings>. Please note that the meeting agenda is subject to change; thus, sessions could end earlier or later than anticipated. Please plan accordingly if you would like to attend this meeting or participate in the oral public comment period.

The official transcript of the June 24, 2024, plenary meeting, when it becomes available, will be posted on FSIS' website at <https://www.fsis.usda.gov/wps/portal/fsis/topics/data-collectionand-reports/nacmcf/meetings/nacmcfmeetings>.

FOR FURTHER INFORMATION CONTACT:

Kristal Southern, USDA, FSIS, Office of Public Health Science, 1400 Independence Avenue SW, Room 1128, Washington, DC 20250; Email: NACMCF@usda.gov; Telephone: 202-578-4756.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established in 1988, in response to a recommendation

of the National Academy of Sciences for an interagency approach to microbiological criteria for foods, and in response to a recommendation of the U.S. House of Representatives Committee on Appropriations, as expressed in the Rural Development, Agriculture, and Related Agencies Appropriation Bill for fiscal year 1988. The charter for the NACMCF is available for viewing at <https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-microbiological-criteria-foods-nacmcf>. The NACMCF provides impartial scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S. food supply, including development of microbiological criteria and review and evaluation of epidemiological and risk assessment data and methodologies for assessing microbiological hazards in foods. The Committee also provides scientific advice and recommendations to the Departments of Commerce and Defense. The Committee reports to the Secretary of Agriculture through the Under Secretary for Food Safety, the Committee's Chair, and to the Secretary of Health and Human Services through the Assistant Secretary for Health, the Committee's Vice-Chair. Currently, Dr. Emilio Esteban, Under Secretary for Food Safety, USDA, is the Committee Chair; Dr. Donald Prater, Acting Director of the Food and Drug Administration's Center for Food Safety and Applied Nutrition (CFSAN), is the Vice-Chair; and Dr. Kristal Southern, USDA FSIS, is the Director of the NACMCF Executive Secretariat and Designated Federal Officer.

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

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is

important. Consequently, FSIS will announce this **Federal Register** publication online through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>. FSIS also will make copies of this publication available through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <https://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

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

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720-2600 (voice and TTY); or the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at

<https://www.usda.gov/forms/electronic-forms>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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

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

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

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

Dated: May 16, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-11222 Filed 5-21-24; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for Collection of State Administrative Records Data

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 February 16, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Department of Commerce.

Title: Generic Clearance for Collection of State Administrative Records Data.

OMB Control Number: 0607-0995.

Form Number(s): Information will be collected in the form of a data transfer to the Census Bureau. No form will be used.

Type of Request: Regular submission, Request for an Extension of a currently approved collection.

Number of Respondents: 50 states, plus the District of Columbia.

Average Hours per Response: 75 hours.

Burden Hours: 3,825 hours.

Needs and Uses: The State administrative records will be integrated and linked with Census Bureau data from surveys and censuses and used to augment or streamline Census operations; improve the collection, analysis, and publication of data under Census Bureau's Title 13, U.S. Code (U.S.C) authorized censuses and surveys; improve methods of collecting program participation data; and conduct research to improve record linking methods.

The Census Bureau may provide copies of tabulated data of linked administrative, survey, and census data to state data sharing partners that are created by Census for Census research purposes. Tabulated data are subject to disclosure avoidance review prior to release. Data sharing and analysis of linked files are solely for statistical purposes, not for program enforcement. All State administrative records data are and will remain confidential, whether in their original form or when comingled or linked with survey and census data.

Affected Public: State governments.

Frequency: Initial data extract delivery followed by an annual data extract delivery through the duration of the terms of the agreement.

Respondent's Obligation: Voluntary.

Legal Authority: The authority for the Census Bureau to enter into these agreements is 13 U.S.C. 6, which permits the Census Bureau to access, by purchase or otherwise, information to assist the Census Bureau in the performance of duties under Title 13, United States Code. Other specific citations may apply per the data sharing partner.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of 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 0607–0995.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–11232 Filed 5–21–24; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–23–2024]

Foreign-Trade Zone (FTZ) 207, Notification of Proposed Production Activity; Voestalpine High Performance Metals LLC; (Wire Rod), South Boston, Virginia

Voestalpine High Performance Metals LLC (voestalpine) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in South Boston, Virginia within Subzone 207E. The notification conforming to the requirements of the Board’s regulations (15 CFR 400.22) was received on May 15, 2024.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board’s website—accessible via www.trade.gov/ftz. The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board’s website.

The proposed finished products include: wire rod (duty rate ranges from 2.6 to 3%).

The proposed foreign-status materials/components include: hot and

cold formed wire (duty rate ranges from 2.5 to 3%). The request indicates that certain materials/components may be subject to duties under section 232 of the Trade Expansion Act of 1962 (section 232) and section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board’s Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is July 1, 2024.

A copy of the notification will be available for public inspection in the “Online FTZ Information System” section of the Board’s website.

For further information, contact Kolade Osho at Kolade.Osho@trade.gov.

Dated: May 17, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–11220 Filed 5–21–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2162]

Approval of Expansion of Subzone 116F; Port Arthur LNG, LLC; Port Arthur and Jefferson County, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for “. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board’s regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Foreign-Trade Zone of Southeast Texas, Inc., grantee of Foreign-Trade Zone 116, has made application to the Board to expand Subzone 116F on behalf of Port Arthur LNG, LLC, to include a site in Port Arthur, Texas (FTZ Docket B–5–2024, docketed January 18, 2024);

Whereas, notice inviting public comment has been given in the **Federal Register** (89 FR 4274, January 23, 2024) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners’ memorandum, and finds that the requirements of the FTZ Act and the Board’s regulations are satisfied;

Now, Therefore, the Board hereby approves the expansion of Subzone 116F on behalf of Port Arthur LNG, LLC, located in Port Arthur, Texas, as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board’s regulations, including section 400.13.

Dated: May 16, 2024.

Dawn Shackelford,

Executive Director of Trade Agreements Policy & Negotiations, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2024–11196 Filed 5–21–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Request for Appointment of a Technical Advisory Committee

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 February 9, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Industry and Security, Department of Commerce.

Title: Request for Appointment of a Technical Advisory Committee.

OMB Control Number: 0694–0100.

Form Number(s): None.

Type of Request: Regular submission, extension of a currently approved information collection.

Number of Respondents: 1.

Average Hours per Response: 5 hours.

Burden Hours: 5.

Needs and Uses: The Technical Advisory Committees (TACs) were established to advise and assist the U.S. Government on export control matters. In managing the operations of the TACs, the Department of Commerce is responsible for implementing the policies and procedures prescribed in the Federal Advisory Committee Act. The Bureau of Industry and Security provides technical and administrative support for the TACs, such as scheduling a conference room, publishing TAC meeting notices in the **Federal Register**, circulating an agenda, copying documents, etc. The TACs advise the government on proposed revisions to export control lists, licensing procedures, assessments of the foreign availability of controlled products, and export control regulations.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Section 4812(b)(7) and 4814(b)(1)(B) of the Export Control Reform Act (ECRA).

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 0694-0100.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-11231 Filed 5-21-24; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-580-898]

Large Diameter Welded Pipe From the Republic of Korea: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on large diameter welded pipe (LDWP) from the Republic of Korea (Korea) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the "Final Results of Sunset Review" section of this notice.

DATES: Applicable May 22, 2024.

FOR FURTHER INFORMATION CONTACT:

Noah Wetzal, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-7466.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2019, Commerce published the *Order* on LDWP from Korea.¹ On February 1, 2024, Commerce published the notice of initiation of the first sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.218(c).² On February 16, 2024, Commerce received a timely notice of intent to participate from the domestic interested party in the underlying investigation, American Line Pipe Producers Association Trade Committee, within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i).³ The domestic interested party claimed interested party status within the meaning of section 771(9)(F) of the Act and 19 CFR 351.102(b)(29)(viii) as an association in which the majority of its members are producers of the domestic like product.⁴

On March 4, 2024, Commerce received an adequate substantive response to the *Initiation Notice* from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce received no responses from the Government of Korea (GOK) or from any other interested party. In accordance with section 751(c)(3)(B) of the Act, because Commerce did not receive a substantive response from the GOK or a respondent

party, pursuant to 19 CFR 351.218(e)(1)(ii)(B) and (e)(1)(ii)(C), respectively, we determined that the respondent interested parties did not provide an adequate response to the *Initiation Notice*. Therefore, consistent with 19 CFR 351.218(e)(1)(ii)(B)(2) and (e)(1)(ii)(C)(2), on March 22, 2024, Commerce notified the International Trade Commission that it did not receive an adequate substantive response from respondent interested parties, and that it would conduct an expedited (120-day) sunset review of the *Order*.⁶

Scope of the Order

The product covered by the *Order* is large diameter welded pipe from Korea. For a complete description of the scope of the Order, see the Issues and Decision Memorandum.⁷

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of the continuation or recurrence of subsidization in the event of revocation of the *Order* and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is provided in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is attached 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), which 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/FRNotices/ListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

¹ See *Large Diameter Welded Pipe from the Republic of Korea: Countervailing Duty Order*, 84 FR 18773 (May 2, 2019) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 89 FR 6499 (February 1, 2024) (*Initiation Notice*).

³ See Domestic Interested Parties' Letter, "Notice of Intent to Participate," dated February 16, 2024.

⁴ *Id.* at 2.

⁵ See Domestic Interested Parties' Letter, "Large Diameter Welded Carbon and Alloy Steel Line and Structural Pipe from the Republic of Korea: Substantive Response to Notice of Initiation," dated March 4, 2024 (Substantive Response).

⁶ See Commerce's Letter, "Sunset Reviews for February 2024," dated March 22, 2024.

⁷ See Memorandum, "Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Large Diameter Welded Pipe from the Republic of Korea," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Company	Subsidy rate (percent <i>ad valorem</i>)
Husteel Co., Ltd	* 0.01
Hyundai Steel	* 0.44
SeAH Steel	27.42
All-Others	9.29

* *De minimis*.

Administrative Protective Order

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

Notification to Interested Parties

Commerce is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: May 15, 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 Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
 2. Net Countervailable Subsidy Rates Likely To Prevail
 3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2024–11208 Filed 5–21–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–882]

Large Diameter Welded Pipe From India: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on large diameter welded pipe (LDWP) from India would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Review” section of this notice.

DATES: Applicable May 22, 2024.

FOR FURTHER INFORMATION CONTACT: Noah Wetzel, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7466.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 2019, Commerce published the *Order* on LDWP from India.¹ On February 1, 2024, Commerce published the notice of initiation of the first sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.218(c).² On February 16, 2024, Commerce received a timely notice of intent to participate from the domestic interested party in the underlying investigation, American Line Pipe Producers Association Trade Committee,³ within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i).⁴ The domestic interested party claimed interested party status within the meaning of section 771(9)(F) of the Act and 19 CFR 351.102(b)(29)(viii) as an association in which the majority of its members are producers of the domestic like product.⁵

On March 4, 2024, Commerce received an adequate substantive

response to the *Initiation Notice* from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁶ Commerce received no responses from the Government of India (GOI) or from any other interested party. In accordance with section 751(c)(3)(B) of the Act, because Commerce did not receive a substantive response from the GOI or a respondent party, pursuant to 19 CFR 351.218(e)(1)(ii)(B) and (e)(1)(ii)(C), respectively, we determined that the respondent interested parties did not provide an adequate response to the *Initiation Notice*. Therefore, consistent with 19 CFR 351.218(e)(1)(ii)(B)(2) and (e)(1)(ii)(C)(2), on March 22, 2024, Commerce notified the International Trade Commission that it did not receive an adequate substantive response from respondent interested parties, and that it would conduct an expedited (120-day) sunset review of the *Order*.⁷

Scope of the Order

The product covered by the *Order* is large diameter welded pipe from India. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.⁸

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of the continuation or recurrence of subsidization in the event of revocation of the *Order* and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is attached 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), which 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

⁶ See Domestic Interested Party’s Letter, “Large Diameter Welded Carbon and Alloy Steel Line Pipe from India: Substantive Response to Notice of Initiation,” dated March 4, 2024 (Substantive Response).

⁷ See Commerce’s Letter, “Sunset Reviews for February 2024,” dated March 22, 2024.

⁸ See Memorandum, “Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Large Diameter Welded Pipe from India,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

¹ See *Large Diameter Welded Pipe from India: Countervailing Duty Order*, 84 FR 8085 (March 6, 2019) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 89 FR 6499 (February 1, 2024) (*Initiation Notice*).

³ American Line Pipe Producers Association Trade Committee was the petitioner in the underlying investigation.

⁴ See Domestic Interested Party’s Letter, “Notice of Intent to Participate,” dated February 16, 2024.

⁵ *Id.* at 2.

at <https://access.trade.gov/public/FRNotices/ListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Company	Subsidy rate (percent <i>ad valorem</i>)
Bhushan Steel	541.15
Welspun Trading Limited	541.15
All Others	541.15

Administrative Protective Order

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

Notification to Interested Parties

Commerce is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: May 15, 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 Issues and Decision Memorandum**
- I. Summary
 - II. Background
 - III. Scope of the *Order*
 - IV. History of the *Order*
 - V. Legal Framework
 - VI. Discussion of the Issues
 - 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
 - 2. Net Countervailable Subsidy Rates Likely To Prevail
 - 3. Nature of the Subsidies
 - VII. Final Results of Sunset Review
 - VIII. Recommendation

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
[RTID 0648–XD964]
Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Lighthouse Repair and Tour Operations at Northwest Seal Rock, California

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.
ACTION: Notice of issuance of letter of authorization.

SUMMARY: Pursuant to the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the St. George Reef Lighthouse Preservation Society (Society) for the take of marine mammals incidental to conducting aircraft operations, lighthouse renovation, light maintenance activities, and tour operations on the St. George Reef Lighthouse Station (Station) on Northwest Seal Rock (NWSR).
DATES: This authorization is effective from May 15, 2024 through May 14, 2027.
ADDRESSES: The LOA and supporting documentation are available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-lighthouse-repair-and-tour-operations-northwest-seal-rock>. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Kate Fleming, 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 the 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).
Summary of Request
On April 15, 2022, we issued a final rule upon request from the Society for authorization to take marine mammals incidental to lighthouse maintenance and preservation activities at NWSR, offshore of Crescent City, CA (87 FR 22484). These activities include aircraft operations, lighthouse renovation, light maintenance activities, and tour operations. These regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during the specified activities.
NMFS previously issued an LOA under the regulations that was effective from May 15, 2022, through May 14, 2023 (87 FR 30918, May 20, 2022). The Society has requested issuance of a subsequent LOA for remaining work described in the regulations, to be effective until expiration of the regulations on May 15, 2027.
The 2022 LOA included a requirement for quarterly monitoring report submissions, and the notice of issuance for the 2022 LOA stated that NMFS would reevaluate that requirement prior to issuance of subsequent LOAs to the Society. Upon review of the Society’s reporting, NMFS has determined that annual reporting is sufficient, as allowed under the regulations (50 CFR 217.55(b)(1)(i)).
Authorization
NMFS has issued an LOA to the Society for the harassment of small

numbers of four marine mammal species incidental to conducting aircraft operations, lighthouse renovation, light maintenance activities, and tour operations at NWSR.

Dated: May 17, 2024.

Kimberly Damon-Randall,
*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024–11223 Filed 5–21–24; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, May 22, 2024—10:30 a.m.

PLACE: Meeting will be held remotely and in person at 4330 East West Highway, Bethesda, Maryland, Room 420.

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 17, 2024.

Alberta Mills,
Commission Secretary.

[FR Doc. 2024–11303 Filed 5–20–24; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Business Board; Notice of Federal Advisory Committee Meeting

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

ACTION: Notice of Federal advisory committee meeting; amendment.

SUMMARY: On Tuesday, April 23, 2024, the DoD published a notice announcing a closed meeting of the Defense Business Board on May 7 and 8, 2024. Subsequent to publication of the notice, DoD made changes to the meeting agenda. The amended meeting agenda is included in this notice.

DATES: Closed to the public May 7, 2024 from 8:10 a.m. to 7:00 p.m. and closed to the public May 8, 2024 from 8:30 a.m. to 11:50 a.m. All Eastern time.

ADDRESSES: The closed meeting will be held in room B7 of the Pentagon Library

Conference Center, the Navy Executive Mess (room 4D728) in the Pentagon, and the U.S. Naval Research Laboratory, Washington DC.

FOR FURTHER INFORMATION CONTACT: Ms. Cara Allison Marshall, Designated Federal Officer (DFO) of the Board in writing at Defense Business Board, 1155 Defense Pentagon, Room 5B1088A, Washington, DC 20301–1155; or by email at cara.l.allisonmarshall.civ@mail.mil; or by phone at 703–614–1834.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the “Federal Advisory Committee Act” or “FACA”), 5 U.S.C. 552b (commonly known as the “Government in the Sunshine Act”), and 41 CFR 102–3.140 and 102–3.150.

Due to circumstances beyond the control of the DFO, the Defense Business Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning changes to its May 7–8, 2024 meeting that was previously announced in the **Federal Register** on April 23, 2024. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Purpose of the Meeting: The mission of the Board is to examine and advise the Secretary and Deputy Secretary of Defense on overall DoD management and governance. The Board provides independent, strategic-level, private sector and academic advice and counsel on enterprise-wide business management approaches and best practices for business operations and achieving National Defense goals.

Agenda: The Board will begin in closed session on May 7 from 8:10 a.m. to 7:00 p.m. The DFO will start the closed session followed by a welcome by Board Chair, Hon. Deborah James. The Board will have a working breakfast and receive a classified discussion on thawing the “Frozen Middle” from Hon. Kathleen Hicks, Deputy Secretary of Defense. The term ‘frozen middle’ is used when an organization becomes ‘stuck in its ways’ at the middle management levels. Those personnel layers tend to delay or avoid change to remove risk from the process, thereby preventing substantial progress as a result. The discussion will consider the processes and practices that enable private industry to adapt workflows in a way that keep human expertise fully engaged while making the most of the new technologies. Next, the Board will receive a classified discussion on

Implementing Emerging Technologies to Create Operational Strategic Effects from Mr. Jay Dryer, Director, Strategic Capabilities Office. This discussion is expected to focus on using existing DoD tools and processes to adapt developing technology to key operational challenges in the National Defense Strategy. Next, the Board will receive a classified discussion on Current Affairs from Hon. Lloyd Austin, Secretary of Defense. This session will focus on the state of the current global security environment and its implications for current and future business operations. The Board will receive a classified briefing on Naval Research Lab (NRL) Operations at the U.S. Naval Research Laboratory, followed by a classified tour. This tour and discussion will explore management constructs unique to NRL’s mission and personnel, to include developing and managing talent and communicating across a diverse workforce. This portion of the meeting will cover how NRL partners with industry to fulfill their mandate and demonstrates capabilities made possible by NRL’s organizational constructs and authorities. The Board will meet at the Navy Executive Mess for the final session on May 7. The Board Chair, Hon. Deborah James will provide remarks, followed by a classified update on Industry Partnerships with the Director of Information Systems Agency (DISA), Lt Gen Robert J. Skinner, Director of DISA and the Commander of the Joint Force Headquarters-Department of Defense Information Network. The Director will offer an overview of DISA’s partnerships with various stakeholders to bolster warfighter capabilities, including how DISA is developing global situational awareness and assessing the threat against DISA operations and assets. He will discuss unique challenges of managing a DoD Agency and Field Activity, as well as provide insights on recommendations from the February 2023 DBB IT User Experience Study. The DFO will adjourn the closed session. The Board will reconvene in closed session May 8 from 8:30 a.m. to 11:50 a.m. in room B7 of the Pentagon Library Conference Center. The DFO will begin the closed session followed by a welcome by the Board Chair. The Board will receive a classified discussion on Growing Production Capacity for Crises from Dr. Erin Simpson, Director, Joint Production Accelerator Cell, Office of the Under Secretary of Defense for Acquisition & Sustainment. The conversation is expected to delve into actions the DoD is taking to prioritize resources and to create a modern, resilient defense

industrial ecosystem designed to deter U.S. adversaries and meet the production demands posed by evolving threats. Dr. Simpson will elaborate on the obstacles confronting the DoD in building resilient supply chains. Next, the Board will receive a classified discussion on Emerging Global Threats, including the Supply Chain, and their Potential Implications for the National Defense Strategy from MG Joseph “JP” McGee, U.S. Army, Director for Strategy, Plans & Policy, J5. This discussion will focus on strategic proactiveness to ensure adaptability, resilience, and continued effectiveness in an ever-evolving security landscape and on how the DoD can partner with industry before and during crises. After a short break, the Board will receive their final classified discussion on Making DoD Work Attractive to Non-Traditional Companies from Hon. Kathleen Hicks, Deputy Secretary of Defense, along with Mr. Doug Beck, Director, Defense Innovation Unit. The Deputy Secretary and Mr. Beck will share successes DoD has realized in becoming a better partner for non-traditional defense companies, along with how combinations of traditional and non-traditional companies are working together to accelerate capability development and delivery. The DFO will adjourn the closed session. The latest version of the agenda will be available on the Board’s website at: <https://dbb.dod.afpims.mil/Meetings/Meeting-May-7-8-2024/>.

Meeting Accessibility: In accordance with 5 U.S.C. 1009(d) and 41 CFR 102–3.155, it is hereby determined that the May 7–8 meeting of the Board will include classified information and other matters covered by 5 U.S.C. 552b(c)(1) and that, accordingly, the meeting will be closed to the public. This determination is based on the consideration that it is expected that discussions throughout the meeting will involve classified matters of national security. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the meeting. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the Board’s findings and recommendations to the Secretary of Defense and the Deputy Secretary of Defense.

Written Comments and Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and 5 U.S.C. 1009(a)(3), the

public or interested organizations may submit written comments or statements to the Board in response to the stated agenda of the meeting or regarding the Board’s mission in general. Written comments or statements should be submitted to Ms. Cara Allison Marshall, the DFO, via electronic mail (the preferred mode of submission) at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author’s name, title or affiliation, address, and daytime phone number. The DFO must receive written comments or statements submitted in response to the agenda set forth in this notice by close of business Friday, May 3, 2024, to be considered by the Board. The DFO will review all timely submitted written comments or statements with the Board Chair and ensure the comments are provided to all members of the Board before the meeting. Written comments or statements received after this date may not be provided to the Board until its next scheduled meeting. Please note that all submitted comments and statements will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Board’s website.

Dated: May 15, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11250 Filed 5–21–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0058]

Defense Industrial Base Adoption of Artificial Intelligence for Defense Applications; Notice of Availability

AGENCY: Office of Policy, Analysis, and Transition (PA&T), Office of the Deputy Assistant Secretary of Defense (Industrial Base Resilience), Department of Defense (DoD).

ACTION: Notice of request for public comments.

SUMMARY: The DoD Office of Industrial Base Resilience seeks public comment on actions it can take to enable the Defense Industrial Base (DIB) to continue to adopt artificial intelligence (AI) for defense applications. Feedback from the public will guide the DoD in developing policies, initiatives, and

resource distribution to ensure support for the DIB in integrating AI into defense systems. Public comments will also be used to formulate PA&T’s Trusted AI Defense Industrial Base Roadmap.

DATES: Responses to this notice must be received by July 22, 2024.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions must include the agency name, docket number, and title of this **Federal Register** document. Each responding entity (individual or organization) is requested to submit only one response. You need not reply to all questions listed. The general policy for comments and other submissions from members of the public is to make them available as they are received, without change, including any personal identifiers or contact information for public viewing on the internet at <http://www.regulations.gov>. Therefore, your response to this RFI should not include any information that is proprietary, copyrighted, or personally identifiable, or that you do not wish to be made public.

FOR FURTHER INFORMATION CONTACT: Ms. Kylie Gaskins, Deputy Director, Enabling Future Capabilities Transition Division of the Office of Policy, Analysis, and Transition, at (571) 372–6380 or osd.mc-alex.ousd-a-s.mbx.ibr-ai-rfi@mail.mil.

SUPPLEMENTARY INFORMATION:

Background

The DoD Office of Industrial Base Resilience recognizes that the integration of AI into defense systems is pivotal to national security. The DIB is responsible for developing, manufacturing, and maintaining the systems that the U.S. military uses to defend the nation. DoD collaborates with the DIB to rapidly adopt AI for defense applications and maintain the nation’s tactical advantage.

The Department recognizes the importance of investing in the DIB's ability to incorporate AI into the design, development, operations, maintenance, and support of defense systems. Two Executive Orders signed in 2021 and 2023 underscore the need for the United States to uphold its technological competitiveness. Executive Order 14017, "America's Supply Chains" (available at <https://www.federalregister.gov/documents/2021/03/01/2021-04280/americas-supply-chains>), prioritizes the establishment of a resilient supply chain and DIB to safeguard U.S. economic prosperity and national security. Executive Order 14110, "Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence" (available at <https://www.federalregister.gov/documents/2023/11/01/2023-24283/safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence>), highlights the importance of integrating AI securely and safely. The recently released National Defense Industrial Strategy (NDIS) (available at <https://www.businessdefense.gov/NDIS.html>) emphasizes the significance of robust supply chains and modernization of the DIB, both of which can be facilitated through the adoption of AI. Finally, the Data, Analytics, and Artificial Intelligence Adoption Strategy (available at https://media.defense.gov/2023/Nov/02/2003333300/-1/-1/1/DOD_DATA_ANALYTICS_AI_ADOPTION_STRATEGY.PDF), by the Department's Chief Digital and Artificial Intelligence Office, advocates for an approach to AI that includes data, analytics, rapid research and development, and seamless integration with allied nations and partners. These strategies, approaches, and policies emphasize the critical importance of a robust DIB with the resources necessary to employ AI effectively for defense applications.

The Department seeks comments from the public to: (1) help the DoD understand the resources needed by the DIB for ongoing integration of AI into defense systems; and (2) help PA&T to develop a Trusted AI Defense Industrial Base Roadmap, which will outline short-, mid-, and long-term DIB considerations for AI-enabled defense systems.

Written Comments

The DoD seeks input and insight specifically pertaining to the policy goals outlined in Executive Orders 14017 and 14110, the NDIS, and the Data, Analytics, and Artificial Intelligence Adoption Strategy. These directives directly impact the DIB's ability to integrate AI into defense

applications. The Department is seeking input from the public on the following questions:

Infrastructure/Supply Chain Resilience

The domestic DIB includes public-sector (government-owned, government-operated) facilities, academic institutions, and private-sector (commercial) companies that are located in the United States and that enable the DoD to conduct its missions. The global DIB includes foreign-owned companies, commodities, and supply chains sourced from countries with or without which the United States maintains formal defense cooperation partnerships with the United States. Together, the domestic DIB and portions of the global DIB form the National Technology and Industrial Base, as established by 10 U.S.C. 4801.

1. What foundational investments in the DIB does the DoD need to make to support increased adoption of AI into defense systems (e.g., manufacturing considerations, standards, best practices, bill of materials, etc.)? What foundational investments (e.g., standards, best practices, bills of materials, etc.) already exist within the DIB for defense systems that incorporate AI?

2. Are there specific vulnerabilities in the current and future supply chain that the DoD needs to address to support defense systems that incorporate AI?

3. Are there specific sectors/subindustries within the DIB that face significant challenges in developing and applying AI to defense systems? If so, which sectors/subindustries are impacted and what challenges do the sectors/subindustries face?

Workforce

A non-traditional defense contractor is defined as an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the DoD for the procurement or transaction, any contract or subcontract for the DoD that is subject to full coverage under the cost accounting standards prescribed pursuant to 41 U.S.C. 1502 and the regulations implementing such section.

A small business in the United States is defined by the U.S. Small Business Administration's table of small business size standards: <https://www.sba.gov/document/support-table-size-standards>.

4. How can the DoD support the involvement of non-traditional defense contractors and small businesses in the design, development, testing, and deployment of AI technologies for defense applications?

5. How can the DoD support and create effective partnerships with the DIB that will ensure that the DoD and DIB workforce is adequately trained, skilled, and sized to partner effectively?

Innovation

6. Are there specific intellectual property considerations or challenges related to the development of AI-enabled defense systems that impact the DIB? If so, how can the DoD address these issues to promote innovation?

7. How can the DoD promote information-sharing and collaboration among government agencies, defense contractors, and research institutions to enhance data availability, collective knowledge, capabilities, and defense innovation in AI adoption into defense systems?

8. What measures can the DoD take to assess and mitigate the risks associated with potential adversarial exploitation of AI technologies within the DIB for developmental and/or operational defense systems?

Acquisition, Policy, & Regulatory Environment

9. Please identify statutory, regulatory, or other policy barriers to the DIB's design, development, testing, and provision of AI-enabled defense systems in a manner consistent with DoD's approach to Responsible AI (<https://rai.tradewindai.com/>).

10. Please identify examples of DoD programs, strategies, policies, or initiatives that have provided effective support to the DIB in transitioning AI for defense applications. What made these programs, strategies, policies, or initiatives successful?

11. What DoD financing and acquisition mechanisms can help facilitate or incentivize the DIB to continue to invest in AI technologies for defense applications?

12. What are the primary barriers that the DoD needs to address in the next five to ten years to enable the DIB to adopt AI for defense applications?

13. In what ways can AI support or enhance acquisitions, supply chain management, regulatory compliance, and information-sharing in the DIB?

The DoD encourages respondents to structure their comments using the same text above as identifiers for the areas of inquiry to which they are responding. This will assist the DoD in reviewing and summarizing the comments. For example, a commenter submitting comments responsive to (1), "1. What foundational investments in the Defense Industrial Base (DIB) does the DoD need to make to support increased adoption of AI into defense systems (e.g.,

manufacturing considerations, standards, best practices, bill of materials, etc.)?” would use that same text as a heading in the public comments followed by the commenter’s specific comments in this area. The Department encourages the use of an Executive Summary at the beginning of all comments and information so it can review the submitted documents more efficiently. All inputs are welcome. Respondents do not need to reply to every question.

Requirements for Written Comments

The <http://www.regulations.gov> website allows users to provide comments by filling in a “Type Comment” field, or by attaching a document using an “Upload File” field. The DoD prefers that comments be provided in an attached document. The Department prefers submissions in Microsoft Word (.doc files) or Adobe Acrobat (.pdf files). If the submission is provided in a format other than Microsoft Word or Adobe Acrobat, please indicate the name of the application in the “Type Comment” field. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter within the comments. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file, so the submission consists of one file instead of multiple files. Responses must not exceed 12 pages in 12-point or larger font, with a page number provided on each page. Comments will be placed in the docket and open to public inspection. Comments may be viewed on <http://www.regulations.gov> by entering docket number DoD–2024–OS–0058 in the search field on the home page.

All filers should name their files using the name of the person or entity submitting the comments. Responses should include the name of the person(s) or organization(s) filing the comment, as well as the respondent type (e.g., academic institution, advocacy group, professional society, industry, member of the public, government agency, other). Respondent’s role in the organization is also requested to be provided (e.g., researcher, faculty, student, administrator, program manager, journalist) on a voluntary basis. We will not make communications from United States Government agencies available for public inspection.

Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a

statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission. The non-confidential version of the submission will be placed in the public file on <http://www.regulations.gov>. For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC.” Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page. The non-confidential version must be clearly marked “PUBLIC.” The file name of the non-confidential version should begin with the character “P.” The “BC” and “P” should be followed by the name of the person or entity submitting the comments or rebuttal comments.

If a public hearing is held in support of this assessment, a separate **Federal Register** notice will be published providing the date and information about the hearing. The Office of the Deputy Assistant Secretary of Defense (Industrial Base Resilience) does not maintain a separate public inspection facility. Requesters should first view the Department’s web page, which can be found at <https://open.defense.gov/> (see “Electronic FOIA” heading). The records related to this assessment are made accessible in accordance with the regulations published in part 4 of title 15 of the Code of Federal Regulations (15 CFR 4.1 through 4.11).

Dated: May 16, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11195 Filed 5–21–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Army; Army Corps of Engineers

Notice of Solicitation of Applications for Stakeholder Representative Members of the Missouri River Recovery Implementation Committee

AGENCY: U.S. Army Corps of Engineers, Department of the Army, DoD.

ACTION: Notice of solicitation of applications for stakeholder representative members of the Missouri River Recovery Implementation Committee.

SUMMARY: The Commander of the Northwestern Division of the U.S. Army Corps of Engineers (Corps) is soliciting

applications to fill vacant stakeholder representative member positions on the Missouri River Recovery Implementation Committee (MRRIC). Members are sought to fill vacancies on a committee to represent various categories of interests within the Missouri River basin. The MRRIC was formed to advise the Corps on a study of the Missouri River and its tributaries and to provide guidance to the Corps with respect to the Missouri River recovery and mitigation activities currently underway. The Corps established the MRRIC as required by the U.S. Congress through the Water Resources Development Act of 2007 (WRDA), section 5018.

DATES: The agency must receive completed applications and endorsement letters no later than July 31, 2024.

ADDRESSES: Mail completed applications and endorsement letters to U.S. Army Corps of Engineers, Omaha District (Attn: MRRIC), 1616 Capitol Avenue, Omaha, NE 68102–4901, or email completed applications to mrric@usace.army.mil. Please put “MRRIC” in the subject line.

FOR FURTHER INFORMATION CONTACT: Shelly McPherron, 402–803–0073.

SUPPLEMENTARY INFORMATION: The operation of the MRRIC is in the public interest and provides support to the Corps in performing its duties and responsibilities under Authority: 16 U.S.C. 1531 *et seq.*; Authority: Sec. 601(a), Public Law 99–662, 100 Stat. 4082; Sec. 334(a), Public Law 106–53, 113 Stat. 269; and sec. 5018, Public Law 110–114, 121 Stat. 1041. Authority: 5 U.S.C. App. 2, does not apply to the MRRIC.

A Charter for the MRRIC has been developed and should be reviewed prior to applying for a stakeholder representative membership position on the Committee. The Charter, operating procedures, and stakeholder application forms are available electronically at www.MRRIC.org.

Purpose and Scope of the Committee

1. The primary purpose of the MRRIC is to provide guidance to the Corps and U.S. Fish and Wildlife Service with respect to the Missouri River recovery and mitigation plan currently in existence, including recommendations relating to changes to the implementation strategy from the use of adaptive management; coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the Missouri River recovery and mitigation plan. Information about the Missouri River

Recovery Program is available at www.MoRiverRecovery.org.

2. Other duties of MRRIC include exchange of information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation plan; establishment of such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues; facilitating the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation plan; coordination of scientific and other research associated with the Missouri River recovery and mitigation plan; and annual preparation of a work plan and associated budget requests.

Administrative Support. To the extent authorized by law and subject to the availability of appropriations, the Corps provides funding and administrative support for the Committee.

Committee Membership. Federal agencies with programs affecting the Missouri River may be members of the MRRIC through a separate process with the Corps. States and Federally recognized Native American Indian tribes, as described in the Charter, are eligible for Committee membership through an appointment process. Interested State and Tribal government representatives should contact the Corps for information about the appointment process.

This Notice is for individuals interested in serving as a stakeholder member on the Committee. Members and their alternates must be able to demonstrate that they meet the definition of “stakeholder” found in the Charter of the MRRIC. Applications are currently being accepted for representation in the stakeholder interest categories listed below:

- a. Environmental/Conservation Organizations;
- b. Fish & Wildlife;
- c. Hydropower;
- d. Irrigation;
- e. Local Government;
- f. Major Tributaries;
- g. Navigation;
- h. Recreation;
- i. Thermal Power;
- j. Water Quality;
- k. Water Supply;
- l. Waterway Industries.

Terms of stakeholder representative members of the MRRIC are three years. There is no limit to the number of terms a member may serve. Incumbent

Committee members seeking reappointment do not need to re-submit an application. However, renewal requests are not guaranteed re-selection and they must submit a renewal request letter and related materials as outlined in the “Streamlined Process for Existing Members” portion of the document *Process for Filling MRRIC Stakeholder Vacancies* (www.nwo.usace.army.mil/mrrp/mrric/).

Members and alternates of the Committee will not receive any compensation from the federal government for carrying out the duties of the MRRIC. Travel expenses incurred by members of the Committee are currently reimbursed by the federal government.

Application for Stakeholder Membership. Persons who believe that they are or will be affected by the Missouri River recovery and mitigation activities may apply for stakeholder membership on the MRRIC. Committee members are obligated to avoid and disclose any individual ethical, legal, financial, or other conflicts of interest they may have involving MRRIC. Applicants must disclose on their application if they are directly employed by a government agency or program (the term “government” encompasses state, tribal, and federal agencies and/or programs).

Applications for stakeholder membership may be obtained electronically at www.nwo.usace.army.mil/mrrp/mrric/. Applications may be emailed or mailed to the location listed (see **ADDRESSES**). In order to be considered, each application must include:

1. The name of the applicant and the primary stakeholder interest category that person is qualified to represent;
2. A written statement describing the applicant’s area of expertise and why the applicant believes he or she should be appointed to represent that area of expertise on the MRRIC;
3. A written statement describing how the applicant’s participation as a Stakeholder Representative will fulfill the roles and responsibilities of MRRIC;
4. A written description of the applicant’s past experience(s) working collaboratively with a group of individuals representing varied interests towards achieving a mutual goal, and the outcome of the effort(s);
5. A written description of the communication network that the applicant plans to use to inform his or her constituents and to gather their feedback, and
6. A written endorsement letter from an organization, local government body, or formal constituency, which

demonstrates that the applicant represents an interest group(s) in the Missouri River basin.

To be considered, the application must be complete and received by the close of business on July 31, 2024, at the location indicated (see **ADDRESSES**). Applications must include an endorsement letter to be considered complete. Full consideration will be given to all complete applications received by the specified due date.

Application Review Process.

Committee stakeholder applications will be forwarded to the current members of the MRRIC. The MRRIC will provide membership recommendations to the Corps as described in Attachment A of the *Process for Filling MRRIC Stakeholder Vacancies* document (www.nwo.usace.army.mil/mrrp/mrric/). The Corps is responsible for appointing stakeholder members. The Corps will consider applications using the following criteria:

- Ability to commit the time required.
- Commitment to make a good faith (as defined in the Charter) effort to seek balanced solutions that address multiple interests and concerns.
- Agreement to support and adhere to the approved MRRIC Charter and Operating Procedures.
- Demonstration of a formal designation or endorsement by an organization, local government, or constituency as its preferred representative.
- Demonstration of an established communication network to keep constituents informed and efficiently seek their input when needed.
- Agreement to participate in collaboration training as a condition of membership.

All applicants will be notified in writing as to the final decision about their application.

Certification. I hereby certify that the establishment of the MRRIC is necessary and in the public interest in connection with the performance of duties imposed on the Corps by the Endangered Species Act and other statutes.

Geoffrey R. Van Epps,

Brigadier General, USA, Commanding.

[FR Doc. 2024–11242 Filed 5–21–24; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Electric Vehicle Working Group

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: The Department of Energy hereby publishes a notice of open

meeting of the Electric Vehicle Working Group (EVWG). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Monday, June 17, 2024; 1 to 5 p.m. Eastern Time. Start and end times may change slightly. Please visit <https://driveelectric.gov/ev-working-group> for the most up to date agenda.

ADDRESSES: This meeting will be held virtually. Members of the public who would like to participate may do so virtually and must register at: <https://driveelectric.gov/ev-working-group>.

FOR FURTHER INFORMATION CONTACT: Dr. Rachael Nealer, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; email: evwg@ee.doe.gov; telephone: (202) 586-3916.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The Electric Vehicle Working Group (EVWG) was formed by the Joint Office of Energy and Transportation to make recommendations to the Secretaries of Energy and Transportation regarding the development, adoption, and integration of light-, medium-, and heavy-duty electric vehicles (EVs) into the U.S. transportation and energy systems.

Tentative Agenda: The meeting will start at 1 p.m. Eastern Time on Monday, June 17, 2024. The tentative meeting agenda includes: a report out and discussion lead by each of the three subcommittees; medium/heavy-duty adoption, grid integration, charging network. Meeting materials and a link to registration can be found here: <https://driveelectric.gov/ev-working-group>.

Public Participation: This virtual meeting is open to the public. Individuals who would like to attend must register at: <https://driveelectric.gov/ev-working-group>.

Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the public comment portion of the meeting. Approximately 20 minutes will be reserved for public comments at the end of the meeting. Time allotted per speaker will depend on the number who wish to speak but will not exceed three minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak during the public comment period should indicate so within their registration.

Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Dr. Rachael Nealer, U.S. Department of Energy, 1000

Independence Avenue SW, Washington, DC 20585, or email: evwg@ee.doe.gov.

Minutes: The minutes of the meeting will be available on <https://driveelectric.gov/ev-working-group> or by contacting Dr. Nealer. She may be reached at the above postal address or email address.

Signing Authority: This document of the Department of Energy was signed on May 16, 2024, by David Borak, Deputy Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on May 17, 2024.

Treena V. Garrett,

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

[FR Doc. 2024-11224 Filed 5-21-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24-2013-000]

Desert Quartzite, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Desert Quartzite, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket

authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 5, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY, (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 16, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-11245 Filed 5-21-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings #1**

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24–181–000.
Applicants: Aspen Road Solar 1, LLC.
Description: Aspen Road Solar 1, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/16/24.
Accession Number: 20240516–5126.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: EG24–182–000.
Applicants: Egypt Road Solar, LLC.
Description: Egypt Road Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/16/24.
Accession Number: 20240516–5127.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: EG24–183–000.
Applicants: Jones Farm Lane Solar, LLC.
Description: Jones Farm Lane Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/16/24.
Accession Number: 20240516–5128.
Comment Date: 5 p.m. ET 6/6/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–756–001.
Applicants: Avista Corporation.
Description: Compliance filing: Avista FERC Order 2023–A Compliance Filing to be effective 12/31/9998.

Filed Date: 5/16/24.
Accession Number: 20240516–5147.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–1156–001.
Applicants: Florida Power & Light Company.

Description: Compliance filing: FPL OATT Order No. 2023–A Supplemental Compliance Filing to be effective 4/1/2024.

Filed Date: 5/15/24.
Accession Number: 20240515–5174.
Comment Date: 5 p.m. ET 6/5/24.

Docket Numbers: ER24–1268–001.
Applicants: The Dayton Power and Light Company, PJM Interconnection, L.L.C.

Description: Tariff Amendment: The Dayton Power and Light Company submits tariff filing per 35.17(b): AES Response to Deficiency Letter in ER24–1268 to be effective 4/17/2024.

Filed Date: 5/15/24.
Accession Number: 20240515–5143.
Comment Date: 5 p.m. ET 6/5/24.

Docket Numbers: ER24–1393–001.
Applicants: Public Service Company of New Mexico.

Description: Compliance filing: Amended Compliance Filing to Implement FERC Order No. 2023–A to be effective 12/31/9998.

Filed Date: 5/16/24.
Accession Number: 20240516–5003.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–1411–001.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Compliance filing: Alabama Power Company submits tariff filing per 35: Amended Order No. 2023 Compliance Filing to be effective 12/31/9998.

Filed Date: 5/16/24.
Accession Number: 20240516–5075.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–1544–001.
Applicants: Duke Energy Indiana, LLC.

Description: Tariff Amendment: DEI—Request to Defer to be effective 12/31/9998.

Filed Date: 5/14/24.
Accession Number: 20240514–5195.
Comment Date: 5 p.m. ET 6/4/24.

Docket Numbers: ER24–1554–001.
Applicants: Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.

Description: Compliance filing: Duke Energy Progress, LLC submits tariff filing per 35: DEC–DEP—Attachment K—Second Compliance Filing to be effective 11/1/2025.

Filed Date: 5/15/24.
Accession Number: 20240515–5159.
Comment Date: 5 p.m. ET 6/5/24.

Docket Numbers: ER24–1717–002.
Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of ER24–1717–001; Service Agreement No. 4401; AA1–095 re: Metadata to be effective 6/10/2024.

Filed Date: 5/14/24.
Accession Number: 20240514–5196.
Comment Date: 5 p.m. ET 6/4/24.

Docket Numbers: ER24–2013–000.
Applicants: Desert Quartzite, LLC.
Description: Baseline eTariff Filing: 2024–05–14 Initial Market-Based Rate Petition—Desert Quartzite, LLC to be effective 7/14/2024.

Filed Date: 5/14/24.
Accession Number: 20240514–5194.
Comment Date: 5 p.m. ET 6/4/24.

Docket Numbers: ER24–2026–000.
Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Order Nos. 2023 and 2023–A Compliance Filing to be effective 12/31/9998.

Filed Date: 5/16/24.
Accession Number: 20240516–5049.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2027–000.
Applicants: Golden Spread Electric Cooperative, Inc.

Description: Compliance filing: OATT Order No. 2023 Compliance to be effective 5/17/2024.

Filed Date: 5/16/24.
Accession Number: 20240516–5050.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2028–000.
Applicants: Ameren Transmission Company of Illinois.

Description: § 205(d) Rate Filing: Filing of a Fiber License Agreement to be effective 5/17/2024.

Filed Date: 5/16/24.
Accession Number: 20240516–5058.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2029–000.
Applicants: Dominion Energy South Carolina, Inc.

Description: Compliance filing: Order 2023 2023A Compliance filing to be effective 8/1/2025.

Filed Date: 5/16/24.
Accession Number: 20240516–5062.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2030–000.
Applicants: Public Service Company of Colorado.

Description: Compliance filing: 2024–05–16 Order 2023 Compliance Filing—Att N & P to be effective 12/31/9998.

Filed Date: 5/16/24.
Accession Number: 20240516–5067.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2031–000.
Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX–BRP Carina BESS Third Amended Generation Interconnection Agreement to be effective 4/30/2024.

Filed Date: 5/16/24.
Accession Number: 20240516–5068.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2032–000.
Applicants: Idaho Power Company.

Description: § 205(d) Rate Filing: Order 2023–A Compliance Filing to be effective 1/1/2024.

Filed Date: 5/14/24.
Accession Number: 20240514–5200.
Comment Date: 5 p.m. ET 6/4/24.

Docket Numbers: ER24–2033–000.
Applicants: GridLiance High Plains LLC.

Description: Compliance filing: GHP Order No. 2023 Compliance Filing to be effective 9/1/2024.

Filed Date: 5/16/24.
Accession Number: 20240516–5072.
Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2034–000.
Applicants: GridLiance Heartland LLC.

Description: Compliance filing: Gridliance Heartland Order No. 2023 Compliance Filing to be effective 9/1/2024.

Filed Date: 5/16/24.

Accession Number: 20240516–5074.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2035–000.

Applicants: Versant Power.

Description: Compliance filing: Order Nos. 2023 and 2023–A Compliance Filing to be effective 1/1/2025.

Filed Date: 5/16/24.

Accession Number: 20240516–5076.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2036–000.

Applicants: Lucky Corridor, LLC.

Description: § 205(d) Rate Filing: Lucky Corridor Order No. 2023 Compliance Filing to be effective 12/31/9998.

Filed Date: 5/16/24.

Accession Number: 20240516–5084.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2037–000.

Applicants: Tucson Electric Power Company.

Description: Compliance filing: Order Nos. 2023 and 2023–A Compliance Filing to be effective 8/15/2024.

Filed Date: 5/16/24.

Accession Number: 20240516–5106.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2038–000.

Applicants: UNS Electric, Inc.

Description: Compliance filing: Order Nos. 2023 and 2023–A Compliance Filing to be effective 8/15/2024.

Filed Date: 5/16/24.

Accession Number: 20240516–5107.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2039–000.

Applicants: Deseret Generation & Transmission Co-operative, Inc.

Description: Compliance filing: OATT Order No. 2023 Compliance to be effective 5/17/2024.

Filed Date: 5/16/24.

Accession Number: 20240516–5110.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2040–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Compliance filing: Compliance Filing Order No. 2023 Generator Interconnection Procedures to be effective 7/16/2024.

Filed Date: 5/16/24.

Accession Number: 20240516–5125.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2041–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 7234; AF1–112 to be effective 4/16/2024.

Filed Date: 5/16/24.

Accession Number: 20240516–5129.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2042–000.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2024–05–16 Amendment to Comply with Order No. 2023—LGIA and SGIA Improvements to be effective 5/17/2024.

Filed Date: 5/16/24.

Accession Number: 20240516–5132.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2043–000.

Applicants: Basin Electric Power Cooperative.

Description: Compliance filing: Basin Electric, Submission of Order No. 2023 Compliance Filing to be effective 7/15/2024.

Filed Date: 5/16/24.

Accession Number: 20240516–5139.

Comment Date: 5 p.m. ET 6/6/24.

Docket Numbers: ER24–2044–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA#767 Tenth Revised—Basin NITSA to be effective 5/17/2024.

Filed Date: 5/16/24.

Accession Number: 20240516–5141.

Comment Date: 5 p.m. ET 6/6/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for

rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: May 16, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–11240 Filed 5–21–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Privacy Act of 1974; System of Records

AGENCY: Federal Energy Regulatory Commission (FERC), DOE.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, all agencies are required to publish in the **Federal Register** a notice of their systems of records. Notice is hereby given that the Federal Energy Regulatory Commission (FERC) is publishing a notice of modifications to an existing FERC system of records titled “*Financial Management Records (FERC–56)*” previously titled “*PeopleSoft Financials (FERC–56)*”.

DATES: Comments on this modified system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by FERC, the modified system of records will become effective a minimum of 30 days after date of publication in the **Federal Register**. If FERC receives public comments, FERC shall review the comments to determine whether any changes to the notice are necessary.

ADDRESSES: Comments may be submitted in writing to Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, or electronically to privacy@ferc.gov. Comments should indicate that they are submitted in response to “*Financial Management Records (FERC–56)*.”

FOR FURTHER INFORMATION CONTACT: Mittal Desai, Chief Information Officer & Senior Agency Official for Privacy, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6432.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, and to comply with the Office of

Management and Budget (OMB) Memorandum M–17–12, *Preparing for and Responding to a Breach of Personally Identifiable Information*, January 3, 2017, this notice has fourteen (14) routine uses, including two new routine uses that will permit FERC to disclose information as necessary in response to an actual or suspected breach that pertains to a breach of its own records or to assist another agency in its efforts to respond to a breach that was previously published separately at 87 FR 35543 (June 10, 2022).

The following sections have been updated to reflect changes made since the publication of the last notice in the **Federal Register**: dates; addresses; system name; system location; authority for maintenance of the system; purpose of the system; categories of individuals covered by the system; categories of records in the system; record source categories; routine uses of records maintained in the system, including categories of users and the purpose of such; policies and practices for storage of records; policies and practices for retrieval of records; policies and practices for retention and disposal of records; administrative, technical, and physical safeguards; records access procedures; contesting records procedures; notification procedures; and history.

SYSTEM NAME AND NUMBER:

Financial Management Records (FERC–56).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Energy Regulatory Commission, Office of the Executive Director, Financial Information Technology and Travel Division, 888 First Street NE, Washington, DC 20426.

Third-Party Service Provider: Accenture Federal Services, 800 N Glebe Rd., #300, Arlington, VA 22203.

SYSTEM MANAGER(S):

System Manager/Project Manager, Federal Energy Regulatory Commission, Office of the Executive Director, Financial Information Technology and Travel Division, 888 First Street NE, Washington, DC 20426.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3511, 31 U.S.C. 3512(b).

PURPOSE(S) OF THE SYSTEM:

The main purpose of the system is to provide the official financial management capability for FERC to account for and control appropriated resources and to maintain accounting

and financial information associated with the normal operation of a U.S. government organization. The purposes of the system include, but are not limited to: (1) to make authorized payments for goods and services to companies or individuals doing business with FERC; (2) to make authorized reimbursement payments to an employee; (3) to prepare Internal Revenue Service tax reports; and (4) to account for regulatory fees owed to FERC. The system is also used to provide the Commission with advanced analytics and dashboard reports for financial, Human Resource, and payroll data.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals on whom records are maintained in the system of records are salaried employees, non-salaried employees, current employees, former employees, vendors, consultants, legal representatives, and representatives of regulated entities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records maintained in the system of records include: financial and payroll records on current and former employees, such as name, Social Security Numbers (SSNs)/Taxpayer Identification Numbers (TINs), home addresses, bank account number, credit card numbers, invoices, travel request and reimbursement forms, claims for reimbursement, claims based on a legal settlement, and employee identifier. The system of records also contains financial records on vendors, consultants, legal representatives, as part of a contract or reimbursement claim, which include names, home or business addresses, vendor IDs, SSNs/TINs, bank account numbers for electronic fund transfer of payments, invoices, supplier or vendor ID, and claims for reimbursement.

RECORD SOURCE CATEGORIES:

Information is obtained from current and former employees seeking reimbursement from FERC for expenses incurred while on official travel or for training; current and former employees for the payment of legal settlements; vendors and individual points of contact for a vendor seeking reimbursement for goods or services provided to FERC; and from assessment performed related to collecting receivables for FERC. Information is obtained through an integration with FERC's payroll provider that transmits payroll records for the purpose of

generating a financial payroll journal entry.

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, information maintained in this system may be disclosed to authorized entities outside FERC for purposes determined to be relevant and necessary as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (1) FERC suspects or has confirmed that there has been a breach of the system of records; (2) FERC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To another Federal agency or Federal entity, when FERC 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.

3. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

4. To the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation.

5. To the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

6. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being

conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.

7. To the Department of Justice (DOJ) for its use in providing legal advice to FERC or in representing FERC in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by FERC to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest: (a) FERC; (b) any employee of FERC in his or her official capacity; (c) any employee of FERC in his or her individual capacity where DOJ has agreed to represent the employee; or (d) the United States, where FERC determines that litigation is likely to affect FERC or any of its components.

8. To non-Federal Personnel, such as contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of FERC or Federal Government and who have a need to access the information in the performance of their duties or activities.

9. To the National Archives and Records Administration in records management inspections and its role as Archivist.

10. To the Merit Systems Protection Board or the Board's Office of the Special Counsel, when relevant information is requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, and investigations of alleged or possible prohibited personnel practices.

11. To appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order.

12. To appropriate agencies, entities, and person(s) that are a party to a dispute, when FERC determines that information from this system of records is reasonably necessary for the recipient to assist with the resolution of the dispute; the name, address, telephone number, email address, and affiliation; of the agency, entity, and/or person(s) seeking and/or participating in dispute resolution services, where appropriate.

13. To the Department of Treasury to issue authorized payments to companies and individuals or to issue authorized reimbursement payments to employees.

14. To the Internal Revenue Service (IRS) and companies or individuals who have received qualifying payments during the tax year as recipients of IRS–1099 reporting.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored electronically on a FedRAMP-authorized cloud service provider, and on a FedRAMP-authorized SharePoint site and shared drive. Files are zipped and encrypted after processing. In addition, all FERC employees and contractors with authorized access have undergone a thorough background security investigation. Data access is restricted to agency personnel or contractors whose responsibilities require access. Access to electronic records is controlled by the organization's Single Sign-On and Multi-Factor Authentication Solution. Role based access is used to restrict electronic data access and the organization employs the principle of least privilege, allowing only authorized users with access (or processes acting on behalf of users) necessary to accomplish assigned tasks in accordance with organizational missions and business functions.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name of employee or name of vendor, and vendor or supplier ID (system unique) for both employees and vendors.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained in accordance with the applicable National Archives and Records Administration (NARA) schedules, General Records Schedules as follows:

General Records Schedule (GRS) 1.1: Financial Management and Reporting Records. Item 010: Disposition Authority: DAA–GRS–2016–0013–0001. Temporary. Destroy when 3 years old, but longer retention is authorized if needed for business use.

General Records Schedule (GRS) 1.1: Financial Management and Reporting Records. Item 011: Disposition Authority: DAA–GRS–2013–0003–0002. Temporary. Destroy when business use ceases, but longer retention is authorized if needed for business use.

General Records Schedule (GRS) 5.2: Transitory and Intermediary Records. Item 020: Disposition Authority: DAA–GRS–2022–0009–0002. Temporary. Destroy upon creation or update of the final record, or when no longer needed for business use, whichever is later.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

See Policies and Practices for Storage of Records.

RECORD ACCESS PROCEDURES:

Individuals requesting access to the contents of records must submit a request through the Freedom of Information Act (FOIA) office. The FOIA website is located at: <https://www.ferc.gov/foia>. Requests may be submitted through the following portal: <https://www.ferc.gov/enforcement-legal/foia/electronic-foia-privacy-act-request-form>. Written requests for access to records should be directed to: Director, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

CONTESTING RECORD PROCEDURES:

See Records Access Procedures.

NOTIFICATION PROCEDURES:

Generalized notice is provided by the publication of this notice. For specific notice, see Records Access Procedures, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

74 FR 48530 (September 23, 2009), 87 FR 2777 (January 19, 2022)

Dated: May 16, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–11249 Filed 5–21–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD24–9–000]

Notice of Staff-Led Workshop; Innovations and Efficiencies in Generator Interconnection

Take notice, pursuant to 18 CFR 2.1(a), that the Federal Energy Regulatory Commission (Commission) will convene a staff-led workshop in the above-referenced proceeding. The purpose of this workshop is to provide a public forum for the presentation and discussion of opportunities for further innovation and increased efficiency in the generator interconnection process.

The workshop will be held on Tuesday, September 10, 2024 and Wednesday, September 11, 2024 from approximately 9:00 a.m. to 5:00 p.m. Eastern time. The workshop will be held in the Commission Meeting Room at

Commission headquarters, 888 First Street, NE, Washington, DC 20426.

The workshop will be open to the public. Advance registration is not required, and there is no fee for attendance. A supplemental notice will be issued with further details regarding the workshop agenda, as well as any changes in timing or logistics. Information will also be posted on the Calendar of Events on the Commission's website, www.ferc.gov, prior to the event.

The workshop will be transcribed and webcast. Transcripts will be available for a fee from Ace Reporting (202-347-3700). A link to the webcast of this event will be available in the Commission Calendar of Events at www.ferc.gov. The Commission provides technical support for the free webcasts. Please call 202-502-8680 or email customer@ferc.gov if you have any questions.

Commission workshops are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to accessibility@ferc.gov or call toll free 1-866-208-3372 (voice) or 202-208-8659 (TTY) or send a fax to 202-208-2106 with the required accommodations.

For more information about this workshop, please contact Michael G. Henry at Michael.Henry@ferc.gov or 202-502-8583. For legal information, please contact Lewis Taylor at Lewis.Taylor@ferc.gov or 202-502-8624.

Dated: May 13, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-10882 Filed 5-21-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR24-71-000.

Applicants: Bridgeline Holdings, L.P.

Description: § 284.123(g) Rate Filing:

Normal filing 2024 SOC update to be effective 6/1/2024.

Filed Date: 5/15/24.

Accession Number: 20240515-5129.

Comment Date: 5 p.m. ET 6/5/24.

§ 284.123(g) Protest: 5 p.m. ET 7/15/

24.

Docket Numbers: RP24-769-000.

Applicants: Leaf River Energy Center LLC.

Description: § 4(d) Rate Filing: Update to Tariff Contact Information to be effective 5/16/2024.

Filed Date: 5/15/24.

Accession Number: 20240515-5105.

Comment Date: 5 p.m. ET 5/28/24.

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 16, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-11247 Filed 5-21-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Privacy Act of 1974; System of Records

AGENCY: Federal Energy Regulatory Commission (FERC), DOE.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, all agencies are

required to publish in the **Federal Register** a notice of their systems of records. Notice is hereby given that the Federal Energy Regulatory Commission (FERC) is publishing a notice of modifications to an existing FERC system of records titled "*Commission Correspondence Records (FERC—51)*."

DATES: Comments on this modified system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by FERC, the modified system of records will become effective a minimum of 30 days after date of publication in the **Federal Register**. If FERC receives public comments, FERC shall review the comments to determine whether any changes to the notice are necessary.

ADDRESSES: Comments may be submitted in writing to Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, or electronically to privacy@ferc.gov. Comments should indicate that they are submitted in response to "Commission Correspondence Records (FERC—51)."

FOR FURTHER INFORMATION CONTACT: Mittal Desai, Chief Information Officer & Senior Agency Official for Privacy, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6432.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, and to comply with the Office of Management and Budget (OMB) Memorandum M-17-12, *Preparing for and Responding to a Breach of Personally Identifiable Information*, January 3, 2017, this notice has twelve (12) new routine uses, including two routine uses that will permit FERC to disclose information as necessary in response to an actual or suspected breach that pertains to a breach of its own records or to assist another agency in its efforts to respond to a breach that was previously published separately at 87 FR 35543 (June 10, 2022).

The following sections have been updated to reflect changes made since the publication of the last notice in the **Federal Register**: dates; addresses; for further contact information; system location; system manager; purpose of the system; categories of individuals covered by the system; categories of records in the system; record source categories; routine uses of records maintained in the system, including categories of users and the purpose of such; policies and practices for storage

of records; policies and practices for retrieval of records; policies and practices for retention and disposal of records; administrative, technical, physical safeguards; records access procedures; contesting records procedures; notification procedures; and history.

SYSTEM NAME AND NUMBER:

Commission Correspondence Records (FERC—51).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Energy Regulatory Commission, Office of External Affairs, Congressional Affairs Division and Intergovernmental and Public Affairs Division, 888 First Street NE, Washington, DC 20426.

SYSTEM MANAGER(S):

Office Administrative Coordinator, Congressional Affairs Division, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7172.

PURPOSE(S)

The purpose of this system of records is to process incoming and outgoing correspondence; to maintain records of correspondences between the Commission and Congress, State and Local Officials, other Federal Officials, constituents, vendors, and members of the public; and to maintain a tracking system to ensure responses are completed in a timely manner and are forwarded to the appropriate offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

The categories of individuals covered by the system are: members of the United States Congress, Congressional constituents who have requested information from the Commission, State and Local Officials, other Federal Officials, vendors, and members of the public who send correspondence to or receive correspondence from the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM

The categories of records in the system include: name, address, email address, log/control number, telephone number, office, date, signature, title, company name and contact information (such as company address, company website, company telephone number), description, and type of request, docket number, tracking information, and

incoming and outgoing correspondence. On rare occasions, the Commission receives correspondence that includes constituents' personal information such as social security numbers.

RECORD SOURCE CATEGORIES

Records are obtained from corresponding Senators, Representatives and Congressional constituents, State and Local Officials, other Federal Officials, vendors, members of the public and Commission staff who prepare responses and correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, information maintained in this system may be disclosed to authorized entities outside FERC for purposes determined to be relevant and necessary as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (1) FERC suspects or has confirmed that there has been a breach of the system of records; (2) FERC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To another Federal agency or Federal entity, when FERC 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.

3. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

4. To the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the

Commission as authorized by law or regulation.

5. To the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

6. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.

7. To the Department of Justice (DOJ) for its use in providing legal advice to FERC or in representing FERC in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by FERC to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest: (a) FERC; (b) any employee of FERC in his or her official capacity; (c) any employee of FERC in his or her individual capacity where DOJ has agreed to represent the employee; or (d) the United States, where FERC determines that litigation is likely to affect FERC or any of its components.

8. To non-Federal Personnel, such as contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of FERC or Federal Government and who have a need to access the information in the performance of their duties or activities.

9. To the National Archives and Records Administration in records management inspections and its role as Archivist.

10. To the Merit Systems Protection Board or the Board's Office of the Special Counsel, when relevant information is requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, and investigations of alleged or possible prohibited personnel practices.

11. To appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order.

12. To appropriate agencies, entities, and person(s) that are a party to a dispute, when FERC determines that information from this system of records

is reasonably necessary for the recipient to assist with the resolution of the dispute; the name, address, telephone number, email address, and affiliation; of the agency, entity, and/or person(s) seeking and/or participating in dispute resolution services, where appropriate.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored electronically on a SharePoint site, a shared drive, and an activity tracking management system. The Commission occasionally receives paper records. Paper records are scanned upon receipt and destroyed. Access to electronic records is controlled by the organizations Single Sign-On and Multi-Factor Authentication solution. Access is restricted to those individuals whose official duties require access.

POLICIES AND PRACTICES FOR THE RETRIEVAL OF RECORDS:

Records are retrieved by name and log number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained in accordance with the applicable National Archives and Records Administration schedules, with the following applicable General Records Schedules:

1. General Records Schedule (GRS) 4.1: Records Management Records, Item 010 available at <https://www.archives.gov/files/records-mgmt/grs/grs04-1.pdf>.
2. General Records Schedule (GRS) 6.4: General Public Records, Item 010 available at <https://www.archives.gov/files/records-mgmt/grs/grs06-4.pdf>.
3. Congressional Correspondence, State Files and Constituent Records, N1-138-00-007, Item 16 available at https://www.archives.gov/files/records-mgmt/rcs/schedules/departments/departments-of-energy/rg-0138/n1-138-00-007_sf115.pdf.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

See Policies and Practices for Storage of Records.

RECORD ACCESS PROCEDURES:

Individuals requesting access to the contents of records must submit a request through the Freedom of Information Act (FOIA) office. The FOIA website is located at: <https://www.ferc.gov/foia>. Requests may be submitted through the following portal: <https://www.ferc.gov/enforcement-legal/foia/electronic-foia-privacy-act-request-form>. Written requests for access to records should be directed to: Director, Office of External Affairs, Federal

Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

CONTESTING RECORD PROCEDURES:

See Records Access procedures.

NOTIFICATION PROCEDURES:

Generalized notice is provided by the publication of this notice. For specific notice, see Records Access Procedure, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

65 FR 21761 (April 24, 2000).

Dated: May 16, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-11243 Filed 5-21-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23-129-000]

Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC; Notice of Revised Schedule for Environmental Review of the Corpus Christi Liquefaction Midscale Trains 8 & 9 Project

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental assessment (EA) for Corpus Christi Liquefaction, LLC's and CCL Midscale 8-9, LLC's (collectively referred to as, CCL) Corpus Christi Liquefaction Midscale Trains 8 & 9 Project. The first notice of schedule, issued on November 3, 2023, identified March 15, 2024 as the EA issuance date. However, staff identified additional information needs in response to CCL's full impact air dispersion analysis for criteria air pollutants filed on March 5, 2024, which resulted in a schedule delay for the issuance of the EA. CCL responded to our information requests on March 19, March 27, and April 24, 2024, providing the information needed to complete our analysis. As a result, staff has revised the schedule for issuance of the EA.

Schedule for Environmental Review

Issuance of the EA—June 21, 2024
90-day Federal Authorization Decision
Deadline¹—September 19, 2024

¹ The Commission's deadline applies to the decisions of other Federal agencies, and State agencies acting under federally delegated authority, that are responsible for Federal authorizations, permits, and other approvals necessary for

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. 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.

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, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (i.e., CP23-129), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: May 16, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-11248 Filed 5-21-24; 8:45 am]

BILLING CODE 6717-01-P

proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by Federal law.

ENVIRONMENTAL PROTECTION AGENCY

[FRL: 11943-01-OEJECR; EPA-HQ-OEJECR-2024-0147]

White House Environmental Justice Advisory Council; Notification of Public Meeting**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notification for a public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the White House Environmental Justice Advisory Council (WHEJAC) will meet on the dates and times described below. Due to unforeseen administrative circumstances, EPA is announcing this meeting with less than 15 calendar days public notice. The White House Environmental Justice Interagency Council (IAC) will meet jointly with the WHEJAC and jointly take public comment, as described below, consistent with the Executive order on *Revitalizing Our Nation's Commitment to Environmental Justice for All*. These meetings are open to the public. For additional information about registering to attend the meetings or provide public comment, please see "REGISTRATION" under the **SUPPLEMENTARY INFORMATION**. Pre-registration is required.

DATES: The WHEJAC will convene a virtual public meeting on Wednesday, June 5, 2024, from approximately 12 p.m. to 6:30 p.m. and Thursday, June 6, 2024, from approximately 12 p.m. to 6:30 p.m., Eastern Time. The IAC, in coordination with the WHEJAC, will convene a virtual joint public meeting, which will include a public comment period on Wednesday, June 5, 2024, from approximately 4 p.m. to 6:30 p.m., Eastern Time, and reconvene a topic-focused session on Thursday, June 6, 2024, from approximately 3:30 p.m. to 5 p.m., Eastern Time. Members of the public who wish to participate in the public comment period must register by 11:59 p.m. Eastern Time, May 30, 2024.

FOR FURTHER INFORMATION CONTACT: Audrie Washington, WHEJAC Designated Federal Officer, U.S. EPA; email: whejac@epa.gov; telephone: (202) 441-7295. For additional information about the WHEJAC, visit <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council#meetings>.

SUPPLEMENTARY INFORMATION: The Charter of the WHEJAC states that the advisory committee "will provide

independent advice and recommendations to the Chair of the Council on Environmental Quality (CEQ) and to the White House Environmental Justice Interagency Council (IAC) on how to increase the Federal Government's efforts to address current and historic environmental injustice. The WHEJAC will provide advice and recommendations about broad cross-cutting issues related, but not limited, to issues of environmental justice and pollution reduction, energy, climate change mitigation and resiliency, environmental health, and racial inequity. The WHEJAC's efforts will include a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice."

Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad*, as amended by Executive Order 14096 on *Revitalizing Our Nation's Commitment to Environmental Justice for All*, established the IAC to, among other things, pursue a whole-of-government approach to advance environmental justice for all, as defined in Executive Order 14096, including to facilitate interagency coordination and collaboration on programs and activities related to environmental justice; and to develop and sustain a strategy to address current and historic environmental injustice and to cultivate effective strategic planning to advance environmental justice. To facilitate the work of the IAC, each IAC member has designated an official within the agency to serve as an Environmental Justice Officer, with the authority to represent the agency on the IAC. Executive Order 14096 directs the IAC to hold a public meeting in coordination with the WHEJAC. For more information about the IAC, see: <https://www.whitehouse.gov/environmentaljustice/white-house-environmental-justice-interagency-council/>.

The WHEJAC meeting will focus on several topics including, but not limited to, workgroup updates, updates from the Council on Environmental Quality (CEQ), panels, and final recommendations for CEQ and the IAC.

The IAC/WHEJAC joint public meeting will focus on several topics, such as Federal agencies' progress to advance environmental justice, including through the Justice40 Initiative, the Environmental Justice Scorecard, and environmental justice strategic planning; and formal recommendations from the WHEJAC to CEQ and the IAC. During the session, the WHEJAC and IAC will hear comments from the public relevant to

current WHEJAC charges and other topics of interest.

Registration: Individual registration is required for the public meeting. No two individuals can share the same registration link. To register, visit <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council#meetings>. Members of the public may register to attend the public meeting throughout the duration of the meeting. Members of the public who wish to speak during the public comment period must register by 11:59 p.m., Eastern Time, May 30, 2024. When registering, please provide your name, organization, city and state, and email address for follow up, and indicate whether you would like to provide public comments during the meeting.

A. Public Comment: The WHEJAC is interested in receiving public comments relevant to the following charges and recommendations:

- (1) Carbon management.
- (2) Environmental justice issues affecting Indigenous Peoples and Tribal Nations.

The WHEJAC Indigenous Peoples and Tribal Nations Workgroup is particularly interested in receiving comments on: (a) Examples of environmental hazards of particular concern for Indigenous Peoples and Tribal Nations (for example, environmental hazards related to Federal activities that may affect sacred sites and areas of cultural significance, cultural or other traditions or practices, subsistence, and ways of life); (b) Ways in which the Federal Government can address community impacts on, and concerns of, Indigenous Peoples and Tribal Nations; and (c) Ways in which the incorporation of Indigenous knowledge into Federal decision making could help address environmental hazards and environmental justice concerns. More information about the WHEJAC's current charges can be found online at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>, under WHEJAC Membership and Workgroups.

The IAC is interested in receiving public comments relevant to environmental justice goals and priorities, either for the coming year or over a longer term, that could advance the IAC's mission and work as defined in Executive Orders 14008 and 14096, including on ways to address and respond to formal recommendations

from the WHEJAC;¹ the future Environmental Justice Science, Data, and Research Plan of the National Science and Technology Council's Environmental Justice Subcommittee; and environmental justice strategic planning and implementation of Executive Order 14096, including specific goals, objectives, priority actions, and metrics that could help agencies advance and assess progress over time.²

Individuals or groups making remarks during the oral public comment period will be limited to three minutes. EPA will give priority to speak during the meeting to public commenters with comments relevant to the topics and questions listed above. The WHEJAC and the IAC will make every effort to hear from each public commenter who has registered to provide oral comments during the time specified on the agenda but, in the interest of time, commenters are strongly encouraged to consider submitting written comments for the record. You can submit your written comments by using the webform at <https://www.epa.gov/environmental-justice/forms/white-house-environmental-justice-advisory-council-whejac-public-comment>; by emailing comments to whejac@epa.gov; or by visiting <https://www.regulations.gov> and opening Docket ID No. EPA-HQ-OEJECR-2024-0147. The WHEJAC and the IAC will accept written comments through Wednesday, June 19, 2024.

B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance: For information about access or services for individuals requiring assistance, contact Audrie Washington at (202) 441-7295 or whejac@epa.gov. All requests should be sent via this email or phone number. To request special accommodations for a disability or other assistance, please submit your request at least seven (7) working days prior to the meeting, to

give EPA sufficient time to process your request.

Theresa Segovia,

*Principal Deputy Assistant Administrator,
Office of Environmental Justice and External
Civil Rights.*

[FR Doc. 2024-11181 Filed 5-21-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2024-0039; FRL-11899-01-OAR]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Servicing of Motor Vehicle Air Conditioners (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request, "Servicing of Motor Vehicle Air Conditioners (Renewal)" (EPA ICR No. 1617.10, OMB Control No. 2060-0247) to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act. Before doing so, the Agency is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the information collection request, which is currently approved through December 31, 2024. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before July 22, 2024.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2024-0039, online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Matthew Celsa, Stratospheric Protection Division, Office of Atmospheric Programs (Mail Code 6205A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC

20460; telephone number: (202) 564-2046; email address: celsa.matthew@epa.gov.

SUPPLEMENTARY INFORMATION:

This is a proposed extension of the ICR, which is currently approved through December 31, 2024. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. 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 609 of the Clean Air Act Amendments of 1990 (Act) provides general guidelines for the servicing of motor vehicle air conditioners (MVACs). It states that "no person repairing or servicing motor vehicles for consideration may perform any service on a motor vehicle air conditioner involving the refrigerant for such air conditioner without properly using approved refrigerant recycling equipment and no such person may perform such service unless such person has been properly trained and

¹ To reference the WHEJAC's recommendations to CEQ and the IAC, as well as reports to Congress on these recommendations, see *White House Environmental Justice Advisory Council*, U.S. Environmental Protection Agency, <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council#whejacrecommendations>.

² See CEQ, *Strategic Planning to Advance Environmental Justice Under Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All* (October 2023), https://www.whitehouse.gov/wp-content/uploads/2023/11/Strategic-Planning-to-Advance-Environmental-Justice_final-Oct.-2023.pdf.

certified.” In 1992, EPA developed regulations under section 609 that were published in 57 FR 31240 and codified at 40 CFR Subpart B (Section 82.30 *et seq.*). The information required to be collected under the section 609 regulations is: approved refrigerant handling equipment; approved independent standards testing organizations; technician training and certification; and certification, reporting and recordkeeping.

Form numbers: None.

Respondents/affected entities: The following is a list of NAICS codes for organizations potentially affected by the information requirements covered under this ICR. It is meant to include any establishment that may service or maintain motor vehicle air conditioners.

4411 Automobile Dealers

4413 Automotive Parts, Accessories, and Tire Stores

44711 Gasoline Stations with Convenience Stores

8111 Automotive Repair and Maintenance

811198 All Other Automotive Repair and Maintenance

Other affected groups include independent standards testing

organizations and organizations with technician certification programs.

Respondent’s obligation to respond: Mandatory (40 CFR 82.36, 82.38, 82.40, 82.42).

Estimated number of respondents: 53,147.

Frequency of response: On occasion, biennially, only once.

Total estimated burden: 4,760 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$255,289 (per year), includes \$0 annualized capital or operation & maintenance costs.

Changes in estimates: There is an increase of about 502 hours in the total estimated respondent burden compared with the ICR currently approved by OMB (EPA–HQ–OAR–2021–0040). This increase is due to a revision in the estimate of the total annual number of technicians certified under 40 CFR 82 (40,000/year in 2021 to 47,000/year in 2024), and an increase in the number of motor vehicle repair establishments in the United States (165,800 in 2021 to about 170,000 in 2024).

Cynthia A. Newberg,
Director, Stratospheric Protection Division.
[FR Doc. 2024–11206 Filed 5–21–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 221262]

Open Commission Meeting Thursday, May 23, 2024

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 23, 2024, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: www.fcc.gov/visit. Open Meetings are streamed live at: www.fcc.gov/live and on the FCC’s YouTube channel.

Item No.	Bureau	Subject
1	OFFICE OF ENGINEERING & TECHNOLOGY.	<i>Title:</i> Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program (ET Docket No. 24–136). <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking to strengthen requirements and oversight relating to telecommunications certification bodies and measurement facilities to help ensure the integrity of these entities for purposes of our equipment authorization program, to better protect national security, and to advance the Commission’s comprehensive strategy to build a more secure and resilient communications supply chain.
2	MEDIA	<i>Title:</i> Restricted Adjudicatory Matter. <i>Summary:</i> The Commission will consider a restricted adjudicatory matter from the Media Bureau.
3	ENFORCEMENT	<i>Title:</i> Enforcement Bureau Action. <i>Summary:</i> The Commission will consider an enforcement action.
4	ENFORCEMENT	<i>Title:</i> Enforcement Bureau Action. <i>Summary:</i> The Commission will consider an enforcement action.
5	ENFORCEMENT	<i>Title:</i> Enforcement Bureau Action.
6	ENFORCEMENT	<i>Title:</i> Enforcement Bureau Action. <i>Summary:</i> The Commission will consider an enforcement action.

* * * * *

The meeting will be webcast at: www.fcc.gov/live. Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but

may be impossible to fill. Send an email to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairwoman may hold a news conference in which she will take questions from credentialed members of

the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): MediaRelations@fcc.gov. Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at www.fcc.gov/live.

Federal Communications Commission.

Dated: May 16, 2024.

Marlene Dortch,
Secretary.

[FR Doc. 2024–11230 Filed 5–21–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Docket No. FMC–2024–0008]

Investigation Into Conditions Affecting United States Carriers in Connection With Canadian Ballast Water Regulation in the United States/Canada Great Lakes Trade

AGENCY: Federal Maritime Commission.

ACTION: Notice of investigation and request for comments.

SUMMARY: The Federal Maritime Commission (Commission) has initiated an investigation into conditions created by the Government of Canada (Canada) in connection with regulation of ballast water management systems that may adversely affect the operation of United States carriers in the United States/Canada Great Lakes trade.

DATES: Submit comments on or before June 21, 2024.

ADDRESSES: You may submit comments, identified by Docket No. FMC–2024–0008, by the following method:

Federal eRulemaking Portal: Your comments must be written and in English. You may submit your comments electronically through the Federal Rulemaking Portal at www.regulations.gov. To submit comments on that site, search for Docket No. FMC–2024–0008 and follow the instructions provided.

FOR FURTHER INFORMATION CONTACT: For questions regarding submitting comments or the treatment of any confidential information, contact David Eng, Secretary; Phone: (202) 523–5725; Email: Secretary@fmc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Based on available information, it appears that conditions created by the Government of Canada (Canada) in connection with regulation of ballast water management systems may adversely affect the operation of United

States carriers in the United States/Canada Great Lakes trade, in particular the carriers operating vessels that may become subject to regulation in September 2024, within the meaning of 46 U.S. Code, chapter 423 (Foreign Shipping Practices) (46 U.S.C. 42301–307). Title 46 U.S.C. 42302 authorizes the Federal Maritime Commission (Commission) to investigate these conditions, and chapter 423 authorizes the agency to take action in response.

II. Summary of Apparent Conditions

In 2020, the Lake Carriers Association (LCA) filed a petition with the Commission as to pending Canadian regulation of ballast water discharge on the Great Lakes. *See* FMC Docket No. 20–10, P1–20—Petition of the Lake Carriers' Association Pursuant to Section 19 of the Merchant Marine Act, 1920. LCA's petition alleged that Canadian regulation scheduled to take effect in September 2024 would create conditions unfavorable to shipping by requiring U.S. vessels to install new ballast water management systems. LCA argued that this would impose a severe burden while offering negligible environmental benefits, since the relevant U.S. carriers (Lakers) take in but do not discharge ballast water in Canadian waters. The petition asked the Commission to investigate and adopt its own regulations in response. The Commission opened an investigation under 46 U.S. Code, chapter 421 (Regulations Affecting Shipping in Foreign Trade). *See* FMC Docket No. 20–10. In that Chapter 421 proceeding, the FMC sought and received comments, including from the Government of Canada. *See* FMC Notices, 85 FR 37453 (June 22, 2020), 87 FR 6173 (February 3, 2022); Comments of the Embassy of Canada, Government of Canada, Docket No. 20–10 (Doc. No. 3) (July 22, 2020).

Since at least 2020, the U.S. Environmental Protection Agency (EPA) has been engaged in rulemaking to consider similar regulation. *See* Vessel Incidental Discharge National Standards of Performance, 85 FR 67818 (Oct. 26, 2020) (to be codified in 40 CFR part 139); Supplemental Notice, 88 FR 71788 (Oct. 18, 2023). The EPA's October 2023 Supplemental Notice in that rulemaking indicates that the agency is considering issuing a final rule that is less restrictive than the regulation due to take effect in Canada, as it would require the type of ballast water systems at issue only for covered vessels built in the future. *See* 88 FR 71803–04 (explaining differences between proposed regulatory option and relevant Canadian regulation); *id.* at 71,808 (“EPA proposes to define a New

Laker as a bulk carrier that operates exclusively on the Great Lakes and that is constructed after the effective date of [U.S. Coast Guard] regulations promulgated pursuant to [Clean Water Act] section 312(p)(5)(A)(i)”).

In February 2024, the LCA filed a public letter in the Commission's Chapter 421 proceeding. *See* Docket No. 20–10 (Doc. 8) (Feb. 13, 2024). The letter urged the Commission to move forward promptly. The LCA emphasized that its members' Lakers would have to prepare to comply with the stricter Canadian rules before the compliance date of September 8, 2024, even though the EPA was unlikely to require them to meet the stricter standards. *Id.* At 2–3. In addition, the letter stated that these U.S.-flagged Lakers had been effectively prevented from applying for an exemption or extension from the Canadian regulation, because relevant procedures were not expected to be in place prior to July 2024, despite the impending compliance date. *Id.* At 2, 4. The letter confirmed that only five of the existing U.S. Lakers would be affected by the regulation in September 2024 (one post-2008 vessel already has the required equipment); the approximately 50 other U.S. Lakers were built prior to 2009. *Id.* Attachment C. However, the LCA argued that the five post-2008 Lakers would be compelled either to install the required equipment, a “multimillion dollar investment” that they might well need to remove later in light of changing U.S. requirements, or to “walk away from the business.” *Id.* At 4.

In light of the above, the Commission will, on its own motion, open an investigation under 46 U.S. Code, Chapter 423 (Foreign Shipping Practices). *See* 46 CFR part 555. In particular, the Commission will investigate whether the laws, rules, policies, or practices of Canada result in conditions that “adversely affect the operations of United States carriers in United States oceanborne trade” and that “do not exist for foreign carriers of [Canada] in the United States under the laws of the United States.” 46 U.S.C. 42302(a). Such conditions may exist here, in view of the LCA's allegations that U.S. carriers will suffer significant adverse effects from the impending Canadian regulation, but Canadian carriers operating in the United States are not subject to comparable requirements under U.S. law. Under 46 U.S.C. 42302(c), the Commission is to complete its investigation and render a decision within 120 days after it is initiated.

If the agency concludes that the standard of section 42302(a) is met, it is

authorized to take certain actions to encourage remediation of those conditions. Specifically, the Commission may take actions “against any foreign carrier that is a contributing cause, or whose government is a contributing cause, to those conditions.” 46 U.S.C. 42304(a). Potential actions include imposing limits and/or fees on Canadian-flagged vessels that visit U.S. ports and requesting that the U.S. Department of Homeland Security and the U.S. Coast Guard refuse clearance and deny entry of such vessels into the U.S., or detain such vessels. *See* 46 U.S.C. 42304, 42305. Any such fees could be substantial, as they are authorized by law at a level up to \$2,559,636 per voyage. *See* 46 CFR 506.4. Under section 42304(b), the Commission “may consult with, seek the cooperation of, or make recommendations as to other appropriate agencies of the United States government” prior to taking such action. When the Commission initiates a Chapter 423 investigation, it will notify the U.S. Secretary of State and may request that the Secretary “seek resolution of the matter through diplomatic channels.” 46 CFR 555.7. Before any action is taken under 46 U.S.C. 42304 or 42305, the relevant determination is submitted for Presidential review, within 10 days of receipt, under 46 U.S.C. 42306.

At this initial stage of the investigation, the Commission will focus on providing a route for interested parties, including the Government of Canada, as well as Canadian carriers operating in the Great Lakes trade, to provide information, perspectives, and proposed solutions.

III. Investigation and Initial Request for Comments

The Commission has determined that the above situation meets the threshold requirements for consideration under the relevant statutory and regulatory authority. *See* 46 U.S.C. 42302; 46 CFR 555.3, 555.5. The Commission has therefore determined to initiate an investigation into whether the situation has created conditions that adversely affect the operations of United States carriers as described above. *See* 46 U.S.C. 42302; 46 CFR 555.5, 555.6. To that end, the Commission has designated the General Counsel to lead an investigation into the conditions and to prepare a report on the investigation’s findings and recommendations for Commission consideration.

Interested persons are requested to submit written comments containing arguments, experiences, and/or data relevant to the above-described

conditions, with a particular focus on the situation of vessels that will become subject to the Canadian regulation described above in September 2024. It would be especially helpful for the agency to receive comments addressing what options exist for carriers to seek an exemption from the Canadian regulations going into effect in September 2024, and whether any such processes differ based on whether the carrier is a U.S. carrier or a Canadian carrier.

The Commission’s jurisdiction under 46 U.S.C. 42302 is broad, and the agency welcomes comments not only from the Government of Canada, but also from container shipping interests, bulk cargo interests, vessel owners, individuals and groups with relevant information on commercial and environmental considerations, and anyone else with relevant information or perspectives on this matter.

As the Commission proceeds with this investigation, it may determine to request additional comment or gather information through other means as authorized under 46 U.S.C. 42303 and 46 CFR 555.5, 555.6.

By the Commission.

Dated: May 16, 2024.

David Eng,
Secretary.

[FR Doc. 2024–11189 Filed 5–21–24; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board’s

Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments 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 June 21, 2024.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Head of Bank Applications) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to Comments.applications@ny.frb.org:

1. *HCB Newco Corp., Mineola, New York*; to become a bank holding company by acquiring Hanover Bancorp, Inc., Mineola, New York, and thereby indirectly acquiring Hanover Community Bank, Garden City Park, New York.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,
Deputy Associate Secretary of the Board.

[FR Doc. 2024–11345 Filed 5–21–24; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–QMC–2024–01; Docket No. 2024–0002; Sequence No. 24]

GSA Bulletin (ETS 24–01) Transition to E-Gov Travel Service, Next Generation (ETSNext)

AGENCY: Office of Travel, Employee Relocation, and Transportation; General Services Administration, (GSA).

ACTION: Notice.

SUMMARY: The GSA Bulletin ETS 24–01 is issued to bring awareness to all critical agency leadership and program offices so that preparation and action takes place to ensure the ETSNext transition happens on a timely, well-planned basis. The GSA Bulletin ETS 24–01 is cosigned by the Office of

Government-wide Policy and the Federal Acquisition Service and is posted on <https://www.gsa.gov/policy-regulations/regulations/federal-travel-regulation/ft-and-related-files#TravelPerDiemBulletins>.

DATES: This bulletin is applicable after April 15, 2024.

FOR FURTHER INFORMATION CONTACT:

Ryan Edelstein, ETSNext Program Director, GSA, Office of Travel, Employee Relocation and Transportation at 703-835-2830.

SUPPLEMENTARY INFORMATION:

Background

ETSNext is the next generation governmentwide travel & expense solution being acquired by GSA. It is a mandatory program and GSA has responsibility through the Office of Governmentwide Policy, FAS Program Management and Governmentwide Category Management to provide this ETSNext solution.

The Bulletin provides immediate, actionable and practical steps agencies should take now to prepare for the transition to ETSNext. Agency actions include:

- Engaging with GSA to determine budgets and timelines for your agency's transition to ETSNext.
- Preparing for and prioritizing financial management (FM) systems integration with ETSNext.
- Executing a memorandum of understanding (MOU) with GSA that will memorialize both GSA's and agencies' understanding that certain tasks must be completed in accordance with a defined schedule to ensure a successful transition to ETSNext and the utilization of ETSNext for the life of the contract.

Timothy Burke,

Executive Director, GSA Office of Travel, Employee Relocation and Transportation.

[FR Doc. 2024-11170 Filed 5-21-24; 8:45 am]

BILLING CODE 6820-V1-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Management of Suicidal Thoughts and Behaviors in Youth

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submission.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking

scientific information submissions from the public. Scientific information is being solicited to inform our review on *Management of Suicidal Thoughts and Behaviors in Youth*, which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: *Submission Deadline* on or before June 21, 2024.

ADDRESSES:

Email submissions: epc@ahrq.hhs.gov.

Print submissions:

Mailing Address: Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, Attn: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E53A, Rockville, MD 20857

Shipping Address (FedEx, UPS, etc.):

Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E77D, Rockville, MD 20857

FOR FURTHER INFORMATION CONTACT:

Kelly Carper, Telephone: 301-427-1656 or email: epc@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Management of Suicidal Thoughts and Behaviors in Youth*. AHRQ is conducting this review pursuant to Section 902 of the Public Health Service Act, 42 U.S.C. 299a.

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (e.g., details of studies conducted). We are looking for studies that report on *Management of Suicidal Thoughts and Behaviors in Youth*. The entire research protocol is available online at: <https://effectivehealthcare.ahrq.gov/products/suicidal-thoughts-youth/protocol>.

This is to notify the public that the EPC Program would find the following information on *Management of Suicidal Thoughts and Behaviors in Youth* helpful:

- A list of completed studies that your organization has sponsored for this topic. In the list, please *indicate whether results are available on*

ClinicalTrials.gov along with the ClinicalTrials.gov trial number.

- *For completed studies that do not have results on ClinicalTrials.gov*, a summary, including the following elements, if relevant: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.

- *A list of ongoing studies that your organization has sponsored for this topic.* In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including, if relevant, a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.

- Description of whether the above studies constitute *ALL Phase II and above clinical trials* sponsored by your organization for this topic and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on topics not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program website and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: <https://effectivehealthcare.ahrq.gov/email-updates>.

The review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

Key Questions (KQ)

KQ 1. For youth, what are the effectiveness, comparative effectiveness, and harms of treatments for suicidal thoughts and behaviors?

(a) What are the components of effective psychosocial treatments (e.g., frequency or intensity of therapy and/or aspects of the therapeutic modality)?

(b) How do social determinants of health, racism and disparities, care

delivery methods, patient demographics and psychiatric or developmental co-occurring conditions affect outcomes?

PICOTS (POPULATIONS, INTERVENTIONS, COMPARATORS, OUTCOMES, TIMING, AND SETTING)

PICOTS elements	Inclusion criteria	Exclusion criteria
Population	• Ages 5–24 years who have a heightened risk for suicide, including— ○ Those who have suicidal ideation (<i>i.e.</i>, thinking about or planning suicide) with or without self-injurious behaviors (<i>i.e.</i>, suicide attempt or self-injurious behavior, including self-directed deliberate injury or potential for injury). ○ Those who have made suicide attempts in the absence of known suicidal ideation. ○ Those who have a recent hospital discharge for mental health treatment. ○ Those who have shown command hallucination (<i>i.e.</i>, auditory hallucinations that instruct a patient to act in specific manners) or intense stress/distress. ○ Those who are identified as having heightened risk by PHQ-9, C-SSRS, or ASQ. ○ Those who are from racial/ethnic minority groups known to have increased risk of suicide. ○ Those who are from the LGBTQ+ community ○ Those who have/had exposure to high crime/violence	• Animals. • Adults aged >25 years.
Interventions	• An intervention aimed to reduce suicidal and thoughts behaviors— ○ Psychosocial interventions ○ Pharmacological therapy ○ Neurotherapeutics and emerging therapies ○ Combination therapies of the above	• Complementary or integrative health interventions (<i>e.g.</i>, light therapy, supplements).
Comparators	• Treatment as usual • Another psychosocial intervention • Another pharmacological therapy • Combination therapies of the above	• None.
Outcomes	• Suicidal behaviors (<i>e.g.</i>, suicidal attempts, self-harm with suicidal intent, self-harm without suicidal intent). • Suicidal ideation • Measures of severity of suicide ideation and intent (<i>e.g.</i>, C-SSRS, Sheehan STS, SIQ). • Deaths by suicide • Hospitalizations for suicidal thoughts or behaviors • Emergency department visits for suicidal thoughts or behaviors. • Measures of psychological functioning after receiving an intervention targeting suicidal behaviors and thoughts (<i>e.g.</i>, depression, anxiety, stress, coping, sense of purpose, agency, burdensomeness, thwarted belonging as reported by child and caregivers, quality of life). • School outcomes [<i>e.g.</i>, functioning in school, attendance, drop-out]). • Adverse events, including study withdrawals	• None.
Timing	• At the end of intervention and at the end of followup	• None.
Settings	• Any (<i>e.g.</i>, outpatient, inpatient, emergency department)	• None.
Study design	• RCTs • Comparative observational studies • Before–after studies • Relevant systematic reviews, or meta-analyses (used for identifying additional studies).	• In vitro studies. • Nonoriginal studies (<i>e.g.</i>, narrative reviews, editorials, letters, or erratum). • Cross-sectional (<i>i.e.</i>, nonlongitudinal) studies.
Subgroup analysis	• Delivery methods (<i>e.g.</i>, telehealth, in-home treatment, school-based intervention, clinic). • Age group (5–13 years, 14–17 years, and 18–24 years) • Gender/gender identity • Race/ethnicity • History of trauma • Experience of racial/ethnic discrimination and marginalization. • Sexual orientation • Co-occurring conditions (<i>e.g.</i>, MDD, bipolar disorder, mood disorders, substance use disorders, eating disorders, posttraumatic stress disorder, autism, intellectual/developmental disabilities, other special needs). • Intervention objectives (<i>i.e.</i>, addressing suicidal thoughts vs. suicidal behaviors; ongoing treatments following crisis care vs. crisis care). • Clinical settings (<i>e.g.</i>, outpatient, inpatient, residential, emergency department). • Timing of outcome assessment (<i>e.g.</i>, long-term outcome assessment, short-term outcome assessment). • Social determinants of health (<i>e.g.</i>, access to mental healthcare, access to housing, poverty, exposure to violence/crime).	• None.

PICOTS (POPULATIONS, INTERVENTIONS, COMPARATORS, OUTCOMES, TIMING, AND SETTING)—Continued

PICOTS elements	Inclusion criteria	Exclusion criteria
Publications	• Full-text peer-reviewed studies published in English • Studies published after the year 2000	• Non-English language studies. • Conference abstracts.

Abbreviations: ASQ = Ask Suicide-Screening Questions; C-SSRS = Columbia Suicide Severity Rating Scale; LGBTQ+ = Lesbian Gay Bisexual Transgender Queer/Questioning Plus/Others; MDD = major depressive disorder; PHQ-9 = Patient Health Questionnaire-9; RCT = randomized controlled trial; Sheehan STS = Sheehan Suicidality Tracking Scale; SIQ = Suicidal Ideation Questionnaire.

Dated: May 16, 2024.

Mamatha Pancholi,

Deputy Director.

[FR Doc. 2024–11197 Filed 5–21–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project “Implementation and Testing of Diagnostic Safety Resources.” This proposed information collection was previously published in the **Federal Register** on March 7th, 2024 and allowed 60 days for public comment. AHRQ received no substantive comments from members of the public. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by June 21, 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. Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email REPORTSCLEARANCEOFFICER@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Project

Implementation and Testing of Diagnostic Safety Resources

Patient safety is a pillar of the Agency for Healthcare Research and Quality’s (AHRQ’s) mission to support the highest quality healthcare. While progress has been made in many areas of patient safety, the field of diagnostic safety has emerged as a particular area of concern. It is estimated that every person in the United States will experience a diagnostic error in their lifetime (Institute of Medicine, 2015) which can lead to inappropriate, delayed, or withheld treatment and ultimately poor health outcomes, distress, and increased costs. Diagnostic errors can occur for many reasons: lack of meaningful engagement between clinicians, patients, and families; a fragmented healthcare system not designed to account for an increasingly complex diagnostic process; minimal (if any) feedback to clinicians about their diagnostic performance; and a culture that does not always support transparent disclosure of diagnostic errors (Institute of Medicine, 2015). Leaders in diagnostic excellence suggest that multi-pronged efforts are needed to address this complex problem and go beyond individual behaviors to system-level changes and empowering patients to engage in their care (Institute of Medicine, 2015; Henriksen, et al., 2017).

Improving diagnostic safety and quality is an AHRQ priority. In recognition of the multifaceted approach needed to effectively advance diagnostic safety, AHRQ recently supported the development of three tools to prevent diagnostic errors and have prioritized these tools for implementation and testing. These resources vary in the types of stakeholders they target, a critical advancement in our approach to diagnostic excellence.

- **Calibrate Dx.** This tool, targeted to individual clinicians, invites users to select a topic or condition, review diagnostic performance on a sample of cases for insights and learning opportunities, and debrief with a peer. *This resource will be tested in all settings where clinicians are involved in*

the diagnostic process, including both inpatient and ambulatory settings.

- **Measure Dx.** This tool supports healthcare organizations in building sustainable teams for improving diagnostic excellence, identifying current capacity gaps, engaging in measurement strategies as part of a systematic approach to reviewing available data, and translating findings into learning opportunities. *This resource will be tested in both inpatient and ambulatory settings; it is expected to be implemented more commonly in inpatient settings.*

- **Toolkit for Engaging Patients to Improve Diagnostic Safety (Patient Toolkit).** This tool prepares patients, families, and health professionals to work together as partners to improve diagnostic safety; encourages patients to prepare for visits; and encourages providers to listen for 60 seconds before interrupting the patient. *This resource will be tested in ambulatory settings only.*

The goal of this research is to implement and test these three diagnostic safety resources to identify specific ways in which each resource can be used to maximize its value. For each resource the following will be examined:

(1) Feasibility of implementation—barriers, facilitators, success factors, and time needed for implementation

(2) Level of adoption—number and type of clinicians aware of and/or using the resource, number of organizational leaders endorsing the resource

(3) Effectiveness of the resource—number of diagnostic safety events (Measure Dx and Patient Toolkit), clinician self-efficacy for diagnostic decision-making (Calibrate Dx)

(4) Maintenance and sustainability—the number and type of patient safety processes in place, barriers and facilitators to maintenance and sustainability

This project will implement and test these three diagnostic safety resources across a minimum of 150 sites to up to 219 sites (*i.e.*, 50 to 73 sites per resource). An Implementation and Testing period for each resource will last 12 months, with Calibrate Dx starting implementation first and Measure Dx and the Toolkit for

Engaging Patients starting implementation six months later. This timing allows for staggered recruitment to ensure adequate sample size and to pilot implementation processes with a single diagnostic safety resource first, transferring lessons learned about implementation and testing to the implementation of the two other resources. A Sustainability period will begin as soon as the 12-month Implementation and Testing Period is complete and will continue for 14 additional months for each resource.

To achieve the goals of this project the following data collections will be implemented:

1. **Site Interest Form**—A short form completed once by up to 1060 sites interested in participating in the project. Used to indicate interest in the project and by AHRQ to evaluate whether the site meets the minimum participation criteria.

2. **Site Information Form**—Completed once by site leaders at 265 sites that begin the project enrollment process, this form collects additional contact information, data on patient mix, and information on the organization's diagnostic safety teams, resource commitments, and capacity for implementing the resources.

3. **Safer Dx Checklist**—Completed once by 219 sites who fully complete enrollment activities and begin implementation of one of the three resources (82.6% of the 265 sites who begin enrollment activities). The Safer Dx Checklist is a tool that allows healthcare organizations to understand the current state of their diagnostic practices, identify areas to improve, and track progress toward diagnostic excellence over time. This will be completed prior to actual implementation of the resource.

4. **Exit Interviews Protocol**—Completed once by an estimated 69 sites (30% of those implementing one of the three resources) that withdraw from the project, this telephone interview will collect information on why the site could not sustain their efforts or participation.

5. A baseline assessment of patient safety culture will be conducted once for each of the 219 sites that begin participation. Completed once by site leads depending on the setting:

a. **SOPS® Medical Office Survey with Diagnostic Safety Supplemental Item Set**—Completed once by the site lead for 109 ambulatory clinics.

b. **SOPS® Hospital Survey with Diagnostic Safety Supplemental Item Set**—Completed once by the site lead for 110 inpatient sites.

6. **Post-training Evaluation Form**—Completed once by 1,350 clinicians and managers (90% of the 1,500 participants) attending the project's training sessions. The data will be used to track the perceived value of the training provided to enrolled sites.

7. **Post-technical Assistance Evaluation Form**—Administered up to 3 times to 1,500 clinicians and managers participating in the project's Learning Collaborative sessions; an estimated 90% response rate to this collection with a total of 4,050 forms completed. The data will be used to track the perceived value of the technical assistance provided to enrolled sites.

8. **Clinical Sustainability Assessment Tool (CSAT)**—Completed by 219 site leaders once between months 9 to 12 in advance of the 14-month sustainability period. The CSAT is a self-assessment to evaluate sustainability capacity of a clinical practice.

9. **Implementation Interviews Protocol**—A qualitative, semi-structured interview will be conducted with 438 site leads and/or frontline staff (up to 2 individuals from each site) at two points in time during implementation (e.g., 6- and 18-months). The protocol is designed to elicit participant perspectives on implementation of the resource, capture lessons learned and best practices, and when possible, to provide support for adjustment to the implementation.

In addition to those noted above, the project will implement the following data collections specific to the individual resources.

For Measure Dx, the following data collections will be implemented:

10. **Measure Dx Organizational Self-Assessment**—This is one of the main components of the Measure Dx resource and is designed to gauge the organization's readiness to engage with Measure Dx. This checklist will be completed once by up to 73 Measure Dx sites during the project onboarding process.

11. **Measure Dx Declaration of Measurement Strategy**—The 73 Measure Dx sites will complete this form once to indicate their selection of measurement strategy to be implemented and provide confirmation of minimum necessary capabilities.

12. **Diagnostic Safety Event Report**—These reports will provide aggregate information on diagnostic safety events identified during a 12-month reporting period. The report will be completed by each participating site 3 times over the course of the testing and sustainability period at 3-, 12-, and 24-months; a total of 219 reports will be completed over the course of the project. Note that the

contractor is not attempting to collect these reports at Month 0. Since part of the Measure Dx resource's goal is to support implementation of a measurement strategy, Month 3 will serve as the baseline.

13. Additional information on site safety culture, including use of diagnostic safety event data, activities to improve the quality of care, and the work environment will be collected through a survey at 3-, 12-, and 24-months during the implementation/sustainment. Five members of the Measure Dx team at each site will be surveyed; the expected response rate is 85% at each of the three administration periods. Depending on the setting, the following survey will be fielded:

a. **Omnibus Safety and Culture Survey_Medical Offices**—Completed by clinicians at 36 ambulatory clinics.

b. **Omnibus Safety and Culture Survey_Hospitals**—Completed by clinicians at 37 inpatient sites.

For Calibrate Dx, the following data collections will be implemented:

14. **Calibrate Dx Survey**—This survey collects clinicians' reflections on their diagnostic performance for 3–5 cases, with additional metrics around time to complete the review and the number of cases reviewed. This will be completed quarterly (following the Calibrate Dx guidance for implementation) during the implementation and testing period by up to 5 clinicians per site; with an estimated a 90% response rate to this collection.

15. **Clinician Self-Efficacy Survey**—The survey assesses clinician self-efficacy with diagnostic safety case review and improvement. Up to 5 clinicians per site will be asked to complete this survey two times, after training and again at the end of the testing phase, with an estimated 90% response rate to this collection.

For Patient Toolkit, the following data collections will be implemented:

16. **Provider Characteristics Form**—This form will be completed once by up to 15 providers at each of the 73 enrolled sites. This form collects information on practitioner type, years in practice, specialty, subspecialty, and percent of time spent in clinical practice.

17. **Patient Toolkit Survey—Provider**—This survey assesses provider-perceived skills and quality of communication. It will be administered to up to 15 providers at each site at five timepoints (Baseline, 3-, 6-, 9-, and 12-months), with a 90% anticipated response rate.

18. **Provider Interview Protocol**—A total of 50 qualitative, semi-structured interviews with site clinicians will be

conducted during implementation. The interview protocol collects information related to diagnostic safety events; patient safety culture; feasibility, acceptability, utility, adoption, and spread of the Patient Toolkit; and insights into clinician experience.

19. Patient Toolkit Survey—Patient—The survey assesses patient-perceived experience and quality of communication, and collects basic patient demographics (e.g., age, gender, education, race, ethnicity). This will be administered to site patients over a 1-week period at five timepoints (Baseline, 3-, 6-, 9-, and 12-months). The survey will be provided to patients upon check-out from a healthcare visit. A total of 12,500 surveys will be completed during each 1-week period.

20. Patient Interview Protocol—A total of 50 qualitative, semi-structured interviews will be completed with site patients during implementation. The interview protocol collects information on reason for visit, provider communication, and other insights into patient experience.

This study is being conducted by AHRQ through its contractor, RAND, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness, and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

The data collection methods for this evaluation were selected to reduce participant burden and, where possible, to allow participants a choice of response mode. In addition, technology is used for data capture and qualitative coding and analysis.

Several forms and data collection instruments will be administered using a web mode. Site leads and participants will receive a link allowing them to complete the form online. The Site Interest Form will also be accepted as a hardcopy should organizations prefer to mail or fax these forms. All other forms will be administered either by a fillable form that can be returned via email, mail, or fax depending on the site or participant preference.

Interviews will be conducted by phone or video call (e.g., Microsoft Teams, Zoom) with interviewers using a hardcopy version of the protocol. Interviews will be audio-recorded and transcribed, following verbal consent from participants. Qualitative software

will be used for data coding and analysis of interviews.

The patient surveys will be provided to patients upon check-out from a healthcare visit and they will be encouraged to complete the survey before leaving the office. The survey will include a QR code to allow patients to access a web version of the form. Alternatively, the patient can complete the paper survey and it will be collected at the site, minimizing the need for patients to return the paper survey by mail. The paper surveys will be formatted for data scanning, and data from all paper surveys returned to the contractor will be scanned into an electronic datafile.

Estimated Annual Respondent Burden

This section summarizes the total burden hours for this information collection effort in addition to the cost associated with those hours.

Exhibit 1 contains estimated response burdens for each subject population participating in the evaluation's data collection activities.

1. Site Interest Form—A physician or manager at an interested site will complete the form only once to indicate interest in participating. The form will be completed by 1,060 respondents and requires 6 minutes to complete.

2. Site Information Form—A physician or manager at an interested site will complete the form only once to provide additional contact information, data on patient mix, and information on the organization's diagnostic safety teams, resource commitments, and capacity for implementing the resources. The form will be completed by 265 respondents and requires 20 minutes to complete.

3. Safer Dx Checklist—A physician or manager at participating sites will complete the form only once to allow the participating site to understand the current state of their diagnostic practices, identify areas to improve, and track progress toward diagnostic excellence over time. The form will be completed by 219 respondents and requires 15 minutes to complete.

4. Exit Interviews Protocol—A physician or manager at sites that withdraw from the project will complete the form once to provide information on why the site could not sustain their efforts or participation. The form will be completed by 69 respondents and requires 10 minutes to complete.

5a. SOPS® Medical Office Survey with Diagnostic Safety Supplemental Item Set—A physician or manager at participating ambulatory sites will complete the form to provide a baseline assessment of patient safety culture. The

form will be completed by 109 respondents and requires 15 minutes to complete.

5b. SOPS® Hospital Survey with Diagnostic Safety Supplemental Item Set—A physician or manager at participating hospital sites will complete the form to provide a baseline assessment of patient safety culture. The form will be completed by 110 respondents and requires 15 minutes to complete.

6. Post-Training Evaluation Form—A physician, nurse practitioner, physician assistant, or manager will complete the form once to indicate the perceived value of the training provided to participating sites. The form will be completed by 1350 respondents and requires 3 minutes to complete.

7. Post-Technical Assistance Evaluation Form—A physician, nurse practitioner, physician assistant, or manager will complete the form up to three times to indicate the perceived value of the technical assistance provided to participating sites. The form will be completed by 1350 respondents, three times, and requires 2 minutes to complete.

8. Clinical Sustainability Assessment Tool (CSAT)—A physician or manager at participating sites will complete the form to evaluate the sustainability capacity of a clinical practice. The form will be completed by 219 respondents and requires 15 minutes to complete.

9. Implementation Interviews Protocol—A physician, nurse practitioner, physician assistant, or manager will participate in an interview two times to provide their perspectives at different stages of the implementation. The interview will be completed by up to 438 respondents, two times, and requires 1 hour to complete.

10. Measure Dx Organizational Self-Assessment—A physician, nurse practitioner, physician assistant, or manager will complete the form only once to gauge the organization's readiness to engage with Measure Dx. The form will be completed by 73 respondents and requires 30 minutes to complete.

11. Measure Dx Declaration of Measurement Strategy—A physician, nurse practitioner, physician assistant, or manager will complete the form only once to indicate their selection of measurement strategy to be implemented and provide confirmation of minimum necessary capabilities. The form will be completed by 73 respondents and requires 5 minutes to complete.

12. Diagnostic Safety Event Report—A physician, nurse practitioner,

physician assistant, or manager will complete the form three times to provide aggregate information on diagnostic safety events. The form will be completed by 73 respondents, three times, and requires 1 hour to complete.

13a. *Omnibus Safety and Culture Survey_Medical Offices*—A physician, nurse practitioner, physician assistant, or manager will complete the form three times to provide information on safety culture at ambulatory sites. The form will be completed by 162 respondents, three times, and requires 20 minutes to complete.

13b. *Omnibus Safety and Culture Survey_Hospitals*—A physician, nurse practitioner, physician assistant, or manager will complete the form three times to provide information on safety culture at inpatient sites. The form will be completed by 167 respondents, three times, and requires 20 minutes to complete.

14. *Calibrate Dx Survey*—A physician, nurse practitioner, or physician assistant will complete the form four times to provide reflections on their diagnostic performance for 3–5 cases, with additional metrics around time to complete the review and the number of cases reviewed. The form will be

completed by 329 respondents, four times, and requires 30 minutes to complete.

15. *Clinician Self-Efficacy Survey*—A physician, nurse practitioner, or physician assistant will complete the form two times to provide information on their self-efficacy with diagnostic safety case review and improvement. The form will be completed by 329 respondents, two times, and requires 3 minutes to complete.

16. *Provider Characteristics Form*—A physician, nurse practitioner, or physician assistant will complete the form once to provide information on practitioner type, years in practice, specialty, subspecialty, and percent of time spent in clinical practice. The form will be completed by 986 respondents and requires 1 minute to complete.

17. *Patient Toolkit Survey—Provider*—A physician, nurse practitioner, or physician assistant will complete the form five times to provide information on provider-perceived skills and quality of communication. The form will be completed by 986 respondents, five times, and requires 2 minutes to complete.

18. *Provider Interview Protocol*—A physician, nurse practitioner, or

physician assistant will participate in an interview once to provide information related to diagnostic safety events; patient safety culture; feasibility, acceptability, utility, adoption, and spread of the Patient Toolkit; and insights into clinician experience. The interview will be completed by up to 50 respondents and requires 45 minutes to complete.

19. *Patient Toolkit Survey—Patient*—Patients will complete the form only once to provide information on their experience and quality of communication, and demographics information. The form will be completed by 62,500 respondents and requires 5 minutes to complete.

20. *Patient Interview Protocol*—Patients will participate in an interview once to provide information on reason for visit, provider communication, and other insights into patient experience. The interview will be completed by up to 50 respondents and requires 45 minutes to complete.

For the three-year clearance period, the estimated annualized burden hours for the data collection activities are 8,195.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
1: Site Interest Form	1,060	1	6/60	106
2: Site Information Form	265	1	20/60	88
3: Safer Dx Checklist	219	1	15/60	55
4: Exit Interviews Protocol	69	1	10/60	12
5a: SOPS® Medical Office Survey with Diagnostic Safety Supplemental Item Set ...	109	1	15/60	27
5b: SOPS® Hospital Survey with Diagnostic Safety Supplemental Item Set	110	1	15/60	28
6: Post-training Evaluation Form	1,350	1	3/60	68
7: Post-technical Assistance Evaluation Form	1,350	3	2/60	135
8: Clinical Sustainability Assessment Tool (CSAT)	219	1	15/60	55
9: Implementation Interviews Protocol	438	2	1	876
10: Measure Dx Organizational Self-Assessment	73	1	30/60	37
11: Measure Dx Declaration of Measurement Strategy	73	1	5/60	6
12: Diagnostic Safety Event Report	73	3	1	219
13a: Omnibus Safety and Culture Survey_Medical Offices	162	3	20/60	162
13b: Omnibus Safety and Culture Survey_Hospitals	167	3	20/60	167
14: Calibrate Dx Survey	329	4	30/60	657
15: Clinician Self-Efficacy Survey	329	2	3/60	33
16: Provider Characteristics Form	986	1	1/60	16
17: Patient Toolkit Survey—Provider	986	5	2/60	164
18: Provider Interview Protocol	50	1	45/60	38
19: Patient Toolkit Survey—Patient	62,500	1	5/60	5,208
20: Patient Interview Protocol	50	1	45/60	38
Total				8,195

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to complete the data

collection forms. The total cost burden is estimated to be \$457,432.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
1: Site Interest Form	1,060	106	^a \$97.30	\$10,314
2: Site Information Form	265	88	^a 97.30	8,562
3: Safer Dx Checklist	219	55	^a 97.30	5,352
4: Exit Interviews Protocol	69	12	^a 97.30	1,168
5a: SOPS® Medical Office Survey with Diagnostic Safety Supplemental Item Set ...	109	27	^a 97.30	2,627
5b: SOPS® Hospital Survey with Diagnostic Safety Supplemental Item Set	110	28	^a 97.30	2,724
6: Post-training Evaluation Form	1,350	68	^b 102.90	6,997
7: Post-technical Assistance Evaluation Form	1,350	135	^b 102.90	13,892
8: Clinical Sustainability Assessment Tool (CSAT)	219	55	^a 97.30	5,352
9: Implementation Interviews Protocol	438	876	^b 102.90	90,140
10: Measure Dx Organizational Self-Assessment	73	37	^b 102.90	3,807
11: Measure Dx Declaration of Measurement Strategy	73	6	^b 102.90	617
12: Diagnostic Safety Event Report	73	219	^b 102.90	22,535
13a: Omnibus Safety and Culture Survey_Medical Offices	162	162	^b 102.90	16,670
13b: Omnibus Safety and Culture Survey_Hospitals	167	167	^b 102.90	17,184
14: Calibrate Dx Survey	329	657	^c 102.83	67,559
15: Clinician Self-Efficacy Survey	329	33	^c 102.83	3,393
16: Provider Characteristics Form	986	16	^c 102.83	1,645
17: Patient Toolkit Survey—Provider	986	164	^c 102.83	16,864
18: Provider Interview Protocol	50	38	^c 102.83	3,908
19: Patient Toolkit Survey—Patient	62,500	5,208	^d 29.76	154,990
20: Patient Interview Protocol	50	38	^d 29.76	1,131
Total				457,432

* National Compensation Survey: Occupational wages in the United States May 2022, “U.S. Department of Labor, Bureau of Labor Statistics.”

^aBased on the weighted mean hourly wage for physicians (broad) (\$121.15; occupation code 29–1210; 60%) and Medical and Health Services Managers (\$61.53; Code 11–9111; 40%).

^bBased on the weighted mean hourly wage for physicians (broad) (\$121.15; occupation code 29–1210; 70%); nurse practitioners (broad) (\$59.94; occupation code 29–1170; 15%); physician assistants (broad) (\$60.23; occupation code 29–1070; 10%); and medical and health services managers (broad) (\$61.53; Code 11–9111; 5%).

^cBased on the weighted mean hourly wage for physicians (broad) (\$121.15; occupation code 29–1210; 70%); nurse practitioners (broad) (\$59.94; occupation code 29–1170; 15%); and physician assistants (broad) (\$60.23; occupation code 29–1070; 15%).

^dBased on the mean wages for All Occupations (Code 00–0000).

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ’s information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ’s health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ’s estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency’s subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Comments submitted in response to this notice will be summarized and included in the Agency’s subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: May 16, 2024.

Mamatha Pancholi,
Deputy Director.

[FR Doc. 2024–11199 Filed 5–21–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on two days: Friday, June 28, 2024, and Saturday, June 29, 2024.

ADDRESSES: The meeting will be held in-person at the Hilton Baltimore Inner Harbor, 401 W Pratt St, Baltimore, MD 21201. Seating is limited at this location; however, this meeting will also be broadcast virtually. If you are interested in attending in person, please register at <https://cma.ahrq.gov/na>. A confirmation will be sent based on availability.

FOR FURTHER INFORMATION CONTACT:

Jaime Zimmerman, Designated Federal Official, at the Agency for Healthcare Research and Quality, 5600 Fishers Lane, Mail Stop 06E37A, Rockville, Maryland, 20857, (301) 427–1456. For press-related information, please contact Bruce Seeman at (301) 427–1998 or Bruce.Seeman@AHRQ.hhs.gov.

Closed captioning will be provided during the meeting. If another reasonable accommodation for a disability is needed, please contact the Health Resources and Services Administration (HRSA), Office of Disabilities, Diversity, and Inclusion, (301) 443–5636, RA-Request@hrsa.gov, no later than Friday, June 14, 2024. The

agenda, roster, and minutes will be available from Jenny Griffith, Committee Management Officer, Agency for Healthcare Research and Quality, 5600 Fishers Lane, Rockville, Maryland, 20857. Jenny Griffith's phone number is (240) 446-6799.

SUPPLEMENTARY INFORMATION:

I. Purpose

In accordance with the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality (the Council). 5 U.S.C. 1009. The Council is authorized by section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director of AHRQ on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships. The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

II. Agenda

On Friday, June 28, NAC members will meet to conduct preparatory work prior to convening the Council meeting at 1:45 p.m., with the call to order by the Council Chair, an introduction of NAC members, and approval of previous Council summary notes. The NAC members will then receive an update from the AHRQ Director. The agenda will also include a conversation on the vision for Health Services Research, as well as an update on the Age-Friendly Healthcare Systems Strategic Plan, to be followed by a discussion about opportunities for modernizing the measurement of consumer experience. On Saturday, June 29, NAC members will convene the Council meeting at 9:00 a.m. with welcome and call to order. The NAC members will then discuss priority populations and maternity health, as well as listen to an update on AHRQ's Patient-Centered Outcomes Research Trust Fund (PCORTF) Extension Program. For information regarding how to access the meeting as well as other meeting details, including information on how to make a public comment, please go to <https://www.ahrq.gov/news/events/nac/>. The final agenda will be

available on the AHRQ website no later than Thursday, June 14, 2024.

Dated: May 3, 2024.

Mamatha Pancholi,

Deputy Director.

[FR Doc. 2024-11200 Filed 5-21-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Digestible Carbohydrate Intake and Maternal-Infant Outcomes: A Systematic Review

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submission.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review on *Digestible Carbohydrate Intake and Maternal-Infant Outcomes: A Systematic Review*, which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: *Submission Deadline* on or before June 21, 2024.

ADDRESSES:

Email submissions: epc@ahrq.hhs.gov.

Print submissions:

Mailing Address: Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E53A, Rockville, MD 20857

Shipping Address (FedEx, UPS, etc.):

Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E77D, Rockville, MD 20857

FOR FURTHER INFORMATION CONTACT:

Kelly Carper, Telephone: 301-427-1656 or email: epc@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Digestible Carbohydrate Intake and Maternal-Infant Outcomes: A*

Systematic Review. AHRQ is conducting this review pursuant to section 902 of the Public Health Service Act, 42 U.S.C. 299a.

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (e.g., details of studies conducted). We are looking for studies that report on *Digestible Carbohydrate Intake and Maternal-Infant Outcomes: A Systematic Review*. The entire research protocol is available online at: <https://effectivehealthcare.ahrq.gov/products/carbohydrate-intake/protocol>. This is to notify the public that the EPC Program would find the following information on *Digestible Carbohydrate Intake and Maternal-Infant Outcomes: A Systematic Review* helpful:

- A list of completed studies that your organization has sponsored for this topic. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number*.

- *For completed studies that do not have results on ClinicalTrials.gov*, a summary, including the following elements, if relevant: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.

- *A list of ongoing studies that your organization has sponsored for this topic*. In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including, if relevant, a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.

- Description of whether the above studies constitute *ALL Phase II and above clinical trials* sponsored by your organization for this topic and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on topics not included in the review cannot be used by the EPC Program. This is a voluntary request for

information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program website and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: <https://effectivehealthcare.ahrq.gov/email-updates>.

The review will answer the following questions. This information is provided

as background. AHRQ is not requesting that the public provide answers to these questions.

Key Questions (KQ)

1. What is the association between dietary digestible carbohydrate intake by a person during pregnancy and the weight, length, head circumference, and other measures of size and body composition of the infant obtained at birth? How are these associations affected by characteristics of the pregnant person?

2. What is the association between dietary digestible carbohydrate intake during pregnancy and gestational weight gain? How are these associations affected by characteristics of the pregnant person?

3. What is the association between infant dietary digestible carbohydrate intake, including digestible carbohydrate intake from human milk, and measures of growth, size, and body composition in individuals from birth to 24 months of age?

INCLUSION AND EXCLUSION CRITERIA BY POPULATION, INTERVENTION, COMPARATOR, OUTCOME, TIMING, SETTING/STUDY DESIGN (PICOTS)

Element	Inclusion criteria	Exclusion criteria
Population	KQ1 and KQ2: - Pregnant individuals and newborns not affected by a disease or health-related condition that impacts carbohydrate absorption and/or metabolism. KQ3: - Infants from birth to 24 months of age not affected by a disease or health-related condition that impacts carbohydrate absorption and/or metabolism.	All KQs: - Non-human participants (e.g., animal studies, in-vitro models). - Studies that enroll participants with diseases/health-related conditions that impact carbohydrate absorption or metabolism (e.g., cancer, malabsorption syndromes, diabetes). - Studies that exclusively enroll participants hospitalized with (1) an illness or injury; or (2) undernourished, underweight, stunted, or wasted participants. - Studies designed to induce weight loss or treat overweight and obesity through energy restriction or hypocaloric diets for the purposes of treating additional or other medical conditions. KQ1 and KQ2: - Individuals who are not pregnant. - Studies that enroll participants that are pre- or post-bariatric surgery. KQ3 - Children older than 24 months of age. - Studies of exclusively pre-term babies (gestational age <37 weeks), exclusively babies that have low birth weight (<2500g) and/or exclusively babies that are small for gestational age.
Intervention (Exposure)	- Studies that report total dietary digestible carbohydrate intake^a from foods, beverages, and dietary supplements^b or report values that allow total digestible carbohydrate intake to be calculated, and percentage of dietary intake consisting of total dietary carbohydrate with or without the % from other macronutrients (protein and fat). - A dietary pattern that describes and quantifies intake of total dietary digestible carbohydrate and total energy intake, with or without total fat, and total dietary protein content (e.g., low/high-fat diet; low/high-carbohydrate diet; high-protein; ketogenic diet; Atkins diet; Zone diet; Pritikin diet; Ornish diet).	- Studies that do not specify the amount of total digestible carbohydrate intake (e.g., studies that only report type or source of digestible carbohydrate or report only total carbohydrate, but not digestible carbohydrate). - Studies that do not provide percentage of dietary intake from total digestible carbohydrates or enough data to allow this to be calculated. - Studies that only assess digestible carbohydrate intake via infusions. - Studies that only assess exposure to digestible carbohydrate from a single meal or eating occasion such that usual intake cannot be inferred. - Studies that examine food products or dietary supplements not widely available to U.S. and/or Canadian consumers. - Multi-component interventions that do not isolate the effect of, or association with, digestible carbohydrate.
Comparator	Consumption of different levels of total dietary digestible carbohydrate intake.	Studies that do not attempt to control for energy intake of participants such that comparisons are not made on an isocaloric basis. Comparisons of digestible carbohydrate exposure should not be confounded by differences in participants' energy intake.

INCLUSION AND EXCLUSION CRITERIA BY POPULATION, INTERVENTION, COMPARATOR, OUTCOME, TIMING, SETTING/STUDY DESIGN (PICOTS)—Continued

Element	Inclusion criteria	Exclusion criteria
Outcome	KQ1: <i>Newborn size and body composition.</i> • Birth weight, weight-for-age and percentile or Z-score adjusted for gestational age. • Low birth weight. • Small-for-gestational age. • Large-for-gestational age; fetal macrosomia. • Birth length, length-for-age and percentile and Z-score adjusted for gestational age. • Head circumference and percentile and Z-score adjusted for gestational age. • BMI, BMI z-score, weight-for-length percentile, and Z-score • Ponderal index or other composite measures. • Body composition and distribution (e.g., % fat mass, fat-free mass, skin fold thicknesses, circumferences). KQ2: <i>Gestational weight gain.</i> • Change in pregnant individual's body weight from baseline (before or during 1st trimester of pregnancy) to a later time point during pregnancy and/or right before delivery. • Weight gain in relationship to weight gain recommendations, based on pre-pregnancy BMI. KQ3: <i>Infant (up to 24 months of age) growth, size, and body composition.</i> • Weight-for-age and percentile or Z-score adjusted for gestational age. • Length-for-age and percentile and Z-score adjusted for gestational age. • Head circumference and percentile and Z-score adjusted for gestational age. • BMI, BMI z-score, weight-for-length percentile, and Z-score • Body composition and distribution (e.g., % fat mass, fat-free mass, skin fold thicknesses, circumferences). • Incidence and prevalence of underweight, failure to thrive, stunting, wasting, healthy weight, overweight, obesity.	
Timing	• All exposure or intervention durations will be included. • KQ1 and KQ2: exposure during pregnancy. • KQ3: exposure from birth to 24 months of age.	
Setting	• Outpatient; all settings except hospital and acute care will be included.	• Hospital and acute care.
Study Design	• Randomized controlled trials. • Non-randomized controlled trials, including quasi-experimental and controlled before-and-after studies. • Prospective cohort studies. • Nested case-control studies.	• Narrative reviews. • Systematic reviews. • Meta-analyses. • Scoping reviews. • Umbrella reviews. • Retrospective cohort studies. • Cross-sectional studies. • Case-control studies. • All other study designs. • Locations not rated high or very high on the HDI.
Geographic Location	• Locations with food products or dietary supplements widely available to U.S. and/or Canadian consumers, including those rated high and very high on the Human Development Index (HDI)^c.	
Study Size	• Studies with N ≥30 participants (for randomized clinical trials [RCTs]): ≥10 participants analyzed <i>per study arm</i>).	• Studies with N <30 participants (for RCTs: <10 participants analyzed <i>per study arm</i>), and without power calculation.
Language	• Articles published in English	• Articles published in languages other than English.
Publication Dates	• Articles published during or after 2000	• Articles published prior to 2000.

^a Total dietary digestible carbohydrate intake defined as collective starch and sugar intake; carbohydrate intake not including dietary fiber.

^b Dietary supplement is defined as a product intended to supplement the diet that contains one or more dietary ingredients (including vitamins, minerals, herbs or other botanicals, amino acids, and other substances) intended to be taken by mouth as a pill, capsule, table, or liquid, and that is labeled on the front panel as being a dietary supplement.

^c United Nations Development Programme Human Development Reports, <https://hdr.undp.org/data-center/human-development-index#/indicies/HDI>.

Dated: May 16, 2024.
Mamatha Pancholi,
Deputy Director.
[FR Doc. 2024–11198 Filed 5–21–24; 8:45 am]
BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Privacy Act of 1974; System of Records; Correction
AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice; Correction.

SUMMARY: The Department of Health and Human Services (HHS) published a system of records notice in the **Federal Register** on May 16, 2024, for new system of records “OCSS Research Platform” maintained by HHS’ Administration for Children and Families (ACF), Office of Child Support Services (OCSS). The notice contained

an incorrect system number, 09–80–0391; the correct number is 09–80–0390.

FOR FURTHER INFORMATION CONTACT: Beth Kramer, HHS Privacy Act Officer, FOIA/Privacy Act Division, 200 Independence Ave. SW—Suite 729H, Washington, DC 20201, or beth.kramer@hhs.gov, (202) 690–6941.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of May 16, 2024, in FR Doc 2024–10776, on page 42881 (third column), correct the system number to read:

SYSTEM NAME AND NUMBER:

OCSS Research Platform, 09–80–0390.

Dated: May 17, 2024.

Beth Kramer,

HHS Privacy Act Officer, FOIA-Privacy Act Division, Office of the Assistant Secretary for Public Affairs.

[FR Doc. 2024–11267 Filed 5–21–24; 8:45 am]

BILLING CODE 4184–42–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–2019]

Agency Information Collection Activities; Proposed Collection; Comment Request; Class II Special Controls: Automated Blood Cell Separator Device Operating by Centrifugal or Filtration Principle

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information concerning class II special controls for an automated blood cell separator device operating by centrifugal or filtration separation principle.

DATES: Either electronic or written comments on the collection of information must be submitted by July 22, 2024.

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 22, 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 No. FDA–2024–N–2019 for “Class II Special Controls: Automated Blood Cell Separator Device Operating by Centrifugal or Filtration Separation Principle.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket

and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: JennaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR

1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Class II Special Controls: Automated Blood Cell Separator Device Operating by Centrifugal or Filtration Separation Principle

OMB Control Number 0910–0594—Extension

This information collection helps to support Agency regulations and

guidance. Under Section 513(a)(1)(B) of the Federal Food, Drug and Cosmetics Act (FD&C Act) (21 U.S.C. 360c(a)(1)(B)), FDA may establish special controls, including performance standards, postmarket surveillance, patient registries, guidelines, and other appropriate actions it believes necessary to provide reasonable assurance of the safety and effectiveness of the device. The special control guidance serves as the special control for the automated blood cell separator device operating by centrifugal or filtration separation principle intended for the routine collection of blood and blood components (§ 864.9245 (21 CFR 864.9245)). The guidance entitled “Guidance for Industry and FDA Staff—Class II Special Controls Guidance Document: Automated Blood Cell Separator Device Operating by Centrifugal or Filtration Separation Principle” (March 2011) is available at <https://www.fda.gov/media/124263/download>.

For currently marketed products not approved under the premarket approval process, the manufacturer should file with FDA for 3 consecutive years an annual report on the anniversary date of the device reclassification from class III to class II or on the anniversary date of the 510(k) of the FD&C Act (21 U.S.C. 360(k)) clearance. These annual reports are submitted as supplements to the original 510(k) via the electronic submission gateway at <https://www.fda.gov/electronic-submissions-gateway>. The reports can also be submitted in paper format and sent to the CBER Document Control Center at <https://www.fda.gov/about-fda/center-biologics-evaluation-and-research-cber/>

regulatory-submissions-electronic-and-paper.

Any subsequent change to the device requiring the submission of a premarket notification in accordance with section 510(k) of the FD&C Act should be included in the annual report. Also, a manufacturer of a device determined to be substantially equivalent to the centrifugal or filtration-based automated cell separator device intended for the routine collection of blood and blood components should comply with the same general and special controls.

Reclassification of this device from class III to class II relieves manufacturers of the burden of complying with the premarket approval requirements of section 515 of the FD&C Act (21 U.S.C. 360e) and may permit small potential competitors to enter the marketplace by reducing the burden. Although the special control guidance recommends that manufacturers of these devices file with FDA an annual report for 3 consecutive years, this would be less burdensome than the current postapproval requirements under 21 CFR part 814, subpart E, including the submission of periodic reports under 21 CFR 814.84.

In the special control guidance document, FDA recommends that manufacturers include in their annual reports a summary of adverse reactions maintained by the blood collection establishment or transfusion service or similar reports of adverse events collected.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Recommended activity; guidance section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Annual Report; Section VI, Special Controls	3	1	3	5	15

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on submissions to FDA over the last few years, there are three manufactures of automated blood cell separator devices. We estimate that the manufacturers will spend approximately 5 hours preparing and submitting the annual report.

The annual report should include, at a minimum, a summary of anticipated and unanticipated adverse events that have occurred and that are not required to be reported by manufacturers under Medical Device Reporting (MDR) (part

803 (21 CFR part 803)). The reporting of adverse device events summarized in an annual report will alert FDA to trends or clusters of events that might be a safety issue otherwise unreported under the MDR regulation. The report should also include any subsequent change to the preamendments class III device requiring a 30-day notice in accordance with 21 CFR 814.39(f).

Blood collection establishments and transfusion services, the intended users of the device, and the device

manufacturers have certain responsibilities under the Federal regulations. For example, collection establishments and or transfusion services are required to maintain records of any reports of complaints of adverse reactions (21 CFR 606.170), while the device manufacturer is responsible for conducting an investigation of each event that is reasonably known to the manufacturer and evaluating the cause of the event (§ 803.50(b) (21 CFR 803.50(b))). In

addition, manufacturers of medical devices are required to submit to FDA individual adverse event reports of death, serious injury, and malfunctions (§ 803.50).

Other burden hours required for § 864.9245 are reported and approved under OMB control number 0910–0120 (premarket notification submission 510(k), 21 CFR part 807, subpart E), and OMB control number 0910–0437 (MDR, part 803).

Based on a review of the information collection from our last request for OMB approval, we estimate that the number of manufacturers of automated blood cell separator devices remains unchanged. As a result, we have made no adjustments to our burden estimates.

Dated: May 16, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–11237 Filed 5–21–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–1894]

Agency Information Collection Activities; Proposed Collection; Comment Request; Yale-Mayo Clinic Centers of Excellence in Regulatory Science and Innovation B12 Pediatric Device Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collections associated with the “Yale-Mayo Clinic Centers of Excellence in Regulatory Science and Innovation (CERSI) B12 Pediatric Device Survey.”

DATES: Either electronic or written comments on the collection of information must be submitted by July 22, 2024.

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 22, 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 No. FDA–2022–N–1894 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Yale-Mayo Clinic Centers of Excellence in Regulatory Science and Innovation B12 Pediatric Device Survey.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those

submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT:

JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR

1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Yale-Mayo Clinic Centers of Excellence in Regulatory Science and Innovation (CERSI) B12 Pediatric Device Survey

OMB Control Number 0910–0912—Reinstatement

Despite numerous legislative, regulatory, and scientific efforts, there has been little change in the number of devices approved for use in pediatric patients. This has often led to devices being adapted for use in children without an appropriate level of evidence, exposing them to inconsistent benefit risk profiles. This health inequity highlights the need for devices that are designed, evaluated, and labeled for pediatric patients. To address these challenges, this collection is being done to survey industry and other key stakeholders in the medical device ecosystem to identify the barriers that prevent product developers from entering the pediatric device market as well as the proper incentives that would motivate them to innovate and sustain within this market.

This survey is a followup to the public meeting that FDA held in August 2018, entitled, “Pediatric Medical Device Development.” As mandated by section 502(d) of the FDA Reauthorization Act of 2017 (Pub. L. 115–52) the meeting was convened to address several topics, including consideration of ways to: (1) increase FDA assistance to medical device manufacturers in developing devices for pediatric populations that are approved or cleared, and labeled, for their use and (2) identify current barriers to pediatric device development and incentives to address such barriers.

Feedback from this meeting clarified the need to better understand factors influencing suboptimal engagement and participation by diverse innovators in the pediatric medical device space. Information garnered from this survey may help inform strategic plans to optimize existing programs for the needs of pediatric medical device innovators and develop new programs that will support sustained development in this space.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours ²
Phone Survey	17	1	17	0.5 (30 minutes)	9
Online Survey	56	1	56	1	56
Total .....	.....	.....	.....	.....	65

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.
² Rounded to the nearest hour.

The targeted groups for this collection of information include representatives from the medical device industry, academia, recipients of funding under section 305 of the Pediatric Medical Device Safety and Improvement Act of 2007 (Pub. L. 110–85; 42 U.S.C. 282 note), and trade organizations, medical provider organizations, organizations and individuals involved with financing and reimbursement associated with medical devices, pediatric healthcare leaders, clinicians who regularly use medical devices in caring for children, and organizations and individuals representing patients and consumers.

Phone survey: Respondents participating in the phone survey will be executives from companies either producing products in pediatrics or

from companies that produce products that could be used in pediatrics. Executives will be invited to engage in the 30-minute phone survey.

Online survey: The 1-hour online survey will be administered to leaders within pediatric companies and key decision makers in the pediatric medical device industry (e.g., venture capitalists, banking investors, leaders in children’s hospitals and research networks, and pediatric patient advocates).

Substantial turnover in the graduate students administering the survey made it necessary to bring in a new cohort of students and train them in the issues relevant to the survey. As a result, we were unable to field the B12 Pediatrics

survey before the OMB approval expiration date and are seeking a reinstatement to complete data collection. To better ensure timely completion of the data collection, the Yale CERSI team has shifted responsibility for conducting the survey and other aspects of the study to a Yale Staff Associate Research Scientist.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: May 17, 2024.
Lauren K. Roth,
Associate Commissioner for Policy.
[FR Doc. 2024–11234 Filed 5–21–24; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****[Docket No. FDA-2024-N-0008]****Request for Nominations on Public Advisory Panels of the Medical Devices Advisory Committee****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is requesting that any industry organizations interested in participating in the selection of nonvoting industry representatives to serve on certain panels of the Medical Devices Advisory Committee (MDAC or the Committee) in the Center for Devices and Radiological Health (CDRH) notify FDA in writing. FDA is also requesting nominations for nonvoting industry representatives to serve on certain device panels of the MDAC in the CDRH. A nominee may either be self-nominated or nominated by an organization to serve as a nonvoting industry representative. Nominations will be accepted for current and upcoming vacancies effective with this notice.

DATES: Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests must send a letter stating that interest to the FDA by June 21, 2024 (see sections I and II of this document for further details). Concurrently, nomination

materials for prospective candidates should be sent to FDA by June 21, 2024.

ADDRESSES: All statements of interest from industry organizations interested in participating in the selection process of nonvoting industry representative nomination should be sent to Margaret Ames (see **FOR FURTHER INFORMATION CONTACT**). All nominations for nonvoting industry representatives should be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: <https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm> or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993-0002. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm>.

FOR FURTHER INFORMATION CONTACT: Margaret Ames, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5213, Silver Spring, MD 20993, 301-796-5960, email: margaret.ames@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The Agency is requesting nominations for nonvoting industry representatives to the panels listed in table 1.

I. Medical Devices Advisory Committee

The Committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their

regulation. The Committee's panels engage in a number of activities to fulfill the functions the Federal Food, Drug, and Cosmetic Act (FD&C Act) envisions for device advisory panels. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, advises the Commissioner of Food and Drugs (the Commissioner) regarding recommended classification or reclassification of devices into one of three regulatory categories; advises on any possible risks to health associated with the use of devices; advises on formulation of product development protocols; reviews premarket approval applications for medical devices; reviews guidelines and guidance documents; recommends exemption of certain devices from the application of portions of the FD&C Act; advises on the necessity to ban a device; and responds to requests from the Agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, may also make appropriate recommendations to the Commissioner on issues relating to the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices. The Committee also provides recommendations to the Commissioner or designee on complexity categorization of in vitro diagnostics under the Clinical Laboratory Improvement Amendments of 1988.

TABLE 1—PANELS AND FUNCTIONS

Panels	Function
<i>Ear, Nose, and Throat Devices Panel</i>	Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational ear, nose, and throat devices and makes appropriate recommendations to the Commissioner.
<i>General and Plastic Surgery Devices Panel</i>	Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational general and plastic surgery devices and makes appropriate recommendations to the Commissioner.
<i>Medical Devices Dispute Resolution Panel</i>	The Medical Devices Dispute Resolution Panel (MDDRP) provides advice to the Center Director on complex or contested scientific issues between the FDA and medical device sponsors, applicants, or manufacturers relating to specific products, marketing applications, regulatory decisions and actions by FDA, and Agency guidance and policies. The Panel makes recommendations on issues that are lacking resolution, are highly complex in nature, or result from challenges to Agency decisions or actions.
<i>Orthopaedic and Rehabilitation Devices Panel</i>	Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational orthopaedic and rehabilitation devices and makes appropriate recommendations to the Commissioner of Food and Drugs.

II. Qualifications

Persons nominated for the device panels should be full-time employees of firms that manufacture products that would come before the panel, or

consulting firms that represent manufacturers, or have similar appropriate ties to industry.

III. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send

a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations, and a list of all nominees along with their current resumes. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for a particular device panel. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner will select the nonvoting member to represent industry interests.

IV. Application Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a nonvoting industry representative. Nomination must include a current, complete résumé or curriculum vitae for each nominee including current business address and telephone number, email address if available, and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Committee Membership Nomination Portal (see **ADDRESSES**) within 30 days of publication of this document (see **DATES**). Nominations must also specify the advisory panel for which the nominee is recommended. Nominations

must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the particular device panels listed in table 1. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process.)

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees, and therefore encourages nominations of appropriately qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*), relating to advisory committees.

Dated: May 16, 2024.
Lauren K. Roth,
Associate Commissioner for Policy.
[FR Doc. 2024–11178 Filed 5–21–24; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2021–N–0403, FDA–2023–N–4181, and FDA–2021–N–0584]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at <https://www.reginfo.gov/public/do/PRAMain>. 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB Control No.	Date approval expires
Food Additives; Food Contact Substances Notification System	0910–0495	4/30/2027
Cattle Materials Prohibited From Use in Animal Food or Feed	0910–0627	4/30/2027
Standardized Reporting Forms for Federally Funded Public Health Projects and Agreements	0910–0909	4/30/2027

Dated: May 16, 2024.
Lauren K. Roth,
Associate Commissioner for Policy.
[FR Doc. 2024–11180 Filed 5–21–24; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–0970]

Vaccines and Related Biological Products Advisory Committee; Amendment of Notice—Selection of the 2024 to 2025 Formula for COVID–19 Vaccines

AGENCY: Food and Drug Administration, HHS.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the notice of meeting of the Vaccines and Related Biological Products Advisory Committee. This meeting was announced in the **Federal Register** of March 4, 2024. The amendment is being made to reflect a change in the meeting date in the **SUMMARY** and **DATES** portions of the document from May 16, 2024, to June 5, 2024. There are no other changes.

FOR FURTHER INFORMATION CONTACT: Kathleen Hayes or Prabhakara Atreya, Center for Biologics Evaluation and

Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Silver Spring, MD 20993-0002, 301-796-6985, CBERVRBPAC@fda.hhs.gov; or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). Please call the Information Line for up-to-date information on this meeting. For press inquiries, please contact the Office of Media Affairs at 301-796-4540 or fdaoma@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 4, 2024 (89 FR 15590), FDA announced that a meeting of the Vaccines and Related Biological Products Advisory Committee would be held on May 16, 2024. On page 15590, in the second column, the **SUMMARY** and **DATES** portions of the document are changed to read as follows:

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (the Committee). The general function of the Committee is to provide advice and recommendations to FDA on regulatory issues. On June 5, 2024, the Committee will meet in open session to discuss and make recommendations on the selection of the 2024 to 2025 formula for COVID-19 vaccines. The meeting will be open to the public.

DATES: The meeting will be held virtually on June 5, 2024, from 8:30 a.m. to 4:30 p.m. EST. This notice is issued under the Federal Advisory Committee Act 5 U.S.C. 1001 *et seq.* and 21 CFR part 14, relating to the advisory committees.

Dated: May 17, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-11216 Filed 5-21-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-N-0001]

Evaluating Immunosuppressive Effects of In Utero Exposure to Drug and Biologic Products; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following public workshop entitled

“Evaluating Immunosuppressive Effects of In Utero Exposure to Drug and Biologic Products.” The purpose of the public workshop is to discuss transplacental transfer of drug and biological products with immunosuppressive properties and the potential clinical impact on the developing fetus and newborn infant, understand the gaps in knowledge, and consider innovative approaches to improve collection of relevant data.

DATES: The public workshop will be held on July 11, 2024, from 9 a.m. to 5 p.m. Eastern Time and on July 12, 2024, from 9 a.m. to 1 p.m. Eastern Time. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at FDA’s White Oak Campus and online. Entrance for the registered public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to <https://www.fda.gov/about-fda/visitor-information>.

FOR FURTHER INFORMATION CONTACT: Meshawn Payne and Michelle Pollack, Office of New Drugs Public Meeting Support Team, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6466, Silver Spring, MD 20993-0002, 301-796-6668, ONDPublicMTGSupport@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Drug and biological products are widely used in various therapeutic areas during pregnancy to treat various conditions. Some products can be actively or passively transported across the placenta from a pregnant individual to their fetus. When this occurs for products with immunosuppressive properties, it is biologically plausible that these products can exert immunosuppressive effects on the developing fetus and newborn infant. Historically, pregnant individuals have generally been excluded from clinical trials, resulting in a paucity of data available on transplacental transfer and its potential consequences to the developing fetus and newborn infant. This lack of data poses challenges in providing adequate information in product labeling to help prescribers and patients make informed decisions about use of these products during pregnancy.

II. Topics for Discussion at the Public Workshop

Pregnant individuals may have chronic and/or acute conditions that need to be treated, and published data

show that most pregnant individuals take at least one medication (excluding vitamins) during pregnancy. Therefore, understanding the safety of medications when used during pregnancy is important. The main objective of the “Evaluating Immunosuppressive Effects of In Utero Exposure to Drug and Biologic Products” workshop is to discuss the available data on the placental transfer of drug and biological products with immunosuppressive effects and the potential clinical impact on infants exposed in utero, identify gaps in knowledge, and explore innovative and practical approaches for collection of relevant data. In addition, the workshop will allow for an open dialogue among regulators, academia, industry, and patient organizations regarding the potential safety concerns of medicines that may need to be used during pregnancy and approaches to data collection.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following website: <https://lu.ma/5vdmibim>. Please register by July 10, 2024, at 11:59 p.m. Eastern time. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public workshop must register by July 10, 2024, at 11:59 p.m. Eastern time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted.

If you need special accommodations due to a disability, please contact Brittany Witcher, OND Public Meeting Support Team at ONDPublicMTGSupport@fda.hhs.gov no later than July 1, 2024.

Streaming Webcast of the Public Workshop: This public workshop will also be streamed virtually via Zoom. Virtual attendees may register at the following website to receive the Zoom link: <https://lu.ma/5vdmibim>. Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

Transcripts and Recordings: Please be advised that as soon as transcripts and recordings of the public workshop are available, they will be accessible on the FDA event web page <https://www.fda.gov/drugs/news-events->

human-drugs/evaluating-immunosuppressive-effects-utero-exposure-drug-and-biologic-products-07112024. The transcripts and recordings will also be accessible at <https://www.regulations.gov> and may be viewed at the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: May 17, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-11228 Filed 5-21-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection

Activities: Submission to OMB for Review and Approval; Public Comment Request: National Survey of Organ Donation Attitudes and Practices, OMB No. 0915-0290

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than June 21, 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 Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email

Joella Roland, the HRSA Information Collection Clearance Officer, at paperwork@hrsa.gov or call (301) 443-3983.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: National Survey of Organ Donation Attitudes and Practices, OMB No. 0915-0290—Revision.

Abstract: The overall purpose of this study is to conduct an independent multi-mode (web and telephone) survey of public opinion regarding various issues related to organ donation. The survey will measure public opinion on issues such as willingness to become an organ donor, financial incentives for donation, living donation, impediments to donation, and level of public knowledge about donation. Previous National Survey of Organ Donation Attitudes and Practices were conducted during 1993, 2005, 2012, and 2019. Similar to the 2019 survey, the goal is to complete 10,000 interviews with adults (18 years of age or older) nationwide. Specifically, this will include 1,000 equal-probability of selection method computer-assisted telephone interviewing (CATI) interviews, 1,000 ethnic oversamples CATI interviews, and a supplemental web panel of 8,000 respondents. The final sample will include 1,000 interviews each with Black or African Americans, Asian Americans, Hispanic/Latino Americans, and American Indian/Alaskan Natives, and a statistically sufficient sample for meaningful comparisons across demographic levels of age group, education, and income groups. A total sample of 10,000 is necessary to achieve sufficiently large subgroups for statistical analysis across demographic groups.

A 60-day notice published in the **Federal Register** on January 18, 2024, vol. 89, No. 12; pp. 3409-3410. There were no public comments.

Need and Proposed Use of the Information: The Division of Transplantation, within the Health Systems Bureau of HRSA at the Department of Health and Human Services, is the primary federal entity responsible for oversight of the solid organ and blood stem cell transplant systems in the United States and for initiatives to increase organ donor registration and donation. Sponsorship of a national survey on the American public's donation attitudes and practices is one of the services that

Division of Transplantation provides for the larger donation community, consistent with its legal authority to establish a public education and awareness program (Section 377A of the Public Health Service Act, 42 U.S.C. 274f-1).

Patients in need of organ transplantation in the United States face a longstanding critical shortage of organs. Approximately 103,000 Americans were on the waiting list for transplantation by the end of 2022, but only 42,000 transplants were performed, which only meets two-fifths of the national need. While this represents an increase from the number of transplants performed in 2021, the organ shortage remains in the United States. Understanding public attitudes about organ donation and how the attitudes change over time is critical to addressing organ shortage through public awareness and education efforts.

The information from this survey will facilitate appropriate tailoring and targeting of donation outreach messages and strategies and provide an overall assessment of the impact of previous outreach messages and strategies. The data will also inform the development of policy related to organ donation and transplantation.

Likely Respondents: A nationally representative sample of adults over the age of 18 with a higher number of responses from populations of interest such as racial-ethnic minorities, including Black or African American, Asian American, American Indian/Alaskan Native, and Hispanic/Latino American respondents, as well as respondents of all age groups and education levels.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
The National Survey of Organ Donation Attitudes and Practices—Telephone (English and Spanish versions)	2,000	1	2,000	0.37	740
The National Survey of Organ Donation Attitudes and Practices—Web (English and Spanish versions)	8,000	1	8,000	0.27	2,160
Total	10,000	.....	.....	.....	2,900

Amy P. McNulty,

Deputy Director, Executive Secretariat.

[FR Doc. 2024–11246 Filed 5–21–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Application and Impact of Clinical Research Training on Healthcare Professionals in Academia and Clinical Research (Office of the Director)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open

for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Anne Zajicek, Program Director, Office of Clinical Research Education and Collaboration Outreach, OD, NIH, Building 1, Room 201, 1 Center Drive, Bethesda, MD 20892, or call non-toll-free number (301) 480–9913 or Email your request, including your address to: zajiceka@mail.nih.gov.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on Monday, July 31, 2023, Volume 88, pages 49472–49473 (64 FR 16184) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The Office of Clinical Research Education and Collaboration Outreach, Office of the Director, National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Application and Impact of Clinical Research Training on Healthcare Professionals in Academia and Clinical Research, 0925–0764-expiration date, 02/28/2026, Office of Clinical Research Education and Collaboration Outreach (OCRECO), National Institutes of Health (NIH), Office of the Director (OD).

Need and Use of Information Collection: The purpose of this survey is to assess the long-term impact and outcomes of clinical research training programs provided by the Office of Clinical Research Education and Collaboration Outreach located in the NIH Office of the Director (OD) over a ten-year follow-up period. The information received from respondents will provide insight on the following: impact of the courses on (a) promotion of professional competence, (b) research productivity and independence, and (c) future career development within clinical, translational and academic research settings. These surveys will provide preliminary data and guidance in (1) developing recommendations for collecting outcomes to assess the effectiveness of the training courses, and (2) tracking the impact of the curriculum on participants’ ability to perform successfully in academic, non-academic, research, and non-research settings.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1,773.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Estimated number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
OCRECO Learning Portal Registration (Attachment 1)	Healthcare Professionals	2,000	1	5/60	167
	Students	2,000	1	5/60	167
	General Public	1,000	1	5/60	83
IPPCR Lecture Evaluation (Attachment 2)	Healthcare Professionals	1,000	1	5/60	83
	Students	2,000	1	5/60	167
	General Public	1,000	1	5/60	83

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Type of respondents	Estimated number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
IPPCR Final Course Evaluation (Attachment 4)	Healthcare Professionals	1,000	1	5/60	83
	Students	2,000	1	5/60	167
	General Public	1,000	1	5/60	83
PCP Lecture Evaluation (Attachment 3)	Healthcare Professionals	1,000	1	5/60	83
	Students	2,000	1	5/60	167
	General Public	1,000	1	5/60	83
PCP Final Course Evaluation (Attachment 5)	Healthcare Professionals	1,000	1	5/60	83
	Students	2,000	1	5/60	167
	General Public	1,000	1	5/60	83
NIH Summer Course in Clinical and Translational Research Course Evaluation (Attachment 6). Sabbatical in Clinical Research Management Course Evaluation (Attachment 7).	Healthcare Professionals	20	1	5/60	2
Ethical and Regulatory Aspects of Clinical Research (Asynchronous/Online) Course (Attachment 8).	Healthcare Professionals	100	1	5/60	8
	Students	50	1	5/60	4
	General Public	100	1	5/60	8
Total .....	.....	.....	21,290	.....	1,773

Dated: May 16, 2024.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2024–11257 Filed 5–21–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Post-Award Reporting Requirements Including Research Performance Progress Report Collection (OD)

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 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, submit comments in writing, or request more information on the proposed project, contact: Ms. Mikia P. Currie, Program

Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland 20892, or call a non-toll-free number 301–435–0941 or email your request, including your address to ProjectClearanceBranch@mail.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 on 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: Public Health Service (PHS) Post-award Reporting Requirements Revision, OMB 0925–0002, Expiration Date 01/31/2026, Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: Starting in 2025, NIH will

require applicable recipients to address progress in association with their approved Data Management and Sharing Plans within the Research Performance Progress Report (RPPR) in accordance with the final NIH Policy for Data Management and Sharing to promote the management and sharing of scientific data generated from NIH-funded or conducted research. The progress report forms will be updated to align with this requirement. The Training Data Tables will also be updated to reduce the burden and promote consistent information collection, including limiting the scope of information collection to data only relevant to the training stage(s) of the proposed program in Table 1 and removing instructions in Table 8 that are reported within the RPPR. Effective May 2025, NIH will be adopting the Common Forms for Biographical Sketch and Current and Pending (Other) Support as part of the directive from Guidance for Implementing National Security Presidential Memorandum (NSPM)-33. The Common Forms are part of a separate OMB collection, currently approved under 3145–0279. As such, elements collected within the Common Forms will be removed from NIH's current NIH Biosketch and Other Support formats. NIH will continue to collect additional information not captured on the Common Forms to adhere to the agency's implementation of the NIH Peer Review Regulations at 42 CFR part 52 as part of the NIH Biosketch form, which will be renamed the NIH Biosketch Supplement to reflect the supplemental information requested. The application and progress

report forms and associated instructions will be updated to align with these new requirements. The RPPR is required to be used by all NIH, Food and Drug Administration (FDA), Centers for Disease Control and Prevention, and Agency for Healthcare Research and Quality (AHRQ) grantees. Interim progress reports are required to continue support of a PHS grant for each budget year within a competitive segment. This collection also includes other PHS post-award reporting requirements: PHS 416–7 National Research Service Award

(NRSA) Termination Notice, PHS 2271 Statement of Appointment, 6031–1 NRSA Annual Payback Activities Certification, HHS 568 Final Invention Statement and Certification, and PHS 3734 Statement Relinquishing Interests and Rights in a PHS Research Grant. The PHS 416–7, 2271, and 6031–1 are used by NRSA recipients to activate, terminate, and provide for payback of an NRSA. Closeout of an award requires a Final Invention Statement (HHS 568) and a Final Progress Report. The PHS 3734 serves as the official record of

grantee relinquishment of a PHS award when an award is transferred from one grantee institution to another. Pre-award reporting requirements are simultaneously consolidated under 0925–0001 and the changes to the collection here are related.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 579,365.

ESTIMATED ANNUALIZED BURDEN HOURS

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
REPORTING				
PHS 416–7	12,580	1	30/60	6,290
PHS 6031–1	1,778	1	20/60	593
PHS 568	11,180	1	5/60	932
PHS 2271	22,035	1	15/60	5,509
PHS 2590	243	1	18	4,374
RPPR–Core Data	32,098	1	8	256,784
Biosketch (Part of RPPR)	2,544	1	2	5,088
Data Tables (Part of RPPR)	758	1	4	3,032
Trainee Diversity Report (Part of RPPR)	480	1	15/60	120
PHS Human Subjects and Clinical Trial Information	6,420	1	3	25,680
Publication Reporting	97,023	3	5/60	24,256
Final RPPR–Core Data	18,000	1	10	180,000
Data Tables (Part of Final RPPR)	758	1	4	3,032
Trainee Diversity Report (Part of Final RPPR)	480	1	15/60	120
PHS Human Subjects and Clinical Trial Information (Part of Final RPPR)	3,600	1	4	14,400
PHS 3734	479	1	30/60	240
Data Management and Sharing Plan (Part of RPPR)	15,649	1	2	31,298
Data Management and Sharing Plan (Part of Final RPPR)	8,621	1	2	17,242
Reporting Burden Total				578,990
RECORDKEEPING				
SBIR/STTR Life Cycle Certification	1,500	1	15/60	375
Grand Total	236,226			579,365

Dated: May 9, 2024.

Lawrence A. Tabak,
Principal Deputy Director, National Institutes of Health.

[FR Doc. 2024–11256 Filed 5–21–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Proposed Collection; 60-Day Comment Request; PHS Applications and Pre-Award Reporting Requirements (OD)**

AGENCY: National Institutes of Health.

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 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, submit comments in writing, or request more

information on the proposed project, contact: Ms. Mikia P. Currie, Program Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland 20892, or call a non-toll-free number 301–435–0941 or email your request, including your address to ProjectClearanceBranch@mail.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 on 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: Public Health Service (PHS) Applications and Pre-Award Reporting Requirements, Revision, OMB 0925-0001, Expiration Date 01/31/2026, Office of the Director, National Institutes of Health (NIH).

Need and Use of Information Collection: Effective for due dates on or after January 25, 2025, NIH will be implementing several trans-NIH initiatives to simplify the grants process for applicants and recipients as well as for peer review. NIH will be updating fellowship applications to improve fellowship peer review to facilitate the mission of these programs to identify the most promising candidates and individualized training opportunities that will assist them along their paths to support the advancement of the biomedical research enterprise. NIH will be reducing the number of required attachments and updating instructions for the PHS Fellowship Supplemental Form to align with the revised scored review criteria. NIH will also be updating institutional training grant applications, including adding a new attachment field to the PHS 398 Research Training Program Plan form for the transparent collection of the Recruitment Plan to Enhance Diversity while also providing additional space for applicants within the Program Plan

page limit where this information was previously collected. The Training Data Tables will also be updated to reduce the burden and promote consistent information collection, including limiting the scope of information collection to data only relevant to the training stage(s) of the proposed program in Table 1 and removing instructions in Table 8 that are reported within the Research Performance Progress Report (RPPR). Effective for due dates on or after May 25, 2025, NIH will be adopting the Common Forms for Biographical Sketch and Current and Pending (Other) Support as part of the directive from Guidance for Implementing National Security Presidential Memorandum (NSPM)-33. The Common Forms are part of a separate OMB collection, currently approved under 3145-0279. As such, elements collected within the Common Forms will be removed from NIH's current NIH Biosketch and Other Support formats. NIH will continue to collect additional information not captured on the Common Forms to adhere to the agency's implementation of the NIH Peer Review Regulations at 42 CFR part 52 as part of the NIH Biosketch form, which will be renamed the NIH Biosketch Supplement to reflect the supplemental information requested. The application and progress report forms and associated instructions will be updated to align with these new requirements. This collection also continues to include PHS applications and pre-award reporting requirements: PHS 398 [paper] Public Health Service Grant Application forms and instructions; PHS 398 [electronic] PHS Grant Application component forms and agency-specific instructions used in combination with the SF424 (R&R); PHS Fellowship Supplemental Form and agency-specific instructions used in combination with the SF424 (R&R) forms/instructions for Fellowships

[electronic]; PHS 416-1 Ruth L. Kirschstein National Research Service Award (NRSA) Individual Fellowship Application Instructions and Forms used only for a change of sponsoring institution application [paper]; Instructions for a Change of Sponsoring Institution for NRSA Fellowships (F30, F31, F32 and F33) and non-NRSA Fellowships; PHS 416-5 Ruth L. Kirschstein National Research Service Award Individual Fellowship Activation Notice; and PHS 6031 Payback Agreement. The PHS 398 (paper and electronic are currently approved under 0925-0001. All forms expire 01/31/2026. Post-award reporting requirements are simultaneously consolidated under 0925-0002 and include the RPPR. The PHS 398 and SF424 applications are used by applicants to request Federal assistance funds for traditional investigator-initiated research projects and to request access to databases and other PHS resources. The PHS 416-1 is used only for a change of sponsoring institution application. PHS Fellowship Supplemental Form and agency-specific instructions are used in combination with the SF424 (R&R) forms/instructions for Fellowships and are used by individuals to apply for direct research training support. Awards are made to individual applicants for specified training proposals in biomedical and behavioral research, selected as a result of a national competition. The PHS 416-5 is used by individuals to indicate the start of their NRSA awards. The PHS 6031 Payback Agreement is used by individuals at the time of activation to certify the agreement to fulfill the payback provisions.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2,175,670.

ESTIMATED ANNUALIZED BURDEN HOURS

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
PHS 398—Paper	4,247	1	35	148,645
PHS 398/424—Electronic				
PHS Assignment Request Form	37,120	1	30/60	18,560
PHS 398 Cover Page Supplement	74,239	1	1	74,239
PHS 398 Modular Budget	56,693	1	1	56,693
PHS 398 Training Budget	1,122	1	2	2,244
PHS 398 Training Subaward Budget Attachment(s) Form	561	1	90/60	842
PHS 398 Research Plan	70,866	1	10	708,660
PHS 398 Research Training Program Plan	1,122	1	10	11,220
Data Tables	1,515	1	4	6,060

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
PHS 398 Career Development Award Supplemental Form	2,251	1	10	22,510
PHS Human Subjects and Clinical Trial Information	54,838	1	13	712,894
Biosketch (424 Electronic)	80,946	1	2	161,892
Data Management and Sharing Plan	73,117	1	2	146,234
PHS Fellowship—Electronic				
PHS Fellowship Supplemental Form (includes F reference letters)	6,707	1	13	87,191
Biosketch (Fellowship)	6,707	1	2	13,414
416–1	29	1	10	290
PHS 416–5	6,707	1	5/60	559
PHS 6031	6,217	1	5/60	518
VCOC Certification	6	1	5/60	1
SBIR/STTR Funding Agreement Certification	1,500	1	15/60	375
NIH Other Transaction				
NIH Other Transaction Application Form	239	1	11	2,629
Total Annual Burden Hours		486,749		2,175,670

Dated: May 13, 2024.

Lawrence A. Tabak,
Principal Deputy Director, National Institutes of Health.

[FR Doc. 2024–11251 Filed 5–21–24; 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 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 Neurological Disorders and Stroke Special Emphasis Panel; HEAL Initiative: Non-addictive Analgesic Therapeutics Development [Small Molecules and Biologics] to Treat Pain.

Date: June 17, 2024.

Time: 9:00 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 (Virtual Meeting).

Contact Person: W. Ernest Lyons, Ph.D., Scientific Review Administrator, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–4056, lyonse@ninds.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 16, 2024.

Lauren A. Fleck,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–11187 Filed 5–21–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Health (NIH) Office of Science Policy (OSP): Request for Information on Draft NIH Intramural Research Program Policy: Promoting Equity Through Access Planning

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health (NIH) is proposing to develop and implement a new policy within its Intramural Research Program (IRP) to promote access to products stemming

from taxpayer-funded inventions. NIH seeks input on this draft policy and accompanying draft license agreement language that incorporates patient access in the commercialization process for NIH-owned inventions.

DATES: To ensure consideration, comments must be submitted in writing by July 22, 2024.

ADDRESSES: Comments may be submitted electronically to <https://osp.od.nih.gov/comment-form-draft-nih-intramural-research-program-policy-promoting-equity-through-access-planning/>. Responses to this request for information are voluntary and may be submitted anonymously. You may voluntarily include your name and contact information with your response. Other than your name and contact information, please do not include in the response any personally identifiable information or any information that you do not wish to make public. Proprietary, classified, confidential, or sensitive information should not be included in your response. After the Office of Science Policy (OSP) has finished reviewing the responses, the responses may be posted to the OSP website without redaction.

FOR FURTHER INFORMATION CONTACT: Abby Rives, Director of the Technology Transfer and Innovation Policy, at (301) 496–9838 or SciencePolicy@od.nih.gov.

SUPPLEMENTARY INFORMATION:

Background

As the world's largest public funder of biomedical research, NIH seeks to drive effective partnerships that foster a shared commitment to transforming

knowledge into improved health for all. These investments are critical to the health of our scientific enterprise, both in terms of supporting research discoveries and by fueling U.S. leadership in the bioeconomy. Indeed, NIH-owned inventions have provided the foundation for new vaccines, drugs, and medical devices.¹ A recent report estimated that technology licensed from the IRP supported an average of 74,500 jobs and contributed an average of over \$13 billion to U.S. GDP each year over the last two decades.²

NIH recognizes that all too often, however, patients across the country and across the globe may be unable to access products they need—a treatment for their disease may not yet exist, or it might exist but be out of reach because it is too expensive or difficult to take. For example, millions of adults skip medications due to high costs, and the rising cost of prescription drugs puts many of these products out of reach. Thus, NIH is exploring how it might leverage partnerships to further enhance health through the biomedical research it funds.

In 2023, NIH hosted a workshop in support of this agenda, *Transforming Discoveries into Products: Maximizing NIH's Levers to Catalyze Technology Transfer* (<https://osp.od.nih.gov/events/workshop-on-transforming-discoveries-into-products-maximizing-nih-levers-to-catalyze-technology-transfer/>), to discuss policies and practices that shape biomedical innovation and promote access to NIH-funded discoveries. At this workshop, NIH heard from participants with experience using “access planning” as a means to prospectively address downstream access challenges. Access planning involves incorporating patient access considerations, at a high level, in agreements related to biomedical research and development. The parties commit to revisit access considerations as product development progresses, but the initial agreement terms are intentionally flexible and not prescriptive.

NIH is proposing a new policy within the NIH IRP (see Appendix), to require that licensees that succeed in bringing certain products toward market submit a plan outlining steps they intend to

take to promote patient access to those products. This new IRP policy makes it clear that access, defined broadly to include product affordability, availability, acceptability, and sustainability, is of paramount importance in providing a return on taxpayers' investment in biomedical research. This new policy would apply to patent licenses for the commercialization of drugs, biologics, vaccines, or devices. NIH would also employ a tiered approach, where licenses granted for late-stage inventions that are closer to market launch would include more specific, tailored access-oriented provisions, while licenses granted for early-stage inventions would be more flexible to reflect the higher uncertainty associated with technologies that lead to drugs, biologics, vaccines, or devices. Importantly, a final policy approach should be reasonable and not seek to force licensees into access obligations that obstruct commercial development or damage the viability and sustainability of a product in the market, while also balancing the need to promote access through reforms to various policies. The agency is proposing a flexible approach that allows appropriately tailored, commercially reasonable strategies to promote patient access across a range of technologies. This RFI is in relation to the licensing of government-owned inventions in accordance with 35 U.S.C. 207 and 37 CFR part 404.

Request for Information

NIH seeks information from all interested individuals and communities, including, but not limited to, patients and patient advocates, small business firms, technology transfer and licensing professionals, investigators, public health organizations, investors, industry partners, healthcare providers, universities, research institutions, and other members of the public. While comments are welcome on all elements of this proposal, input would be most welcome on the specific issues identified below:

1. *Promoting meaningful access approaches.* NIH intends to provide additional guidance to licensees on examples of acceptable, commercially reasonable approaches for promoting access. NIH is seeking input on the range of activities that could be considered and strategies to mitigate access challenges and expand the reach, and benefit, of drugs, biologics, vaccines, and devices stemming from NIH inventions.

2. *Promoting transparency in the biomedical research enterprise and*

return on investment. The process of bringing a new product through research and development, to market, and into the hands of patients is long, fraught with challenges, and expensive. NIH is interested in hearing from potential partners on how access plans could incorporate transparent cost accounting measures to assist NIH in driving down costs associated with innovation and making clearer what costs are incurred along the way and how those affect product costs.

3. *Providing flexibility while achieving clear policy objectives.* NIH recognizes that its licensees, their partners, and the public will need confidence around what this policy requires and the standards that would be used to evaluate plans. The agency is seeking input on how to maintain flexibility for licensees to pursue their specific product development and commercialization needs while simultaneously promoting certainty and transparency on access efforts and policy enforcement.

4. *Helping licensees achieve access goals.* NIH is interested in hearing ideas about how it may be able to help licensees deliver patient access to products that stem from these agreements. Licensees could include such information in access plans or at earlier stages of product development. NIH invites input on additional steps it could take or ways to leverage existing U.S. Government programs and resources to assist in this endeavor.

5. *Establishing licensee obligations depending on the stage of technology development.* Generally, as a product moves closer to market, the odds of successful commercialization improve, and NIH's proposed policy would take this into account. If the agency has advanced products to the point of a first pivotal clinical trials (e.g., Phase III or the equivalent)—licenses covering those products would include specific, tailored access-oriented provisions that should be clear and understandable. NIH is seeking further input on specific provisions that would meet these objectives.

6. *Assessing policy impact.* NIH is seeking input on how to assess compliance with the proposed policy and potential metrics for assessing its impact.

Appendix: Proposed Aspects of Draft NIH IRP Policy Promoting Equity Through Access Planning

I. Policy Scope

NIH is proposing a new policy that would apply to inventions made by investigators in the NIH Intramural Research Program (IRP) and owned by the agency. This policy would

¹ HHS License-Based Vaccines & Therapeutics, NATIONAL INSTITUTES OF HEALTH TECHNOLOGY TRANSFER, <https://www.techtransfer.nih.gov/reportsstats/hhs-license-based-vaccines-therapeutics> (last visited May 2, 2024).

² Public Health & Economic Impact Study, NATIONAL INSTITUTES OF HEALTH TECHNOLOGY TRANSFER (May 2023), <https://www.techtransfer.nih.gov/reports/public-health-and-economic-impact-study>.

apply to commercial patent licenses that authorize commercialization of drugs, biologics, vaccines, or devices for the prevention, diagnosis, or treatment of human disease and would include exclusive, co-exclusive, partially exclusive, and non-exclusive licenses. Third-party IP (*i.e.*, patents solely owned by NIH's collaborators and partners) would be outside the scope of this policy. Application of the proposed policy to jointly-owned IP will be considered at a later date.

II. Policy Requirements

NIH proposes adding the following language to NIH IRP model license agreements within the scope of the policy:

"Access Plan" means Licensee's plan, and incorporating the plan(s) of its sublicensee(s), as applicable, that describes Licensee's strategy to support broad access to Licensed Product(s) for the U.S. population, as well as (a) through the lens of promoting equity for underserved communities such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality, as defined by Executive Order 13985 and/or (b) populations in low- and middle-income countries, as defined using the World Bank classification system.

The Access Plan shall include, but not be limited to, a brief description of the Licensed Product(s); the anticipated patient population(s); other products, tools, facilities, or unique resources that would be necessary for use of the Licensed Product; and one or more strategies to mitigate access challenges across criteria including affordability, availability, acceptability, and sustainability. To the extent such Access Plan includes proprietary information [to be defined], upon NIH's request Licensee will also provide a non-confidential version or statement of such Access Plan that NIH may publish or otherwise make available to third parties.

Within 3 months of a Licensed Product entering a first pivotal clinical trial (a Phase III trial or the equivalent), Licensee will provide NIH with an Access Plan (as defined), unless a written waiver or modification is obtained in advance from NIH. NIH agrees to consider such requests for waivers or modifications in good faith.

Within 30 days of NIH's request (no more often than once annually), Licensee agrees to confer with NIH to review Licensee's progress, and to consider in good faith any reasonable modifications suggested by NIH with respect to the Access Plan.

III. Access Plans

Each product will be different, and patient populations and access challenges will vary by product. Access planning presents an opportunity for NIH and its licensees to proactively mitigate access challenges and devise tailored strategies to expand the reach, and benefit, of products. Accordingly, NIH proposes developing guidance for acceptable access plans.

Potential strategies for licensees to consider would include, but not be limited to, one or more of the following:

- *Partnering with public health, non-profit, or patient advocacy organizations.* Examples could include partnerships during research and development, regulatory approval, or sales and marketing; selling product to organizations that treat underserved populations (*e.g.*, Federally Qualified Health Centers); or licensing intellectual property to public health patent pools (*e.g.*, Medicines Patent Pool).

- *Addressing accessibility as a design objective.* Examples could include conducting patient interviews or needs assessments early in development or strategically making product development choices (*e.g.*, single dose) or business choices (*e.g.*, pricing structures) to promote patient access.

- *Committing to sublicense relevant intellectual property and know-how.* Examples could include sublicensing to manufacturers in additional countries or world regions on voluntary and mutually agreed to terms; committing to license all intellectual property and know-how needed to make a product if the licensee exits a market; or agreeing to sublicense relevant intellectual property on a low- or no-royalty basis.

- *Entering purchasing partnerships or commitments.* Examples could include committing to supply product in a given market(s) for a designated duration; agreeing to coordinate and set aside a portion of manufactured product for donation or sale to a partner organization on a cost-plus basis; or agreeing to sell a designated volume of product to the U.S. Government or another designated entity on a cost-plus basis.

- *Submitting additional commercialization plans targeted to other markets.* Examples could include offering product development timelines to develop formulations that meet a population's unique needs or committing to a plan for developing suitable products for additional users.

- *Promoting equitable access and affordability in product development and deployment.* Examples could include committing to keep prices in the U.S. equal to those in other developed countries; not raising costs above inflation; preparing tailored, culturally sensitive educational materials for a range of domestic and global patient populations.

Access plans might include requests for additional support or facilitation to advance access goals. For example, licensees might seek connections to preclinical or clinical trial resources NIH offers, help in developing their access plans, or connections to partner organizations well-versed in access considerations relevant to the technology in question.

Access plans might also address research outputs or other benefit sharing, including public access to publications, data sharing, or community-led or international collaboration in research. Such commitments might supplement, but not replace, patient-focused elements proposed above.

NIH also proposes to include a process for licensees to request a waiver or modification

of the access planning provision, in whole or in part. The agency would consider such requests on a case-by-case basis and evaluate them according to criteria that would be identified in the guidance for access plans.

IV. Assessing Efforts To Address Access

NIH recognizes that myriad factors affect access to emerging biomedical technologies, such as:

- *Affordability.* For example, can patients afford the intended product(s), taking into account factors such as pricing structure, insurance, reimbursement, coverage decisions, payment models, and/or international price comparators?

- *Availability.* For example, are products in existence, able to be manufactured, widely available on the market, and approved for sale and distributed across geographical regions?

- *Acceptability.* For example, are products developed and/or delivered in a manner that resonates with end users and is tolerated for the duration of use? Are there effective systems for safely delivering the product?

- *Sustainability.* For example, are there predictable and stable infrastructure at local levels for enabling and maintaining the above elements of access?

NIH does not expect licensees to address each issue but instead address elements of patient access that are relevant to the specific product in question to expand access.

Dated: May 16, 2024.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2024–11188 Filed 5–21–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <https://videocast.nih.gov/>.

Name of Committee: Office of AIDS Research Advisory Council.

Date: June 20, 2024.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: The sixty-sixth meeting of the Office of AIDS Research Advisory Council (OARAC) will include a brief report from the

Acting Director of the Office of AIDS Research, including the development of the Strategic Plan for HIV and HIV Related Research. The meeting will feature the White House Office of National AIDS Policy and highlight investigator and community perspectives regarding perinatal HIV acquisition research.

Place: Office of AIDS Research, Office of the Director, NIH, 5601 Fishers Lane, Rockville, MD 20852, (Virtual Meeting), <https://videocast.nih.gov/watch=54677>.

Contact Person: CAPT Mary Glenshaw, Ph.D., M.P.H., OTR/L, Office of AIDS Research, Office of the Director, NIH, 5601 Fishers Lane, Room 2E61, Rockville, MD 20852, (301) 496-0357, OARACinfo@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: www.oar.nih.gov, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: May 17, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11255 Filed 5-21-24; 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; Amended Notice of Meetings

Notice is hereby given of a change in the meeting of the Neurological Sciences Training 3 Study Section, NST-3, June 06, 2024, 08:00 a.m. to June 07, 2024, 05:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, and a change in the meetings of the National Institute of Neurological Disorders and Stroke Special Emphasis Panels: NSD-D Member Conflict Review Meeting, May 31, 2024, 02:00 p.m. to 05:00 p.m.; HEAL Initiative: Team Based Science,

June 7, 2024, 09:00 a.m. to 06:00 p.m.; and NIH Blueprint and BRAIN Initiative ENDURE Program, July 31, 2024, 10:00 a.m. to 02:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, which were published in the **Federal Register** on May 09, 2024, FR Doc. 2024-10092, 89 FR 39629.

This notice is being amended to change the meeting location of the meeting of the Neurological Sciences Training 3 Study Section, NST-3 to the Holiday Inn & Suites Anaheim, 1240 S Walnut St., Anaheim, CA 92802. This notice is also being amended to change the meeting formats of the three National Institute of Neurological Disorders and Stroke Special Emphasis Panel meetings, NSD-D Member Conflict Review Meeting, HEAL Initiative: Team Based Science, and NIH Blueprint and BRAIN Initiative ENDURE Program, from in-person to virtual. The dates and times of these meetings will remain the same. The meetings are closed to the public.

Dated: May 15, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11165 Filed 5-21-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R3-OSA-2024-0064;
FXSC142003MON30-245-FF03S00000; OMB
Control Number 1018-New]

Agency Information Collection Activities; Pollinator Conservation Social Network Analysis Survey

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before July 22, 2024.

ADDRESSES: Send your comments on the information collection request (ICR) by one of the following methods (reference Office of Management and Budget (OMB) Control Number 1018-PCSNAS in the subject line of your comment):

- *Internet (preferred):* <https://www.regulations.gov>. Follow the instructions for submitting comments

on Docket No. FWS-R3-OSA-2024-0064.

- *U.S. mail:* Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at InfoColl@fws.gov, or by telephone at (703) 358-2503. 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: In accordance with the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(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) How might the agency 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.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you 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.

Abstract: The Fish and Wildlife Act of 1956 (16 U.S.C. 742d) designates the Department of the Interior as a key agency responsible for the conservation and protection of wildlife and fisheries resources in the United States. This responsibility dictates that we gather accurate data on conservation efforts through means such as research to improve the development, management, and advancement of efforts. At the June 2022 Monarch Butterfly Summit, the Secretary of the Interior announced that the U.S. Fish and Wildlife Service would establish a national Center for Pollinator Conservation, funded through annual appropriations. Formally launched later that year, the Center serves as a science and collaboration hub across internal Service programs and regions as well as with external agencies and partners. The Center helps to direct conservation actions that can reverse declining pollinator population trends.

The Service's Center for Pollinator Conservation is seeking to conduct a social network analysis to collect information regarding the structure and functions of pollinator networks throughout the country, key influencers and network clusters, network gaps, and the diffusion of information across the broad pollinator conservation community. The proposed survey collects information necessary to support the Center's role as a science and collaboration hub helping inform evidence-based decisions to create, sustain, and strengthen relationships and communication channels across individuals and organizations to increase awareness of, collaboration on, and efficacy of pollinator conservation efforts.

In addition to an overview of the survey (Section 1), the proposed survey collects the following information:

- Respondent's organization and its involvement in pollinator conservation efforts (Section 2);
- Collaboration on pollinator conservation, including identification of collaborative organizations and collaboration types (Section 3);
- Network characteristics, including how organizations work together and potential barriers (Section 4);
- Respondent's role within their organization, along with name and email address (Section 5); and
- Additional comments on the survey or pollinator conservation in general (Section 6).

We will use the information collected in this effort to develop multiple products aimed at translating the data into information that can strengthen partnerships, identify gaps, and inform conservation decisions.

The public may request a copy of the draft survey instrument by sending a request to the Service Information Collection Clearance Officer (see **ADDRESSES**, above).

Title of Collection: Pollinator Conservation Social Network Analysis.

OMB Control Number: 1018–New.

Form Number: None.

Type of Review: New.

Respondents/Affected Public: Private sector and government respondents (*e.g.*, Federal, State, Tribal, nongovernmental organizations (NGOs), academic, etc.) that work on pollinator conservation efforts throughout North America, with primary focus in the United States.

Total Estimated Number of Annual Respondents: 365 (160 private sector respondents, including academic entities and NGOs, and 205 State/Local/Tribal/Federal agencies/organizations).

Total Estimated Number of Annual Responses: 365.

Estimated Completion Time per Response: 20 minutes.

Total Estimated Number of Annual Burden Hours: 122.

Respondent's Obligation: Voluntary.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: None.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2024–11161 Filed 5–21–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Docket No. BIA–2022–0005–0003; 245A2100DD/AAKC001030/ A0A501010.999900; OMB Control Number 1076–0149, 1076–0152, 1076–0158, 1076–0172]

Agency Information Collection Activities; Request for Comment on 25 CFR 290–293 Expirations Under the Paperwork Reduction Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, Indian Affairs, are proposing to renew four (4) information collections. We are seeking comments from the public, and other Federal agencies, as part of our continuing effort to minimize burdens and enhance the quality, utility, and clarity of the information to be collected.

DATES: Interested persons are invited to submit comments on or before July 22, 2024.

ADDRESSES: To submit a comment, please visit <https://www.regulations.gov/document/BIA-2022-0005-0003> or <https://www.regulations.gov/docket/BIA-2022-0005> or use the search field on <https://www.regulations.gov> to find the “BIA–2022–0005” docket. Please follow the instructions on *Regulations.gov* for submitting a comment; and reference the applicable OMB Control Number within your comment submission.

FOR FURTHER INFORMATION CONTACT: Steven Mullen, Information Collection Clearance Officer, by email at comments@bia.gov or telephone at (202) 924–2650. 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. You may also view each information collection at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent

burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of our estimate of the burden for the collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency 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.

Comments that you submit in response to this notice are a matter of

public record. We will include or summarize each comment in our request to OMB to approve the information collection request. 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.

Information collection	OMB control number	Expiration date
(1.) Tribal Revenue Allocation Plans, 25 CFR 290	1076-0152	05/31/2025
(2.) Class III Gaming Procedures, 25 CFR 291	1076-0149	06/30/2025
(3.) Gaming On Trust Lands Acquired After October 17, 1988, 25 CFR 292	1076-0158	05/31/2025
(4.) Class III Tribal-State Gaming Compact Process, 25 CFR 293	1076-0172	08/31/2024

1. Tribal Revenue Allocation Plans, 25 CFR 290

Abstract: An Indian tribe must ask the Secretary to approve a Tribal revenue allocation plan. In order for Indian Tribes to distribute net gaming revenues in the form of per capita payments, information is needed by the AS-IA to ensure that Tribal revenue allocation plans include: (1) Assurances that certain statutory requirements are met, (2) a breakdown of the specific uses to which net gaming revenues will be allocated, (3) eligibility requirements for participation, (4) tax liability notification, and (5) the assurance of the protection and preservation of the per capita share of minors and legal incompetents. Sections 290.12, 290.17, 290.24 and 290.26 of 25 CFR part 290, Tribal Revenue Allocation Plans, specify the information collection requirement. The information to be collected includes: The name of the Tribe, Tribal documents, the allocation plan, and other documents deemed necessary.

Title of Collection: Tribal Revenue Allocation Plans, 25 CFR 290.

OMB Control Number: 1076-0152.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public:

Federally recognized Indian Tribes.

Total Estimated Number of Annual Respondents: 20.

Total Estimated Number of Annual Responses: 20.

Estimated Completion Time per Response: 100 hours.

Total Estimated Number of Annual Burden Hours: 2,000 hours.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: \$0.

2. Class III Gaming Procedures, 25 CFR 291

Abstract: The collection of information will ensure that the provisions of the Indian Gaming Regulatory Act (IGRA) and other applicable requirements are met when federally recognized Tribes submit Class III procedures for review and approval by the Secretary of the Interior. Sections 291.4, 291.10, 291.12 and 291.15 of 25 CFR 291, Class III Gaming Procedures, specify the information collection requirement. An Indian Tribe must ask the Secretary to issue Class III gaming procedures. The information to be collected includes: The name of the Tribe, the name of the State, Tribal documents, State documents, regulatory schemes, the proposed procedures, and other documents deemed necessary.

Title of Collection: Class III Gaming Procedures.

OMB Control Number: 1076-0149.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Indian Tribes.

Total Estimated Number of Annual Respondents: 12.

Total Estimated Number of Annual Responses: 12.

Estimated Completion Time per Response: 320 hours.

Total Estimated Number of Annual Burden Hours: 3,840 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: \$0.

3. Gaming On Trust Lands Acquired After October 17, 1988, 25 CFR 292

Abstract: The collection of information will ensure that the provisions of IGRA, Federal law, and the trust obligations of the United States are met when Federally recognized Tribes submit an application under 25 CFR part 292. The applications covered by this OMB Control No. are those seeking a secretarial determination that a gaming establishment on land acquired in trust after October 17, 1988, would be in the best interest of the Indian Tribe and its members, and would not be detrimental to the surrounding community.

Title of Collection: Gaming on Trust Lands Acquired After October 17, 1988.

OMB Control Number: 1076-0158.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Indian Tribes.

Total Estimated Number of Annual Respondents: 2.

Total Estimated Number of Annual Responses: 2.

Estimated Completion Time per Response: 1,000 hours.

Total Estimated Number of Annual Burden Hours: 2,000 hours.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: \$0.

4. Class III Tribal-State Gaming Compact Process, 25 CFR 293

Abstract: We, the Office of the Assistant Secretary—Indian Affairs (AS-IA), are proposing to renew an information collection. The information collected includes Tribal-state compacts or compact amendments entered into by Indian Tribes and State governments. The Secretary of the Interior reviews this information under 25 CFR 293, Class III Tribal-State Gaming Compact Process and the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2710(d)(8)(A), (B) and (C), which authorizes the Secretary to approve, disapprove, or “consider approved” (i.e., deemed approved) a Tribal-state gaming compact or compact amendment and publish notice of that approval or considered approval in the **Federal Register**.

Title of Collection: Class III Tribal-State Gaming Compact Process.

OMB Control Number: 1076–0172.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Indian Tribes and State governments.

Total Estimated Number of Annual Respondents: 40 per year.

Total Estimated Number of Annual Responses: 40 per year.

Estimated Completion Time per Response: 200 hours.

Total Estimated Number of Annual Burden Hours: 8,000 hours.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: \$0.

Authority

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 authority for these information collection actions is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

*Information Collection Clearance Officer,
Office of Regulatory Affairs and
Collaborative, Office of the Assistant
Secretary—Indian Affairs.*

[FR Doc. 2024–11259 Filed 5–21–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR040U2000.XXXR4081G3
RX.05940908.FY19400]

Call for Nominations for the Glen Canyon Dam Adaptive Management Work Group Federal Advisory Committee

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of call for nominations.

SUMMARY: The U.S. Department of the Interior (Interior) proposes to appoint members to the Glen Canyon Dam Adaptive Management Work Group (AMWG). The Secretary of the Interior (Secretary), acting as administrative lead, is soliciting nominations for qualified persons to serve as members of the AMWG.

DATES: Nominations must be postmarked by June 21, 2024.

ADDRESSES: Nominations should be sent to Mr. Daniel Picard, Deputy Regional Director, Bureau of Reclamation, 125 S. State Street, Room 8100, Salt Lake City, UT 84138; or submitted via email to borsha-ucr-gcdamp@usbr.gov.

FOR FURTHER INFORMATION CONTACT: Mr. William Stewart, Bureau of Reclamation, telephone (385) 622–2179, email at wstewart@usbr.gov. Individuals 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:

Advisory Committee Scope and Objectives

The Grand Canyon Protection Act (Act) of October 30, 1992, Public Law 102–575, directs the Secretary to consult with the Governors of the Colorado River Basin States and with the general public, including members of the public with certain interests or affiliations, when preparing the requisite criteria and operating plans for Glen Canyon Dam. This group, designated the Glen Canyon Dam Adaptive Management Work Group or AMWG, provides advice and recommendations to the Secretary relative to the operation of the Glen Canyon Dam. The AMWG operates in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. ch. 10.

The duties or roles and functions of the AMWG are in an advisory capacity

only. They are to: (1) establish AMWG operating procedures, (2) advise the Secretary in meeting environmental and cultural commitments including those contained in the Record of Decision for the Glen Canyon Dam Long-Term Experimental and Management Plan Final Environmental Impact Statement and subsequent related decisions, (3) recommend resource management objectives for development and implementation of a long-term monitoring plan, and any necessary research and studies required to determine the effect of the operation of Glen Canyon Dam on the values for which Grand Canyon National Park and Glen Canyon Dam National Recreation Area were established, including but not limited to, natural and cultural resources, and visitor use, (4) review and provide input on the report identified in the Act to the Secretary, the Congress, and the Governors of the Colorado River Basin States, (5) annually review long-term monitoring data to provide advice on the status of resources and whether the Adaptive Management Program (AMP) goals and objectives are being met, and (6) review and provide input on all AMP activities undertaken to comply with applicable laws, including permitting requirements.

Membership Criteria

Prospective members of AMWG need to have a strong capacity for advising individuals in leadership positions, teamwork, project management, tracking relevant Federal government programs and policy making procedures, and networking with and representing their stakeholder group. Membership from a wide range of disciplines and professional sectors is encouraged.

Members of the AMWG are appointed by the Secretary and are comprised of:

- The Secretary's Designee, who serves as Chairperson for the AMWG.
- One representative each from the following entities: The Secretary of Energy (Western Area Power Administration), Arizona Game and Fish Department, Hopi Tribe, Hualapai Tribe, Navajo Nation, San Juan Southern Paiute Tribe, Southern Paiute Consortium, and the Pueblo of Zuni.
- One representative each from the Governors from the seven basin States: Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.
- Representatives from the general public as follows: two from environmental organizations, two from the recreation industry, and two from contractors who purchase Federal power from Glen Canyon Powerplant.

e. One representative from each of the following Interior agencies as ex-officio non-voting members: Bureau of Reclamation, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and National Park Service.

At this time, we are particularly interested in applications from representatives of the following to fill vacancies on the committee

- a. one from the basin state of Arizona;
- b. one from the Native American Tribe of Southern Paiute Consortium;
- c. one from National Park Service;
- d. one from Arizona Game and Fish;
- e. two from Federal Power Purchase Contractors; and
- f. one from the Recreational Industry.

After consultation, the Secretary will appoint members to the AMWG. Members will be selected based on their individual qualifications, as well as the overall need to achieve a balanced representation of viewpoints, subject matter expertise, regional knowledge, and representation of communities of interest. AMWG member terms are limited to 3 years from their date of appointment. Following completion of their first term, an AMWG member may request consideration for reappointment to an additional term. Reappointment is not guaranteed.

Typically, AMWG will hold two in-person meetings and one webinar meeting per fiscal year. Between meetings, AMWG members are expected to participate in committee work via conference calls and email exchanges. Members of the AMWG and its subcommittees serve without pay. However, while away from their homes or regular places of business in the performance of services of the AMWG, members may be reimbursed for travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the government service, as authorized by 5 U.S.C. 5703.

Nominations should include a resume that provides an adequate description of the nominee's qualifications, particularly information that will enable Interior to evaluate the nominee's potential to meet the membership requirements of the AMWG and permit Interior to contact a potential member. Please refer to the membership criteria stated in this notice.

Any interested person or entity may nominate one or more qualified individuals for membership on the AMWG. Nominations from the seven basin states, as identified in this notice, need to be submitted by the respective Governors of those states, or by a state representative formally designated by the Governor. Persons or entities

submitting nomination packages on the behalf of others must confirm that the individual(s) is/are aware of their nomination. Nominations must be postmarked no later than June 21, 2024 and sent to Mr. Daniel Picard, Deputy Regional Director, U.S. Bureau of Reclamation, 125 S. State Street, Room 8100, Salt Lake City, UT 84138.

Authority: 5 U.S.C. ch. 10.

Daniel Picard,

Deputy Regional Director, Alternate Designated Federal Officer, Interior Region 7: Upper Colorado Basin, Bureau of Reclamation.

[FR Doc. 2024-11210 Filed 5-21-24; 8:45 am]

BILLING CODE 4332-90-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1355]

Certain Compact Wallets and Components Thereof; Notice of a Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the presiding administrative law judge's ("ALJ") final initial determination ("ID") finding a violation of section 337 in the above-captioned investigation. The Commission requests written submissions from the parties on the issues under review and submissions from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised

that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 15, 2023, based on a complaint filed by The Ridge Wallet, LLC of Santa Monica, California ("Ridge" or "Complainant"). 88 FR 16030-031 (Mar. 15, 2023). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain compact wallets and components thereof by reason of trade dress infringement and infringement of claims 1-4, 9, and 12-17 of U.S. Patent No. 10,791,808 ("the '808 patent"). *Id.* The Commission's notice of investigation named Rosemar Enterprises LLC d/b/a RossM Wallet of Palm Springs, California ("RossM"); INSGG of Hangzhou City, Zhejiang Province, China; Mosaic Brands, Inc. of Alamo, California ("Mosaic"); Shenzhen Swztech Co., Ltd. d/b/a SWZA ("SWZA") of Shenzhen, Guangdong, China; and Shenzhen Pincan Technology Co., Ltd. d/b/a ARW-Wallet ("ARW") of Shenzhen, Guangdong, China as respondents. The Office of Unfair Import Investigations ("OUII") also participated in this investigation.

After institution, Respondents RossM and INSGG were found in default (collectively, the "Defaulting Respondents"). *See* Order No. 12 (Jul. 11, 2023), *unreviewed by* Comm'n Notice (Jul. 28, 2023). In addition, Respondent Mosaic was terminated from the investigation based on settlement. *See* Order No. 16 (Sept. 6, 2023), *unreviewed by* Comm'n Notice (Sept. 22, 2023).

Before the evidentiary hearing, the investigation was terminated as to Ridge's trade dress allegations and as to Ridge's infringement allegations with respect to claims 3, 4, 9, 12, 13, 15, 16, and 17 of the '808 patent. *See* Order No. 25 (Oct. 6, 2023), *unreviewed by* Comm'n Notice (Nov. 6, 2023).

Only Respondents SWZA and ARW (collectively, the "Participating Respondents") participated at the evidentiary hearing held on November 6-7, 2023. After the hearing, counsel for the Participating Respondents withdrew after being "discharged" by the Participating Respondents. ID at 2 (citing Order No. 30 (Dec. 13, 2023)). The Participating Respondents did not file post-hearing briefs. *Id.* at 3.

On March 15, 2024, the ALJ issued a combined final ID and recommended

determination (“RD”), finding a violation of section 337 by the Defaulting Respondents and the Participating Respondents. Specifically, the final ID found, *inter alia*, that the importation requirement is satisfied as to the accused products; that the accused products infringe claims 1, 2, and 14 of the ‘808 patent; that Ridge has satisfied the domestic industry requirement with respect to the ‘808 patent; and that claims 1, 2, and 14 have not been shown to be invalid. In addition, the RD recommended that the Commission issue a general exclusion order and a cease and desist order directed to each of the respondents. The RD also recommended that the Commission impose a one-hundred percent (100%) bond during the period of Presidential review.

On April 15, 2024, Ridge filed a statement on public interest pursuant to Commission Rule 210.50(a)(4), 19 CFR 210.50(a)(4).

No petitions for review were filed, which means each party has abandoned all issues decided adversely to that party. See 19 CFR 210.43(b)(4).

Having reviewed the record of the investigation, including the final ID, the parties’ submissions to the ALJ, and the record evidence, the Commission has determined to review the ID in part on its own initiative. 19 CFR 210.44. Specifically, the Commission has determined to review the ID’s findings with respect to jurisdiction and the economic prong.

In connection with its review, the Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

1. Explain the basis for considering investments prior to the issuance of a patent (pre-issuance investments) for purposes of a domestic industry under 19 U.S.C. 1337(a)(3)(A) and (B). How do the Federal Circuit’s cases holding that there is an “articles” requirement for all subparagraphs (A)–(C) of section 337(a)(3) affect the Commission’s reasoning in *Video Game Systems* crediting engineering and research and development investments that predate the issuance of a patent under certain circumstances? See *Certain Video Game Systems and Controllers*, Inv. No. 337–TA–743, Comm’n Op., 2011 WL 1523774, at *4 (Apr. 14, 2011); *Motiva, LLC v. ITC*, 716 F.3d 596, 600–601 (Fed. Cir. 2013) (citing *Interdigital Commc’ns, LLC v. ITC*, 707 F.3d 1295, 1297–98 (Fed. Cir. 2013) (“[J]ust as the ‘plant or equipment’ referred to in subparagraph (A) must exist with respect to articles protected by the patent, such as by

producing protected goods, the research and development or licensing activities referred to in subparagraph (C) must also exist with respect to articles protected by the patent, such as by licensing protected products.”)).

2. Regardless of pre- or post-issuance status of investments, how far back in time should the Commission look to in determining whether a domestic industry exists in a section 337 investigation? What factors should the Commission consider in determining the timeframe over which investments may be counted towards a domestic industry analysis?

3. As of the filing of the complaint, how many full-time equivalent (FTE) employees were employed by Complainant in the “design and development team” working on product research, design, development, and/or engineering work related to the domestic industry products?

4. Provide any information in the record about foreign labor expenditures associated with the manufacturing of the domestic industry products for the time period Aug. 2016–Feb. 2023, and also for the narrower post-issuance time period Oct. 2020–Feb. 2023.

5. Provide any information in the record about foreign capital expenditures associated with the manufacturing of the domestic industry products for the time period Aug. 2016–Feb. 2023, and also for the narrower post-issuance time period Oct. 2020–Feb. 2023.

6. Provide any information in the record about foreign plant and equipment expenditures associated with the manufacturing of the domestic industry products for the time period Aug. 2016–Feb. 2023, and also for the narrower post-issuance time period Oct. 2020–Feb. 2023.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For

background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm’n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission’s determination. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and Complainant and OUII are requested to submit proposed remedial orders for the Commission’s consideration. Complainant is further requested to state the date that the Asserted Patent expires, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on May 30, 2024. Reply submissions must be filed no later

than the close of business on June 6, 2024. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337-TA-1355) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on May 16, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant(s) complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

By order of the Commission.

Issued: May 16, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-11186 Filed 5-21-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[USITC SE-24-022]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 31, 2024 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Commission vote on Inv. Nos. 701-TA-720 and 731-TA-1688 (Preliminary)(Ceramic Tile from India). The Commission currently is scheduled to complete and file its determinations on June 3, 2024; views of the Commission currently are scheduled to be completed and filed on June 10, 2024.
5. Outstanding action jackets: none.

CONTACT PERSON FOR MORE INFORMATION: Sharon Bellamy, Supervisory Hearings and Information Officer, 202-205-2000.

The Commission is holding the meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b). In accordance with Commission policy, subject matter listed above, not disposed

of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 20, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024-11366 Filed 5-20-24; 4:15 pm]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1362]

Certain Liquid Transfer Devices With an Integral Vial Adapter; Notice of a Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to review in part a final initial determination ("Final ID") issued by the presiding chief administrative law judge ("CALJ") finding a violation of section 337. The Commission requests written submissions from the parties on the issue(s) under review and submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT:

Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3316. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 11, 2023, based on a complaint,

as supplemented (the “Complaint”) filed by West Pharmaceutical Services, Inc. and West Pharma. Services IL, Ltd. (collectively, “West” or “Complainants”). 88 FR 30342 (May 11, 2023). The Complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain liquid transfer devices with an integral vial adapter by reason of the infringement of claim 1 of U.S. Patent No. 10,688,295 (the “’295 patent”); the claim of U.S. Design Patent No. D767,124 (“the D’124 patent”); the claim of U.S. Design Patent No. D765,837 (“the D’837 patent”); the claim of U.S. Design Patent No. D630,732 (“the D’732 patent”); and U.S. Trademark Registration No. 5,810,583 (“the ’583 mark”). *Id.* at 30342.

The Commission’s notice of investigation named four respondents: Advcare Medical, Inc. (“Advcare”), Dragon Heart Medical Devices Co., Ltd. (“Dragon Heart Devices”), Dragon Heart Medical, Inc. (“Dragon Heart”), and Summit International Medical Technologies, Inc. (“Summit”). *Id.* The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *Id.*

The investigation was terminated as to Dragon Heart Devices based on withdrawal of the Complaint. Order No. 9 (Aug. 24, 2023), *unreviewed by* Comm’n Notice (Sept. 20, 2023). The ’583 mark was terminated from the investigation by withdrawal of the Complaint. Order No. 12 (Sept. 19, 2023), *unreviewed by* Comm’n Notice (Oct. 19, 2023). The three asserted design patents, the D’124 patent, the D’837 patent, and the D’732 patent, were also terminated from the investigation by withdrawal of the Complaint. Order No. 14 (Oct. 4, 2023), *unreviewed by* Comm’n Notice (Nov. 2, 2023). Accordingly, claim 1 of the ’295 patent is the sole remaining claim.

On October 16, 2023, West filed an unopposed motion for summary determination that it satisfied the economic prong of the domestic industry requirement, which was granted. Order No. 17 (Nov. 28, 2023), *unreviewed by* Comm’n Notice (Dec. 28, 2023).

A claim construction hearing was held on October 26, 2023, and the CALJ issued a claim construction order on November 13, 2023. Order No. 15 (Nov. 13, 2023).

An evidentiary hearing was held on December 4–5, 2023, and the CALJ issued the Final ID on March 15, 2024, finding a violation of section 337 based

on infringement of claim 1 of the ’295 patent. The Final ID included a Recommended Determination on remedy and bonding, recommending the issuance of a limited exclusion order and a cease and desist order. *See* Final ID at 73–87.

Respondents Summit, Advcare, and Dragon Heart (collectively, “Respondents”) filed a petition for review of the Final ID on April 6, 2024. OUII also filed a petition for review on April 6, 2024, and OUII filed a response to Respondents’ petition on April 15, 2024. Complainants filed responses in opposition to both petitions on April 15, 2024. Respondents filed a response to OUII’s petition on April 16, 2024.

Having reviewed the record of the investigation, including the Final ID, Order No. 19, and the parties’ petitions for review and responses thereto, the Commission has determined to review the Final ID in part. Specifically, the Commission has determined to review the preclusion of Respondents’ and OUII’s invalidity arguments and evidence in Order No. 19 (Dec. 1, 2023). The Commission has also determined to review the Final ID’s findings with respect to standing and jurisdiction (Final ID at 15–17). In addition, the Commission has determined to correct an error in the Final ID: On page 13, the reference to “one of West’s customers” shall be replaced with “one of Summit’s customers.” The Commission has also determined to correct a typographical error in the *Markman* Order (Order No. 15): On pages 16 and 17, the references to “column 4 lines 43 to 45” and “4:43–45” shall be replaced with “column 4 lines 53 to 55” and “4:53–55.” The Commission has determined not to review the remaining findings in the Final ID, including the findings on claim construction, infringement, and the technical prong of the domestic industry requirement.

In connection with its review, the Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record. In your responses to the questions below, please provide citations, if any, to where you presented these facts and arguments to the CALJ in connection with Complainants’ motion *in limine* no. 2.

1. How and when did Respondents and OUII disclose their invalidity contentions? Was this sufficient notice to Complainants, and how did Complainants respond to these disclosures?

2. Please explain whether and to what extent the substance of Respondents’ and OUII’s written description

arguments overlap with their claim construction and non-infringement arguments? Are the written description arguments contingent on the claim construction of “trifurcated connector body” adopted by the CALJ in Order No. 15 and the Final ID and by the Commission? Were the full and complete bases for Respondents’ and OUII’s alleged written description defense timely disclosed to Complainants prior to the close of fact and expert discovery?

3. Did the parties propound discovery requests and produce discovery regarding the alleged lack of written description under 35 U.S.C. 112? What discovery was produced by each party? Did these discovery responses provide adequate and timely notice of this affirmative defense?

4. After Mr. Merchant testified that Summit did not assert any invalidity defense (Order No. 19 at 4–5), did OUII question Mr. Merchant regarding any alleged written description invalidity defense?

5. How should Respondents’ *pro se* status affect the Commission’s consideration of Respondents’ briefing and representations as to Respondents’ alleged written description defense? Please discuss how leniency for *pro se* litigants applies specifically to the facts concerning Respondents’ alleged written description defense under Federal Circuit and Supreme Court precedent. Explain how Courts consider prejudice and harm to parties when a *pro se* litigant fails to provide adequate and timely notice of an affirmative defense before the close of discovery.

6. Should OUII be allowed to raise an invalidity defense that was not pled or disclosed by Respondents? Under the CALJ’s Ground Rules and the Commission’s Rules, when and in what form was OUII first required to disclose its contention that the ’295 patent was invalid based on the affirmative defense of lack of written description? If the prehearing brief is the earliest time OUII is required to make such disclosure, how should prejudice to Complainants be considered? Should OUII be required to respond to any contention interrogatories, if served upon it by the private parties?

7. Is there “good cause” to waive the pleading requirements under Commission Rule 210.13(b), 19 CFR 210.13(b) (“For good cause, the presiding administrative law judge may waive any of the substantive requirements imposed under this paragraph or may impose additional requirements.”), with respect to Respondents’ alleged assertion of invalidity? Did Respondents or OUII in

their responses to the motion *in limine* present an argument that the CALJ should find good cause to waive the substantive requirement that the bases of invalidity defenses must be pled in the answer to the complaint under Rule 210.13(b)?

8. Does Commission Rule 210.14(c), 19 CFR 210.14(c) (“When issues not raised by the pleadings or notice of investigation, but reasonably within the scope of the pleadings and notice, are considered during the taking of evidence by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings and notice. Such amendments of the pleadings and notice as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time, and shall be effective with respect to all parties who have expressly or impliedly consented.”), apply to the invalidity contentions asserted by Respondents or OUII? Is Rule 210.14(c) limited by its terms to amendment of pleadings to conform to the evidence admitted at the hearing by the consent of the parties? Did Respondents or OUII present an argument to the CALJ in their responses to the motion *in limine* that the requirements of Rule 210.14(c) were met?

9. Please discuss any harm or prejudice to the Complainants from permitting Respondents and/or OUII to present evidence at the hearing as to the affirmative defense of written description given the facts submitted in response to questions 1–8 above.

10. Please explain whether and to what extent the Federal Circuit’s decision in *Lannom Mfg. Co. v. U.S. Int’l Trade Comm’n*, 799 F.2d 1572 (Fed. Cir. 1986) applies to the facts in this investigation. See Order No. 19 at 6 n.2.

11. If the Commission were to reverse the grant of Complainants’ motion *in limine* no. 2, can the invalidity defense be decided by the Commission on review, or should the Commission remand the investigation to the CALJ for further proceedings?

12. Based on the present record, would claim 1 of the ’295 patent be invalid for lack of written description pursuant to 35 U.S.C. 112 under the Commission’s adopted construction for “trifurcated connector body” and applicable case law?

13. Explain the relevance, if any, of the circumstances surrounding Complainants’ voluntary recall of the Vial2Bag DC product in an assessment of whether the written description shows that the inventors were in possession of an invention covering the

redesigned Vial2Bag Advanced device as of the filing date of the ’295 patent.

14. What additional evidence regarding the written description defense would the parties have presented at hearing if Complainants’ motion *in limine* no. 2 had been denied?

The parties are invited to brief only the discrete issues requested above and the issues of remedy, the public interest, and bonding, as discussed below. The parties are not to brief other issues on review, which are adequately presented in the parties’ existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the Respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm’n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission’s determination. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount

determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding.

In its initial submission, Complainants are also requested to identify the remedy sought and Complainants and OUII are requested to submit proposed remedial orders for the Commission’s consideration. Complainants are further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on May 30, 2024. Reply submissions must be filed no later than the close of business on June 10, 2024. Opening submissions are limited to 80 pages. Reply submissions are limited to 50 pages. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337–TA–1362”) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party

wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on May 16, 2024.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 16, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–11183 Filed 5–21–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–600]

USMCA Automotive Rules of Origin: Economic Impact and Operation, 2025 Report; Submission of Questionnaire and Information Collection Plan for Office of Management and Budget Review

AGENCY: U.S. International Trade Commission.

ACTION: Notice of submission of request for approval of a questionnaire and information collection to the Office of Management and Budget.

SUMMARY: The information requested by the questionnaire is for use by the Commission in connection with Investigation No. 332–600, *USMCA Automotive Rules of Origin: Economic Impact and Operation, 2025 Report*.

ADDRESSES: All Commission offices are located in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

FOR FURTHER INFORMATION CONTACT:

Please direct all questions and comments about this investigation to the project team via email at USMCAAutoROO@usitc.gov or via phone to Aaron Woodward at 202–205–2663. The Commission is not accepting paper correspondence for this investigation.

Comments about the proposal should be provided to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, through the Information Collection Review Dashboard at <https://www.reginfo.gov>. All comments should be specific, indicating whether any part of the questionnaire is objectionable, describing the concern in detail, and including specific suggested revisions or language changes. Copies of any comments should be provided electronically to the Commission's project team via email to USMCAAutoROO@usitc.gov.

The public record for this investigation is viewable on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. General information concerning the Commission is available on its website (<https://www.usitc.gov>). Hearing-impaired individuals can obtain information on this matter by contacting the TDD terminal at 202–205–1810.

SUPPLEMENTARY INFORMATION: The information requested by the questionnaire is for use by the Commission in connection with Investigation No. 332–600, *USMCA Automotive Rules of Origin: Economic Impact and Operation, 2025 Report*, instituted under section 202A(g)(2) of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4532(g)(2)) (USMCA Implementation Act). The USMCA Implementation Act requires that the Commission prepare a series of five biennial reports on the USMCA automotive rules of origin (ROOs) and their impact on the U.S. economy and automotive industry, effect on U.S. competitiveness, and relevancy in light

of technological changes, and to submit these reports to the President, the House Committee on Ways and Means, and the Senate Committee on Finance. The Commission delivered the first of the reports on June 30, 2023, with four more reports due in 2025, 2027, 2029, and 2031.

This investigation was instituted on November 15, 2023, and the notice of investigation was published in the **Federal Register** on November 21, 2023 (88 FR 81100). The Commission will submit the second of its five reports to the President, the House Committee on Ways and Means, and the Senate Committee on Finance by July 1, 2025. The Commission indicated in its notice of investigation that it intended to obtain data and information through a survey. The survey will assist the Commission in gathering responses and data from motor vehicle producers in the United States to determine the direct impacts of the ROOs on the aforementioned factors. Such data are not publicly available, and without this information collection, certain aspects of the Commission's analysis of the impact of the ROOs will be less robust in, or absent from, its report.

The Commission intends to submit the following draft information collection plan to the OMB:

- (1) *Number of forms submitted:* 1.
- (2) *Title of form:* The USMCA Automotive Rules of Origin Motor Vehicle Producer Questionnaire.
- (3) *Type of request:* New.
- (4) *Frequency of use:* Industry questionnaire, single data gathering, scheduled for 2024.
- (5) *Description of respondents:* North American motor vehicle producers with U.S. production operations.
- (6) *Estimated number of questionnaire requests to be emailed:* 30.
- (7) *Estimated total number of hours to complete the questionnaire per respondent:* 40 hours.
- (8) Information obtained from the questionnaire that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a business.

Information about the investigation and other supplementary documents can be accessed on the USITC website at <https://www.usitc.gov/USMCAAutoROO>.

By order of the Commission.

Issued: May 16, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–11184 Filed 5–21–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–727 and 731–TA–1695 (Preliminary)]

Disposable Aluminum Containers, Pans, and Trays From China; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–727 and 731–TA–1695 (Preliminary) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of disposable aluminum containers, pans, and trays from China, provided for in statistical reporting number 7615.10.7125 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China. Unless the Department of Commerce (“Commerce”) extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by July 1, 2024. The Commission’s views must be transmitted to Commerce within five business days thereafter, or by July 9, 2024.

DATES: May 16, 2024.

FOR FURTHER INFORMATION CONTACT:

Keysha Martinez (202–205–2136), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on

the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on May 16, 2024, by the Aluminum Foil Container Manufacturers Association, Lexington, Kentucky, and its individual members Durable Packaging International, Wheeling, Illinois; D&W Fine Pack, LLC, Wood Dale, Illinois; Handi-Foil Corp., Wheeling, Illinois; Penny Plate, LLC, Fishersville, Virginia; Reynolds Consumer Products, LLC, Lake Forest, Illinois; Shah Foil Products, Inc., Piscataway Township, New Jersey; Smart USA, Inc., Bay Shore, New York; and Trinidad/Benham Corp., Denver, Colorado.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission’s rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission’s rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:45 a.m. on June 6, 2024. Requests to appear at the conference should be emailed to preliminaryconferences@usitc.gov (DO NOT FILE ON EDIS) on or before June 4, 2024. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission’s Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission’s deliberations may request permission to participate by submitting a short statement.

Please note the Secretary’s Office will accept only electronic filings during this time. Filings must be made through the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission’s rules, any person may submit to the Commission on or before 5:15 p.m. on June 11, 2024, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than noon on June 5, 2024. All written submissions must conform with the provisions of § 201.8 of the Commission’s rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s *Handbook on Filing Procedures*, available on the Commission’s website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission’s procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission’s rules, any person

submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. Government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: May 16, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-11185 Filed 5-21-24; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2011-0055]

Steel Erection 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 Steel Erection Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by July 22, 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-2011-0055) 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 provisions are a description of the collection of information requirements contained in the Steel Erection Standard. The purpose of these requirements is to reduce employees' risk of death or serious injury while working under hazardous conditions.

Section 1926.752(a)(1)

Based on the results of a specified method for testing field-cured samples, the controlling contractor must provide the steel erector with written notification that the concrete in the footings, piers, and walls, or the mortar in the masonry piers and walls, is at 75 percent of the minimum compressive-design strength or has sufficient strength to support loads imposed during steel erection. *Note:* This is not and will not be enforced for mortar in piers and walls until such time as OSHA is able to define an appropriate substitute or until an appropriate American Society for Testing and Materials (ASTM) test method is developed.

Sections 1926.752(a)(2) and 1926.755(b)(1)

Under § 1926.752(a)(2), the controlling contractor, before it authorizes commencement of steel erection, must notify the steel erector in writing that any repairs, replacements, and modifications to anchor bolts (rods) have been made in accordance with § 1926.755(b)(1) which requires the controlling contractor to obtain approval from the project structural engineer of record for the repairs, replacements, and modifications.

Section 1926.753(c)(5)

Employers must not deactivate safety latches on hooks or make them inoperable except for the situation when: a qualified rigger determines that it is safer to hoist and place purlins and single joists by doing so; or except when equivalent protection is provided in the site-specific erection plan.

Section 1926.753(e)(2)

Employers must have maximum capacity of the total multiple-lift rigging assembly, as well as each of the individual attachment points, certified by the manufacturer, or a qualified rigger.

Sections 1926.755(b)(1) and 1926.755(b)(2)

Under § 1926.755(b)(2), throughout steel erection the controlling contractor must notify the steel erector in writing of additional repairs, replacements, and modifications of anchor bolts (rods); § 1926.755(b)(1) requires that these repairs, replacements, and modifications not be made without approval from the project structural engineer of record.

Section 1926.757(a)(4)

If steel joists at or near columns span more than 60 feet, employers must set the joists in tandem with all bridging installed. However, the employer may use an alternative method of erection if a qualified person develops the alternative method, it provides equivalent stability, and the employer includes the method in the site-specific erection plan.

Section 1926.757(a)(7)

Employers must not modify steel joists or steel joist girders in a way that affects their strength without the approval of the project structural engineer of record.

Sections 1926.757(a)(9) and 1926.758(g)

An employer can use a steel joist, steel joist girder, or girt as an anchorage point for a fall-arrest system only with the written approval of a qualified person.

Section 1926.757(e)(4)(i)

An employer must install and anchor all bridging on joists and attach all joist bearing ends before placing a bundle of decking on the joists, unless: a qualified person determines that the structure or portion of the structure is capable of supporting the bundle, the employer documents this determination in the site-specific erection plan, and follows the additional requirements specified in §§ 1926.757(e)(4)(ii)–(vi).

Sections 1926.760(e) and (e)(1)

The steel erector can leave the fall protection at the jobsite after completion of the erection activity only if the controlling contractor or the authorized representative directs the steel erector to do so and inspects and accepts responsibility for the fall protection.

Section 1926.752(e) and Appendix A to Subpart R, “Guidelines for Establishing the Components of a Site-Specific Erection Plan: Non-Mandatory Guidelines for Complying With 1926.752(e),” Paragraph (a)

Site-specific erection plan. Where employers elect, due to conditions

specific to the site, to develop alternate means and methods that provide employee protection in accordance with §§ 1926.753(c)(5), 1926.757(a)(4), or 1926.757(e)(4), a site-specific erection plan shall be developed by a qualified person and be available at the work site. Guidelines for establishing a site-specific erection plan are contained in Appendix A to this subpart.

Appendix A to Subpart R, paragraph (b). Paragraph (b) of the Appendix provides for the development of a site-specific erection plan. Preconstruction conference(s) and site inspection(s) are held between the erector and the controlling contractor, and others such as the project engineer and fabricator before the start of steel erection. The purpose of such conference(s) is to develop and review the site-specific erection plan that will meet the requirements of this section.

Appendix A to Subpart R, paragraphs (c), (c)(1)–(c)(9), (d), (d)(1), and (d)(2).

These paragraphs of Appendix A describe the components of a site-specific erection plan, including: the sequence of erection activity developed in coordination with the controlling contractor; a description of the crane and derrick selection and placement procedures; a description of the fall protection procedures that will be used to comply with § 1926.760; a description of the procedures that will be used to comply with § 1926.759; a description of the special procedures required for hazardous non-routine tasks; a certification for each employee who has received training for performing steel erection operations as required by § 1926.761; a list of the qualified and competent persons; a description of the procedures that will be utilized in the event of rescue or emergency response; the identification of the site and project; and signed and dated by the qualified person(s) responsible for the preparation and modification.

Paragraph (c)(4)(ii) of Appendix G to Subpart R

This mandatory appendix duplicates the regulatory requirements of § 1926.502 (“Fall protection systems criteria and practices”), notably the requirements specified in paragraph (c)(4)(ii). This paragraph addresses the certification of safety nets as an option available to employers who can demonstrate that performing a drop test on safety nets is unreasonable. This provision allows such employers to certify that their safety nets, including the installation of the nets, protect workers at least as well as safety nets that meet the drop-test criteria. The

employer must complete the certification process prior to using the net for fall protection, and the certificate must include the following information: identification of the net and the type of installation used for the net; the date the certifying party determined that the net and the installation would meet the drop-test criteria; and the signature of the party making this determination. The most recent certificate must be available at the jobsite for inspection.

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 the Steel Erection Standard. The agency is requesting an adjustment decrease in burden hours from 34,157 hours to 28,454 hours, a difference of 5,703 hours. This decrease is due to the decrease in the number of covered project sites from 18,468 to 15,383 project sites.

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: Steel Erection Standard.

OMB Control Number: 1218–0241.

Affected Public: Business or other for-profits.

Number of Respondents: 15,383.

Number of Responses: 84,650.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 28,454.

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 (Docket No. OSHA–2011–0055). 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 15, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–11171 Filed 5–21–24; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2017–0014]

Confined Spaces in Construction Industry Standard; Extension of the Office of Management and Budget (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 its proposal to extend the Office of Management and Budget's (OMB) approval for the information collection requirements specified in its Confined Spaces in Construction Industry Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by July 22, 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 website. 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–2017–0014) 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 Standard specifies several information collection requirements. The following sections describe who uses the information collected under each requirement, as well as how they use it. Employers and employees would use these information collection requirements when they identify a confined space at a construction worksite. The purpose of the information would permit employers and employees to systematically evaluate the dangers in confined spaces before entry is attempted, and to ensure that adequate measures have been implemented to make the spaces safe for entry. In addition, the information collection requirements of the Standard specify requirements for developing and maintaining a number of records and other documents. Further, OSHA compliance safety and health officers would need the information to determine, during an inspection, whether employers are complying with the requirements.

29 CFR 1926.1203—General Requirements

29 CFR 1926.1203(b)(1)—Informing Employees of Permit Required Confined Spaces Dangers

Paragraph 1203(b)(1) requires employers who identify a permit required confined space (PRCS) to post danger signs or take other equally effective means to inform employees of the existence and location of, and the danger posed by, permit spaces. The note following paragraph 1203(b)(1) provides an example of the content of the optional danger sign.

29 CFR 1926.1203(b)(2)—Informing Controlling Contractors and Employees' Authorized Representatives About PRCS Hazards

Paragraph 1203(b)(2) requires employers to inform, in a timely manner and in a manner other than posting, its employees' authorized representatives and the controlling contractor, of the hazards of confined spaces and the location of those spaces.

29 CFR 1926.1203(d)—Written Permit Space Program

Paragraph 1203(d) requires any employer that has employees who will enter a confined space to have and implement a written permit confined space program and to make the program available for inspection by employees and their representatives. Employers may write detailed permit space programs, while making the entry permits associated with the written programs less specific than the programs, provided the permits address the hazards of the particular space; conversely, the program may be less specific than the entry permit, in which case the employer must draft a detailed permit.

29 CFR 1926.1203(e)(1)(v) and 1926.1203(e)(2)(ix)—Alternate Procedure Documentation and Availability

Paragraph 1203(e)(1) sets forth the six conditions that an employer must meet before its employees can enter a permit space under the alternate procedures specified in paragraph (e)(2).

Paragraph 1203(e)(1)(v) requires employers to document the initial conditions before entry, including the determinations and supporting data required by paragraphs (e)(1)(i) through (e)(1)(iii) of the Standard (develop monitoring¹ and inspection data that

supports the demonstrations required by paragraphs (e)(1)(i) and (e)(1)(ii), *i.e.*, the elimination or isolation of physical hazards such that the only hazard in the space is an actual or potential hazardous atmosphere, and that continuous forced-air ventilation is sufficient to maintain the space safe for entry), and make this documentation available to employees who enter the spaces under the alternate procedures, or to their authorized representatives.

In addition, paragraph 1203(e)(2)(ix) requires the employer to verify that the permit space is safe for entry and that the employer took the measures required by paragraph 1203(e)(2) (the procedures that employers must follow for permit space entries made under paragraph 1203(e)(1)). The verification must be in the form of a certification that contains the date, the location of the space, and the signature of the certifying individual. The employer must make the alternate procedure documentation of paragraphs (e)(1)(v) and (e)(2)(ix) available to entrants or to their employees' authorized representatives before entry.

29 CFR 1926.1203(e)(2)(viii)—Written Approval for Job-Made Hoisting Systems

Paragraph 1203(e)(2)(viii) allows for the use of job-made hoisting systems if a registered professional engineer approves these systems for personnel hoisting prior to use in entry operations regulated by § 1926.1203(e). Unlike the proposed rule, the final rule requires an engineer's approval to be in writing to ensure that the specifications and limitations of use are conveyed accurately to the employees implementing the job-made hoist, and that the approval can be verified.

29 CFR 1926.1203(g)(3)—Certification of Former Permit Spaces as Non-Permit Spaces

Paragraph 1203(g)(3) requires an entry employer seeking to reclassify a space from permit to non-permit status to document the basis for determining that it eliminated all permit space hazards through a certification that contains the date, the location of the space, and the signature of the certifying individual. In addition, the employer must make the certification available to each employee entering the space or his or her authorized representative. A reevaluation aimed at reestablishing compliance with paragraph 1203(g) will involve the demonstrations, testing, inspection, and documentation required in paragraphs (g)(1) through (g)(3). The employer must substantiate all determinations so that employers,

employees, and the agency have the means necessary to evaluate those determinations and ensure compliance with the conditions that would enable the employer to conduct entry operations using the alternate procedures specified by § 1926.1203 following reclassification.

29 CFR 1926.1203(h)—Permit Space Entry Communication and Coordination

In paragraph (h), OSHA designates the controlling contractor, rather than the host employer, as the information hub for confined spaces information-sharing and coordination because the controlling contractor's function at a construction site makes it better situated than the host employer (assuming that the host employer is not also the controlling contractor) to contribute to and to facilitate a timely and accurate information exchange among all employers who have employees involved in confined space work. On a construction worksite, the controlling contractor has overall authority for the site and is best situated to receive and disseminate information about the previous and current work performed there.

29 CFR 1926.1203(h)(1)—Pre-Entry Duties of Host Employer

Paragraph 1203(h)(1) requires the host employer to share with the controlling contractor information that the host has about the location of known permit spaces, the hazards or potential hazards in each space or the reason it is a permit space, and any previous steps that it took, or that other employers took, to protect workers from the hazards in those spaces.

29 CFR 1926.1203(h)(2)—Pre-Entry Information-Sharing Duties of Controlling Contractors

OSHA requires controlling contractors to obtain the information specified in paragraph (h)(1) from the host employer (*i.e.*, the location of permit spaces, the known hazards in those spaces, and measures employed previously to protect employees in that space). Then, before permit space entry, it must relay that information to any entity entering the permit space and to any entity whose activities could foreseeably result in a hazard in the confined space. (See paragraph 1203(h)(2)(ii).) The controlling contractor must also share any other information that it has gathered about the permit space, such as information received from prior entrants.

¹ In this context, the final rule uses "monitoring" to match the general industry language, and the term encompasses both the initial testing of atmosphere and the subsequent measurements.

29 CFR 1926.1203(h)(2)(i)—Controlling Contractor Obtains Information From Host Employer

Paragraph 1203(h)(2)(i) requires the controlling contractor to obtain from the host employer, before permit space entry, available information regarding permit space hazards and previous entry operations.

29 CFR 1926.1203(h)(2)(ii)—Controlling Contractor Provides Information to Entities Entering a Permit Space and Other Entities at the Worksite

Paragraph 1203(h)(2)(ii)(A) and (B) require the controlling contractor, before entry operations begin, to share with the entrants, and any other entity at the worksite whose activities could foreseeably result in a hazard in the permit space, the information that the controlling contractor received from the host employer, as well as any additional information the controlling contractor has about the topics listed in paragraphs (h)(1)(i) through (iii) (*i.e.*, the location of permit spaces, the hazards in those spaces, and any previous efforts to address those hazards).

Paragraph 1203(h)(2)(ii)(C) requires the controlling contractor, before entry operations begin, to share with each specified entity any precautions or procedures that the host employer, controlling contractor, or any entry employer implemented earlier for the protection of employees working in permit spaces.

29 CFR 1203(h)(3)—Pre-Entry Information-Sharing Duties of Entry Employers

This provision sets forth the information-exchange requirements for entry employers.

29 CFR 1926.1203(h)(3)(i)

Paragraph (h)(3)(i) requires an entry employer to obtain information about the permit space entry operations from the controlling contractor, and works with paragraph 1203(h)(2), which requires the controlling contractor to share information about permit-space entry operations with the entry employer.

29 CFR 1926.1203(h)(3)(ii)

Paragraph (h)(3)(ii) requires an entry employer to inform the controlling contractor of the permit space program that the entry employer will follow, including information about any hazards likely to be confronted or created in each permit space. This exchange must take place prior to entry to ensure that the controlling contractor is informed of all the hazards in a timely manner and can take action, if needed,

to prevent an accident or injury before entry operations begin.

29 CFR 1926.1203(h)(4)—Coordination Duties of Controlling Contractors and Entry Employers

Paragraph 1203(h)(4) requires controlling contractors and entry employers to coordinate permit space entry operations in two circumstances: (1) when more than one entity performs entry operations at the same time, or (2) when permit space entry is performed at the same time that any activities that could foreseeably result in a hazard in the permit space are performed.

29 CFR 1926.1203(h)(5)—Post-Entry Duties of Controlling Contractors and Entry Employers

Paragraph 1203(h)(5)(i) requires the controlling contractor to debrief each entity that entered a permit space, at the end of entry operations, about the permit space program followed, and any hazards confronted or created in the permit space(s) during entry operations, and then, as required by paragraph 1203(h)(5)(iii), relay appropriate information to the host employer. Paragraph 1203(h)(5)(ii) requires the entry employer to share the same information with the controlling contractor in a timely manner.

29 CFR 1926.1203(i)—Absence of a Controlling Contractor

Paragraph 1203(i) provides that, in the event no employer meets the definition of a controlling contractor on a particular worksite, the host employer or other employer that arranges for permit space entry work must fulfill the information exchange and coordination duties of a controlling contractor.

29 CFR 1926.1204—Permit Required Confined Space Program

The agency requires each employer with employees who will enter a permit space to have and implement a written permit space program at the construction site (with the exception of ventilation-only entries conducted in accordance with § 1926.1203(e)). Also see discussion of 29 CFR 1926.1203(d) and 29 CFR 1926.1212(a), requirements that pertain to the written program.

As required elements of the written program, OSHA considers all provisions of § 1926.1204 to be information collection requirements: *e.g.*, 1204(a) (implementation of the measures necessary to prevent unauthorized entry); 1204(b) (identification and evaluation of the hazards of PRCSSs); 1204(c) (safe permit space entry operations); 1204(d) (equipment); 1204(e) (evaluation of PRCSS conditions

during entry operations); 1204(f) (attendant required); 1204(g) (attendant emergency procedures); 1204(h) (designation of entry operation duties); 1204(i) (summoning rescue and emergency services procedures); 1204(j) (system for cancellation of entry permits, including safe termination of entry operations); 1204(k) (entry operation coordination procedures); 1204(l) (entry operation conclusion procedures); 1204(m) (entry operation review); and 1204(n) (permit space program review). In addition, some provisions of § 1926.1204 constitute information collection requirements for reasons other than inclusion in the written program, as described below.

29 CFR 1926.1204(c), (g), (h), (i), (j), (k) and (l)—Development of Procedures

Paragraph 1926.1204(c) requires an employer to develop procedures needed to facilitate safe entry operations into permit spaces. The subparagraphs in 1204(c) provide specific elements of the required procedures that employers must include in the permit program: identifying safe entry conditions that employers must meet to initiate and conduct the entry safely (paragraph (c)(1)); providing each authorized entrant with the opportunity to observe monitoring or testing (paragraph (c)(2)); isolating the PRCSS (paragraph (c)(3)); purging, inerting, flushing, or ventilating the permit space (paragraph (c)(4)); ensuring that monitoring devices will detect an increase in atmospheric hazard levels in the event that the ventilation system malfunctions, and to do so in adequate time for employees to safely exit the space (paragraph (c)(5)); providing barriers to protect entrants from external hazards (paragraph (c)(6)); verifying that conditions are acceptable for entry and preventing employees from entering the permit space with a hazardous atmosphere unless demonstrating that personal protective equipment (PPE) will be effective for each employee (paragraph (c)(7)); and eliminating any conditions that could make it unsafe to remove an entrance cover (paragraph (c)(8)). Before entry is authorized, each entry employer must document the completion of these measures by preparing an entry permit, as required by paragraph 1926.1205(a).

Under paragraphs 1204 (g) through (l), entry employers are also required to develop procedures for: having an attendant respond to emergencies affecting multiple permit spaces monitored (paragraph 1204(g)); specifying employees' name, confined space entry roles and duties (paragraph 1204(h)); summoning rescue and emergency services, rescuing entrants

from permit spaces, providing necessary emergency services to rescued employees, preventing unauthorized personnel from attempting a rescue (paragraph 1204(i)); cancelling entry permits (paragraph 1204(j)); coordinating entry operations (paragraph 1204(k)); and for terminating an entry permit and entry operations (paragraph 1204(l)).

29 CFR 1926.1204(c)(3) and 1203(e)(1)(i)—Lockout/Tagout

Paragraphs 1204(c)(3) and 1203(e)(1)(i) (for PRCSS using alternate procedures) require tagging in accordance with the definition of “isolate” or “isolation” (see paragraph 1202), which requires employers to “lockout or tagout . . . all sources of energy.”

29 CFR 1926.1204(e)(6)—Providing Testing and Monitoring Results to Employees

Paragraph 1204(e)(6) requires each entry employer to immediately provide the results of any testing conducted in accordance with paragraph 1204 to each authorized entrant or that employee’s authorized representative.

29 CFR 1926.1204(m)—Review of Entry Operations and Revision of Procedures When Inadequate

Paragraph 1204(m) requires each entry employer to review its permit space program whenever the procedures are inadequate, and to revise those procedures when necessary.

29 CFR 1926.1204(n)—Annual Review of Written Program

Paragraph 1204(n) requires each entry employer to review its permit space program at least every year and make revisions to its procedures as necessary. This provision requires an employer to review cancelled permits within one year after each entry.

29 CFR 1926.1205—Permitting Process

An employer conducting a permit space entry must post an entry permit outside the permit space to document the employer’s efforts to identify and control conditions in that permit space. Section 1205 sets forth the required process for establishing entry permits and § 1206 sets forth the required specific information that must be identified on the permit.

29 CFR 1926.1205(a)—Preparing an Entry Permit

Paragraph 1205(a) requires each entry employer to prepare, prior to entry into a PRCSS, an entry permit containing all the information specified in

§ 1926.1204(c) (practices and procedures for ensuring safe entry).

29 CFR 1926.1205(b) and 1926.1210(b)—Signing the Permit

Paragraph 1205(b) requires the entry supervisor to sign the permit before entry begins. Similarly, paragraph 1926.1210(b) requires the entry supervisor to verify that the employer performed all tests specified by the entry permit, and that all procedures and equipment so specified are in place before he or she may sign the permit and allow entry. The paragraph also specifies that the entry supervisor must verify this information by checking that the corresponding entries made on the permit.

29 CFR 1926.1205(c)—Posting the Permit

Paragraph 1205(c) requires an employer to make the completed entry permit available to all authorized entrants, or their authorized representatives, at the time each employee enters the space, by posting it at the entry portal or by any other equally effective means, so that entrants can confirm that pre-entry preparations have been accomplished.

29 CFR 1926.1205(f)—Retaining the Permit

Paragraph 1205(f) requires the employer to retain each entry permit for at least 1 year to facilitate the review of the permit required by paragraph 1926.1204(n) of the Standard. Any problems encountered during an entry operation must be noted on the pertinent permit so that appropriate revisions to the permit space program can be made. Employers should list the problems encountered during entry resulting in the cancellation or suspension of a permit on the entry permit.

29 CFR 1926.1206—Entry Permit

An employer conducting a permit space entry must post an entry permit outside the permit space to document the employer’s efforts to identify and control conditions in that permit space (see § 1926.1205(c)).

29 CFR 1926.1206 (a)–(p) and 29 CFR 1926.1209(c)—Contents of the Permit

Paragraphs 1206(a)–(p) and 1926.1209(c) set forth the information which must be identified on the permit. Paragraph 1206(a) requires the employer to identify the permit space workers are planning to enter. Paragraph 1206(b) requires the employer to record the purpose of the entry. This information must be sufficiently specific, such as

identifying specific tasks or jobs that employees are to perform within the space, to confirm that the employer considered performance of each specific construction activity in the hazard assessment of the PRCSS. Paragraph 1206(c) requires the employer to record the date and authorized duration of the planned entry. Paragraph 1206(d) requires the employer to record the identity of the authorized entrants so that the attendant is capable of safely overseeing the entry operations. Employers can meet this requirement by referring in the entry permit to a system such as a roster or tracking system used to keep track of who is currently in the PRCSS. Under paragraph 1206(e), when a permit program requires ventilation, OSHA requires employers to ensure that they have a monitoring system in place that will alert employees of increased atmospheric hazards in the event the ventilation system stops working. (See § 1926.1204(c)(5).) This provision requires the employer to record the means of detecting an increase in atmospheric-hazard levels if the ventilation system stops working. Paragraph 1206(f) requires the employer to record the names of each attendant required to be stationed outside each permit space for the duration of entry operations. Paragraph 1206(g) requires the employer to record the name of each employee currently serving as entry supervisor. Paragraph 1206(h) requires the employer to record the hazards associated with the planned confined space entry operations. This list must include all hazards, regardless of whether the employer protects the authorized entrants from the hazards by isolation, control, or PPE. Paragraph 1206(i) requires the employer to record the measures used to isolate or control the hazards prior to entry. Paragraph 1206(j) requires the employer to specify the acceptable entry conditions. Paragraph (j) also requires employers, when applicable, to provide the ventilation malfunction determinations made in paragraph (c)(5) of § 1926.1204. Paragraph 1206(k) requires the employer to record the dates, times, and results of the tests and monitoring performed prior to entry, and the names or initials of the individual/s who performed each test. Employers also must include the initial entry monitoring results on the entry permit; these results serve as a baseline for subsequent measurements. Paragraph 1206(l) requires the employer to identify the rescue and emergency services required by the Standard, and the means by which these services will be summoned when needed. In some cases, an employer must include

pertinent information, such as communication equipment and emergency telephone numbers, on the permit to sufficiently identify the means by which the rescue services will be summoned. Paragraph 1206(m) requires the employer to record all the methods of communication used by authorized entrants and attendants during entry operations. Paragraph 1206(o) requires the employer to record any additional information needed to ensure safe confined space entry operations. Paragraph 1206(p) requires the employer to record information about any other permits, such as for hot work, issued for work inside the confined space. If the employer identifies additional permits, these additional permits may be, but are not required to be, attached to the entry permit.

29 CFR 1926.1207(d)—Training Records

Under paragraph 1207(d), employers must maintain training records. In addition, the employer record must contain the names of each employee trained, the trainer's name, and the dates of training, and the employer must make these records available for inspection by employees and their authorized representatives for the period of time that the employee is employed by the employer. This documentation can take any form that reasonably demonstrates the employee's completion of the training.

29 CFR 1926.1208—Duties of Authorized Entrants

29 CFR 1926.1208(c)/29 CFR 1926.1208(d)—Communicate With Attendant

Paragraph 1208(c) requires an employer to ensure that an authorized entrant communicates effectively with the attendant to facilitate the assessment of entrant status and timely evacuation as required by § 1209(f).

Paragraph 1208(d) requires an employer to ensure that an authorized entrant alerts the attendant whenever one of the following circumstances in paragraphs 1926.1208(d)(1)–(2) arises: (1) There is a warning sign or symptom of exposure to a dangerous situation; or (2) the entrant recognizes a prohibited condition. In some instances, a properly trained authorized entrant may be able to recognize and report his/her own symptoms, such as headache, dizziness, or slurred speech, and take the required action. In other cases, the authorized entrant, once the effects begin, may be unable to recognize or report them. In these latter cases, this provision requires that other, unimpaired, authorized entrants in the PRCS, who employers

must properly train to recognize signs, symptoms, and other hazard exposure effects in other authorized entrants, report these effects to the attendant.

29 CFR 1926.1209—Duties of Attendants

29 CFR 1926.1209(e)—Communicate with Authorized Entrants

Paragraph 1209(e) requires the attendant to communicate with authorized entrants as necessary to assess and keep track of the entrants' status and to notify entrants if evacuation under paragraph 1926.1209(f) of the Standard is necessary. Use of the word "assess" connotes an interactive duty in which the attendant may ask questions of the entrant or ask the entrant to perform a task so that the attendant can evaluate the entrant's status.

29 CFR 1926.1209(f)—Order Evacuation

Paragraph 1926.1209(f) requires the attendant to assess the activities and conditions inside and outside the space to determine if it is safe for entrants to stay in the space. OSHA requires the attendant to evacuate the permit space under any of the four "conditions" listed in paragraphs 1926.1209(f)(1) through (f)(4): (1) the attendant notices a prohibited condition, (2) the attendant identifies the behavioral effects of hazard exposure in an authorized entrant, (3) there is a condition outside the space that could endanger the authorized entrants, or (4) the attendant cannot effectively and safely perform the duties required under § 1926.1209. If the attendant notices a condition or activity outside the space not addressed by the entry coordination procedures, then the attendant or entry supervisor could, directly or through the controlling contractor, seek to correct the condition or stop the activity (such as described in the example above). If the attendant cannot address the situation immediately, then the attendant must order the entrants to evacuate the permit space until the employer resolves the problem.

29 CFR 1926.1209(g)—Summon Rescue Services

Paragraph 1209(g) requires the attendant to call upon rescue and other emergency services as soon as he or she decides that authorized entrants may need assistance to escape from permit space hazards.

29 CFR 1926.1209(h)—Entry Employer Duties

Paragraph 1209(h) requires the attendant to take the actions specified in § 1926.1209(h)(1) through (h)(3) to

prevent unauthorized persons from entering a permit space while entry is taking place.

29 CFR 1926.1209(h)(1)—Warn Non-Authorized Entrants To Stay Away

If someone other than an authorized entrant happens to approach the PRCS, paragraph 1209(h)(1) specifies that the attendant must make that individual aware that he/she must stay away from the PRCS. Some construction sites may be accessible to the public, so the attendant also would be responsible for warning members of the public who may attempt to enter a permit space at the site.

29 CFR 1926.1209(h)(2)—Advise Non-Authorized Entrants To Exit the PRCS Immediately

Paragraph (h)(2) requires the attendant, should an unauthorized person enter the PRCS, to advise him/her to exit the space immediately.

29 CFR 1926.1209(h)(3)—Notify the Entry Supervisor of Unauthorized Persons in the PRCS

Paragraph (h)(3) requires the attendant to notify the entry supervisor, along with the authorized entrants, of unauthorized persons who have entered the PRCS.

29 CFR 1926.1210—Duties of Entry Supervisors

Paragraph 1210(b) is described above in the discussion of paragraph 1205(a). Paragraph 1210(d) is described below in the discussion of paragraph 1211(c).

29 CFR 1926.1211—Rescue and Emergency Services

29 CFR 1926.1211(a)(1) and (a)(2)—Assess Prospective Rescue Service's Response Abilities

Paragraph 1211(a)(1) requires an employer to assess a prospective rescue service's ability to respond to a rescue summons in a timely manner. Paragraph 1211(a)(2) requires an employer to assess a prospective rescue service's ability to provide adequate and effective rescue services. In evaluating a prospective rescue provider's ability, the employer also must consider the willingness of the service to become familiar with the particular hazards and circumstances faced during its permit space entries. Paragraphs (a)(4) and (a)(5) of § 1926.1211 require the employer to provide its designated rescuers with information about its confined spaces and access to those spaces to allow the rescuers to develop appropriate rescue plans and to perform rescue drills.

29 CFR 1926.1211(a)(4)—Communicate With Rescue Services

Paragraph 1211(a)(4) requires an employer to inform the designated rescue service of the known hazards associated with the permit space in the event that a rescue becomes necessary. To meet the requirements of this provision, the employer would have to inform the rescue service prior to issuing a permit that the employer selected the service to rescue its employees in the event of an emergency, and that the employer is relying on the rescue services to perform these rescues when necessary. Compliance with this paragraph, as well as with paragraphs (a)(1) and (a)(2) of this section, often requires the employer to provide this information to the rescue service immediately prior to each permit space entry. Similarly, if an entry involves hazards not usually encountered by the rescue service, or hazards or a configuration that would require the rescue service to use equipment that it does not always have available, then the employer would have to notify the rescue service of these hazards and conditions prior to beginning the entry operation.

29 CFR 1926.1211(a)(5)—Develop a Rescue Service Plan

Paragraph 1211(a)(5) requires an employer to provide the designated rescue team or service with access to all permit spaces from which the rescue may need to perform a rescue so that the rescue team or service, whether in-house or third party, can develop appropriate rescue plans.

29 CFR 1926.1210(d) and 29 CFR 1926.1211(c)—Confirm Rescue Service Availability

If an entry employer determines that it will use non-entry rescue, it must confirm, prior to entry, that emergency assistance *will be available* in the event that non-entry rescue fails. Likewise, paragraph 1210(d) requires the entry supervisor to verify that rescue services are available, and that the means for obtaining such services are operable.

29 CFR 1926.1211(d)—Provide Safety Data Sheet (SDS) to Treating Medical Facilities

Paragraph 1211(d) requires an employer to provide relevant information about a hazardous substance to a medical facility treating an entrant exposed to the hazardous substance if the substance is one for which the employer must keep a SDS or other similar information at the worksite.

29 CFR 1926.1212—Employee Participation**29 CFR 1926.1212(a)—Consult With Employees/Authorized Representatives on Development and Implementation of a Written Program**

Paragraph 1212(a) requires employers to consult with affected employees and their authorized representatives in the development and implementation of the written permit space program required by § 1926.1203

29 CFR 1926.1212(b)—Employee Access

Paragraph 1212(b) requires that affected employees and their authorized representatives have access to all information developed under this standard. Other sections of this standard already specifically require that employers make information available to employees and their representatives. These provisions include §§ 1926.1203(d) (written program); 1203(e)(1)(v) and (e)(2)(ix) (alternate procedure certification); 1203(g) (reclassification certification); 1204(e)(6) (monitoring and testing results); 1205(c) (completed permit); and 1207(d) (training records).

29 CFR 1926.1213—Disclosure

Paragraph 1213 requires an employer, who must retain documentation under the Standard, to make this information available to the Secretary of Labor, or a designee, upon request. The request from the Secretary or the Secretary's designee (for example, OSHA) may be either oral or written.

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 collection, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Confined Spaces in Construction

Industry standard. There is no change in burden hours. There was a miscalculation in the last ICR for the total number of responses (previous ICR was recorded as 4,392,664 and should be 4,389,056). But, this miscalculation does not change the overall burden hours for this current ICR package. The costs are adjusted due to updated calculations.

Type of Review: Extension of a currently approved collection.

Title: Confines Spaces in Construction Industry Standard.

OMB Control Number: 1218–0258.

Affected Public: Business or other for-profits.

Number of Respondents: 32,510.

Total Responses: 4,389,056.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours:

706,653.

Estimated Cost (Operation and Maintenance): \$1,100,529.

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; (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–2017–0014). You may supplement electronic submissions 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 submissions, 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 17, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–11203 Filed 5–21–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration**

[Docket No. OSHA–2011–0196]

Vinyl Chloride 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 Vinyl Chloride Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by July 22, 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–2011–0196) 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 sections describe who uses the information collected under each requirement, as well as how they use it.

(A) Exposure Monitoring
(§ 1910.1017(d)) and (§ 1910.1017(n))

Paragraph 1910.1017(d)(2) requires employers to conduct exposure monitoring at least quarterly if the results show that worker exposures are

above the permissible exposure limit (PEL), while those exposed at or above the Action Level (AL) must be monitored no less than semiannually. Paragraph (d)(3) requires that employers perform additional monitoring whenever there has been a change in VC production, process, or control that may result in an increase in the release of VC.

(B) Written Compliance Plan
(§§ 1910.1017(f)(2) and (f)(3))

Paragraph (f)(2) requires employers whose engineering and work practice controls cannot sufficiently reduce worker VC exposures to a level at or below the PEL to develop and implement a plan for doing so. Paragraph (f)(3) requires employers to develop this written plan and provide it upon request to OSHA for examination and copying. These plans must be updated annually.

(C) Respirator Program
(§ 1910.1017(g)(2))

When respirators are required, the employer must establish a respiratory protection program in accordance with § 1910.134, paragraphs (b) through (d) (except (d)(1)(iii) and (d)(3)(iii)(B)(1) and (2)) and (f) through (m). Paragraph 1910.134(c) requires the employer to develop and implement a written respiratory protection program with worksite-specific procedures and elements for required respirator use. The purpose of these requirements is to ensure that employers establish a standardized procedure for selecting, using, and maintaining respirators for each workplace where respirators will be used. Developing written procedures ensures that employers develop a respirator program that meets the needs of their workers.

(D) Emergency Plan (§ 1910.1017(i))

Employers must develop a written operational plan for dealing with emergencies; the plan must address the storage, handling, and use of VC as a liquid or compressed gas. In the event of an emergency, appropriate elements of the plan must be implemented. Emergency plans must maximize workers' personal protection and minimize the hazards of an emergency.

(E) Medical Surveillance
(§ 1910.1017(k))

Paragraph (k) requires employers to develop a medical surveillance program for workers exposed to VC in excess of the action level. Examinations must be provided in accordance with this paragraph at least annually. Employers must also obtain, and provide to each

worker, a copy of a physician's statement regarding the worker's suitability for continued exposure to VC, including use of protective equipment and respirators, if appropriate.

(F) Communication of VC Hazards (§ 1910.1017(l))

Under paragraph 1910.1017(l)(1), Hazard Communication, the employer shall ensure that at least the following hazards are addressed: cancer; central nervous system effects; liver effects; blood effects; and flammability. Under paragraph 1910.1017(l)(1)(iii), the employer shall include vinyl chloride and polyvinyl chloride (PVC) in the program established to comply with the Hazard Communication Standard (HCS) (§ 1910.1200). The employer shall ensure that each employee has access to labels on containers of chemicals and substances associated with vinyl and polyvinyl chloride and to safety data sheets and is trained in accordance with the provisions of HCS and the paragraph (j) of this section.

(G) Recordkeeping (§ 1910.1017(m))

Employers must maintain worker exposure and medical records. Medical and monitoring records are maintained principally for worker access but are designed to provide valuable information to both workers and employers. The medical and monitoring records required by this standard will aid workers and their physicians in determining whether or not treatment or other interventions are needed for VC exposure. The information also will enable employers to ensure that workers are not being overexposed; such information may alert the employer that steps must be taken to reduce VC exposures.

Exposure records must be maintained for at least 30 years, and medical records must be kept for the duration of employment plus 20 years, or for a total of 30 years, whichever is longer. Records must be kept for extended periods because of the long latency period associated with VC-related carcinogenesis (*i.e.*, cancer). Cancer often cannot be detected until 20 or more years after the first exposure to VC.

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 the Vinyl Chloride Standard. The agency is requesting an adjustment decrease in the burden hours amount from 602 hours to 592 hours, a difference of 10 hours.

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: Vinyl Chloride Standard.

OMB Control Number: 1218-0010.

Affected Public: Business or other for-profits.

Number of Respondents: 29.

Number of Responses: 869.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 592.

Estimated Cost (Operation and Maintenance): \$32,193.

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-2011-0196). 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 submissions, 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 15, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024-11173 Filed 5-21-24; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2011-0035]

Subpart A (General Provisions) and Subpart B (Confined and Enclosed Spaces and other Dangerous Atmospheres in Shipyard Employment); 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 subpart A (General Provisions) and subpart B (Confined and Enclosed Spaces and other Dangerous Atmospheres in Shipyard Employment).

DATES: Comments must be submitted (postmarked, sent, or received) by July 22, 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-2011-0035) 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 requirements in subparts A and B that pertain to the collection and retention of information. Two provisions in subpart A contains paperwork requirements (§ 1915.7). Section 1915.7(b)(2) specifies that shipyard employers must maintain a roster of designated competent persons (for inspecting and testing spaces covered by subpart B), or a statement that a marine chemist will perform these inspections and tests. Section 1915.7(d) requires employers to ensure that competent persons, marine chemists, and certified industrial hygienists (CIHs) make a record of each inspection and test they conduct, post the record near the covered space while work is in progress, and retain the record for at least three months. In addition, employers must make the roster or statement, and the inspection and test records available by designated parties.

Subpart B consists of several standards governing entry into confined and enclosed spaces and other dangerous atmospheres in shipyard employment. These standards require that employers:

- Ensure that competent persons conduct inspections and atmospheric testing prior to workers entering a confined or enclosed space (§§ 1915.12(a)–(c));
- Warn workers not to enter hazardous spaces and other dangerous atmospheres (§§ 1915.12(a)–(c) and 1915.16);
- Certify that workers who will be entering confined or enclosed spaces have been trained (§ 1915.12(d)(5));
- Establish and train shipyard rescue teams or arrange for outside rescue teams, and provide them with information on the hazards that they may encounter (§ 1915.12(e));
- Ensure that one person on each rescue team maintains a current first aid training certificate (§ 1915.12(e)(1)(iv));
- Exchange information regarding hazards, safety rules, and emergency procedures concerning confined and enclosed spaces, and atmospheres with other employers whose workers may enter these spaces and atmospheres (§ 1915.12(f));
- Ensure testing of spaces having contained bulk quantities of

combustible or flammable liquids or gases, and toxic, corrosive, or irritating substances before cleaning and other cold work is started, and as necessary thereafter while the operations are ongoing (§§ 1915.13(b)(2) and (4));

- Posting signs prohibiting ignition sources within or near a space that has contained bulk quantities of flammable or combustible liquids or gases (§ 1915.13(b)(10));

- Ensure that confined and enclosed spaces and other atmospheres, and boundaries of spaces or pipelines are tested before workers perform hot work in these work areas (§ 1915.14(a)(1));

- Post certificates of testing conducted by a Marine Chemist or Coast Guard authorized person, indicating it is "Safe for Hot Work," in the immediate vicinity of the hot-work operation while the operation is in progress (§§ 1915.14(a));

- Retain certificates of testing conducted by a Marine Chemist or Coast Guard authorized person on file for at least three months after completing the operation (§ 1915.14(a)(2)); and

- Post warning labels, indicating it is "Not Safe for Hot Work," where testing of a space or adjacent space where the hot work is to be done has a concentration of flammable vapors or gases equal to or greater than 10 percent of the lower explosive limit.

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 Subpart A (General Provisions) and Subpart B (Confined and Enclosed Spaces and other Dangerous Atmospheres in Shipyard Employment). The agency is requesting an adjustment decrease in burden from 566,818 hours to 558,598 hours, a difference of 8,220

hours. This adjustment decrease is due to the decrease in the number of establishments from 4,716 to 4,674 and a decrease in the number of employees from 150,866 to 150,158.

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: Subpart A (General Provisions) and Subpart B (Confined and Enclosed Spaces and other Dangerous Atmospheres in Shipyard Employment).

OMB Control Number: 1218-0011.

Affected Public: Business or other for-profits.

Number of Respondents: 4,674.

Number of Responses: 3,505,495.

Frequency of Responses: 1.

Average Time per Response: Varies.

Estimated Total Burden Hours: 558,598.

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-2011-0035). 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 15, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024-11174 Filed 5-21-24; 8:45 am]

BILLING CODE 4510-26-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 24-033]

NASA Advisory Council; STEM Engagement Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the Science, Technology, Engineering and Mathematics (STEM) Engagement Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Tuesday, June 18, 2024, 10:00 a.m. to 4:00 p.m. eastern time.

ADDRESSES: Virtual meeting by dial-in teleconference and WebEx only.

FOR FURTHER INFORMATION CONTACT: Dr. Tara Strang, Designated Federal Officer (DFO), NAC STEM Engagement Committee, NASA Headquarters, Washington, DC 20546, (216) 410-4335, or tara.m.strang@nasa.gov.

SUPPLEMENTARY INFORMATION: This meeting will be available virtually telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the toll free access number 415-527-5035, and then the access code: 281 938 94640 followed by the # sign. To join via WebEx, use link: <https://nasa.enterprise.webex.com/nasaenterprise/j.php?MTID=m1fd0decc781c9ea4984a116d51f98983> and the meeting number is 2819 389 4640 and the password is d5mTh2b5Hw@

(Password is case sensitive.) *Note:* If dialing in, please "mute" your telephone. The agenda for the meeting will include the following:

- Opening Remarks by Chair
- NASA STEM Engagement Update
- Presentation Topics:
 - NASA STEM Engagement Strategic Implementation Plan
 - NASA OSTEM and ARMD Collaboration
 - NASA STEM Engagement Partnerships
 - NASA STEM Gateway/Metrics
- Formulation of New Findings and Recommendations
- Other Related Topics

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2024-11167 Filed 5-21-24; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document No: NASA-24-034; NASA Docket No: NASA-2024-0001]

Name of Information Collection: Generic Clearance for the NASA Office of STEM Engagement Performance Measurement and Evaluation (Testing)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA).

DATES: Comments are due by July 22, 2024.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice at <http://www.regulations.gov> and search for NASA Docket No: NASA-2024-0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000,

Washington, DC 20546, phone 256-714-8575, or email hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

NASA is committed to effectively performing the Agency's communication function in accordance with the Space Act Section 203 (a)(3) to "provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof," and to enhance public understanding of, and participation in, the nation's aeronautical and space program in accordance with the NASA Strategic Plan. The NASA Office of STEM Engagement (OSTEM) administers the agency's national stem engagement and education activities in support of the Space Act, including the performance assessment and evaluation of OSTEM projects, programs and NASA STEM engagement investments. This generic clearance will allow the NASA OSTEM to continue to test and pilot with subject matter experts, secondary students, higher education students, educators, and interested parties new and existing information collection forms and assessment instruments for the purposes of improvement and establishing validity and reliability characteristics of the forms and instruments. Existing information collections include the NASA Student STEM Inventory (Grades 4–12), NASA OSTEM Educator Professional Development (EPD) Pre- and Post-Workshop Learning Assessment (Surveys), NASA Internship Program Evaluation (Internship Retrospective Survey, Internship Experience Survey, and Semi-Structured Focus Group Protocol), NASA CONNECTS Evaluation Survey and Focus Group Protocol, MUREP Outcome Student Participant and Principal Investigator Focus Group Protocols. Forms and instruments to be tested include program application forms, customer satisfaction questionnaires, focus group protocols, and project activity survey instruments. Methodological testing will include focus group discussions, pilot surveys to test new individual question items as well as the complete form and instrument. In addition, test-retest and similar protocols will be used to determine reliability characteristics of the forms and instruments. Methodological testing will assure that forms and instruments accurately and consistently collect and measure what they are intended to measure and that data collection items are interpreted

precisely and consistently, all towards the goal of accurate Agency reporting while improving the execution of NASA STEM Engagement activities.

II. Methods of Collection

Electronic, paper, and focus group interviews.

III. Data

Title: Generic Clearance for the NASA Office of Education Performance Measurement and Evaluation (Testing).

OMB Number: 2700-0159.

Type of review: Renewal of an existing collection.

Affected Public: Individuals and Households.

Estimated Annual Number of Activities: 10.

Estimated Number of Respondents per Activity: 2,800.

Annual Responses: 1.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 7,000.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) 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 automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Stayce Hoult,

NASA PRA Clearance Officer.

[FR Doc. 2024-11204 Filed 5-21-24; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Requests: Studies To Support IMLS's Learning Agendas for Libraries and Museums

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Notice, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments about the proposed data collection for *Studies to Support IMLS's Learning Agendas for Libraries and Museums*. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before July 22, 2024.

ADDRESSES: Send comments to Julie Balutis, Director of Grants Policy and Management, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024-2135. Ms. Balutis can be reached by telephone at 202-653-4645, or by email at jbalutis@imls.gov. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except federal holidays. Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202-207-7858 via 711 for TTY-Based Telecommunications Relay Service.

FOR FURTHER INFORMATION CONTACT: Lisa Hechtman, Ph.D., Social Science Research Analyst, Office of Research and Evaluation, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC

20024–2135. Dr. Hechtman can be reached by telephone at 202–653–4724, or by email at lhechtman@imls.gov. Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

SUPPLEMENTARY INFORMATION: IMLS is particularly interested in public comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

I. Background

The Institute of Museum and Library Services is the primary source of federal support for the Nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. To learn more, visit www.imls.gov.

II. Current Actions

IMLS seeks to advance an ambitious new agency learning agenda that includes key questions on children's reading literacy and the future of museums. To carry out this agenda, IMLS has commissioned Mathematica, Inc. to conduct two independent studies which will provide descriptive information, including trends over time, and illuminate the associations between outcomes and characteristics of institutions and communities. Evidence from these studies can inform the field, help IMLS focus and improve its grantmaking, and inform future IMLS-funded studies.

Agency: Institute of Museum and Library Services.

Title: Studies to Support IMLS's Learning Agendas for Libraries and Museums.

OMB Control Number: 3137–NEW.

Agency Number: 3137.

Respondents/Affected Public: Museum staff, library staff, IMLS awardees, library community partners.

Total Estimated Number of Annual Respondents: 250.

Frequency of Response: Once per request.

Average Minutes per Response: 52.6 minutes.

Total Estimated Number of Annual Burden Hours: 219.

Cost Burden (dollars): \$6,900.47.

Public Comments Invited: Comments submitted in response to this Notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: May 17, 2024.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2024–11217 Filed 5–21–24; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Requests: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Notice, request for comments.

SUMMARY: The Institute of Museum and Library Services (IMLS) as part of its continuing effort to reduce paperwork and respondent burden, is announcing an opportunity for public comment on the renewal of a proposed collection of information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This Notice solicits comments on a renewal of a collection to gather customer and stakeholder feedback via customer interviews, feedback surveys, and rapid feedback user testing of website experiences to improve customer experience with IMLS services of various kinds. For more information on the types of proposed information collection requests IMLS may make under this clearance, contact the individual listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before July 22, 2024.

ADDRESSES: Send comments to Julie Balutis, Director of Grants Policy and Management, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North, SW, Suite 4000, Washington, DC 20024–2135. Ms. Balutis can be reached by telephone: 202–653–4645, or by email at jbolutis@imls.gov. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except federal holidays. Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Todd Rubin, Office of Management and Budget, 725 17th St. NW, Washington, DC 20006, 202–881–6991, via email to todd.w.rubin2@omb.eop.gov.

I. Background

Whether seeking a loan, Social Security benefits, veterans' benefits, or other services provided by the Federal Government, individuals and businesses expect Government customer services to be efficient and intuitive, just like services from leading private-sector organizations. Yet the 2016 American Consumer Satisfaction Index and the 2017 Forrester Federal Customer Experience Index show that, on average, Government services lag nine percentage points behind the private sector. A modern, streamlined and responsive customer experience means: raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership.

II. Current Actions

IMLS is requesting renewal of an existing collection to gather customer feedback and improve customer experience in alignment with OMB Circular A–11 Section 280. OMB Circular A–11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal programs to deliver the experience taxpayers deserve, they must undertake three general categories of

activities: conduct ongoing customer research, gather and share customer feedback, and test services and digital products.

These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (*i.e.*, in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. IMLS will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.

The results of the data collected will be used to improve the delivery of Federal services and programs. It will include the creation of personas, customer journey maps, and reports and summaries of customer feedback data and user insights. It will also provide government-wide data on customer experience that can be displayed on *performance.gov* to help build transparency and accountability of Federal programs to the customers they serve.

Agency: Institute of Museum and Library Services.

Title: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

OMB Control Number: 3137–0130.

Agency Number: 3137.

Respondents/Affected Public:

Collections will be targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future. For the purposes of this request, “customers” are individuals, businesses, and organizations that interact with IMLS or one of its programs, either directly or via a Federal contractor. This could include individuals or households; businesses or other for-profit organizations; not-for-profit institutions; State, local or Tribal governments; Federal government; and Universities.

Total Estimated Number of Annual Respondents: 5,000.

Frequency of Response: Once per respondent per request.

Estimated Average Burden Hours per Response: Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 3 minutes or up to 2 hours to participate in an interview.

Total Estimated Number of Annual Burden Hours: 450.

Estimated Total Annual Cost to Public: \$0.

Public Comments Invited: IMLS is particularly interested in public comments that help the agency to determine: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency’s estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this Notice will be summarized and/or included in the request for OMB’s clearance of this information collection.

Dated: May 17, 2024.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2024–11235 Filed 5–21–24; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

30-Day Notice for the “ArtsHERE Grant Program Forms”; Proposed Collection; Comment Request

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice, request for comments, collection of information.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the NEA is soliciting comments concerning the proposed collection of information for the evaluation of the ArtsHERE grant program. Copies of this ICR, with applicable supporting documentation, may be obtained by visiting www.Reginfo.gov.

DATES: Written comments must be submitted to the office listed in the address section below within 30 days from the date of this publication in the **Federal Register**.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days from the date of publication of this Notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting, “National Endowment for the Arts” under “Currently Under Review;” then check “Only Show ICR for Public Comment” checkbox. Once you have found this information collection request, select “Comment,” and enter or upload your comment and information.

Alternatively, comments can be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395–7316, within 30 days from the date of this publication in the **Federal Register**.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting the electronic submissions of responses.

Agency: National Endowment for the Arts.

Title: ArtsHERE Grant Program Forms.
OMB Control Number: New.

Type of Review: Regular.
Affected Public: Individuals and Households; Businesses and Organizations; State, Local or Tribal Government.

Estimated Number of Respondents: 225.

Estimated Annual Time per Respondent (Hours): 4.86.

Total Annual Burden Hours: 1,093.
Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (operating/maintaining systems or purchasing services): The total annual cost to the Federal Government for all activities associated with this collection is \$73,860.41.

Description: The National Endowment for the Arts (NEA), in partnership with South Arts and in collaboration with the five other U.S. Regional Arts Organizations (RAOs), has launched a new pilot subgrant program, ArtsHERE (<https://usregionalarts.org/artshere/>). ArtsHERE subgrants, which will be referred to as “grants”, are for specific projects that will strengthen the organization’s capacity to sustain meaningful community engagement and increase arts participation for underserved groups/communities. For the purpose of the ArtsHERE funding guidelines, “underserved group/community” refers to those whose opportunities to experience the arts have been limited by factors such as geography, race/ethnicity, economics and/or disability.

The National Endowment for the Arts will conduct a program evaluation of the ArtsHERE initiative, which may inform the future of the ArtsHERE program as well as generate insights to strengthen the arts and culture sector and to inform future practice and national strategy for public funding for the arts. This OMB request is for approval of the program evaluation plan and the instruments used in the evaluation.

Dated: May 17, 2024.

RaShaunda Thomas,
Deputy Director, Office of Administrative Services & Contracts, National Endowment for the Arts.

[FR Doc. 2024-11241 Filed 5-21-24; 8:45 am]

BILLING CODE 7537-01-P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Computer and Information Science and Engineering Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science

Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Computer and Information Science and Engineering (#1115).

Date and Time: June 13, 2024—11:00 a.m.—5:00 p.m. (Eastern); June 14, 2024—11:00 a.m.—5:00 p.m. (Eastern).

Place: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314 (Virtual).

Virtual meeting attendance only; to attend the virtual meeting, please send your request for the virtual meeting link to the following email: kmayberr@nsf.gov.

Type of Meeting: Open.

Contact Persons: KaJuana Mayberry, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703-292-8900; email: kmayberr@nsf.gov.

Purpose of Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Computer and Information Science and Engineering programs and activities.

Agenda

- Introduction of the new CISE Assistant Director
- Update on CISE directorate activities
- Computing and Environmental Sustainability
- Broadening Participation in Computing

Dated: May 17, 2024.

Crystal Robinson,
Committee Management Officer.

[FR Doc. 2024-11201 Filed 5-21-24; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-528, 50-529, 50-530, 72-44, 70-27, 50-73, 70-754, 50-255, 72-007, 50-305, 72-64, 70-143, 50-498, 50-499, 72-1041, 50-259, 50-260, 50-296, 72-052, 50-327, 50-328, 72-034, 50-390, 50-391, 72-1048, 50-445, 50-446, and 72-74; NRC-2024-0100]

Issuance of Multiple Exemptions Regarding Security Notifications, Reports, and Recordkeeping

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemptions; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a single notice to announce the issuance of 11 exemptions in response to requests from nine licensees. These exemptions were requested as a result of a change to NRC’s regulations published in the **Federal Register** on March 14, 2023.

DATES: During the period from April 1, 2024, to April 30, 2024, the NRC granted 11 exemptions in response to requests submitted by nine licensees from November 14, 2023, to March 21, 2024.

ADDRESSES: Please refer to Docket ID NRC-2024-0100 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0100. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the “**FOR FURTHER INFORMATION CONTACT**” section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ed Miller, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2481; email: Ed.Miller@nc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

During the period from April 1, 2024, to April 30, 2024, the NRC granted 11 exemptions in response to requests submitted by the following licensees: Arizona Public Service Company; BWXT Nuclear Operations Group, Inc.; GE-Hitachi Nuclear Energy Americas, LLC; Holtec Decommissioning International; Kewaunee Solutions, Inc.; Nuclear Fuel Services, Inc.; South Texas

Project Nuclear Operating Company; Tennessee Valley Authority; and Vistra Operations Company, LLC.

These exemptions temporarily allow the licensee to deviate from certain requirements of part 73 of title 10 of the *Code of Federal Regulations* (10 CFR), “Physical Protection of Plants and Materials,” subpart T, “Security Notifications, Reports, and Recordkeeping.” In support of its exemption requests, the licensees agreed to effect site-specific administrative

controls that maintain the approach to complying with 10 CFR part 73 in effect prior to the NRC’s issuance of a final rule, “Enhanced Weapons, Firearms Background Checks, and Security Event Notifications,” which was published in the **Federal Register** on March 14, 2023, and became effective on April 13, 2023 (88 FR 15864).

II. Availability of Documents

The tables in this notice provide transparency regarding the number and type of exemptions the NRC has issued

and provide the facility name, docket number, document description, document date, and ADAMS accession number for each exemption issued. Additional details on each exemption request issued, including the exemption request submitted by the respective licensee and the NRC’s decision, are provided in each exemption approval listed in the following tables. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

Document description	ADAMS Accession No.	Document date
Arizona Public Service Company; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Docket Nos. 50–528, 50–529, 50–530, and 72–44		
Palo Verde Nuclear Generating Station, Units 1, 2, and 3 and Independent Spent Fuel Storage Installation—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23335A078 ..	November 30, 2023.
Palo Verde Nuclear Generating Station, Units 1, 2, and 3—Exemption from Select Requirements of 10 CFR part 73 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting] (EPID L–2023–LLE–0074).	ML24032A154 ..	April 3, 2024.
BWXT Nuclear Operations Group, Inc.; Docket No. 70–27		
BWXT Nuclear Operations Group, Inc.—Lynchburg, Request for Exemption from Security Event Notification and Suspicious Activity Reporting Implementation in Accordance with 10 CFR 73.5.	ML23325A038 ..	November 16, 2023.
[BWXT Nuclear Operations Group, Inc.]—Response to Request for Additional Information Regarding Submittal for Exemption from Implementation of Security Event Notification and Suspicious Activity Reporting.	ML24065A014 ..	February 29, 2024.
[BWXT Nuclear Operations Group, Inc.]—License Amendment 47—A [Approval of Submittal for Exemption from Implementation of Security Event Notification and Suspicious Activity Reporting (Enterprise Project Identifier L–2023–SPR–0013)].	ML24060A278 (Package).	April 18, 2024.
GE-Hitachi Nuclear Energy Americas, LLC; Vallecitos Nuclear Center; Docket Nos. 50–73 and 70–754		
[Vallecitos Nuclear Center]—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23345A081 ..	December 11, 2023.
Vallecitos Nuclear Center (VNC) Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML24004A163 ..	January 4, 2024.
[Vallecitos Nuclear Center] GE-Hitachi Nuclear Energy Americas, LLC—Exemption from Select Requirements of 10 CFR part 73.	ML24101A284 (Package).	April 25, 2024.
Holtec Decommissioning International; Palisades Nuclear Plant; Docket Nos. 50–255 and 72–007		
[Palisades Nuclear Plant]—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23340A113 ..	December 6, 2023.
Palisades Nuclear Plant—Exemption from Select Requirements of 10 CFR part 73 (EPID L–2023–LLE–0078 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24075A303 ..	April 19, 2024.
Kewaunee Solutions, Inc.; Kewaunee Power Station; Docket Nos. 50–305 and 72–64		
Kewaunee Solutions, Inc.—Request for Exemptions from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23332A192 ..	November 28, 2023.
Kewaunee Solutions Inc.—Exemption from Select Requirements of 10 CFR part 73 ([Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]) (EPID L–2023–LLE–0092).	ML24101A042 ..	April 19, 2024.
Nuclear Fuel Services, Inc.; Docket No. 70–143		
Nuclear Fuel Services, Inc.—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23341A021 ..	November 20, 2023.
Nuclear Fuel Services, Inc.—Response to Request for Additional Information Concerning Request for Exemption from Implementation of Security Event Notification and Suspicious Activity Reporting.	ML24065A016 ..	February 19, 2024.
Nuclear Fuel Services SNM–124 Amendment 21—Exemption from Implementation of Security Event Notification and Suspicious Activity Reporting.	ML24061A271 (Package).	April 18, 2024.

Document description	ADAMS Accession No.	Document date
South Texas Project Nuclear Operating Company; South Texas Project, Units 1 and 2; Docket Nos. 50–498, 50–499, and 72–1041		
South Texas Project, Units 1 and 2—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23324A010 ..	November 16, 2023.
South Texas Project, Units 1 and 2—Response to Request for Additional Information for Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML24081A397 ..	March 21, 2024.
South Texas Project, Units 1 and 2—Exemption from Select Requirements of 10 CFR part 73 (EPID L–2023–LLE–0046 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24102A245 ..	April 23, 2024.
Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Docket Nos. 50–259, 50–260, 50–296, and 72–052		
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23355A206 ..	December 21, 2023.
[Browns Ferry Nuclear Plant, Units 1, 2, and 3]—Response to Request for Additional Information Regarding Browns Ferry Nuclear Plant, Units 1, 2, and 3, Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation (EPID L–2023–LLE–0086).	ML24074A146 ..	March 14, 2024.
Browns Ferry Nuclear Plant, Units 1, 2, and 3—Exemption from Select Requirements of 10 CFR part 73, Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting (EPID L–2023–LLE–0086).	ML24087A230 ..	April 18, 2024.
Tennessee Valley Authority; Sequoyah Nuclear Plant, Units 1 and 2; Docket Nos. 50–327, 50–328, and 72–034		
Sequoyah Nuclear Plant, Units 1 and 2—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23355A207 ..	December 21, 2023.
[Sequoyah Nuclear Plant, Units 1 and 2]—Response to Request for Additional Information Regarding Sequoyah Nuclear Plant, Units 1 and 2, Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation (EPID L–2023–LLE–0088).	ML24074A181 ..	March 14, 2024.
Sequoyah Nuclear Plant, Units 1 and 2—Exemption from Select Requirements of 10 CFR part 73, Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting (EPID L–2023–LLE–0088).	ML24089A088 ..	April 18, 2024.
Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Docket Nos. 50–390, 50–391 and 72–1048		
Watts Bar Nuclear Plant, Units 1 and 2—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23355A208 ..	December 21, 2023.
[Watts Bar Nuclear Plant, Units 1 and 2]—Response to Request for Additional Information Regarding Watts Bar Nuclear Plant, Units 1 and 2, Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation (EPID L–2023–LLE–0087).	ML24074A182 ..	March 14, 2024.
Watts Bar Nuclear Plant, Units 1 and 2—Exemption from Select Requirements of 10 CFR part 73, Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting (EPID L–2023–LLE–0087).	ML24087A191 ..	April 18, 2024.
Vistra Operations Company, LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2; Docket Nos. 50–445, 50–446, and 72–74		
Comanche Peak Nuclear Power Plant, [Unit Nos. 1 and 2]—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23318A471 ..	November 14, 2023.
Comanche Peak Nuclear Power Plant, [Unit Nos. 1 and 2]—Revised Requested Compliance Date—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML24068A259 ..	March 7, 2024.
Comanche Peak Nuclear Power Plant, [Unit Nos. 1 and 2]—Exemption from Select Requirements of 10 CFR part 73 (EPID L–2023–LLE–0037 [Security Notifications, Reports, and Recordkeeping and Suspicious Activity Reporting]).	ML24085A225 ..	April 11, 2024.

Dated: May 16, 2024.

For the Nuclear Regulatory Commission.

Jeffrey A. Whited,

Chief, Plant Licensing Branch 3, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2024–11194 Filed 5–21–24; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

[Docket ID: OPM–2024–0013]

**Submission for Review: 3206–0173,
Designation of Beneficiary (Civil
Service and Federal Employee
Retirement Systems), SF 3102**

AGENCY: Office of Personnel
Management.

ACTION: 60-Day notice and request for
comments.

SUMMARY: The Office of Personnel Management (OPM), Retirement Services, offers the general public and other Federal agencies the opportunity to comment on the review of an expiring information collection request (ICR) without change, CSRS/FERS Designation of Beneficiary, SF 3102.

DATES: Comments are encouraged and will be accepted until July 22, 2024.

ADDRESSES: You may submit comments, identified by docket number and title, by the following method:

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

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

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316-L, Washington, DC 20415, Attention: Cyrus S. Benson, by email to RSPublicationsTeam@opm.gov, or via telephone at (202) 936-0401.

SUPPLEMENTARY INFORMATION: Standard Form 3102, CSRS/FERS Designation of Beneficiary, is used by an employee or annuitant covered under the Civil Service Retirement System or the Federal Employees Retirement System to designate a beneficiary to receive any lump sum due in the event of his/her death.

OPM is requesting approval for this form to be designated as a “common form.” A common form is an information collection that can be used by two or more agencies, or government-wide, for the same purpose. It allows a host agency to obtain OMB approval of an information collection for use by one or more “using” agencies. After OMB grants approval, a prospective using agency that seeks to collect identical information for the same purpose can obtain approval to use the common form by providing its agency-specific information to OMB (e.g., burden estimates and number of respondents). See Frequently Asked Questions about ROCIS’s New Common Forms Module ([whitehouse.gov](https://www.whitehouse.gov)). OPM seeks the designation as a common form because this form is used by all Federal employees to designate a beneficiary to any lump sum due in the event of his/her death.

As required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13), as amended (44 U.S.C. chapter 35), OPM is soliciting comments for this collection (OMB No. 3206-0173). OPM is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Office of Personnel Management, Retirement Services.

Title: CSRS/FERS Designation of Beneficiary.

OMB Number: 3206-0173.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 3,888.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 972.

Office of Personnel Management.

Kayyonne Marston,

Federal Register Liaison.

[FR Doc. 2024-11236 Filed 5-21-24; 8:45 am]

BILLING CODE 6325-38-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024-301 and CP2024-309; MC2024-302 and CP2024-310; MC2024-303 and CP2024-311]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission’s consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 24, 2024.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request’s acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service’s request(s) can be accessed via the Commission’s website (<http://www.prc.gov>). Non-public portions of the Postal Service’s request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service’s request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* MC2024-301 and CP2024-309; *Filing Title:* USPS Request

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

to Add International Priority Airmail, Commercial ePacket, Priority Mail Express International & Priority Mail International Contract 9 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 16, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jennaca D. Upperman; *Comments Due*: May 24, 2024.

2. *Docket No(s)*: MC2024–302 and CP2024–310; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 68 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 16, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Arif Hafiz; *Comments Due*: May 24, 2024.

3. *Docket No(s)*: MC2024–303 and CP2024–311; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 261 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 16, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Nikki Brendemuehl; *Comments Due*: May 24, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–11212 Filed 5–21–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change— International Priority Airmail, Commercial ePacket, Priority Mail Express International & Priority Mail International Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add an International Priority Airmail, Commercial ePacket, Priority Mail Express International & Priority Mail International contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice*: May 22, 2024.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 16, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add International Priority Airmail, Commercial ePacket, Priority Mail Express International & Priority Mail International Contract 9 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–301 and CP2024–309.

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2024–11227 Filed 5–21–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

International Product Change— International Priority Airmail, Commercial ePacket, Priority Mail Express International & Priority Mail International Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add an International Priority Airmail, Commercial ePacket, Priority Mail Express International & Priority Mail International contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice*: May 22, 2024.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 14, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add International Priority Airmail, Commercial ePacket, Priority Mail Express International & Priority Mail International Contract 7 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–297 and CP2024–304.

Christopher Doyle,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2024–11202 Filed 5–21–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100160; File No. SR–Phlx–2024–15]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change To Amend the Exchange’s Fees for Top of PHLX Options (TOPO), PHLX Orders, and TOPO Plus Orders

May 16, 2024.

I. Introduction

On March 20, 2024, Nasdaq PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“Commission” or “SEC”), 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 (File Number SR–Phlx–2024–15) to increase fees for certain market data products (“Proposal”). The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the **Federal Register** on March 28, 2024.⁴ Pursuant to Section 19(b)(3)(C) of the Act,⁵ the Commission is hereby: (1) temporarily suspending the proposed rule change; and (2) instituting proceedings to determine whether to approve or disapprove the proposed rule change.

II. Background and Description of the Proposed Rule Change

The Exchange states that the purpose of the proposed rule change is to amend the Exchange’s proprietary data fees for Top of PHLX Options (“TOPO”),⁶ PHLX

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ See Securities Exchange Act Release No. 99841 (March 22, 2024), 89 FR 21648 (“Notice”). The Commission has received one comment letter on the proposed rule change. See Letter from Brookes Ross, received April 29, 2024 (“Ross Letter”). Comments received on the Proposal are available at: <https://www.sec.gov/comments/sr-phlx-2024-15/srphlx202415.htm>.

⁵ 15 U.S.C. 78s(b)(3)(C).

⁶ See Notice, 89 FR at 21648 (citing Options 3, Section 23(a)(1) (“Top of PHLX Options (“TOPO”) is a direct data feed product that includes the Exchange’s best bid and offer price, with aggregate size, based on displayable order and quoting interest on Phlx and last sale information for trades executed on Phlx. The data contained in the TOPO

Orders,⁷ and TOPO Plus Orders at Options 7, Section 10.⁸

The Exchange states that TOPO is a direct data feed that provides subscribers with PHLX Best Bid and Offer (“BBO”)⁹ and last sale information.¹⁰ The Exchange also states that the data distributed on TOPO is identical to the data simultaneously sent to the Options Price Reporting Authority (“OPRA”).¹¹ The Exchange states that TOPO feed also provides administrative information to facilitate trading on the Exchange such as, for example, the list of symbols trading on a particular day.¹² The Exchange states that TOPO reduces the transmission and

data feed is identical to the data simultaneously sent to the processor for the OPRA and subscribers of the data feed. The data provided for each options series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and whether the option series is available for trading on Phlx and identifies if the series is available for closing transactions only.”).

⁷ See Notice, 89 FR at 21648 (citing Options 3, Section 23(a)(1) (“PHLX Orders is a real-time full Limit Order book data feed that provides pricing information for orders on the PHLX Order book for displayed order types as well as market participant capacity. PHLX Orders is currently provided as part of the TOPO Plus Orders data product. PHLX Orders provides real-time information to enable users to keep track of the single and complex order book(s). The data provided for each options series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, leg information on complex strategies and whether the option series is available for trading on Phlx and identifies if the series is available for closing transactions only. The feed also provides auction and exposure notifications and order imbalances on opening/reopening (size of matched contracts and size of the imbalance)”)).

⁸ The proposed changes were initially filed on November 16, 2023, as SR-Phlx-2023-51. On December 5, 2023, SR-Phlx-2023-51 was withdrawn and replaced with SR-Phlx-2023-57. On January 29, 2024, SR-Phlx-2023-57 was withdrawn and replaced with SR-Phlx 2024-03. On March 20, 2024, SR-Phlx-2024-03 was withdrawn and replaced with the instant filing to provide additional detail regarding the proposal. See Notice, 89 FR at 21648.

⁹ See Notice, 89 FR at 21648. The Exchange states that Best Bid and Offer includes aggregate size information based on displayable order and quoting interest on the Exchange. *Id.* at n.6.

¹⁰ See Notice, 89 FR at 21648 (citing PHLX, “Top of Phlx Options,” available at [https://www.nasdaqtrader.com/Micro.aspx?id=TOPO#~:text=Top%20of%20PHLX%20Options%20\(TOPO,in%20the%20consolidated%20market%20feed\)](https://www.nasdaqtrader.com/Micro.aspx?id=TOPO#~:text=Top%20of%20PHLX%20Options%20(TOPO,in%20the%20consolidated%20market%20feed))).

¹¹ See Notice, 89 FR at 21648 (citing Options 3 (Options Trading Rules), Section 23(a)(1) (Data Feeds and Trade Information) (“The data contained in the TOPO data feed is identical to the data simultaneously sent to the processor for the OPRA and subscribers of the data feed.”)).

¹² See Notice, 89 FR at 21648 (citing Nasdaq, “Top of Phlx Options Interface Specifications, Version 3.4” Section 4.3 available at <https://www.nasdaqtrader.com/content/technicalsupport/specifications/dataproducts/topofphlx.pdf> (describing the start of day options directory message, which lists all symbols eligible for the auction process)).

processing latencies for top of book information relative to the OPRA feed by avoiding the latencies generated by the latter in consolidating data.¹³ The Exchange states that monthly fees for TOPO are currently \$2,000 for Internal Distributors,¹⁴ \$2,500 for External Distributors,¹⁵ \$1 for a Non-Professional Subscriber,¹⁶ and \$40 for a Professional Subscriber.¹⁷ The Exchange further states that none of these fees have changed for over a decade since January 2013.¹⁸

The Exchange states that PHLX Orders is a real-time order book feed with pricing information for displayed orders on the PHLX order book.¹⁹ The Exchange states that the data provided for each options series includes the symbols (series and underlying security), a put or call indicator, expiration date, and the strike price of the series.²⁰ The Exchange states that it also provides the real-time status of simple and complex orders²¹ on the

¹³ See Notice, 89 FR at 21648.

¹⁴ See Notice, 89 FR at 21648 (citing Options 7, Section 10 (Proprietary Data Feed Fees) (Top of PHLX Options) (“A ‘distributor’ of Nasdaq PHLX data is any entity that receives a feed or data file . . . directly from Nasdaq PHLX or indirectly through another entity and then distributes it either internally (within that entity) or externally (outside that entity). All distributors execute a Nasdaq PHLX distributor agreement.”)).

¹⁵ See Notice, 89 FR at 21648 (citing Options 7, Section 10 (Proprietary Data Feed Fees) (Top of PHLX Options)).

¹⁶ See Notice, 89 FR at 21648 (citing Options 7, Section 10 (Proprietary Data Feed Fees) (Top of PHLX Options) (“A Non-Professional Subscriber is a natural person who is neither: (i) registered or qualified in any capacity with the Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ‘investment adviser’ as that term is defined in Section 201(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that Act); nor (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt. A Non-Professional Subscriber may only use the data provided for personal purposes and not for any commercial purpose.”)).

¹⁷ See Notice, 89 FR at 21648 (citing Options 7, Section 10 (Proprietary Data Feed Fees) (Top of PHLX Options) (“A Professional Subscriber is any Subscriber that is not a Non-Professional Subscriber. If the Nasdaq Subscriber agreement is signed in the name of a business or commercial entity, such entity would be considered a Professional Subscriber.”)).

¹⁸ See Notice, 89 FR at 21649 (citing Securities Exchange Act Release No. 68576 (January 3, 2013), 78 FR 1886 (January 9, 2013) (SR-Phlx-2012-145)).

¹⁹ See Notice, 89 FR at 21649 (citing Options 3 (Options Trading Rules), Section 23(a)(2) (Data Feeds and Trade Information)).

²⁰ See Notice, 89 FR at 21649.

²¹ See Notice, 89 FR at 21649 (citing Options 3 (Options Trading Rules), Section 23(a)(2) (Data Feeds and Trade Information); Section 14(a)(i) (“Complex Order. For purposes of the electronic

order book, including new orders and changes to orders resting on the PHLX book for all PHLX-listed options.”).²² The Exchange states that PHLX Orders feed includes data on the opening imbalance, Price Improvement XL (PIXL),²³ and Complex Order Live Auction (COLA).²⁴ The Exchange further states that a notification message is sent for symbols entering an auction.²⁵ The Exchange states that PHLX Orders also furnishes an historical record of all simple and complex order message data from the PHLX Orders data feed and that PHLX Orders information is not sent to OPRA.²⁶

The Exchange states that PHLX Orders is an alternative to PHLX Depth of Market and is an optimized technical channel designed to lower technology costs, reduce processing time, and facilitate the ingestion of data while still providing customers insight beyond the top of book by viewing active buy and sell orders.²⁷ The Exchange further states that PHLX Orders excludes quotations by market makers and other authorized entities that is included in PHLX Depth of Market.²⁸ Regarding the

trading of Complex Orders, a Complex Order is an order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced as a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy.”).

²² See Notice, 89 FR at 21649 (citing Nasdaq, “PHLX Orders,” available at <https://www.nasdaqtrader.com/Micro.aspx?id=PHLXOrders>).

²³ See Notice, 89 FR at 21649 (citing Options 3 (Options Trading Rules), Section 23(a)(2); Section 13 (Price Improvement XL) (“A member may electronically submit for execution an order it represents as agent on behalf of a Public Customer, broker-dealer, or any other entity (‘PIXL Order’) against principal interest or against any other order (except as provided in sub-paragraph (a)(6) below) it represents as agent (an ‘Initiating Order’) provided it submits the PIXL Order for electronic execution into the PIXL Auction (‘Auction’) pursuant to this Rule.”)).

²⁴ See Notice, 89 FR at 21649 (citing Options 3, Section 14(e) which describes the process for the Complex Order Live Auction (“COLA”)).

²⁵ Notice, 89 FR at 21649 (citing Nasdaq, “PHLX Orders Interface Specification,” (Version 1.92) available at <https://www.nasdaqtrader.com/content/technicalsupport/specifications/dataproducts/topoplusorders.pdf> (describing auction notification message)).

²⁶ See Notice, 89 FR at 21649 (citing Limited Liability Company Agreement of Options Price Reporting Authority, LLC Article V, Section 5.2(c)(i) (January 1, 2010), available at https://assets.website-files.com/5ba40927ac854d8c97bc92d7/5d0bd57d87d3ccca102102d7_OPRA%20Plan%20with%20Updated%20Exhibit%20A%20-%202006-19-2019.pdf (describing last sale and best bid and offer information disseminated by OPRA)).

²⁷ See Notice, 89 FR at 21649.

²⁸ See Notice, 89 FR at 21649 (citing Options 3 (Options Trading Rules), Section 23(a)(3) (Data Feeds and Trade Information) (“PHLX Depth of Market is a data product that provides: (i) order and

Continued

utility of an orders-only data feed, the Exchange states that it provides customers with the opportunity to reduce bandwidth (and therefore data processing costs) by several orders of magnitude relative to the full depth of book feed, while retaining a view of market participant orders (setting aside symbols where participants have not placed orders).²⁹

The Exchange states that the December 2023 bandwidth report shows that the PHLX Depth of Market feed transmitted a maximum of 14.3 billion messages per day during the month of December, while the PHLX Orders feed transmitted a maximum of 53.6 million messages over the same period (41.5 million messages for simple orders, and 12.1 million messages for complex orders).³⁰ The Exchange states that it's full depth of book feed requires the customer to process over 200 times more messages than the orders feed over the course of a day; replacing a depth of book feed with an orders feed allows a customer to reduce the maximum number of daily messages it receives by 99.6%.³¹ The Exchange states that, to cite another example, the 1 millisecond bandwidth peak for PHLX Depth of Market was 13.96 million messages; the comparable number of messages for orders was 1.45 million (891 thousand for simple and 561 thousand for complex orders).³² The Exchange states that replacing depth of book with orders can therefore reduce the number of messages processed at peak at the 1 millisecond bandwidth by nearly 90%.³³ The Exchange further states that approximately 56% of customers who take any data feed at all from the PHLX exchange take an orders feed (either Orders only or TOPO Plus Orders) without depth of book, another 38% of customers take both orders and depth feeds, and the remaining 6% take either top of book or depth of book alone.³⁴

The Exchange states that in general, firms that only need information on actively trading options takes an order

feed in lieu of depth.³⁵ The Exchange explains that there are a great number of use cases that fit this broad description, but, for purposes of illustration, the Exchange is aware of at least two such types of customers.³⁶ The Exchange states that the first is the market participant that does not engage in order routing—and that these are broker dealers that use third parties to route orders, either because the originating broker-dealer is not a member of the exchange or to save costs.³⁷ The Exchange states that without the need for additional information to inform routing decisions, such customers often focus on active trading alone, and therefore purchase the orders feed.³⁸ The Exchange states that a second category of customers are those that use options data to analyze trends in other markets.³⁹ The Exchange explains that one example of this type of customer is the equity trader that analyzes equity-based options to gauge market sentiment in the underlying equity.⁴⁰ The Exchange states that for such customers, there is relatively little utility in the full depth feed, given that market sentiment is best gauged using options that are being actively traded, rather than those that are dormant.⁴¹

The Exchange states that there are some customers that purchase both orders and depth and that vendors are one example of this type of customer, purchasing market data solely for resale, not for trading on behalf of themselves or others.⁴² The Exchange explains that another example is the firm that uses orders for analysis and depth for order routing.⁴³ The Exchange states that the orders feed can be useful for assessing sentiment in equity markets, while depth is often used in order routing decisions.⁴⁴ The Exchange states that firms that engage in both functions can lower overall processing requirements by using orders for analytics and depth for routing.⁴⁵

The Exchange states that purchase of PHLX Orders is optional and that customers can obtain all of the data contained in PHLX Orders from PHLX Depth of Market feed, and may purchase the latter if they do not realize the cost savings offered by PHLX Orders.⁴⁶ The

Exchange states that PHLX Orders is a derivative product designed as a lower-cost alternative to a depth of book feed.⁴⁷ The Exchange further states that it is not a complement to any other product offered by the Exchange or any of its competitors.⁴⁸ The Exchange explains that customers are free to purchase PHLX Orders or not, and can reject the feed for any reason, including the fee charged.⁴⁹ The Exchange states that the current monthly fees for PHLX Orders are \$3,000 for Internal Distributors, \$3,500 for External Distributors, \$1 for a Non-Professional Subscriber, and \$40 for a Professional Subscriber.⁵⁰ The Exchange further states that none of these fees have changes for over a decade since January 2013.⁵¹

The Exchange states that TOPO Plus is a direct market data product that offers subscribers both TOPO and PHLX Orders for a consolidated fee that is less than the combined fee of the two products.⁵² The Exchange states that the monthly fees for TOPO Plus Orders are currently \$4,500 for Internal Distributors, \$5,000 for External Distributors, \$1 for a Non-Professional Subscriber, and \$40 for a Professional Subscriber.⁵³ The Exchange states that Internal Distributor fees for TOPO Plus Orders were modified in January 2018, over five years ago,⁵⁴ but the other TOPO Plus Orders fees have not changed since January 2013.⁵⁵

The Exchange states that different types of market participants purchase TOPO, PHLX Orders and TOPO Plus Orders, including market makers, vendors, banks, proprietary traders, agency brokers (brokers that route trades on behalf of other market participants), hedge funds, index providers and other firms.⁵⁶ The Exchange states that in characterizing market participants, it must be clear that firms use data feeds for multiple tasks.⁵⁷ The Exchange states that a market maker, for example, may use market data for order routing,

quotation information for individual quotes and orders on the order book . . .") (emphasis added); Section 4(b) (Entry and display of Quotes) (identifying the market participants authorized to submit quotes to the Exchange)).

²⁹ See Notice, 89 FR at 21649.

³⁰ See Notice, 89 FR at 21649 (citing Nasdaq, "December 2023 Bandwidth Report," available at <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.nasdaqtrader.com%2Fcontent%2Ftechnicalsupport%2Fspecifications%2Fdataproducs%2Fbandwidthreport.xls&wdOrigin=BROWSELINK>).

³¹ See Notice, 89 FR at 21649.

³² See Notice, 89 FR at 21649.

³³ See Notice, 89 FR at 21649.

³⁴ See Notice, 89 FR at 21649.

³⁵ See Notice, 89 FR at 21649.

³⁶ See Notice, 89 FR at 21649.

³⁷ See Notice, 89 FR at 21649.

³⁸ See Notice, 89 FR at 21649.

³⁹ See Notice, 89 FR at 21649.

⁴⁰ See Notice, 89 FR at 21649.

⁴¹ See Notice, 89 FR at 21649.

⁴² See Notice, 89 FR at 21649.

⁴³ See Notice, 89 FR at 21649.

⁴⁴ See Notice, 89 FR at 21649.

⁴⁵ See Notice, 89 FR at 21649.

⁴⁶ See Notice, 89 FR at 21650.

⁴⁷ See Notice, 89 FR at 21650.

⁴⁸ See Notice, 89 FR at 21650.

⁴⁹ See Notice, 89 FR at 21650.

⁵⁰ See Notice, 89 FR at 21650.

⁵¹ See Notice, 89 FR at 21650 (citing Securities Exchange Act Release No. 68576 (January 3, 2013), 78 FR 1886 (January 9, 2013) (SR-Phlx-2012-145)).

⁵² See Notice, 89 FR at 21650 (citing PHLX, TOPO Plus PHLX Orders, available at <https://www.nasdaqtrader.com/Micro.aspx?id=TOPOPlusOrders>).

⁵³ See Notice, 89 FR at 21650.

⁵⁴ See Notice, 89 FR at 21650 (citing Securities Exchange Act Release No. 82495 (January 12, 2018), 83 FR 2839 (January 19, 2018) (SR-Phlx-2018-08)).

⁵⁵ See Notice, 89 FR at 21650 (citing Securities Exchange Act Release No. 68576 (January 3, 2013), 78 FR 1886 (January 9, 2013) (SR-Phlx-2012-145)).

⁵⁶ See Notice, 89 FR at 21650.

⁵⁷ See Notice, 89 FR at 21650.

or for risk analysis used in quoting in their assigned option series.⁵⁸ The Exchange states that banks may use market data for prime brokerage services, proprietary trading, or risk management.⁵⁹ The Exchange states that market data vendors do not directly use the data at all, but rather disseminate data to market participants that use the data for a multiplicity of purposes.⁶⁰ The Exchange states that other firms purchase options data to assess the value of equity securities.⁶¹

The Exchange explains that, characterizing firms based on what the Exchange understands to be their primary market activity, and understanding that firms play multiple roles, the Exchange estimates that approximately half of the customers that take top of book data in any form, in combination with other products or alone, are market makers, and the remaining half are market data vendors, banks, proprietary traders, agency brokers, hedge funds, index providers, and others.⁶² The Exchange explains that roughly the same distribution applies to customers that purchase PHLX Orders, whether alone or in combination with other products.⁶³ The Exchange states that although the distributions are roughly similar, different customers are purchasing different products in different combinations.⁶⁴

The Exchange states that firms generally purchase PHLX Orders rather than depth of book data to lower technology costs and reduce processing time, while still providing customers insight into open executable orders that could impact the BBO.⁶⁵ The Exchange states that a more specific explanation of how TOPO, PHLX Orders and TOPO Plus Orders is used will vary based on use case, with many firms employing multiple use cases.⁶⁶ The Exchange states that market makers, banks, hedge funds, and proprietary traders often use top of book and orders feeds for trading, order routing and analysis.⁶⁷ The Exchange states that banks may use

market data for prime brokerage services, proprietary trading, or risk management.⁶⁸ The Exchange states that clients of market data vendors will utilize the data for many different purposes.⁶⁹ The Exchange explains that it does not have sufficient visibility into customers' businesses and proprietary processes to be able to determine precise data usage by customer category.⁷⁰

The Exchange states that: for TOPO, it proposes to increase the monthly charge for Internal Distributors from \$2,000 to \$2,500, and the monthly charge for External Distributors from \$2,500 to \$3,000; For PHLX Orders, it proposes to increase the monthly charge for Internal Distributors from \$3,000 to \$3,500, and the monthly charge for External Distributors from \$3,500 to \$4,000; and for TOPO Plus Orders, it proposes to increase the monthly charge for Internal Distributors from \$4,500 to \$5,500, and the monthly charge for External Distributors from \$5,000 to \$6,000.⁷¹ The Exchange states that no changes are proposed for Non-Professional and Professional Subscriber fees for TOPO, PHLX Orders, or TOPO Plus.⁷² The Exchange further states that the proposed changes are designed to update data fees to reflect their current value, rather than their value when these fees were set 5 or 10 years ago.⁷³

III. Suspension of the Proposed Rule Change

Pursuant to Section 19(b)(3)(C) of the Act,⁷⁴ at any time within 60 days of the date of filing of an immediately effective proposed rule change pursuant to Section 19(b)(1) of the Act,⁷⁵ the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization ("SRO") if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. A temporary suspension of the proposed rule changes is necessary and appropriate to allow for additional analysis of the proposed rule change's consistency with the Act and the rules thereunder.

A. Exchange Statements in Support of the Proposal

In support of the Proposal, the Exchange states that it believes that its proposal is consistent with Section 6(b) of the Act,⁷⁶ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁷⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.⁷⁸ The Exchange explains that this belief is based on several factors: First, the Exchange states that exchange fees are constrained because market participants can choose among seventeen different venues for options trading, and therefore no single venue can charge excessive fees without losing customers and market share.⁷⁹ Second, the Exchange states that fees for TOPO are constrained because the identical top of book data is sent to OPRA, and certain market participants may choose to rely exclusively on OPRA rather than purchasing the proprietary data product.⁸⁰ Third, the Exchange states that the purchase of PHLX Orders is optional, that it is designed as a lower-cost alternative to depth of book—and, as such, is not a complement to any other product offered by the Exchange or any of its competitors, and that customers may purchase PHLX Orders or not, and can reject the feed for any reason—including the fee charged.⁸¹ Fourth, the Exchange states that the proposed fees are comparable to, and in some cases less than, those of similarly situated exchanges.⁸² Fifth, the Exchange states that the current fees do not properly reflect the value of the underlying product, as fees for the products in question have been static in nominal terms, and therefore falling in real terms (due to inflation), while the amount of information transmitted in those fees have more than doubled in just the past five years, reflecting a substantial increase in customer value due to the significantly higher levels of liquidity currently available on the Exchange.⁸³ Sixth, the Exchange states that higher fees for the external distribution of TOPO, PHLX Orders, and TOPO Plus Orders are based on the

⁵⁸ See Notice, 89 FR at 21650.

⁵⁹ See Notice, 89 FR at 21650.

⁶⁰ See Notice, 89 FR at 21650.

⁶¹ See Notice, 89 FR at 21650. The Exchange states that it does not include "High Frequency Trading Firm" as a distinct category because many market participant may engage in low latency trading strategies to some degree, but the Exchange does not have sufficient information to be able to characterize any particular firm as a high frequency trader. *Id.*

⁶² See Notice, 89 FR at 21650.

⁶³ See Notice, 89 FR at 21650.

⁶⁴ See Notice, 89 FR at 21650.

⁶⁵ See Notice, 89 FR at 21650.

⁶⁶ See Notice, 89 FR at 21650.

⁶⁷ See Notice, 89 FR at 21650.

⁶⁸ See Notice, 89 FR at 21650.

⁶⁹ See Notice, 89 FR at 21650.

⁷⁰ See Notice, 89 FR at 21650.

⁷¹ See Notice, 89 FR at 21650.

⁷² See Notice, 89 FR at 21650.

⁷³ See Notice, 89 FR at 21650.

⁷⁴ 15 U.S.C. 78s(b)(3)(C).

⁷⁵ 15 U.S.C. 78s(b)(1).

⁷⁶ 15 U.S.C. 78f(b).

⁷⁷ 15 U.S.C. 78f(b)(4) and (5).

⁷⁸ See Notice, 89 FR at 21650.

⁷⁹ See Notice, 89 FR at 21650.

⁸⁰ See Notice, 89 FR at 21650.

⁸¹ See Notice, 89 FR at 21650.

⁸² See Notice, 89 FR at 21650.

⁸³ See Notice, 89 FR at 21650–51.

additional value vendors receive from distributing data to their own customers and typically charging for the service.⁸⁴

The Exchange states that customers face many choices in where to trade options. The Exchange explains that until recently, sixteen exchanges have offered options trading services, and they are now being joined by a 17th member.⁸⁵ The Exchange states that not a single options exchange trades more than 11 percent of the options market by volume.⁸⁶ The Exchange states that PHLX, the second largest options exchange by volume, only has 9 percent of the options market.⁸⁷ The Exchange states that only one of the 17 options exchanges have a market share over 10 percent.⁸⁸ The Exchange states that this broad dispersion of market share demonstrates that market participants can and do exercise choice in options trading venues.⁸⁹ The Exchange also states that as the number of exchanges continues to grow, competition will become fiercer and customer choice will continue to expand.⁹⁰

The Exchange states that most option contracts on the TOPO, TOPO Plus, and Orders data feeds are traded on multiple exchanges.⁹¹ The Exchange states that a sample of trading on March 7, 2024, from The Options Clearing Corporation shows that 5,836 symbols were traded on PHLX's options exchange, of which only 53 symbols were listed on the PHLX options exchange only, and another 33 symbols were listed on multiple Nasdaq-affiliated options exchanges.⁹²

The Exchange states that, in order to remain competitive with other options

exchanges, PHLX, like some options exchanges, offers several proprietary options products that are only traded on Nasdaq-affiliated exchanges.⁹³ The Exchange states that these include products based on the Nasdaq 100® Index, such as NDX (Nasdaq 100 Index on PHLX, Nasdaq GEMX, LLC ("GEMX")) and Nasdaq ISE, LLC ("ISE")), XND (Nasdaq 100 Micro Index on PHLX and ISE), and NQX (Nasdaq 100 Micro Index on ISE), as well as volatility products such as VOLQ (Nasdaq-100® Volatility Index), foreign currency options, and other products.⁹⁴

The Exchange states that some Nasdaq option proprietary products are subject to direct, substitution-based competition from other options exchanges and that all Nasdaq option proprietary products are subject to the competition among exchanges for membership and market share.⁹⁵ The Exchange states that examples of substitution-based competition include the VOLQ, which can be substituted with the Cboe Volatility Index® ("VIX").⁹⁶ The Exchange states that NDX (listed on PHLX, GEMX and ISE), XND (listed on PHLX and ISE) and NQX (listed on ISE) all offer different ways of gaining exposure to the Nasdaq 100® Index, are therefore each serves as a direct substitute for the others.⁹⁷ The Exchange also states that the Nasdaq 100® Index products also have alternatives among other exchanges.⁹⁸

⁹³ See Notice, 89 FR at 21651.

⁹⁴ See Notice, 89 FR at 21651. The Exchange states that the NASDAQ-100 is an index which includes 100 of the world's largest non-financial companies listed on the wider NASDAQ Stock market, based on their market capitalization. See Notice, 89 FR at 21651.

⁹⁵ See Notice, 89 FR at 21651.

⁹⁶ See Notice, 89 FR at 21651 (citing Securities Exchange Act Release No. 95170 (June 29, 2022), 87 FR 40295 (July 6, 2022) (SR-Phlx-2022-27) (explaining that the Nasdaq-100® Volatility Index ("VOLQ") is subject to "significant substitution-based competitive forces; market participants can substitute options on VOLQ for products offered by other exchanges, for example, the options on the Cboe Volatility Index® ("VIX").").

⁹⁷ See Notice, 89 FR at 21651 (citing Securities Exchange Act Release No. 99141 (December 12, 2023), 88 FR 87466 (December 18, 2023) (SR-Phlx-2023-55) ("[M]arket participants are offered different ways to gain exposure to the Nasdaq 100 Index, whether through the Exchange's proprietary products like options overlying NDX, NDPX, or XND, or separately through multi-listed options overlying Invesco QQQ Trust ("QQQ"); Securities Exchange Act Release No. 99171 (December 14, 2023), 88 FR 88206 (December 20, 2023) (SR-ISE-2023-36) (explaining that NDX, XND and NQX provide "market participants with a variety of choices in selecting the product they desire to utilize in order to gain exposure to the Nasdaq 100 Index.")).

⁹⁸ See Notice, 89 FR at 21651 (citing Securities Exchange Act Release No. 99141 n.7 (December 12, 2023), 88 FR 87466 (December 18, 2023) (SR-Phlx-2023-55) (explaining that the fees for NDX and

The Exchange states that exchange proprietary products are also subject to competition among exchanges for membership and market share.⁹⁹ The Exchange states that there are many factors that may cause a market participant to decide to become a member of a particular exchange; among these are product offerings.¹⁰⁰ The Exchange states that introducing new and innovative products to the marketplace designed to meet customer demands may attract market participants to become a member of a particular options venue by allowing market participants greater trading opportunities and new avenues to manage risks.¹⁰¹ The Exchange states that an exchange's proprietary product offering may attract order flow to a particular exchange to trade a particular options product and generally make that exchange a more desirable venue to transaction options, thereby attracting membership to that exchange.¹⁰²

The Exchange states that, in light of the number of trading venues available to customers, the Exchange must price its products, including TOPO, PHLX Orders, and TOPO Plus Orders (as well as other products), competitively, otherwise customers would move to other venues.¹⁰³ The Exchange states that, "[i]f competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior" and, accordingly, "the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory."¹⁰⁴

The Exchange states that the top of book data in TOPO is sent to OPRA; under OPRA rules, proprietary options information is available to customers that have equivalent access to OPRA information, and therefore is supplementary to the OPRA feed.¹⁰⁵

NDXP are in line with fees assessed by Cboe on its MXEA and MXEF options products)).

⁹⁹ See Notice, 89 FR at 21651 (citing Securities Exchange Act Release No. 95170 (June 29, 2022), 87 FR 40295 (July 6, 2022) (SR-Phlx-2022-27) (discussing the role of proprietary data products in the competition among exchanges)).

¹⁰⁰ See Notice, 89 FR at 21651.

¹⁰¹ See Notice, 89 FR at 21651.

¹⁰² See Notice, 89 FR at 21651.

¹⁰³ See Notice, 89 FR at 21651.

¹⁰⁴ See Notice, 89 FR at 21651 (citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74,770 (December 9, 2008) (SR-NYSEArca-2006-21)).

¹⁰⁵ See Notice, 89 FR at 21651 (citing Limited Liability Company Agreement of Options Price Reporting Authority, LLC § 5.2(c)(iii) (January 1, 2010), available at <https://assets.website-files.com/5ba40927ac854d8c97bc92d7/>

⁸⁴ See Notice, 89 FR at 21651.

⁸⁵ See Notice, 89 FR at 21651 (citing OPRA Plan, list of OPRA Participant Exchanges, available at <https://www.opraplan.com/faqs>, and Securities Exchange Act Release No. 98388 (September 14, 2023), 88 FR 64963 (September 20, 2023) (File No. 4-443) ("Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options To Add MEMX LLC as a Plan Sponsor"). The Exchange states that all options exchanges are members of the OPRA Plan. *Id.*

⁸⁶ See Notice, 89 FR at 21651 (citing Nasdaq, Options Market Statistics (Last updated November 3, 2023), available at <https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary>). The Exchange states that on November 3, 2023, the total percentage of options market volume by exchange was as follows: ARCA: 11%; PHLX: 9%; CBOE: 9%; BOX: 8%; ISE: 7%; EDGX: 7%; AMEX: 7%; MIAX: 7%; MPRL: 7%; NOM: 6%; BATS: 6%; C2: 5%; EMLD: 4%; MRX: 3%; GEMX: 3%; BXOP: 3%; MEMX: 0%. *Id.*

⁸⁷ See Notice, 89 FR at 21651.

⁸⁸ See Notice, 89 FR at 21651.

⁸⁹ See Notice, 89 FR at 21651.

⁹⁰ See Notice, 89 FR at 21651.

⁹¹ See Notice, 89 FR at 21651.

⁹² See Notice, 89 FR at 21651.

The Exchange states that, specifically, Section 5.2(c)(iii) of the OPRA Plan provides that “[a] Member [of the OPRA Plan] may disseminate its Proprietary Information,” provided that “such dissemination is limited to other Members and to persons who also have equivalent access to consolidated Options Information disseminated by OPRA for the same classes or series of options that are included in the Proprietary Information. . . .”¹⁰⁶ The Exchange states that “Consolidated Options Information” refers to “consolidated Last Sale Reports combined with either consolidated Quotation Information or the BBO furnished by OPRA” and that access is deemed to be “equivalent” “if both if both kinds of information are equally accessible on the same terminal or work station. . . .”¹⁰⁷

The Exchange states that any customer that purchases proprietary options data from the Exchange, including TOPO and TOPO Plus Orders, must also have equivalent access to the OPRA Plan.¹⁰⁸ The Exchange states that the best bid and offer and last sale information available from TOPO and TOPO Plus Orders fees is identical to the information simultaneously sent to OPRA by the Exchange and that OPRA provides NBBO and last sale information on options transactions.¹⁰⁹ The Exchange states that TOPO and TOPO Plus Orders provide additional administrative information unique to trading on the Exchange, and also reduce the transmission and processing latencies generated through the process of consolidating data into the OPRA feed.¹¹⁰ The Exchange states that because top of book and last sale information is available on OPRA as

well as TOPO, and customers who purchase TOPO have equivalent access to the OPRA feed, certain customers may choose to rely on the OPRA feed in lieu of purchasing PHLX data, thereby limiting the ability of the Exchange from charging excessive fees for its TOPO and TOPO Plus Orders feeds.¹¹¹

The Exchange states that purchase of PHLX Orders is optional and that customers can obtain all of the data contained in PHLX Orders from PHLX Depth of Market feed, and may purchase the latter if they do not realize the cost savings offered by PHLX Orders.¹¹² The Exchange states that PHLX Orders is not a complement to any other product offered by the Exchange or any of its competitors; customers are free to purchase PHLX Orders or not, and can reject the feed for any reason, including the fee charged.¹¹³

The Exchange states that the proposed fees are comparable to, and in some cases less than, those of other similarly situated exchange fees.¹¹⁴ The Exchange states that options market statistics show that PHLX has a market share of approximately 9%, and that ARCA, with an 11% market share, and CBOE, with a 9% market share, are its closest competitors.¹¹⁵ The Exchange states that to obtain top of book and depth of book information for internal distribution (including both simple and complex options) from ARCA, a customer would be required to pay an Access Fee of \$3,000 per month, a Non-Display fee of at least \$5,000 per month for simple options, and a Non-Display fee of \$1,000 for Complex Options, for a total of \$9,000 per month.¹¹⁶ The Exchange states that to obtain the same information from PHLX under the new proposal, a customer would pay the Internal Distributor fee of \$2,500 for TOPO, and an Internal Distributor fee of \$4,000 for PHLX Depth Data, for a total of \$6,500 per month.¹¹⁷ The Exchange

states that to obtain comparable information for Cboe Options, a customer would be required to pay a combined fee of \$9,000 per month.¹¹⁸ The Exchange states that a PHLX customer would pay the Internal Distributor fee of \$2,500 for TOPO, and an Internal Distributor fee of \$4,000 for PHLX Depth Data, for a total of \$6,500 per month.¹¹⁹ The Exchange states that as such, the proposed fees are comparable to fees charged by industry peers, and therefore presumptively reasonable.¹²⁰

The Exchange states that the Internal Distributor fee for TOPO Plus Orders was increased in 2018, while none of the other fees have changed for over a decade, since January 2013, and that this means that fees for TOPO, PHLX Orders, and TOPO Plus Orders have fallen in real terms due to inflation.¹²¹ The Exchange explains that, using data generated by the Department of Commerce to estimate inflation in the market for portfolio management and investment services, inflation has increased prices by 63.9% since January 2013, when most of the fees at issue were set, and 15.7% since January 2018, when internal distributor fees for TOPO Plus Orders were last modified.¹²² The Exchange states that, at the same time, the average daily message count of PHLX has more than doubled in just five years, from approximately 3.0 billion messages per day in 2018 to approximately 8.2 billion messages in 2023.¹²³ The Exchange states that PHLX

¹¹⁸ See Notice, 89 FR at 21652 (citing Cboe Data Services (CDS), Market Data Product Price List (updated July 1, 2023), available at https://cdn.cboe.com/resources/membership/US_Market_Data_Product_Price_List.pdf).

¹¹⁹ See Notice, 89 FR at 21652 (citing Options 7, Section 10 (Proprietary Data Feed Fees) (PHLX Depth Data)). The Exchange states that ARCA does not charge separately for top of book and depth of book. Although PHLX is not proposing to change fees for depth of book information, PHLX depth of book information is included here to ensure comparability. *Id.*

¹²⁰ See Notice, 89 FR at 21652.

¹²¹ See Notice, 89 FR at 21652 (citing Securities Exchange Act Release No. 82495 (January 12, 2018), 83 FR 2839 (January 19, 2018) (SR-Phlx-2018-08) and Securities Exchange Act Release No. 68576 (January 3, 2013), 78 FR 1886 (January 9, 2013) (SR-Phlx-2012-145)).

¹²² See Notice, 89 FR at 21652 (citing Bureau of Economic Analysis, U.S. Department of Commerce, “Personal Consumption Expenditures Price Index,” available at <https://www.bea.gov/data/personal-consumption-expenditures-price-index>).

¹²³ See Notice, 89 FR at 21652 (citing PHLX Data (Average Daily Message Count was 2,979,919,551.32 in 2018, and 8,243,516,029.17 thus far in 2023)). The Exchange states that the significant increases in data traffic have also required technological upgrades to manage the larger traffic volume and to respond to overall technological change in the industry. See Notice, 89 FR at 21652 (citing *See, e.g., Securities Exchange*

5d0bd57d87d3ccca102102d7
OPRA%20Plan%20with%20Updated%20
Exhibit%20A%20-%202006-19-2019.pdf (“OPRA Plan”).

¹⁰⁶ See Notice, 89 FR at 21651 (citing Section 5.2(c)(iii) of the OPRA Plan).

¹⁰⁷ See Notice, 89 FR at 21652 (citing Section 5.2(c)(iii) of the OPRA Plan).

¹⁰⁸ See Notice, 89 FR at 21652.

¹⁰⁹ See Notice, 89 FR at 21652. The Exchange states that the TOPO feed includes administrative information (but not data) that is not provided on the OPRA feed, such as symbol directory messages. See Notice, 89 FR at 21652 (citing Nasdaq, “Top of Phlx Options Interface Specifications, Version 3.4” Section 4.3 available at <https://www.nasdaq.com/content/technicalsupport/specifications/dataproducts/topofphlx.pdf> (describing the start of day options directory message, which lists all symbols eligible for the auction process)).

¹¹⁰ See Notice, 89 FR at 21652. The Exchange states that bid and offer and last sale information provided with the TOPO Plus Orders product is identical to the data sent to OPRA, although the “orders” component of TOPO Plus Orders is not. *Id.*

¹¹¹ See Notice, 89 FR at 21652.

¹¹² See Notice, 89 FR at 21652.

¹¹³ See Notice, 89 FR at 21652.

¹¹⁴ See Notice, 89 FR at 21652.

¹¹⁵ See Notice, 89 FR at 21652 (citing Nasdaq, Options Market Statistics (Last updated November 3, 2023), available at <https://www.nasdaq.com/Trader.aspx?id=OptionsVolumeSummary>).

¹¹⁶ See Notice, 89 FR at 21652 (citing NYSE Arca Options Proprietary Market Data Fees (as of July 3, 2023), available at https://www.nyse.com/publicdocs/nyse/data/NYSE_Arca_Options_Proprietary_Data_Fee_Schedule.pdf).

¹¹⁷ See Notice, 89 FR at 21652 (citing Options 7, Section 10 (Proprietary Data Feed Fees) (PHLX Depth Data)). The Exchange states that ARCA does not charge separately for top of book and depth of book. *Id.* The Exchange states that although PHLX is not proposing to change fees for depth of book information, PHLX depth of book information is included here to maintain comparability. *Id.*

grew in conjunction with options trading overall, which in the aggregate grew at a faster pace than PHLX alone—specifically stating that between January 2018 and December 2023, options volume on PHLX grew by 31%, while options volume on all exchanges nearly doubled, from 467 million options to 912 million instruments.¹²⁴

The Exchange states that growth in options trading means better value for the consumer, that the greater variety of options contracts traded means that customers have more choice, and that the greater number of buyers and sellers in the market means that there is more liquidity, resulting in tighter spreads and better consumer value on each trade.¹²⁵ The Exchange further states that greater choice and tighter spreads mean that the consumer obtains more value from options markets overall, which should be reflected in fees for exchange services, including market data.¹²⁶ The Exchange concludes that the proposal is therefore reasonable in light of the substantial increase in customer value generate by the higher levels of liquidity now available on the Exchange, coupled with the fall in real prices due to inflation.¹²⁷

The Exchange states that External Distributors receive additional value not available to Internal Distributors by disseminating information externally and typically charging for the service and that this additional value supports higher fees for external distribution for TOPO, PHLX Orders, and TOPO Plus Orders.¹²⁸ The Exchange states that higher fees for external distribution of data are common throughout the industry, and nearly universal among exchanges and that the difference in value between internal and external distribution is also reflected in the current fee schedule.¹²⁹

The Exchange states that, in summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because: (i) customers have a choice in trading venue, and will exercise that choice and trade at another venue if exchange fees are not set competitively; (ii) the top of book data sent in the TOPO feed are also sent to

OPRA, and customers have the option of relying on OPRA data; (iii) the purchase of PHLX Orders is entirely optional as it is a low-cost alternative to the PHLX Depth of Market product; (iv) the proposed fees are comparable to those of other exchanges; (v) exchange fees have fallen in real terms while the amount of liquidity available on the exchange has increased, and (vi) external vendors receive additional value from distributing data to their own customers and typically charging for the service, and therefore charging higher fees for external distribution is fair and reasonable.¹³⁰

The Exchange also states that the Proposal is not unfairly discriminatory.¹³¹ The Exchange states that the three market data feeds at issue here—TOPO, PHLX Orders, and TOPO Plus Orders—are used by a variety of market participants for a variety of purposes, and states that users include regulators, market makers, competing exchanges, media, retail, academics, portfolio managers.¹³² The Exchange states that market data feeds will be available to members of all of these groups on a non-discriminatory basis.¹³³ The Exchange also does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.¹³⁴ The Exchange states that nothing in the Proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the Proposal does not impose any burden on the ability of other options exchanges to compete.¹³⁵ The Exchange states that PHLX fees are comparable to, and in some cases less than, those of other exchanges.¹³⁶ The Exchange finally states that nothing in the Proposal burdens intra-market competition (the competition among consumers of exchange data) because PHLX market data is available to any customer under the same fee schedule as any other customer, and any market participant that wishes to purchase PHLX market data can do so on a non-discriminatory basis.¹³⁷

B. Suspension

When exchanges file their proposed rule changes with the Commission, including fee filings like the Exchange's present proposal, they are required to

provide a statement supporting the proposal's basis under the Act and the rules and regulations thereunder applicable to the exchange.¹³⁸ The instructions to Form 19b-4, on which exchanges file their proposed rule changes, specify that such statement "should be sufficiently detailed and specific to support a finding that the proposed rule change is consistent with [those] requirements."¹³⁹

Section 6 of the Act, including Sections 6(b)(4), (5), and (8), require the rules of an exchange to: (1) provide for the equitable allocation of reasonable fees among members, issuers, and other persons using the exchange's facilities;¹⁴⁰ (2) perfect the mechanism of a free and open market and a national market system, protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers;¹⁴¹ and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.¹⁴²

In temporarily suspending the Exchange's proposed rule change, the Commission intends to further consider whether the Proposal to increase market data fees is consistent with the statutory requirements applicable to a national securities exchange under the Act. In particular, the Commission will consider whether the proposed rule change satisfies the standards under the Act and the rules thereunder requiring, among other things, that an exchange's rules provide for the equitable allocation of reasonable fees among members, issuers, and other persons using its facilities; not permit unfair discrimination between customers, issuers, brokers or dealers; and do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.¹⁴³

Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act, to temporarily suspend the proposed rule change.¹⁴⁴

¹³⁸ See 17 CFR 240.19b-4 (Item 3 entitled "Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change"). To date, the Commission has received one comment letter on proposed rule change, which does not appear to be relevant to the instant filing. See Ross Letter.

¹³⁹ See *id.*

¹⁴⁰ 15 U.S.C. 78f(b)(4).

¹⁴¹ 15 U.S.C. 78f(b)(5).

¹⁴² 15 U.S.C. 78f(b)(8).

¹⁴³ See 15 U.S.C. 78f(b)(4), (5), and (8), respectively.

¹⁴⁴ For purposes of temporarily suspending the proposed rule change, the Commission has considered the proposed rule's impact on

Act Release No. 82495 (January 12, 2018), 83 FR 2839 (January 19, 2018) (SR-PHLX-2018-08) (discussing a number of functional enhancements to both TOPO and PHLX Orders)).

¹²⁴ See Notice, 89 FR at 21652 (citing Options Clearing Corporation, "Volume and Open Interest," available at <https://www.theocc.com/market-data/market-data-reports/volume-and-open-interest/volume-by-exchange>).

¹²⁵ See Notice, 89 FR at 21652.

¹²⁶ See Notice, 89 FR at 21652.

¹²⁷ See Notice, 89 FR at 21652-53.

¹²⁸ See Notice, 89 FR at 21653.

¹²⁹ See Notice, 89 FR at 21653.

¹³⁰ See Notice, 89 FR at 21653.

¹³¹ See Notice, 89 FR at 21653.

¹³² See Notice, 89 FR at 21653.

¹³³ See Notice, 89 FR at 21653.

¹³⁴ See Notice, 89 FR at 21653.

¹³⁵ See Notice, 89 FR at 21653.

¹³⁶ See Notice, 89 FR at 21653.

¹³⁷ See Notice, 89 FR at 21653.

IV. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Changes

In addition to temporarily suspending the Proposal, the Commission also hereby institutes proceedings pursuant to Sections 19(b)(3)(C)¹⁴⁵ and 19(b)(2)(B) of the Act¹⁴⁶ to determine whether the Exchange's proposed rule change should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,¹⁴⁷ the Commission is providing notice of the grounds for possible disapproval under consideration:

- Whether the Exchange has demonstrated how the proposed fees are consistent with Section 6(b)(4) of the Act, which requires that the rules of a national securities exchange "provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities";¹⁴⁸
- Whether the Exchange has demonstrated how the proposed fees are consistent with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange not be "designed to permit unfair discrimination between customers, issuers, brokers, or dealers";¹⁴⁹ and
- Whether the Exchange has demonstrated how the proposed fees are consistent with Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange "not impose any burden on competition not

efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁴⁵ 15 U.S.C. 78s(b)(3)(C). Once the Commission temporarily suspends a proposed rule change, Section 19(b)(3)(C) of the Act requires that the Commission institute proceedings under Section 19(b)(2)(B) to determine whether a proposed rule change should be approved or disapproved.

¹⁴⁶ 15 U.S.C. 78s(b)(2)(B).

¹⁴⁷ *Id.* Section 19(b)(2)(B) of the Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. See *id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding, or if the exchange consents to the longer period. See *id.*

¹⁴⁸ 15 U.S.C. 78f(b)(4).

¹⁴⁹ 15 U.S.C. 78f(b)(5).

necessary or appropriate in furtherance of the purposes of [the Act]."¹⁵⁰

As discussed in Section III above, the Exchange made various arguments in support of the Proposal. There are questions as to whether the Exchange has provided sufficient information to demonstrate that the proposed fees are consistent with the Act and the rules thereunder. The Commission will specifically consider, among other things, whether the Exchange has provided sufficient evidence to demonstrate that the proposed market data fees are reasonable and equitably allocated, are not unfairly discriminatory, and do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change."¹⁵¹ The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,¹⁵² and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.¹⁵³

The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposed fees are consistent with the Act, and specifically, with its requirements that exchange fees be reasonable and equitably allocated, not be unfairly discriminatory, and not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.¹⁵⁴

V. Commission's Solicitation of Comments

The Commission requests written views, data, and arguments with respect to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by June 12, 2024. Rebuttal comments should be submitted by June 26, 2024. Although

there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.¹⁵⁵

The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the Proposal, in addition to any other comments they may wish to submit about the proposed rule changes.

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-Phlx-2024-15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-Phlx-2024-15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official

¹⁵⁵ 15 U.S.C. 78s(b)(2). Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. See Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

¹⁵⁰ 15 U.S.C. 78f(b)(8).

¹⁵¹ 17 CFR 201.700(b)(3).

¹⁵² See *id.*

¹⁵³ See *id.*

¹⁵⁴ See 15 U.S.C. 78f(b)(4), (5), and (8).

business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2024–15 and should be submitted on or before June 12, 2024. Rebuttal comments should be submitted by June 26, 2024.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(3)(C) of the Act,¹⁵⁶ that File No. SR–Phlx–2024–15, be and hereby is, temporarily suspended. In addition, the Commission is instituting proceedings to determine whether the proposed rule change should be approved or disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵⁷

Sherry R. Haywood,
Assistant Secretary.
[FR Doc. 2024–11168 Filed 5–21–24; 8:45 am]
BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, May 23, 2024, at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Thursday, May 23, 2024, at 2:00 p.m., has been cancelled.

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 17, 2024.

Vanessa A. Countryman,
Secretary.
[FR Doc. 2024–11298 Filed 5–20–24; 11:15 am]
BILLING CODE 8011–01–P

¹⁵⁶ 15 U.S.C. 78s(b)(3)(C).
¹⁵⁷ 17 CFR 200.30–3(a)(57).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20314 and #20315; KANSAS Disaster Number KS–20005]

Administrative Declaration of a Disaster for the State of Kansas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Kansas dated 05/16/2024.

Incident: Westmoreland Tornado.
Incident Period: 04/30/2024.

DATES: Issued on 05/16/2024.

Physical Loan Application Deadline Date: 07/15/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 02/18/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator’s disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Pottawatomie

Contiguous Counties:

Kansas: Jackson, Marshall, Nemaha, Riley, Shawnee, Wabaunsee

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 20314C and for economic injury is 203150.

The State which received an EIDL Declaration is Kansas.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,
Administrator.
[FR Doc. 2024–11209 Filed 5–21–24; 8:45 am]
BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20318 and #20319; IOWA Disaster Number IA–20002]

Presidential Declaration of a Major Disaster for the State of Iowa

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Iowa (FEMA–4779–DR), dated 05/14/2024.

Incident: Severe Storms and Tornadoes.

Incident Period: 04/26/2024 through 04/27/2024.

DATES: Issued on 05/14/2024.

Physical Loan Application Deadline Date: 07/15/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 02/14/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President’s major disaster declaration on 05/14/2024, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Clarke, Harrison, Mills, Polk, Pottawattamie, Ringgold, Shelby, Union.

Contiguous Counties (Economic Injury Loans Only):

Iowa: Adair, Adams, Audubon, Boone, Carroll, Cass, Crawford, Dallas, Decatur, Fremont, Jasper, Lucas, Madison, Marion, Monona, Montgomery, Page, Story, Taylor, Warren, Wayne
Missouri: Worth, Harrison
Nebraska: Washington, Sarpy, Burt, Douglas, Cass

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 20318C and for economic injury is 203190.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–11211 Filed 5–21–24; 8:45 am]

BILLING CODE 8026–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36773]

Railmark Industrial Railway Inc. d/b/a Railmark Industrial Railway Inc. Mississippi Division—Change in Operator Exemption—Mississippi Central Railroad Co.

Railmark Industrial Railway Inc. d/b/a a Railmark Industrial Railway Inc. Mississippi Division (RIR), a non-carrier, has filed a verified notice of

exemption under 49 CFR 1150.31 to permit RIR to lease and operate approximately 10 miles of rail line owned by Tishomingo County, Miss. (the County), extending between the Norfolk Southern Railway Company's "Tuka Wye" at milepost 0.0 and the Tri-State Commerce Park at approximately milepost 10.0 in Tishomingo County (the Line). The verified notice states that Mississippi Central Railroad Co. (MSCI) currently holds authority to operate the Line through a lease with the County,¹ but that lease is not being renewed.

According to the verified notice, RIR and the County are entering an agreement for RIR to lease and operate the Line. RIR further states that as a result of the transaction, RIR will operate the Line and MSCI will be relieved of its obligation.²

This transaction is related to a concurrently filed verified notice of exemption in *Railmark Holdings, Inc.—Continuance in Control Exemption—Railmark Industrial Railway*, Docket No. FD 36774, in which Railmark Holdings, Inc., seeks to continue in control of RIR upon RIR's becoming a Class III rail carrier.

RIR certifies that the agreement between it and the County does not impose or include an interchange commitment. RIR also certifies that its projected annual revenues as a result of this transaction will not result in its becoming a Class II or Class I rail carrier and that its projected annual revenue will not exceed \$5 million.

Under 49 CFR 1150.32(b), a change in operator requires that notice be given to shippers. The verified notice indicates that a copy has been served on Red Industrial Products, the lone shipper on the Line.

The transaction may be consummated on or after June 5, 2024, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than May 29, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36773, must be filed with the Surface Transportation Board via e-

¹ See *Miss. Cent. R.R.—Amended Lease & Operation Exemption—Line of Tishomingo Cnty., Miss.*, FD 35258 (Sub-No. 1) (STB served June 11, 2021).

² RIR states that MSCI consents to the transfer of its rights to operate the Line to RIR.

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 RIR's representative, Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. NW, Suite 1300 South, Washington, DC 20004.

According to RIR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(1).

Board decisions and notices are available at www.stb.gov.

Decided: May 17, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2024–11238 Filed 5–21–24; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36774]

Railmark Holdings, Inc.—Continuance in Control Exemption—Railmark Industrial Railway Inc. d/b/a Railmark Industrial Railway Inc. Mississippi Division

Railmark Holdings, Inc. (Railmark), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Railmark Industrial Railway Inc. d/b/a Railmark Industrial Railway Inc. Mississippi Division (RIR), upon RIR's becoming a Class III rail carrier. Railmark currently controls the Yreka Western Railroad (Yreka), a Class III carrier, which operates solely in the state of California.

This transaction is related to a concurrently filed verified notice of exemption in *Railmark Industrial Railway—Change in Operator Exemption—Mississippi Central Railroad*, Docket No. FD 36773, in which RIR seeks Board approval to lease and operate approximately 10 miles of rail line extending between Norfolk Southern Railway Company's "Tuka Wye" at milepost 0.0 and the Tri-State Commerce Park at approximately milepost 10.0 in Tishomingo County, Miss.

RIR represents that: (1) RIR does not connect with any of the railroads in Railmark's corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect RIR with the rail lines of any other carrier in Railmark's corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the

transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Accordingly, because this transaction involves Class III rail carriers only, the Board may not impose labor protective conditions here.

The earliest this transaction may be consummated is June 5, 2024, the effective date of the exemption (30 days after the verified notice was filed). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(g) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by May 29, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36774, 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 Railmark's representative, Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. NW, Suite 1300 South, Washington, DC 20004.

Board decisions and notices are available at www.stb.gov.

Decided: May 17, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2024-11239 Filed 5-21-24; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2024-1625]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Part 65—Certification: Airmen Other Than Flight Crewmembers, Subpart C—Aircraft Dispatchers and Appendix A to Part 65—Aircraft Dispatcher Courses

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. This collection involves the information that each applicant for an aircraft dispatcher certificate or FAA approval of an aircraft dispatcher course must submit to the FAA. These applications, reports and training course materials are provided to the local FAA Flight Standards District Office that oversees the certificates and FAA approvals. The collection is necessary for the FAA to determine qualification and the ability of the applicant to safely dispatch aircraft. Without this collection of information, applicants for a certificate or course approval would not be able to receive certification or approval. The collection of information for those who choose to train aircraft dispatcher applicants is to protect the applicants by ensuring that they are properly trained.

DATES: Written comments should be submitted by July 22, 2024.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Sandra Ray, Federal Aviation Administration, AFS-260, 1187 Thorn Run Road, Suite 200, Coraopolis, PA 15108. By fax: 412-239-3063.

FOR FURTHER INFORMATION CONTACT: Sandra L. Ray by email at: Sandra.ray@faa.gov; phone: 412-546-7344

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. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120-0648.

Title: Part 65—Certification: Airmen Other Than Flight Crewmembers, Subpart C—Aircraft Dispatchers and Appendix A to Part 65—Aircraft Dispatcher Courses.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: This collection involves the information that each applicant for an aircraft dispatcher certificate or FAA approval of an aircraft dispatcher course must submit to the FAA to comply with 14 CFR part 65, subpart C and appendix A. These applications, reports and training course materials are provided to the responsible FAA Flight Standards Office that oversees the certificates and FAA approvals.

This collection involves the knowledge testing that each applicant for an aircraft dispatcher certificate must successfully complete or information required to obtain FAA approval of an aircraft dispatcher course in order to comply with 14 CFR part 65, subpart C and Appendix A. These applications, reports and training course materials are provided to the responsible FAA Flight Standards Office which oversees the certificates and FAA approvals.

The collection is necessary for the FAA to determine qualification and the ability of the applicant to safely dispatch aircraft. Without this collection of information, applicants for a certificate or course approval would not be able to receive certification or approval. The collection of information for those who choose to train aircraft dispatcher applicants is to protect the applicants by ensuring that they are properly trained.

Respondents: 54 Dispatch Schools and 756 Students.

Frequency: As required by regulation.

Estimated Average Burden per Response: Varies by Requirement.

Estimated Total Annual Burden: 5,474 Hours.

Issued in Washington, DC, on May 17, 2024.

Sandra L. Ray,
Aviation Safety Inspector, AFS-260.

[FR Doc. 2024-11213 Filed 5-21-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of

Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On September 28, 2023, and on December 27, 2023, the agencies, under the auspices of the federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on each of two proposals (respectively, the September 2023 notice and the December 2023 notice) to revise and extend the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031, FFIEC 041, and FFIEC 051), which are currently approved collections of information. Included in these notices, the Board, under the auspices of the FFIEC, requested public comment for 60 days on each of two proposals to revise and extend the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002) and the Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank (FFIEC 002S), which also are currently approved collections of information. The September 2023 notice proposed revisions to the Call Report and the FFIEC 002 that relate to the Financial Accounting Standards Board's (FASB) Accounting Standards Update (ASU) 2022-02, "Financial Instruments—Credit Losses (Topic 326): Troubled Debt Restructurings and Vintage Disclosures" (ASU 2022-02); reporting of past due loans; and reporting of internet website addresses of depository institution trade names. The December 2023 notice proposed revisions to the Call Report and the FFIEC 002 that included the revision and addition of certain new data items related to the reporting of loans to nondepository financial institutions (NDFIs) and other loans; guaranteed structured financial products; and proposed long-term debt requirements. In addition, the December 2023 notice included a proposal to adopt ongoing standards for electronic signatures to comply with the Call Report signature and attestation requirement. The agencies are finalizing certain aspects of these two proposals as described in this notice.

DATES: Comments must be submitted on or before June 21, 2024.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments will be shared among the agencies.

OCC: You may submit comments, which should refer to "Call Report and FFIEC 002 Revisions," by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office, Office of the Comptroller of the Currency, Attention: 1557-0081, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

Instructions: You must include "OCC" as the agency name and "1557-0081" in your comment.

In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the following method:

• **Viewing Comments Electronically:** Go to www.reginfo.gov. Hover over the "Information Collection Review" tab and click on "Information Collection Review." Underneath the "Currently under Review" section heading, from the drop-down menu select "Department of the Treasury" and then click "submit." This information collection can be located by searching by OMB control number "1557-0081." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

Board: You may submit comments, which should refer to "Call Report and FFIEC 002 Revisions," by any of the following methods:

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

• **Email:** regs.comments@federalreserve.gov. Include "Call Report and FFIEC 002 Revisions" in the subject line of the message.

• **Fax:** (202) 395-6974.

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

In general, all public comments will be made available on the Board's website at www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm as submitted, and will not be modified to remove confidential, contact or any identifiable information.

FDIC: You may submit comments, which should refer to "Call Report and FFIEC 002 Revisions," by any of the following methods:

• **Agency Website:** <https://www.fdic.gov/resources/regulations/federal-register-publications/>. Follow the instructions for submitting comments on the FDIC's website.

• **Email:** comments@FDIC.gov. Include "Call Report (FFIEC 002) Revisions" in the subject line of the message.

• **Mail:** Manuel E. Cabeza, Counsel, Attn: Comments, Room MB-3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• **Hand Delivery:** Comments may be hand delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street NW) on business days between 7 a.m. and 5 p.m.

• **Public Inspection:** All comments received will be posted without change to <https://www.fdic.gov/resources/regulations/federal-register-publications/>, including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at (877) 275-3342 or (703) 562-2200.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503; by fax to (202) 395-6974; or by email to oir_submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: For further information about the proposed revisions to the information collections

discussed in this notice, please contact any of the agency staff whose names appear below. In addition, copies of the report forms for the Call Report can be obtained at the FFIEC's website (https://www.ffiec.gov/ffiec_report_forms.htm).

OCC: Kevin Korzeniewski, Counsel, Chief Counsel's Office, (202) 649-5490. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Board: Nuha Elmaghrabi, Federal Reserve Board Clearance Officer, (202) 452-3884, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For users of telephone systems via text telephone (TTY) or any TTY-based Telecommunications Relay Services (TRS), please call 711 from any telephone, anywhere in the United States.

FDIC: Manuel E. Cabeza, Counsel, (202) 898-3767, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The comment period for the September 2023 notice ended on November 27, 2023. After considering the comments received on the proposal, the FFIEC and the agencies are proceeding with certain of the proposed revisions related to ASU 2022-02, with modifications as discussed further in section II.B, "Proposed Changes and Comments Received: September 2023 Notice". The revisions replace, as appropriate, references to "troubled debt restructurings" with "modifications to borrowers experiencing financial difficulty" in the Call Report forms and instructions, including updates to the Glossary, to reflect the change in accounting for modifications to borrowers experiencing financial difficulty. These revisions would take effect for the June 30, 2024, report date, rather than as of the March 31, 2024, report date, as originally proposed. Similar revisions to the FFIEC 002 forms and instructions also would be effective June 30, 2024. The agencies are continuing to review the revisions related to the length of time that loan modifications to borrowers experiencing financial difficulty would be reported in the Call Report and FFIEC 002 forms as well as the reporting of past due loans. The agencies are moving forward with revisions to the reporting of internet website addresses of depository institution trade names that will be effective as of the June 30, 2024, report date.

The comment period for the December 2023 notice ended on

February 26, 2024. After considering the comments received on this proposal, the FFIEC and the agencies are proceeding with the revision and addition of certain new data items related to the reporting of loans to NDFIs and other loans, with certain modifications, as discussed further in section II.C, "Proposed Changes and Comments Received: December 2023 Notice". These revisions to the Call Report and the FFIEC 002 would be effective as of the December 31, 2024, report date, rather than as of the June 30, 2024, report date, as originally proposed. In addition, the agencies are revising the Call Report for the proposed changes to Schedule RC-B, Securities, related to the reporting of guaranteed structured financial products, as proposed, effective as of the December 31, 2024, report date, rather than as of the June 30, 2024, report date, as originally proposed. The agencies are continuing to consider the comments received on the proposed revisions related to the long-term debt requirements. Finally, the agencies are moving forward with the proposal to adopt ongoing standards for electronic signatures to comply with the Call Report signature and attestation requirement, as proposed, with a June 30, 2024, effective date.

The agencies hereby give notice of their plan to submit to OMB a request to approve the revision and extension of these information collections, and again invite comment on the renewal.

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I. Report Summary

A. Call Report

The agencies propose to extend for three years, with revision, their information collections associated with the FFIEC 031, FFIEC 041, and FFIEC 051 Call Reports.

Report Title: Consolidated Reports of Condition and Income (Call Report).

Form Number: FFIEC 031

(Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices), FFIEC 041 (Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only), and FFIEC 051 (Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets Less Than \$5 Billion).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

Type of Review: Revision and extension of currently approved collections.

OCC

OMB Control No.: 1557-0081.

Estimated Number of Respondents: 1,004 national banks and federal savings associations.

Estimated Average Burden per Response: 41.41 burden hours per quarter to file.

Estimated Total Annual Burden: 166,303 burden hours to file.

Board

OMB Control No.: 7100-0036.

Estimated Number of Respondents: 707 state member banks.

Estimated Average Burden per Response: 45.23 burden hours per quarter to file.

Estimated Total Annual Burden: 127,910 burden hours to file.

FDIC

OMB Control No.: 3064-0052.

Estimated Number of Respondents: 2,929 insured state nonmember banks and state savings associations.

Estimated Average Burden per Response: 39.43 burden hours per quarter to file.

Estimated Total Annual Burden: 461,962 burden hours to file.

The estimated average burden hours collectively reflect the estimates for the FFIEC 031, the FFIEC 041, and the FFIEC 051 reports for each agency. When the estimates are calculated by type of report across the agencies, the estimated average burden hours per quarter are 86.12 (FFIEC 031), 55.56 (FFIEC 041), and 34.99 (FFIEC 051). These estimates represent an increase of 1.59 hours (FFIEC 031), 0.96 (FFIEC 041) and 0.58 hours (FFIEC 051) per quarter compared with the prior estimates approved by OMB. The changes are due to the revisions proposed in this notice, change in the number of institutions filing each type of report, and change to the amount of

data items reported in each report. The estimated burden per response for the quarterly filings of the Call Report is an average that varies by agency because of differences in the composition of the institutions under each agency's supervision (e.g., size distribution of institutions, types of activities in which they are engaged, and existence of foreign offices).

Type of Review: Extension and revision of currently approved collections. In addition to the proposed revisions discussed below, Call Reports are periodically updated to clarify instructional guidance and correct grammatical and typographical errors on the forms and instructions, which are published on the FFIEC website.¹ These non-substantive updates may also be commented upon.

Legal Basis and Need for Collections

The Call Report information collections are mandatory: 12 U.S.C. 161 (national banks), 12 U.S.C. 324 (state member banks), 12 U.S.C. 1817 (insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (federal and state savings associations). At present, except for selected data items and text, these information collections are not given confidential treatment.

Banks and savings associations submit Call Report data to the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of individual institutions and the industry as a whole. Call Report data serve a regulatory or public policy purpose by assisting the agencies in fulfilling their shared missions of ensuring the safety and soundness of financial institutions and the financial system and protecting consumer financial rights, as well as agency-specific missions affecting federal and state-chartered institutions, such as conducting monetary policy, ensuring financial stability, and administering federal deposit insurance. Call Reports are the source of the most current statistical data available for identifying areas of focus for on-site and off-site examinations. Among other purposes, the agencies use Call Report data in evaluating institutions' corporate applications, including interstate merger and acquisition applications for which the agencies are required by law to determine whether the resulting institution would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States. Call Report data also are

used to calculate the risk-based assessments for insured depository institutions.

B. FFIEC 002 and 002S

The Board proposes to extend for three years, with revision, the FFIEC 002 and FFIEC 002S reports.

Report Titles: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks; Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank.

Form Numbers: FFIEC 002; FFIEC 002S.

OMB Control Number: 7100-0032.

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

Respondents: All state-chartered or federally-licensed U.S. branches and agencies of foreign banking organizations, and all non-U.S. branches managed or controlled by a U.S. branch or agency of a foreign banking organization.

Estimated Number of Respondents: FFIEC 002—183; FFIEC 002S—16.

Estimated Average Burden per Response: FFIEC 002—24.67 hours; FFIEC 002S—6.0 hours.

Estimated Total Annual Burden: FFIEC 002—18,058 hours; FFIEC 002S—384 hours.

Type of Review: Extension and revision of currently approved collections.

The proposed revisions to the FFIEC 002 instructions in this notice would not have a material impact on the existing burden estimates.

Legal Basis and Need for Collection

On a quarterly basis, all U.S. branches and agencies of foreign banks are required to file the FFIEC 002, which is a detailed report of condition with a variety of supporting schedules. This information is used to fulfill the supervisory and regulatory requirements of the International Banking Act of 1978. The data also are used to augment the bank credit, loan, and deposit information needed for monetary policy and other public policy purposes. In addition, FFIEC 002 data are used to calculate the risk-based assessments for FDIC-insured U.S. branches of foreign banks. The FFIEC 002S is a supplement to the FFIEC 002 that collects information on assets and liabilities of any non-U.S. branch that is managed or controlled by a U.S. branch or agency of the foreign bank. A non-U.S. branch is managed or controlled by a U.S. branch or agency if a majority of the responsibility for business decisions,

including but not limited to decisions with regard to lending or asset management or funding or liability management, or the responsibility for recordkeeping in respect of assets or liabilities for that foreign branch resides at the U.S. branch or agency. A separate FFIEC 002S must be completed for each managed or controlled non-U.S. branch. The FFIEC 002S must be filed quarterly along with the U.S. branch or agency's FFIEC 002.

These information collections are mandatory (12 U.S.C. 3105(c)(2), 1817(a)(1) and (3), and 3102(b)). Except for select sensitive items, the FFIEC 002 is not given confidential treatment; the FFIEC 002S is given confidential treatment pursuant to 5 U.S.C. 552(b)(4) and (8). The data from both reports are used for (1) monitoring deposit and credit transactions of U.S. residents; (2) monitoring the impact of policy changes; (3) analyzing structural issues concerning foreign bank activity in U.S. markets; (4) understanding flows of banking funds and indebtedness of developing countries in connection with data collected by the International Monetary Fund and the Bank for International Settlements that are used in economic analysis; and (5) assisting in the supervision of U.S. offices of foreign banks. The Federal Reserve System collects and processes these reports on behalf of all three agencies.

II. Current Actions

A. Background

In the September 2023 notice,² the agencies proposed revisions to all three versions of the Call Report (FFIEC 031, FFIEC 041 and FFIEC 051), and the Board proposed revisions, as applicable, to the FFIEC 002 related to FASB's ASU 2022-02, reporting on past due loans and reporting on internet website addresses of depository institution trade names. The comment period for the September 2023 notice ended on November 27, 2023. The agencies received six comment letters on the September 2023 notice.

In the December 2023 notice,³ the agencies proposed revisions to all three versions of the Call Report (FFIEC 031, FFIEC 041 and FFIEC 051), and the Board proposed revisions, as applicable, to the FFIEC 002 that included the revision and addition of certain new data items related to the reporting of loans to NDFIs and other loans, guaranteed structured financial products, and proposed long-term debt requirements. In addition, this proposal

¹ www.ffiec.gov/forms031.htm; www.ffiec.gov/forms041.htm; www.ffiec.gov/forms051.htm.

² 88 FR 66933 (Sept. 28, 2023).

³ 88 FR 89489 (Dec. 27, 2023).

included a proposal to adopt ongoing standards for electronic signatures to comply with the Call Report signature and attestation requirement. The comment period for the December 2023 notice ended on February 26, 2024. The agencies received thirty-nine comment letters on the December notice.

B. Proposed Changes and Comments Received: September 2023 Notice

1. ASU 2022–02, “Financial Instruments—Credit Losses (Topic 326): Troubled Debt Restructurings and Vintage Disclosures”

In response to FASB’s issuance of ASU 2022–02 on March 31, 2022, the agencies proposed revisions to line items and related instructions that are impacted by this new standard. In general, these revisions eliminate reporting of troubled debt restructurings and align the data collected in the Call Report forms and instructions with the definition of loan modifications to borrowers experiencing financial difficulty that is used in U.S. generally accepted accounting principles (GAAP). The banking agencies are replacing, as appropriate, references to “loans restructured in troubled debt restructurings” with “loan modifications to borrowers experiencing financial difficulty” in the Call Report forms and instructions and are updating the Glossary to reflect the change in accounting for modifications to borrowers experiencing financial difficulty. The agencies are also updating the General Instructions, Schedule RC–C, Loans and Lease Financing Receivables, Schedule RC–M, Memoranda, Schedule RC–N, Past Due and Nonaccrual Loans, Leases and Other Assets, and Schedule RC–O, Other Data for Deposit Insurance Assessments, to reflect these changes. Additional detail about the specific line items impacted is included in the September 2023 notice.

No commenters objected to the adoption in the Call Report and FFIEC 002 of the revised GAAP terminology or to the change in accounting for modifications to borrowers experiencing financial difficulty. These updates to the Call Report and FFIEC 002 report forms and instructions will be effective as of the June 30, 2024, report date.

The September 2023 proposal also included instruction revisions related to the length of time for reporting modifications. Four commenters objected to the length of time for which these modifications would be reported on the Call Report. As proposed, institutions would report these modifications for a minimum period of

12 months after modification and until an institution performs a current, well documented credit evaluation to support that the borrower is no longer experiencing financial difficulty, unless the loan is paid off, charged-off, sold, or otherwise settled, which may be for a period longer than disclosures required by ASU 2022–02. ASU 2022–02 requires financial statement disclosures on loan modifications to borrowers experiencing financial difficulty made “within the previous 12 months preceding the payment default when the debtor was experiencing financial difficulty at the time of the modification.”⁴ These commenters indicated that the divergence from GAAP disclosure requirements in accordance with ASU 2022–02 would create additional costs, complexity and operational challenges without any substantial corresponding benefit to either the institutions or the agencies.

The agencies are continuing to evaluate these comments. Institutions should continue to reference the quarterly Supplemental Instructions regarding reporting these modifications on the Call Report. Upon the conclusion of their review, the agencies will adopt a standard through a subsequent Paperwork Reduction Act notice with a public comment period and provide adequate lead time for implementation of that standard.

2. Past Due Definition

In the September 2023 notice, the agencies had proposed changes to clarify the definition used to report loans as “past due” on Schedule RC–N, Past Due and Nonaccrual Loans, Leases, and Other Assets. The agencies received two comments on this clarification. Both comments sought additional clarification on treatment of loans in various programs, such as loans in forbearance or loans on payment deferrals. After taking these comments into consideration, the agencies have deferred any proposed changes in order to conduct further review. Upon the conclusion of their review, the agencies will propose any additional revisions for public comment consistent with the Paperwork Reduction Act.

3. Depository Institution Trade Names and Deposit Accepting URLs

In the September 2023 notice, the agencies had proposed to clarify the instructions for Schedule RC–M, Memoranda, items 8.a. through 8.c., which collect information on institutions’ websites and trade names, particularly those used to solicit

deposits. In addition, the agencies proposed to increase the frequency of reporting of these items on the FFIEC 051 from semi-annually to quarterly. No comments were received on this clarification and revision. The agencies are moving forward with these changes effective as of the June 30, 2024, report date.

4. Other Comments Received

The agencies also received recommendations from one commenter on the Call Report and other FFIEC reports that were not specifically related to any of the proposed changes from the September 2023 notice. These recommendations were related to FASB’s Accounting Standards Codification (ASC) Topic 326, Financial Instruments—Credit Losses (Topic 326) and ASU No. 2016–02, Leases (Topic 842). The proposed changes on ASC Topic 326 and ASC Topic 842 were related to the proposed changes in the notices published in February 2019⁵ and January 2020,⁶ respectively.

As of the December 31, 2023, report date, all institutions were required to adopt these standards. As such, the commenter requested the agencies update or remove outdated references related to the transition period for these standards from the Call Report and the FFIEC 002 report forms and instructions. The agencies had planned to incorporate and have incorporated these changes to the Call Report and FFIEC 002 as nonsubstantive revisions as of the March 31, 2024, report date, which aligns with the commenter’s request.

The recommendations also included similar updates related to ASC Topic 326 to be made to the Foreign Branch Report of Condition (FFIEC 030) and the Abbreviated Foreign Branch Report of Condition (FFIEC 030S), which are not in the scope of this proposal. These changes also are considered nonsubstantive and technical in nature, and the agencies had planned to update the FFIEC 030 and FFIEC 030S report forms and instructions, as of the March 31, 2024, report date. The agencies have made these changes as of the March 31, 2024, report date, which is consistent with the commenter’s request.

C. Proposed Changes and Comments Received: December 2023 Notice

1. Loans to NDFIs and Other Loans

In the December 2023 notice, the agencies proposed to update the Call Report and FFIEC 002 report forms and instructions to increase the granularity

⁵ 84 FR 4131 (Feb. 14, 2019).

⁶ 85 FR 4780 (Jan. 27, 2020).

⁴ See ASC 310–10–50–44.

in reporting exposure to NDFIs and to improve reporting consistency. These revisions would enhance the understanding of NDFI exposure, risks, and performance trends. The revisions would group together loan exposures that exhibit similar underlying risk characteristics while addressing the diversity in practice on the reporting of these loans that exists today. In addition, the granular reporting allows for more accurate analysis of bank financial statements for applicable institutions and performance metrics. These revisions and clarifications were proposed to be effective as of the June 30, 2024, report date.

The agencies received comments from four trade groups and thirty-two individuals. These comments generally supported the proposed new line items. There were four commenters that requested additional instructions on how to report certain types of NDFIs. Two commenters highlighted the need to ensure consistency in reporting these types of financial assets across other regulatory reports, both in the level of disaggregation and by definition. Thirty-one commenters indicated this proposal is a good starting point, but consideration of further disaggregation could be necessary for users outside the agencies to better understand the NDFI exposure, risks, and performance trends. Finally, two commenters indicated more lead time was necessary for the institutions to properly implement these changes.

After reviewing these comments, the agencies are moving forward with these revisions to the Call Report forms and the FFIEC 002 form, as proposed, with the modifications that follow.

The agencies received comments about what types of NDFI exposures would fall under the scope of the proposal and under what items certain types of loans that involve NDFIs would be reported. In response, the agencies are revising the instructions to more broadly define NDFIs and acknowledge that they encompass a wide range of financial entities. In addition, the agencies are revising the instructions to indicate that NDFIs include securitization vehicles, so that loans to these entities would be included in Memorandum item 10.e, “Other loans to nondepository financial institutions.” The agencies are also clarifying that Schedule RC–C, Memorandum item 3, “Loans to finance commercial real estate, construction, and land development activities (not secured by real estate) included in Schedule RC–C, part I, items 4 and 9,” would also include amounts reported in item 9.a, “Loans to nondepository financial

institutions,” and item 9.b, “Other loans,” as applicable.

As originally proposed, loans to broker-dealers would be reported as loans to NDFIs in line 9.a. However, one commenter recommended that loans to brokers and dealers in securities that are for the purpose of purchasing or carrying securities or secured by securities be reported in Schedule RC–C, item 9.b.(1), “Loans for purchasing or carrying securities, including margin loans,” consistent with loans to other types of NDFIs and other borrowers, for the same purpose. After considering this comment, the agencies are revising the instructions to include in item 9.b.(1) all purpose and non-purpose securities-based margin loans, regardless of borrower type, that are predominately secured (greater than 50 percent of the underlying collateral) by securities with readily determinable fair values. This revision would address comments about how certain margin loans fall under the scope of the proposal, better clarify what constitutes margin-lending, and allow for certain loans to broker dealers that meet the definition of securities-based margin loans to be reported in 9.b.1. In addition, the revised instructions would provide a threshold for a loan to be considered secured by securities, which was mentioned by another commenter.

With regard to the new Schedule RC–N, Memorandum item 9, “Loans to nondepository financial institutions, included in Schedule RC–N, item 7,” the agencies have determined that separate line items for loans to U.S. and to foreign NDFIs are not necessary, and this information would be collected in a single line item on a consolidated level. The agencies will continue to review the data collected related to NDFIs. If further disaggregation of these line items is determined to be necessary for the agencies’ use at a future date, the agencies will publish a proposal for comment at that time.

To provide additional time for institutions to implement these changes, the effective date for these new items will be as of the December 31, 2024, report date.

Finally, commenters raised issues of consistency with other reports and definitions not included in the proposals. One commenter stated that the proposal raised questions regarding consistency of reporting similar exposures on certain information collections made by the Board including the Board’s Consolidated Financial Statements for Holding Companies (FR Y–9C) and Capital Assessments and Stress Testing (FR Y–14Q/A). If the Board proposes to revise certain

information collections related to loans to NDFIs, it will publish such proposal(s) for public comment. One commenter encouraged the banking agencies to consider further alignment between the Call Report and the Country Exposure Report (FFIEC 009). Specifically, the commenter noted that while the banking agencies are proposing an expanded definition of NDFIs for the Call Report, it still would not be aligned with the definition of “Non-Bank Financial Institutions (NBFIs)” for the FFIEC 009. Approval of the FFIEC 009 expires August 31, 2025, and the agencies will consider any possible revisions, including further alignment between reports, when they extend the FFIEC 009. A commenter also encouraged the agencies to develop a uniform set of categories of nonbank lending to ensure that the definitions and categories are inclusive and comparable. The agencies review reporting instructions, and included definitions, on a regular basis and seek to incorporate consistency where applicable.

2. Guaranteed Structured Financial Products

In February 2023, a proposal for revisions to the Call Reports⁷ included a question on the reporting on Schedule RC–B, Securities, of certain Federal Home Loan Mortgage Corporation (FHLMC) and similar securitization structures that have government guarantees. Two commenters on the February 2023 proposal raised the issue that it was not possible to determine what is guaranteed by U.S. Government agencies or sponsored agencies in the amounts reported in Schedule RC–B item 5.b, columns A through D. In response to these comments, the agencies included in the December 2023 notice a proposal for a new Memorandum item on Schedule RC–B that would identify the amounts reported in item 5.b that are guaranteed by U.S. Government or sponsored agencies.

The agencies received comment letters from one trade organization and thirty individuals supporting the addition of this new Memorandum item. The agencies are moving forward with the addition of Memorandum item 7, “Guaranteed by U.S. Government agencies or sponsored agencies included in Schedule RC–B, item 5.b”, columns A through D, on Schedule RC–B, as proposed. However, to allow additional time to implement these changes, the effective date for these revisions will be as of the December 31, 2024, report date.

⁷ 85 FR 10644 (Feb. 21, 2023).

An additional comment letter from one individual requested clarification to the instructions to avoid double counting certain FHLMC securities on Schedule RC–B, Securities. In addition, this commenter did not agree that certain structured financial products issued by FHLMC should be reported in item 5.b., but instead should be reported in item 4.c.(1).

To address this comment letter, the agencies are clarifying in the instructions that institutions should exclude from the amounts reported in item 4.c.(1)(a) the structured financial products that are reported in item 5.b. Clarification would be added to the instructions for item 5.b, to exclude pass-through securities that are reported in item 4.c.(1)(a). However, the agencies do not agree with the commenter that certain structured financial products issued by FHLMC should be reported in item 4.c.(1). Schedule RC–B, Securities, item 4.c.(1) relates solely to commercial mortgage pass-through securities that generally provide the holder with a pro rata share of all principal and interest payments on a pool of mortgages. The amounts reported in item 4.c.(1)(a) should exclude securitizations that involve more than one trust to structure principal and interest cash flows to investors or that are collateralized by debt instruments, such as FHLMC K-deals and Q-deals and similar securitizations. These securities should be reported in item 5.b.

3. Long-Term Debt Requirements

On August 29, 2023, the federal banking regulatory agencies requested comment on a proposal that would require large banks with total assets of \$100 billion or more to maintain a layer of long-term debt (LTD), which would improve financial stability by increasing the resolvability and resiliency of such institutions. This notice of proposed rulemaking (NPR) was published in the **Federal Register** on September 19, 2023.⁸ Consistent with the proposed requirements and discussion in the NPR, in the December 2023 notice, the agencies proposed to revise Schedule RC–R, Part I, Regulatory Capital Components and Ratios, by adding five new items to the FFIEC 051 Call Report and six new items to the FFIEC 041 and FFIEC 031 Call Report forms.

The federal banking regulatory agencies have not finalized the LTD NPR. Therefore, the agencies are

deferring report form and instructional changes related to the LTD proposal. If the LTD NPR is finalized, the agencies would finalize associated reporting changes in a future Paperwork Reduction Act notice, which will also provide an opportunity for additional comment on the revisions to the Call Report forms and instructions. The agencies did receive three comment letters on the proposed Call Report forms and instructional changes for the LTD requirement, which will be considered when developing a future notice.

4. Electronic Signatures

Federal law requires that certain personnel and directors attest to the accuracy of the data submitted in the bank's Call Report by signature.⁹ In addition to being required by statute, review of the Call Report in connection with signing the attestation supports internal control over the bank's reporting. The Call Report instructions permit a bank to satisfy the signature requirement by obtaining physical signatures from the relevant parties attached to a copy of the associated Call Report that is retained in the bank's files.

The onset of the COVID–19 pandemic in March 2020 and resulting bank office closures presented challenges to complying with the physical signature requirement. The agencies responded by permitting reasonable alternative signature methods, including electronic signatures, to be used for the duration of the pandemic.¹⁰

In the December 2023 notice, the agencies sought comment on a proposal to adopt ongoing standards for electronic signatures to comply with the Call Report signature and attestation requirement. Thirty-one commenters supported moving forward with this proposal. The agencies are adopting this framework for electronic signatures, which will be effective with the June 30, 2024, report date.

III. Timing

The following proposed changes would be effective with the June 30, 2024, report date: (1) the revisions and technical edits to the Call Report and the FFIEC 002 related to ASU 2022–02,

(2) the clarification and revisions to the Call Report forms and instructions for the depository institution trade names and deposit accepting URL items on Schedule RC–M, and (3) the adoption of the electronic signatures framework.

The following proposed changes would be effective with the December 31, 2024, report date: (1) the revisions to the Call Report and FFIEC 002 report forms and instructions related to loans to NDFIs and other loans, and (2) the revisions to the Call Report forms and instructions related to guaranteed structured financial products on Schedule RC–B.

IV. Request for Comment

Public comment is requested on all aspects of this joint notice. Comment is specifically invited on:

(a) Whether the proposed revisions to the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this joint notice will be shared among the agencies.

Patrick T. Tierney,

Assistant Director, Bank Advisory, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on April 29, 2024.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–11221 Filed 5–21–24; 8:45 am]

BILLING CODE 4810–33–P, 6210–01–P, 6714–01–P

⁸ 88 FR 64524 (Sept. 19, 2023).

⁹ 12 U.S.C. 161(a) (national banks) and 1817(a)(3) (all insured depository institutions).

¹⁰ Call Report Supplemental Instructions for March 2020, available at: https://www.ffiec.gov/pdf/FFIEC_forms/FFIEC031_FFIEC041_FFIEC051_supplinst_202003.pdf.



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Part II

Office of Personnel Management

Senior Executive Service Positions That Were Career Reserved During
Calendar Year 2022; Notice

**OFFICE OF PERSONNEL
MANAGEMENT****Senior Executive Service Positions
That Were Career Reserved During
Calendar Year 2022****AGENCY:** Office of Personnel
Management (OPM).**ACTION:** Notice.**SUMMARY:** This notice publishes a
consolidated list of all positions in theSenior Executive Service (SES) that
were career reserved during calendar
year 2022.**FOR FURTHER INFORMATION CONTACT:** Julia
Alford, Agency Operations and
Services, Executive Services Workforce
Development, Workforce Policy and
Innovation, 202–936–3085.**SUPPLEMENTARY INFORMATION:** Below is a
list of titles of SES positions that were
career reserved at any time duringcalendar year 2022, regardless of
whether those positions were still career
reserved as of December 31, 2022.
Section 3132(b)(4) of title 5, United
States Code, requires that the head of
each agency publish such lists the
following year. OPM is publishing a
consolidated list for all agencies.

Office of Personnel Management.

Kayyonne Marston,
Federal Register Liaison.

Agency name	Organization name	Position title
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	DIRECTOR OF FINANCE AND OPERATIONS
ADVISORY COUNCIL ON HISTORIC PRESERVATION. DEPARTMENT OF AGRICULTURE. AGRICULTURAL RESEARCH SERVICE	ADVISORY COUNCIL ON HISTORIC PRESERVATION. MIDWEST AREA OFFICE	GENERAL COUNSEL EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR ASSOCIATE DIRECTOR, MIDWEST AREA ASSOCIATE DIRECTOR MIDWEST AREA DIRECTOR, MIDWEST AREA DIRECTOR, NATIONAL CENTER FOR AGRICULTURE UTILIZATION
	NORTHEAST AREA OFFICE	DIRECTOR, BELTSVILLE AGRICULTURAL RESEARCH CENTER DIRECTOR NORTHEAST AREA OFFICE ASSOCIATE DIRECTOR, NORTHEAST AREA DIRECTOR, EASTERN REGIONAL RESEARCH CENTER ASSOCIATE DIRECTOR, NORTHEAST AREA
	OFFICE OF NATIONAL PROGRAMS	ASSOCIATE ADMINISTRATOR, NATIONAL PROGRAMS DEPUTY ADMINISTRATOR FOR NATURAL RESOURCES AND SUSTAINABLE AGRICULTURE SYSTEMS DEPUTY ADMINISTRATOR, CROP PRODUCTION AND PROTECTION DEPUTY ADMINISTRATOR, ANIMAL PRODUCTION AND PROTECTION DEPUTY ADMINISTRATOR, NUTRITION, FOOD SAFETY AND QUALITY
	PACIFIC WEST AREA OFFICE	ASSOCIATE DIRECTOR, PACIFIC WEST AREA DIRECTOR, WESTERN HUMAN NUTRITION RESEARCH CENTER DIRECTOR, WESTERN REGIONAL RESEARCH CENTER ASSOCIATE DIRECTOR, PACIFIC WEST AREA OFFICE DIRECTOR, PACIFIC WEST AREA OFFICE DIRECTOR, PLAINS AREA ASSOCIATE DIRECTOR, PLAINS AREA OFFICE(2) DIRECTOR, UNITED STATES MEAT ANIMAL RESEARCH CENTER
	SOUTHEAST AREA OFFICE	DIRECTOR, SOUTH EAST AREA DIRECTOR, SOUTHERN REGIONAL RESEARCH CENTER ASSOCIATE DIRECTOR, SOUTHEAST AREA (2) EXECUTIVE DIRECTOR, POLICY MANAGEMENT
ANIMAL AND PLANT HEALTH INSPECTION SERVICE.	PLANT PROTECTION AND QUARANTINE SERVICE. VETERINARY SERVICES	EXECUTIVE DIRECTOR, WESTERN REGION, PLANT PROTECTION AND QUARANTINE EXECUTIVE DIRECTOR, EASTERN REGION, PLANT PROTECTION AND QUARANTINE EXECUTIVE DIRECTOR, FIELD OPERATIONS EXECUTIVE DIRECTOR (DOMESTIC PROGRAMS) DIRECTOR, WESTERN REGION, VETERINARY SERVICES EXECUTIVE DIRECTOR (STRATEGY AND POLICY) ASSOCIATE DEPUTY ADMINISTRATOR, NATIONAL ANIMAL HEALTH POLICY PROGRAMS EXECUTIVE DIRECTOR, SCIENCE, TECHNOLOGY AND ANALYSIS SERVICE
DEPARTMENTAL ADMINISTRATION	OFFICE OF ADVOCACY AND OUTREACH	DIRECTOR, OFFICE OF ADVOCACY AND OUTREACH
	OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION. OFFICE OF HUMAN RESOURCES MANAGEMENT	DEPUTY DIRECTOR OF HOMELAND SECURITY AND EMERGENCY COORDINATION EXECUTIVE DIRECTOR, EXECUTIVE RESOURCES MANAGEMENT DIVISION

Agency name	Organization name	Position title
FOREST SERVICE	OFFICE OF OPERATIONS	DEPUTY DIRECTOR OF OPERATIONS DIRECTOR OFFICE OF OPERATIONS
	PROCUREMENT AND PROPERTY MANAGEMENT	DIRECTOR, CONTRACTING AND PROCUREMENT DEPUTY DIRECTOR, OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT
	FIELD UNITS	NORTHEAST AREA DIRECTOR, STATE AND PRIVATE FORESTRY DIRECTOR, NORTHERN RESEARCH STATION DIRECTOR, PACIFIC NORTHWEST RESEARCH STATION DIRECTOR, PACIFIC SOUTHWEST FOREST AND RANGE EXPERIMENT STATION (VALLEJO) DIRECTOR, ROCKY MOUNTAIN FOREST AND RANGE EXPERIMENT STATION (FORT COLLINS) DIRECTOR, SOUTHERN RESEARCH STATION (ASHEVILLE) DIRECTOR, FOREST PRODUCTS LABORATORY (MADISON) DIRECTOR INTERNATIONAL INSTITUTE OF TROPICAL FOREST (RIO PIEDRAS)
	INTERNATIONAL FOREST SYSTEM	DIRECTOR, RANGELAND MANAGEMENT DIRECTOR, FOREST MANAGEMENT STAFF
	NATIONAL FOREST SYSTEM	DIRECTOR, ENGINEERING DIRECTOR, LANDS MANAGEMENT STAFF DIRECTOR, ECOSYSTEM MANAGEMENT COORDINATION DIRECTOR, WATER, FISH, WASTELAND, AIR AND RARE PLANTS DIRECTOR, MINERALS AND GEOLOGY MANAGEMENT STAFF
	RESEARCH	DIRECTOR, INVENTORY, MONITORING AND ASSESSMENT DIRECTOR, SUSTAINABLE FOREST MANAGEMENT DIRECTOR, RESOURCE USE SCIENCES DIRECTOR, ENVIRONMENTAL SCIENCES
	STATE AND PRIVATE FORESTRY	DIRECTOR COOPERATIVE FORESTRY DIRECTOR, FOREST HEALTH PROTECTION SENIOR ADVISOR TO THE DEPUTY CHIEF, STATE AND PRIVATE FORESTRY
	ECONOMIC RESEARCH SERVICE	DIRECTOR, INFORMATION SERVICES DIVISION
	NATIONAL AGRICULTURAL STATISTICS SERVICE	DIRECTOR, FOOD ECONOMICS DIVISION ASSOCIATE ADMINISTRATOR, ECONOMIC RESEARCH SERVICE ADMINISTRATOR, NATIONAL AGRICULTURAL STATISTICS SERVICE DIRECTOR, WESTERN FIELD OPERATIONS ASSOCIATE ADMINISTRATOR DIRECTOR EASTERN FIELD OPERATIONS DIRECTOR, INFORMATION TECHNOLOGY DIVISION DIRECTOR, CENSUS AND SURVEY DIVISION DIRECTOR, STATISTICS DIVISION DIRECTOR, NATIONAL OPERATIONS CENTER DIRECTOR, METHODOLOGY DIVISION
	DEPARTMENTAL ADMINISTRATION	DIRECTOR, OFFICE OF SAFETY, SECURITY AND PROTECTION
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION. OFFICE OF THE SECRETARY	NATIONAL FINANCE CENTER	DIRECTOR, INFORMATION TECHNOLOGY MANAGEMENT DIVISION DIRECTOR, FINANCIAL SERVICES DIVISION DEPUTY DIRECTOR, NATIONAL FINANCE CENTER
	NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.	DEPUTY DIRECTOR, OFFICE OF GRANTS AND FINANCIAL MANAGEMENT DEPUTY DIRECTOR, INSTITUTE OF BIOENERGY, CLIMATE, AND ENVIRONMENT DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY DEPUTY DIRECTOR, INSTITUTE OF FOOD SAFETY AND NUTRITION
	OFFICE OF COMMUNICATIONS	DEPUTY DIRECTOR, CREATIVE DEVELOPMENT
	OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS.	DIRECTOR, OFFICE OF ADJUDICATION
	OFFICE OF THE CHIEF ECONOMIST	PEST MANAGEMENT OFFICER DIRECTOR GLOBAL CHANGE PROGRAM OFFICE CHAIRPERSON DIRECTOR, OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS DIRECTOR, OFFICE OF ENERGY POLICY AND NEW USES DEPUTY CHIEF ECONOMIST ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL POLICY AND PLANNING
	OFFICE OF THE CHIEF FINANCIAL OFFICER	

Agency name	Organization name	Position title
OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION.	OFFICE OF THE CHIEF INFORMATION OFFICER ..	ASSOCIATE CHIEF FINANCIAL OFFICER, FINANCIAL SYSTEMS PLANNING AND MANAGEMENT DEPUTY CHIEF FINANCIAL OFFICER ASSOCIATE CHIEF INFORMATION OFFICER, INTERNATIONAL TECHNOLOGY SERVICES DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS AND INFRASTRUCTURE
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL, GENERAL LAW AND RESEARCH DIVISION DIRECTOR, OFFICE OF INFORMATION AFFAIRS ASSISTANT GENERAL COUNSEL, NATURAL RESOURCES AND ENVIRONMENT DIVISION
	OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION.	DIRECTOR, OFFICE OF GRANTS AND AGREEMENTS DEPUTY ASSISTANT CHIEF INFORMATION OFFICER DEPUTY UNDER SECRETARY FOR FOOD SAFETY
	OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY.	DIRECTOR OFFICE OF THE USDA CHIEF SCIENTIST DIRECTOR, CIVIL RIGHTS
OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION.	FOOD SAFETY AND INSPECTION SERVICE	PROGRAM INTEGRITY OFFICER CHIEF CUSTOMER NEEDS MANAGEMENT DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF INVESTIGATION INTERNATIONAL AFFAIRS LIAISON OFFICER ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROTECTION DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROGRAM ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS DEPUTY ASSISTANT ADMINISTRATOR, OIEA ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC AFFAIRS AND CONSUMER EDUCATION ASSISTANT CHIEF INFORMATION OFFICER CHIEF FINANCIAL OFFICER DEPUTY ADMINISTRATOR ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM DEVELOPMENT ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM DEVELOPMENT CHIEF OPERATING OFFICER DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC HEALTH SCIENCE DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS ASSISTANT ADMINISTRATOR, OOEET UNITED STATES MANAGER FOR CODEX DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS (2) EXECUTIVE ASSOCIATE FOR EMPLOYEE EXPERIENCE EXECUTIVE ASSOCIATE FOR LABORATORY SERVICES, OFFICE OF PUBLIC HEALTH SCIENCE ASSISTANT ADMINISTRATOR, OFFICE OF INVESTIGATION, ENFORCEMENT AND AUDITING PROGRAM MANAGER (DEPUTY ADMINISTRATOR FOR MANAGEMENT) FINANCIAL MANAGER CHIEF OPERATING OFFICER PROGRAM MANAGER (ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND SUPPORT)
OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES.	FOOD AND NUTRITION SERVICE	DEPUTY ADMINISTRATOR FOR NATIONAL ORGANIC PROGRAMS DEPUTY ADMINISTRATOR, SPECIALTY CROPS DEPUTY ADMINISTRATOR, DAIRY PROGRAMS DEPUTY ADMINISTRATOR, LIVESTOCK AND SEED PROGRAMS DEPUTY ADMINISTRATOR, COMPLIANCE AND ANALYSIS
OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS.	AGRICULTURAL MARKETING SERVICE	

Agency name	Organization name	Position title
	ANIMAL AND PLANT HEALTH INSPECTION SERVICE.	DEPUTY ADMINISTRATOR, SCIENCE AND TECHNOLOGY PROGRAMS DEPUTY ADMINISTRATOR, TRANSPORTATION AND MARKETING PROGRAMS DEPUTY ADMINISTRATOR, INFORMATION TECHNOLOGY SERVICES (2) DEPUTY ADMINISTRATOR, COTTON AND TOBACCO PROGRAMS DEPUTY ADMINISTRATOR, FAIR TRADE PRACTICES PROGRAM ASSOCIATE ADMINISTRATOR ASSOCIATE DEPUTY ADMINISTRATOR, NATIONAL IMPORT EXPORT SERVICES CHIEF ADVISOR (GOVERNMENT, ACADEMIA AND INDUSTRY PARTNERSHIP) CHIEF FINANCIAL OFFICER ASSOCIATE DEPUTY ADMINISTRATOR, SPRS ASSOCIATE DEPUTY ADMINISTRATOR, VS EXECUTIVE DIRECTOR, DIAGNOSTICS AND BIOLOGICS ASSISTANT DEPUTY ADMINISTRATOR, PLANT PROTECTION AND QUARANTINE EXECUTIVE DIRECTOR, CENTER FOR PLANT HEALTH SCIENCE AND TECHNOLOGY DIRECTOR, NATIONAL WILDLIFE RESEARCH CENTER ASSOCIATE DEPUTY ADMINISTRATOR FOR ANIMAL CARE HUMAN RESOURCES OFFICER DIRECTOR, INVESTIGATIVE AND ENFORCEMENT SERVICES ASSISTANT CHIEF INFORMATION OFFICER ASSOCIATE DEPUTY ADMINISTRATOR, WILDLIFE SERVICES EXECUTIVE DIRECTOR, WESTERN REGION, WILDLIFE SERVICES ASSOCIATE DEPUTY ADMINISTRATOR, VETERINARY SERVICES DIRECTOR, EASTERN REGION, WILDLIFE SERVICES DEPUTY ADMINISTRATOR, BIOTECHNOLOGY REGULATORY PROGRAMS DEPUTY ADMINISTRATOR, LEGISLATIVE AND PUBLIC AFFAIRS DEPUTY ADMINISTRATOR FOR INTERNATIONAL SERVICES ASSOCIATE DEPUTY ADMINISTRATOR, EMERGING AND INTERNATIONAL PROGRAMS DIRECTOR, NATIONAL IMPORT EXPORT SERVICE DEPUTY ADMINISTRATOR, WILDLIFE SERVICES DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS—BUSINESS SERVICES ASSOCIATE DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS—BUSINESS SERVICES DEPUTY ADMINISTRATOR, ANIMAL CARE DIRECTOR FIELD MANAGEMENT DIVISION
OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS.	GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION. AGRICULTURAL RESEARCH SERVICE	ASSOCIATE DEPUTY ADMINISTRATOR FOR ADMINISTRATIVE AND FINANCIAL MANAGEMENT ASSISTANT ADMINISTRATOR FOR TECHNOLOGY TRANSFER DEPUTY ADMINISTRATOR FOR ADMINISTRATIVE AND FINANCIAL MANAGEMENT ASSOCIATE ADMINISTRATOR, RESEARCH OPERATIONS AND MANAGEMENT ASSISTANT CHIEF INFORMATION OFFICER CHIEF FINANCIAL OFFICER
OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT.	RURAL BUSINESS SERVICE RURAL DEVELOPMENT RURAL HOUSING SERVICE	DEPUTY ADMINISTRATOR, BUSINESS PROGRAMS DEPUTY ADMINISTRATOR, ENERGY PROGRAMS DEPUTY ADMINISTRATOR, MULTI FAMILY HOUSING DIRECTOR, BUDGET DIVISION DIRECTOR, HUMAN RESOURCES DEPUTY ADMINISTRATOR, CENTRALIZED SERVICING CENTER DEPUTY ADMINISTRATOR FOR OPERATIONS AND MANAGEMENT DEPUTY ADMINISTRATOR, MULTI-FAMILY HOUSING

Agency name	Organization name	Position title
OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS.	FARM SERVICE AGENCY	DIRECTOR, RURAL HOUSING SERVICE CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR, OFFICE OF BUDGET AND FINANCE (2) DIRECTOR, HUMAN RESOURCES DIVISION DEPUTY ADMINISTRATOR FOR FARM LOAN PROGRAMS ASSISTANT DEPUTY ADMINISTRATOR FARM PROGRAMS DIRECTOR, BUSINESS AND PROGRAM INTEGRATION DIRECTOR, OFFICE OF BUDGET AND FINANCE DEPUTY ADMINISTRATOR, OFFICE OF GLOBAL ANALYSIS CHIEF OPERATING OFFICER DEPUTY ADMINISTRATOR FOR INSURANCE SERVICES DIVISION DEPUTY ADMINISTRATOR FOR PRODUCT MANAGEMENT CHIEF FINANCIAL OFFICER
OFFICE OF UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT.	FOREIGN AGRICULTURAL SERVICE	
	RISK MANAGEMENT AGENCY	
OFFICE OF UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT.	FOREST SERVICE	DIRECTOR, FIRE AND AVIATION MANAGEMENT DIRECTOR, ACQUISITION MANAGEMENT DIRECTOR, LAW ENFORCEMENT AND INVESTIGATIONS DEPUTY CHIEF, BUSINESS OPERATIONS ASSOCIATE DEPUTY CHIEF, RESEARCH AND DEVELOPMENT ASSOCIATE DEPUTY CHIEF, BUSINESS OPERATIONS (3) DIRECTOR
	NATURAL RESOURCES CONSERVATION SERVICE.	DIRECTOR, RESOURCE ECONOMICS, ANALYSIS AND POLICY DIVISION SPECIAL ASSISTANT TO CHIEF HUMAN RESOURCES OFFICER DEPUTY CHIEF FOR PROGRAMS DIRECTOR, FINANCIAL ASSISTANCE PROGRAMS DIVISION REGIONAL CONSERVATIONIST (NORTHEAST) DEPUTY CHIEF FOR STRATEGIC PLANNING AND ACCOUNTABILITY CHIEF FINANCIAL OFFICER CHIEF PROCUREMENT AND PROPERTY OFFICER DIRECTOR, CONSERVATION ENGINEERING DIVISION DIRECTOR ECOLOGICAL SCIENCES DIVISION DIRECTOR, SOIL SCIENCE DIVISION DIRECTOR, EASEMENT PROGRAMS DIVISION ASSOCIATE CHIEF FOR OPERATIONS/CHIEF OPERATING OFFICER DEPUTY INSPECTOR GENERAL
DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL.	
OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDIT	COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (2) ASSISTANT INSPECTOR GENERAL FOR OFFICE OF DATA SCIENCES ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT CHIEF OPERATING OFFICER DEPUTY SECRETARY INSPECTOR GENERAL
	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	
AMERICAN BATTLE MONUMENTS COMMISSION ..	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.	
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED OFFICE OF INSPECTOR GENERAL.	DIRECTOR, OVERSEAS OPERATIONS	
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).	EXECUTIVE DIRECTOR	
	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED OFFICE OF INSPECTOR GENERAL.	
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).	ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).	DIRECTOR OFFICE OF TECHNICAL AND INFORMATION SERVICES
UNITED STATES AGENCY FOR GLOBAL MEDIA	UNITED STATES AGENCY FOR GLOBAL MEDIA ...	EXECUTIVE DIRECTOR DIRECTOR OF MANAGEMENT SERVICES CHIEF FINANCIAL OFFICER EXECUTIVE DIRECTOR CHIEF INFORMATION OFFICER/DIRECTOR OF INFORMATION TECHNOLOGY OPERATIONS CHIEF MANAGEMENT OFFICER
DEPARTMENT OF COMMERCE.		
ALASKA REGION	CLIMATE PREDICTION CENTER	DIRECTOR, CLIMATE PREDICTION CENTER

Agency name	Organization name	Position title
ASSISTANT SECRETARY FOR ENFORCEMENT AND COMPLIANCE.	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION CENTRAL OPERATIONS.	DIRECTOR, CENTRAL OPERATIONS
	STORM PREDICTION CENTER TROPICAL PREDICTION CENTER DEPUTY ASSISTANT SECRETARY FOR AD/CVD OPERATIONS.	DIRECTOR, STORM PREDICTION CENTER DIRECTOR, NATIONAL HURRICANE CENTER SENIOR DIRECTOR
BUREAU OF ECONOMIC ANALYSIS	ASSOCIATE DIRECTOR FOR INDUSTRY ACCOUNTS. ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR AD/CVD OPERATIONS SENIOR DIRECTOR, AD/CVD ENFORCEMENT OFFICE VII ASSOCIATE DIRECTOR FOR INDUSTRY ACCOUNTS ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS CHIEF, BALANCE OF PAYMENTS DIVISION CHIEF DIRECT INVESTMENT DIVISION ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS CHIEF NATIONAL INCOME AND WEALTH DIVISION ASSOCIATE DIRECTOR FOR NATIONAL ECONOMIC ACCOUNTS CHIEF INFORMATION OFFICER CHIEF FINANCIAL OFFICER AND CHIEF OF ADMINISTRATIVE SERVICES CHIEF ADMINISTRATIVE OFFICER CHIEF INNOVATION OFFICER DIRECTOR, BUREAU OF ECONOMIC ANALYSIS DEPUTY DIRECTOR, BUREAU OF ECONOMIC ANALYSIS CHIEF ECONOMIST DIRECTOR, OFFICE OF STRATEGIC INDUSTRIES AND ECONOMIC SECURITY DIRECTOR OFFICE OF EXPORT ENFORCEMENT
	ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS. BUREAU OF ECONOMIC ANALYSIS	DIRECTOR, OFFICE OF ENFORCEMENT ANALYSIS DEPUTY ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT DEPUTY DIRECTOR, OFFICE OF EXPORT ENFORCEMENT CHIEF, HUMAN RESOURCES DIVISION
BUREAU OF INDUSTRY AND SECURITY	OFFICE OF THE DIRECTOR	CHIEF, ACQUISITION DIVISION CHIEF FINANCIAL OFFICER CHIEF, BUDGET DIVISION CHIEF ADMINISTRATIVE OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF, ECONOMIC APPLICATIONS DIVISION CHIEF, ECONOMIC STATISTICAL METHODS AND RESEARCH DIVISION ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS ASSISTANT DIRECTOR FOR ECONOMIC PROGRAMS CHIEF, ECONOMY-WIDE STATISTICS DIVISION CHIEF, ECONOMIC MANAGEMENT DIVISION CHIEF, ECONOMIC REIMBURSABLE SURVEYS DIVISION CHIEF, ECONOMIC INDICATORS DIVISION CHIEF, OFFICE OF SURVEY AND CENSUS ANALYTICS ASSISTANT DIRECTOR FOR FIELD OPERATIONS ASSOCIATE DIRECTOR FOR FIELD OPERATIONS CHIEF NATIONAL PROCESSING CENTER CHIEF, FIELD DIVISION CHIEF TECHNOLOGY OFFICER
	OFFICE OF THE ASSISTANT SECRETARY FOR EXPORT ADMINISTRATION. OFFICE OF THE ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT.	CHIEF INFORMATION OFFICER CHIEF INFORMATION SECURITY OFFICER CHIEF, APPLICATION DEVELOPMENT AND SERVICES DIVISION DEPUTY CHIEF INFORMATION OFFICER (DCIO) CHIEF, OFFICE OF PROGRAM, PERFORMANCE, AND STAKEHOLDER INTEGRATION DEPUTY CHIEF, OFFICE OF PROGRAM, PERFORMANCE, AND STAKEHOLDER INTEGRATION
BUREAU OF THE CENSUS	ASSOCIATE DIRECTOR FOR ADMINISTRATION AND CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION CHIEF INFORMATION OFFICER
	ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS.	
DEPARTMENT OF COMMERCE	ASSOCIATE DIRECTOR FOR FIELD OPERATIONS	
	ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.	
	OFFICE OF THE DIRECTOR	
	BUREAU OF INDUSTRY AND SECURITY	

Agency name	Organization name	Position title
	INTERNATIONAL TRADE ADMINISTRATION	DIRECTOR OF HUMAN CAPITAL
	MINORITY BUSINESS DEVELOPMENT AGENCY ...	ASSOCIATE DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.	CHIEF OPERATING OFFICER
	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.	DIRECTOR FOR ACQUISITIONS AND AGREEMENTS PROGRAM MANAGEMENT
	NATIONAL TECHNICAL INFORMATION SERVICE ..	DIRECTOR, PACIFIC REGION
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY DIRECTOR, NATIONAL TECHNICAL INFORMATION SERVICE
	OFFICE OF THE SECRETARY	DEPUTY ASSISTANT INSPECTOR GENERAL FOR ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT
	PATENT AND TRADEMARK OFFICE	DIRECTOR OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION
		DEPUTY COMMISSIONER FOR PATENT
		PATENT TRIAL AND APPEAL BOARD EXECUTIVE GROUP DIRECTOR (27)
		DIRECTOR, OFFICE OF PATENT QUALITY ASSURANCE
		DIRECTOR, OFFICE OF FINANCE
		DEPUTY CHIEF INFORMATION OFFICER
		VICE CHIEF ADMINISTRATIVE PATENT JUDGE FOR STRATEGY
		DEPUTY COMMISSIONER FOR PATENT
		ASSISTANT COMMISSIONER
		CHIEF TRADEMARK TRIAL AND APPEAL BOARD
		DIRECTOR OF ORGANIZATIONAL POLICY AND GOVERNANCE
		DEPUTY GENERAL COUNSEL FOR INTELLECTUAL PROPERTY AND SOLICITOR
		DEPUTY GENERAL COUNSEL FOR GENERAL LAW
		GROUP DIRECTOR, TRADEMARK LAW OFFICES (2)
		DEPUTY COMMISSIONER FOR TRADEMARK EXAMINATION POLICY
		DIRECTOR, BUSINESS PRODUCT DELIVERY OFFICE
		REGIONAL DIRECTOR—SAN JOSE
		REGIONAL DIRECTOR (20)
		VICE CHIEF ADMINISTRATIVE PATENT JUDGE
		DEPUTY CHIEF ADMINISTRATIVE PATENT JUDGE
		CHIEF PATENT ACADEMIC OFFICER
		SENIOR ADVISOR
		GROUP DIRECTOR—3700
		DIRECTOR, INFORMATION TECHNOLOGY TRANSFORMATION OFFICE
		DEPUTY CHIEF FINANCIAL OFFICER
		DEPUTY COMMISSIONER FOR PATENTS
		CHIEF FINANCIAL OFFICER
		DIRECTOR, HUMAN CAPITAL MANAGEMENT
		DEPUTY COMMISSIONER FOR TRADEMARK OPERATIONS
		DEPUTY SOLICITOR AND ASSISTANT GENERAL COUNSEL FOR INTELLECTUAL PROPERTY LAW
		DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY
		DEPUTY GENERAL COUNSEL FOR ENROLLMENT AND DISCIPLINE
		DIRECTOR, OFFICE OF PROCUREMENT
		DIRECTOR, ENTERPRISE INFRASTRUCTURE DELIVERY OFFICE (EIDO)
		DIRECTOR, END USER SERVICE OFFICE (EUSO)
		DIRECTOR, RESOURCE PROGRAM MANAGEMENT OFFICE (RMO)
		DIRECTOR, OFFICE OF PLANNING AND BUDGET
		DIRECTOR, GOVERNMENTAL AFFAIRS
		CHIEF ADMINISTRATIVE PATENT JUDGE
		DEPUTY DIRECTOR, PATENT TRAINING ACADEMY
		DEPUTY COMMISSIONER FOR TRADEMARK ADMINISTRATION
		VICE CHIEF ADMINISTRATIVE PATENT JUDGE
		DIRECTOR PATENTS STAKEHOLDER ENGAGEMENT
		DEPUTY CHIEF POLICY OFFICER
		DEPUTY CHIEF ADMINISTRATIVE TRADEMARK JUDGE
		DIRECTOR, OFFICE OF PATENT LEGAL ADMINISTRATION
		DEPUTY CHIEF ADMINISTRATIVE OFFICER
		DIRECTOR, OFFICE OF CENTRAL REEXAMINATION UNIT

Agency name	Organization name	Position title
		DEPUTY COMMISSIONER FOR PATENT ASSISTANT COMMISSIONER (7) DEPUTY COMMISSIONER FOR PATENTS DEPUTY CHIEF POLICY OFFICER FOR OPER- ATIONS DIRECTOR, OFFICE OF ADMINISTRATIVE SERV- ICES VICE CHIEF ADMINISTRATIVE PATENT JUDGE (2) GROUP DIRECTOR, TRADEMARK LAW OFFICES (2) GROUP DIRECTOR FOR INFORMATION TECH- NOLOGY DIRECTOR OF THE OFFICE OF PETITIONS DIRECTOR, FINANCIAL MANAGEMENT SYSTEMS GROUP DIRECTOR FOR TRADEMARK COMMU- NICATIONS, OUTREACH AND MARKETING CHIEF INFORMATION SECURITY OFFICER DIRECTOR, OFFICE OF INFO TECHNOLOGY FOR PATENTS DIRECTOR, OFFICE OF APPLICATION PROC- ESSING FOR PATENTS DIRECTOR, INTERNATIONAL PATENT LEGAL AD- MINISTRATION ARTIFICIAL INTELLIGENCE AND INFORMATION TECHNOLOGY ADVISOR ASSISTANT COMMISSIONER CHIEF PATENT CLASSIFICATION OFFICIAL (CPCO) CHIEF CORPORATE COMMUNICATIONS OFFICER DEPUTY CHIEF OPERATING OFFICER
ECONOMIC DEVELOPMENT ADMINISTRATION	OFFICE OF THE DEPUTY ASSISTANT SEC- RETARY.	CHIEF FINANCIAL OFFICER AND CHIEF ADMINIS- TRATIVE OFFICER
ECONOMICS AND STATISTICS ADMINISTRATION	ASSOCIATE DIRECTOR FOR DECENNIAL CEN- SUS.	ASSISTANT DIRECTOR FOR DECENNIAL CEN- SUS PROGRAMS (OPERATIONS AND SCHED- ULE MANAGEMENT) CHIEF, AMERICAN COMMUNITY SURVEY OFFICE CHIEF DECENNIAL MANAGEMENT DIVISION ASSOCIATE DIRECTOR FOR DECENNIAL CEN- SUS CHIEF, DECENNIAL STATISTICAL STUDIES DIVI- SION CHIEF, GEOGRAPHY DIVISION SENIOR ADVOCATE FOR RESPONSE SECURITY AND DATA INTEGRITY CHIEF, DECENNIAL CONTRACTS EXECUTION OFFICE CHIEF, DECENNIAL COMMUNICATIONS AND STAKEHOLDER RELATIONSHIPS CHIEF, DECENNIAL INFORMATION TECHNOLOGY DIVISION CHIEF, POPULATION DIVISION
	ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS.	ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS CHIEF, DEMOGRAPHIC STATISTICAL METHODS DIVISION CHIEF DEMOGRAPHIC SURVEYS DIVISION CHIEF, SOCIAL, ECONOMIC, AND HOUSING STA- TISTICS DIVISION ASSISTANT DIRECTOR FOR DEMOGRAPHIC PROGRAMS CHIEF, CENTER FOR ENTERPRISE DISSEMINA- TION CHIEF, CENTER FOR ECONOMIC STUDIES AND CHIEF ECONOMIST CHIEF, CENTER FOR STATISTICAL RESEARCH AND METHODOLOGY CHIEF, CENTER FOR BEHAVIORAL SCIENCE METHODS ASSISTANT DIRECTOR FOR RESEARCH AND METHODOLOGY
	ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY.	CHIEF, CENTER FOR OPTIMIZATION AND DATA SCIENCE CHIEF, SYSTEMS, DATA ANALYSIS, AND BUSI- NESS SOLUTIONS DIVISION DIRECTOR, ATLANTIC OCEANOGRAPHIC AND METEOROLOGICAL DIRECTOR, OFFICE OF GEOPHYSICAL FLUID DY- NAMICS LABORATORY
	BUREAU OF THE CENSUS	ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY
ENVIRONMENTAL RESEARCH LABORATORIES	ATLANTIC OCEAN AND METEOROLOGY LABORA- TORY. GEOPHYSICAL FLUID DYNAMICS LABORATORY ..	CHIEF, CENTER FOR OPTIMIZATION AND DATA SCIENCE CHIEF, SYSTEMS, DATA ANALYSIS, AND BUSI- NESS SOLUTIONS DIVISION DIRECTOR, ATLANTIC OCEANOGRAPHIC AND METEOROLOGICAL DIRECTOR, OFFICE OF GEOPHYSICAL FLUID DY- NAMICS LABORATORY

Agency name	Organization name	Position title
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.	GREAT LAKE ENVIRONMENTAL RESEARCH LABORATORY.	DIRECTOR, OFFICE OF GREAT LAKES ENVIRONMENTAL RESEARCH LABORATORY
	PACIFIC MARINE ENVIRONMENTAL RESEARCH LABORATORY.	DIRECTOR, OFFICE OF PACIFIC MARINE ENVIRONMENTAL LABORATORY
	ENGINEERING LABORATORY	DIRECTOR, ENGINEERING LABORATORY
		DEPUTY DIRECTOR ENGINEERING LABORATORY
	HOLLINGS MANUFACTURING EXTENSION PARTNER SHIP PROGRAM.	DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAMS
		DEPUTY DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAM
	INFORMATION TECHNOLOGY LABORATORY	DEPUTY DIRECTOR, INFORMATION TECHNOLOGY LABORATORY
		DIRECTOR, INFORMATION TECHNOLOGY LABORATORY
	MATERIAL MEASUREMENT LABORATORY	DIRECTOR, MATERIAL MEASUREMENT LABORATORY
		DEPUTY DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH
	NATIONAL INSTITUTE OF STANDARD TECHNOLOGY CENTER FOR NEUTRON RESEARCH.	DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH
		CHIEF FACILITIES MANAGEMENT OFFICER
	OFFICE OF FACILITIES AND PROPERTY MANAGEMENT.	
	OFFICE OF FINANCIAL RESOURCE MANAGEMENT.	CHIEF FINANCIAL OFFICER FOR NIST AND NTIS
	OFFICE OF INFORMATION SYSTEMS MANAGEMENT.	CHIEF INFORMATION OFFICER FOR NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
	OFFICE OF SAFETY, HEALTH AND ENVIRONMENT.	CHIEF SAFETY OFFICER
	OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.	ASSOCIATE DIRECTOR FOR INNOVATION AND INDUSTRY SERVICES
		ASSOCIATE DIRECTOR FOR MANAGEMENT RESOURCES
		ASSOCIATE DIRECTOR FOR LABORATORY PROGRAMS
		CHIEF OF STAFF FOR NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY
NATIONAL MARINE FISHERIES SERVICE	PHYSICAL MEASUREMENT LABORATORY	DEPUTY ASSOCIATE DIRECTOR FOR LABORATORY PROGRAMS
		SENIOR ADVISOR FOR PROGRAM INTEGRATION
		DEPUTY ASSOCIATE DIRECTOR FOR MANAGEMENT RESOURCES
		SENIOR ADVISOR ON SEMICONDUCTOR ENGAGEMENT
		DIRECTOR, COMMUNICATIONS TECHNOLOGY LABORATORY
		SENIOR ADVISOR FOR CONNECTED SYSTEMS
		DIRECTOR, ADVANCED MANUFACTURING PROGRAM OFFICE
		CHIEF SCIENTIST
		DIRECTOR, PHYSICAL MEASUREMENT LABORATORY
		DEPUTY DIRECTOR, PHYSICAL MEASUREMENT LABORATORY
NATIONAL OCEAN SERVICE	SPECIAL PROGRAMS OFFICE	DIRECTOR, SPECIAL PROGRAMS OFFICE
	STANDARDS COORDINATION OFFICE	DIRECTOR, STANDARDS COORDINATION OFFICE
	OFFICE OF SCIENCE AND TECHNOLOGY	DIRECTOR OFFICE OF SCIENCE AND TECHNOLOGY
	REGIONAL OFFICES	SCIENCE AND RESEARCH DIRECTOR, ALASKA REGION
		SCIENCE AND RESEARCH DIRECTOR SOUTHWEST REGION
		SCIENCE AND RESEARCH DIRECTOR NORTHEAST REGION
		SCIENCE AND RESEARCH DIRECTOR, SOUTHEAST REGION
		SCIENCE AND RESEARCH DIRECTOR, NORTHWEST REGION
		SCIENCE AND RESEARCH DIRECTOR, PACIFIC ISLAND REGION
	CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES.	DIRECTOR, CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES
	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COASTAL SERVICES CENTER.	DIRECTOR, NATIONAL CENTERS FOR COASTAL OCEAN SCIENCE
	OFFICE OF NATIONAL GEODETIC SURVEY	DIRECTOR, OFFICE OF NATIONAL GEODTIC SURVEY
	OFFICE OF RESPONSE AND RESTORATION	DIRECTOR, OFFICE OF RESPONSE AND RESTORATION

Agency name	Organization name	Position title
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION.	DIRECTOR, AVIATION WEATHER CENTER
		DIRECTOR, SPACE WEATHER PREDICTION CENTER
		DIRECTOR, WEATHER PREDICTION CENTER
		DIRECTOR, NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION
		DIRECTOR, OCEAN PREDICTION CENTER
		DIRECTOR, ENVIRONMENTAL MODELING CENTER
		DIRECTOR SATELLITE GROUND SERVICES
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER
		SYSTEM PROGRAM DIRECTOR FOR GOES-R PROGRAM
		DEPUTY ASSISTANT ADMINISTRATOR FOR SYSTEMS
	OFFICE OF ASSISTANT ADMINISTRATOR SATELLITE, DATA INFORMATION SERVICE.	ASSISTANT CHIEF INFORMATION OFFICER FOR NESDIS
		DIRECTOR, OFFICE OF SYSTEMS ARCHITECTURE AND ADVANCED PLANNING
		DIRECTOR, JOINT POLAR SATELLITE SYSTEMS
		DEPUTY DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION
		DIRECTOR, OFFICE OF PROJECTS, PARTNERSHIPS AND ANALYSIS
		DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION
		DEPUTY ASSISTANT ADMINISTRATOR FOR SCIENCE
		DIRECTOR, OFFICE OF WEATHER PROGRAMS
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER
		DIRECTOR, OFFICE OF EDUCATION
	OFFICE OF EDUCATION AND SUSTAINABLE DEVELOPMENT. OFFICE OF HABITAT CONSERVATION OFFICE OF HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS.	DIRECTOR FOR HABITAT CONSERVATION
		DEPUTY CHIEF INFORMATION OFFICER
		CHIEF INFORMATION OFFICER AND DIRECTOR FOR HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS
	OFFICE OF MARINE AND AVIATION OPERATIONS	CHIEF DATA OFFICER
		DEPUTY ASSISTANT ADMINISTRATOR FOR PROGRAMS AND ADMINISTRATION
	OFFICE OF OCEANIC EXPLORATION AND RESEARCH. OFFICE OF RESEARCH AND APPLICATIONS	DIRECTOR, OFFICE OF OCEAN EXPLORATION AND RESEARCH
		DIRECTOR, CENTER FOR SATELLITE APPLICATIONS AND RESEARCH
	OFFICE OF SATELLITE AND PRODUCT OPERATIONS. OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES.	DEPUTY DIRECTOR, OFFICE OF SATELLITE AND PRODUCT OPERATIONS
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATOR OFFICER
	OFFICE OF UNDER SECRETARY	DEPUTY DIRECTOR, OFFICE OF WATER PREDICTION
		OFFICE OF ORGANIZATIONAL EXCELLENCE
		DIRECTOR, OFFICE OF DISSEMINATION
		DIRECTOR, OFFICE OF WATER PREDICTION
		DIRECTOR, ANALYZE, FORECAST AND SUPPORT OFFICE
		DIRECTOR, OFFICE OF CENTRAL PROCESSING
		CHIEF ENGINEER
		CHIEF OPERATING OFFICER
		DIRECTOR, OFFICE OF OBSERVATIONS
		DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY INTEGRATION
		DIRECTOR, OFFICE OF FACILITIES
		DIRECTOR, OFFICE OF PLANNING AND PROGRAMMING FOR SERVICE DELIVERY
		DIRECTOR, OFFICE OF ORGANIZATIONAL EXCELLENCE
		DIRECTOR, PROGRAM INTEGRATION OFFICE
		DIRECTOR, PROGRAM EVALUATION, PLANNING AND RISK MANAGEMENT OFFICE
		CHIEF FINANCIAL OFFICER
		DEPUTY DIRECTOR, ACQUISITION AND GRANTS OFFICE
		DIRECTOR, BUDGET OFFICE
		DIRECTOR, ACQUISITION AND GRANTS OFFICE
		DEPUTY DIRECTOR, OFFICE OF HUMAN CAPITAL SERVICES
		CHIEF ADMINISTRATIVE OFFICER
		DIRECTOR, FINANCE OFFICE/COMPTROLLER

Agency name	Organization name	Position title
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.	FIRST RESPONDER NETWORK AUTHORITY	DIRECTOR FOR WORKFORCE MANAGEMENT CHIEF PROCUREMENT OFFICER
	INSTITUTE FOR TELECOMMUNICATION SCIENCES.	CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER, FIRST RESPONDER NETWORK AUTHORITY CHIEF NETWORK AND TECHNOLOGY OFFICER, FIRST RESPONDER NETWORK AUTHORITY CHIEF INFORMATION OFFICER, FIRST RESPONDER NETWORK AUTHORITY CHIEF MARKET ENGAGEMENT OFFICER ASSOCIATE ADMINISTRATOR FOR TELECOMMUNICATION SCIENCES AND DIRECTOR, INSTITUTE FOR TELECOMMUNICATION SCIENCES
	OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNICATIONS AND INFORMATION.	CHIEF INFORMATION OFFICER AND DIRECTOR OF ADMINISTRATION CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION
OFFICE—FEDERAL COORDINATOR—METEOROLOGY.	ALASKA REGION	DIRECTOR, ALASKA REGION
	CENTRAL REGION	DIRECTOR, CENTRAL REGION
	EASTERN REGION	DIRECTOR, EASTERN REGION
	SOUTHERN REGION	DIRECTOR, SOUTHERN REGION
OFFICE OF ASSISTANT ADMINISTRATOR FOR FISHERIES.	WESTERN REGION	DIRECTOR, WESTERN REGION
	NATIONAL MARINE FISHERIES SERVICE	DEPUTY ASSISTANT ADMINISTRATOR FOR OPERATIONS DIRECTOR, SCIENTIFIC PROGRAMS AND CHIEF SCIENCE ADVISOR
		DIRECTOR OFFICE OF SUSTAINABLE FISHERIES CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER
OFFICE OF ASSISTANT ADMINISTRATOR OCEAN SERVICES AND COASTAL ZONE MANAGEMENT.		DIRECTOR, OFFICE OF ENFORCEMENT ASSISTANT CHIEF INFORMATION OFFICER DEPUTY ASSISTANT ADMINISTRATOR FOR NAVIGATION, OBSERVATION AND POSITIONING
		DIRECTOR, OFFICE OF COASTAL MANAGEMENT DIRECTOR, INTEGRATED OCEAN OBSERVING SYSTEM CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER
		DEPUTY ASSISTANT ADMINISTRATOR FOR OCEAN SERVICE AND COASTAL ZONE MANAGEMENT
OFFICE OF ASSISTANT ADMINISTRATOR, OCEAN AND ATMOSPHERIC RESEARCH.	EARTH SYSTEM RESEARCH LABORATORY	DIRECTOR, GLOBAL MONITORING LABORATORY
		DIRECTOR, GLOBAL SYSTEMS LABORATORY DIRECTOR, CHEMICAL SCIENCES LABORATORY DIRECTOR, PHYSICAL SCIENCES LABORATORY
	OFFICE OF NATIONAL SEVERE STORMS LABORATORY.	DIRECTOR NATIONAL SEVERE STORMS LABORATORY
OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH.	CLIMATE PROGRAM OFFICE	DIRECTOR, CLIMATE PROGRAM OFFICE
OFFICE OF OCEANIC EXPLORATION AND RESEARCH.	NATIONAL SEA GRANT COLLEGE PROGRAM	DIRECTOR, NATIONAL SEA GRANT COLLEGE PROGRAM
OFFICE OF OPERATIONAL SYSTEMS	NATIONAL DATA BUOY CENTER	DIRECTOR, NATIONAL DATA BUOY CENTER
	RADAR OPERATIONS CENTER	DIRECTOR, RADAR OPERATIONS CENTER
OFFICE OF REGIONAL AFFAIRS	ATLANTA REGIONAL OFFICE	ATLANTA REGIONAL DIRECTOR
	AUSTIN REGIONAL OFFICE	AUSTIN REGIONAL DIRECTOR
	CHICAGO REGIONAL OFFICE	CHICAGO REGIONAL DIRECTOR
	DENVER REGIONAL OFFICE	DENVER REGIONAL DIRECTOR
	PHILADELPHIA REGIONAL OFFICE	PHILADELPHIA REGIONAL DIRECTOR
	SEATTLE REGIONAL OFFICE	REGIONAL DIRECTOR
	METEOROLOGICAL DEVELOPMENT LABORATORY.	DIRECTOR, METEOROLOGICAL DEVELOPMENT LABORATORY
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES.	OFFICE OF THE CHIEF INFORMATION OFFICER ..	ASSISTANT CHIEF INFORMATION OFFICER FOR WEATHER SERVICE
OFFICE OF THE CHIEF FINANCIAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF THE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.	DIRECTOR, OS FINANCIAL MANAGEMENT
		DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT SYSTEMS DIRECTOR FOR FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER
		DIRECTOR, FINANCIAL REPORTING AND INTERNAL CONTROLS
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF ACQUISITION MANAGEMENT	DEPUTY FOR ACQUISITION PROGRAM MANAGEMENT SENIOR PROCUREMENT EXECUTIVE AND DIRECTOR FOR ACQUISITION MANAGEMENT

Agency name	Organization name	Position title
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT. OFFICE OF THE DEPUTY SECRETARY	OFFICE OF FACILITIES AND ENVIRONMENTAL QUALITY.	DEPUTY SENIOR PROCUREMENT EXECUTIVE AND DEPUTY FOR PROCUREMENT MANAGEMENT SENIOR ADVISOR TO THE DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY DEPUTY DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY
	OFFICE OF HUMAN RESOURCES MANAGEMENT	DIRECTOR, HUMAN CAPITAL CLIENT SERVICES DEPUTY DIRECTOR FOR OPERATIONS DEPUTY DIRECTOR FOR STRATEGY DIRECTOR FOR HUMAN RESOURCES MANAGEMENT AND CHIEF HUMAN CAPITAL OFFICER DEPUTY DIRECTOR FOR HUMAN RESOURCES MANAGEMENT AND DEPUTY CHIEF HUMAN CAPITAL OFFICER
	OFFICE OF SECURITY	DIRECTOR FOR CLIENT SECURITY SERVICES DEPUTY DIRECTOR, OFFICE OF SECURITY DIRECTOR, OFFICE OF SECURITY
	OFFICE OF BUDGET	DIRECTOR OF THE OFFICE OF BUDGET
OFFICE OF THE INSPECTOR GENERAL	OFFICE OF THE CHIEF INFORMATION OFFICER ..	DEPUTY CHIEF INFORMATION OFFICER FOR POLICY AND BUSINESS MANAGEMENT DEPUTY CHIEF INFORMATION OFFICER FOR CYBERSECURITY AND INFORMATION TECHNOLOGY RISK MANAGEMENT/CHIEF INFORMATION SECURITY OFFICER DEPUTY CHIEF INFORMATION OFFICER FOR SOLUTIONS AND SERVICE DELIVERY COUNSEL TO THE INSPECTOR GENERAL
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	
	OFFICE OF INSPECTIONS AND PROGRAM EVALUATION.	ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND PROGRAM EVALUATION
	OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION ASSISTANT INSPECTOR GENERAL FOR SYSTEMS EVALUATION ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE OF THE SECRETARY	OFFICE OF THE CHIEF FINANCIAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION.	DEPUTY DIRECTOR, OFFICE OF BUDGET
	OFFICE OF THE DEPUTY SECRETARY	DIRECTOR FOR OFFICE OF INTELLIGENCE CHIEF DIVERSITY, EQUITY, AND INCLUSION OFFICER DIRECTOR OF ACQUISITION SERVICES DEPUTY DIRECTOR FOR PLANNING, IMPLEMENTATION, AND STAKEHOLDER RELATIONS DIRECTOR, HUMAN RESOURCES SERVICES, ENTERPRISE SERVICES CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION
	OFFICE OF THE GENERAL COUNSEL	CHIEF, CONTRACT LAW DIVISION CHIEF ADMINISTRATIVE OFFICER DEPUTY GENERAL COUNSEL FOR ADMINISTRATION
	OFFICE OF THE DEPUTY UNDER SECRETARY	CHIEF, ETHICS LAW AND PROGRAMS DIVISION CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER DEPUTY CHIEF INFORMATION OFFICER DEPUTY CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER
OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY. PATENT AND TRADEMARK OFFICE	BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM.	DIRECTOR, BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM
	OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER.	DEPUTY CHIEF ADMINISTRATIVE OFFICER
DEPARTMENT OF COMMERCE OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE COMMISSIONER FOR PATENTS	ASSISTANT COMMISSIONER
	OFFICE OF INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR SYSTEMS ACQUISITIONS, INFORMATION TECHNOLOGY SECURITY, AND PROCUREMENT DEPUTY INSPECTOR GENERAL
OFFICE OF INSPECTOR GENERAL	IMMEDIATE OFFICE	CHIEF OF STAFF
	OFFICE OF AUDIT AND EVALUATION	ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND SPECIAL PROGRAM AUDITS PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION
	OFFICE OF COUNSEL	COUNSEL TO THE INSPECTOR GENERAL

Agency name	Organization name	Position title
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED. CONSUMER PRODUCT SAFETY COMMISSION	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS EXECUTIVE DIRECTOR
OFFICE OF EXECUTIVE DIRECTOR	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED. OFFICE OF EXECUTIVE DIRECTOR	DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS SUPPORT ASSISTANT EXECUTIVE DIRECTOR FOR COMPLIANCE AND FIELD OPERATIONS ASSISTANT EXECUTIVE DIRECTOR FOR INFORMATION AND TECHNICAL SERVICES ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION ASSOCIATE EXECUTIVE DIRECTOR FOR ECONOMIC ANALYSIS ASSOCIATE EXECUTIVE DIRECTOR FOR ENGINEERING SCIENCES DEPUTY ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION ASSOCIATE EXECUTIVE DIRECTOR FOR EPIDEMIOLOGY DEPUTY ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION ASSOCIATE EXECUTIVE DIRECTOR FOR ENGINEERING SCIENCES DIRECTOR, OFFICE OF IMPORT SURVEILLANCE (2)
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	OFFICE OF HAZARD IDENTIFICATION AND REDUCTION.	MANAGEMENT AND PROGRAM ANALYSIS OFFICER CHIEF OF STAFF
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	OFFICE OF IMPORT SURVEILLANCE	CHIEF FINANCIAL OFFICER ASSOCIATE DIRECTOR, LEGISLATIVE, INTERGOVERNMENTAL AND PUBLIC AFFAIRS DEPUTY DIRECTOR ASSOCIATE DIRECTOR FOR HUMAN RESOURCES ASSOCIATE DIRECTOR FOR ADMINISTRATION CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR FOR COMMUNITY SUPERVISION ASSOCIATE DIRECTOR FOR COMMUNITY JUSTICE PROGRAMS CHIEF TECHNOLOGY OFFICER ASSOCIATE DIRECTOR FOR RESEARCH AND EVALUATION
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	DIRECTOR
OFFICE OF THE SECRETARY DEFENSE. OFFICE OF THE DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER.	PRETRIAL SERVICES AGENCY	ASSISTANT DIRECTOR FOR DEFENDANT ENGAGEMENT AND SYSTEMS SUPPORT ASSISTANT DIRECTOR FOR MANAGEMENT AND ADMINISTRATION
	DEFENSE INFORMATION SYSTEMS AGENCY	PROCUREMENT SERVICES EXECUTIVE AND HEAD OF CONTRACTING ACTIVITY DIRECTOR, DEFENSE SPECTRUM ORGANIZATION DIRECTOR, CENTER FOR OPERATIONS EXECUTIVE DEPUTY DIRECTOR DEPUTY CHIEF FINANCIAL OFFICER/DEPUTY COMPTROLLER RISK MANAGEMENT AND AUTHORIZING OFFICIAL EXECUTIVE WORKFORCE MANAGEMENT EXECUTIVE VICE PROCUREMENT SERVICES EXECUTIVE/DEPUTY CHIEF, DEFENSE IT CONTRACTING ORG ENDPOINT AND CUSTOMER SERVICE EXECUTIVE CYBER SECURITY AND ANALYTICS DIRECTOR TRANSPORT SERVICES EXECUTIVE DIRECTOR, DIGITAL CAPABILITIES AND SECURITY CENTER—COMPONENT ACQUISITION EXECUTIVE HOSTING AND COMPUTE CENTER EXECUTIVE DIRECTOR, ENTERPRISE INTEGRATION AND INNOVATION CENTER/CHIEF INFORMATION OFFICER DIRECTOR, JOINT SERVICE PROVIDER CHIEF FINANCIAL OFFICER/COMPTROLLER JFHQ-DODIN EXECUTIVE JOINT ENTERPRISE SERVICES DIRECTOR OPERATIONS EXECUTIVE

Agency name	Organization name	Position title
OFFICE OF THE DIRECTOR OF ADMINISTRATION AND MANAGEMENT.	PENTAGON FORCE PROTECTION AGENCY	DIRECTOR, LAW ENFORCEMENT DEPUTY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY EXECUTIVE DIRECTOR, SECURITY INTEGRATION AND TECHNOLOGY DIRECTOR, POLICY, PLANS AND REQUIREMENTS DIRECTOR, FACILITIES SERVICES DIRECTORATE DIRECTOR, ACQUISITION DIRECTORATE DEPUTY DIRECTOR FACILITIES SERVICES DIRECTORATE CHIEF HUMAN RESOURCES OFFICER EXECUTIVE DIRECTOR, ACQUISITION/HCA NGB INSPECTOR GENERAL NGB DEPUTY CHIEF HUMAN RESOURCES OFFICER PRINCIPAL DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR DEFENSE FINANCIAL AUDITING SERVICE DEPUTY DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE
	WASHINGTON HEADQUARTERS SERVICES	
	OFFICE OF THE SECRETARY OF DEFENSE.	DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE—ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR READINESS AND OPERATIONS SUPPORT DIRECTOR, OVERSIGHT AND COMPLIANCE
	OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE FOR PRIVACY, CIVIL LIBERTIES AND TRANSPARENCY.	DEPARTMENT OF DEFENSE SENIOR INTELLIGENCE OVERSIGHT OFFICIAL AND DEPUTY DIRECTOR OVERSIGHT AND COMPLIANCE PRINCIPAL DEPUTY TO THE ASSISTANT TO THE SECRETARY OF DEFENSE FOR PRIVACY, CIVIL LIBERTIES AND TRANSPARENCY AND SENIOR INTELLIGENCE OVERSIGHT OFFICIAL DIRECTOR FOR ACQUISITIONS
	OFFICE OF THE CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER.	
	OFFICE OF THE DIRECTOR OF ADMINISTRATION AND MANAGEMENT.	DIRECTOR OF ADMINISTRATION AND ORGANIZATIONAL POLICY DIRECTOR, PLANNING, PERFORMANCE AND ASSESSMENT DIRECTORATE DIRECTOR POLICY AND DECISION SUPPORT DIVISION DIRECTOR, ORGANIZATIONAL AND MANAGEMENT POLICY
	OFFICE OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION.	DEPUTY DIRECTOR FOR LIVE FIRE TEST AND EVALUATION DEPUTY DIRECTOR FOR NAVAL WARFARE
	OFFICE OF THE GENERAL COUNSEL	DIRECTOR DEFENSE OFFICE OF HEARINGS AND APPEALS DIRECTOR, OFFICE OF LITIGATION
	OFFICE OF THE JOINT CHIEFS OF STAFF	VICE DIRECTOR C4 CYBER VICE DIRECTOR, MANPOWER AND PERSONNEL EXECUTIVE DIRECTOR VICE DEPUTY DIRECTOR REGIONAL OPERATIONS AND FORCE MANAGEMENT VICE DIRECTOR JOINT FORCE DEVELOPMENT AND DESIGN INTEGRATION CHIEF INFORMATION SECURITY OFFICER (ACQUISITION AND SUSTAINMENT) DIRECTOR, SUPPLY CHAIN RISK MANAGEMENT DIRECTOR FOR FINANCIAL MANAGEMENT OPERATIONS AND ANALYSIS DIRECTOR FOR DIGITAL TRANSFORMATION DEPUTY COMPTROLLER FOR ENTERPRISE DATA AND BUSINESS PERFORMANCE DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, DEFENSE MICROELECTRONICS ACTIVITY DIRECTOR, SCIENCE AND TECHNOLOGY DIRECTOR, C5 INTELLIGENCE, SURVEILLANCE, RECONNAISSANCE, AND ELECTRONIC WARFARE
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION AND SUSTAINMENT).	DEPUTY GENERAL COUNSEL
OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION AND SUSTAINMENT).	DEFENSE CONTRACT MANAGEMENT AGENCY ...	EXECUTIVE DIRECTOR, TECHNICAL DIRECTORATE EXECUTIVE DIRECTOR TOTAL FORCE DIRECTORATE

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, PORTFOLIO MANAGEMENT AND BUSINESS INTEGRATION EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER EXECUTIVE DIRECTOR, COST AND PRICING REGIONAL COMMAND DEPUTY DIRECTOR, DCMA EXECUTIVE DIRECTOR, CONTRACTS EXECUTIVE DIRECTOR, QUALITY ASSURANCE EXECUTIVE DIRECTOR, FINANCIAL AND BUSINESS OPERATIONS AND COMPTROLLER GENERAL COUNSEL DEFENSE LOGISTICS AGENCY (DLA) DIRECTOR, HUMAN RESOURCES DEPUTY COMMANDER, DLA TROOP SUPPORT EXECUTIVE DIRECTOR, AVIATION CONTRACTING AND ACQUISITION MANAGEMENT DIRECTOR, DLA INFORMATION OPERATION DEPUTY DIRECTOR J8 AND DIRECTOR, FIAR DEPUTY GENERAL COUNSEL, DLA DEPUTY COMMANDER, DLA DISTRIBUTION DEPUTY COMMANDER, DLA LAND AND MARITIME DEPUTY COMMANDER, DLA AVIATION GENERAL COUNSEL EXECUTIVE DIRECTOR, LOGISTICS POLICY AND PROGRAMS DIRECTOR, DLA FINANCE DIRECTOR, DLA DISPOSITION SERVICES EXECUTIVE DIRECTOR, TROOP SUPPORT CONTRACTING AND ACQUISITION MANAGEMENT EXECUTIVE DIRECTOR, CONTRACTING AND ACQUISITION MANAGEMENT DEPUTY COMMANDER, DLA ENERGY DEPUTY DIRECTOR, DLA ACQUISITION DIRECTOR, DLA ACQUISITION (J-7) DEPUTY DIRECTOR, DLA INFORMATION OPERATIONS VICE DIRECTOR, DEFENSE LOGISTICS AGENCY CHIEF OF STAFF PROGRAM EXECUTIVE OFFICER, DLA INFORMATION OPERATIONS EXECUTIVE DIRECTOR, MISSION SUPPORT DIRECTORATE DEPUTY DIRECTOR DLA LOGISTICS OPERATIONS EXECUTIVE DIRECTOR, STRATEGIC PROGRAMS AND INTEGRATION DIRECTORATE EXECUTIVE DIRECTOR OPERATIONS AND SUSTAINMENT DEFENSE THREAT REDUCTION AGENCY DIRECTOR, COOPERATIVE THREAT REDUCTION DEPARTMENT DIRECTOR, COMBATANT COMMAND SUPPORT DIRECTOR, OPERATIONS AND INTEGRATION DIRECTORATE DIRECTOR, PLANS AND TRAINING, JIDO DIRECTOR, ACQUISITION, CONTRACTS AND LOGISTICS DIRECTOR, CHEMICAL AND BIOLOGICAL TECHNOLOGIES DEPARTMENT GENERAL COUNSEL DIRECTOR, INFORMATION INTEGRATION AND TECHNOLOGY SERVICES/CHIEF INFORMATION OFFICER DIRECTOR, TREATIES AND PARTNERSHIPS DEPARTMENT DIRECTOR, NUCLEAR TECHNOLOGIES DEPARTMENT DIRECTOR, RESEARCH AND DEVELOPMENT DIRECTORATE DIRECTOR, INTELLIGENCE, PLANS AND RESOURCE INTEGRATION DIRECTORATE DIRECTOR, COUNTER WEAPONS OF MASS DESTRUCTION TECHNOLOGIES DEPARTMENT DIRECTOR, BASIC AND APPLIED SCIENCES DEPARTMENT OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (ACQUISITION). DIRECTOR, CONTRACT POLICY DEPUTY DIRECTOR, DEFENSE ACQUISITION REGULATIONS SYSTEM PRINCIPAL DEPUTY, ACQUISITION RESOURCES AND ANALYSIS DIRECTOR, AIR PLATFORMS AND WEAPONS DIRECTOR, NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS

Agency name	Organization name	Position title
OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER).	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (NUCLEAR, CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS). DEFENSE CONTRACT AUDIT AGENCY	PRINCIPAL DEPUTY DIRECTOR, ENTERPRISE INFORMATION DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS/ISR DIRECTOR FOR CONTRACTING EBUSINESS PRINCIPAL DIRECTOR, DEFENSE PRICING AND CONTRACTING DASD (PLATFORM AND WEAPON PORTFOLIO MANAGEMENT) DIRECTOR, PRICING AND CONTRACTING INITIATIVES DIRECTOR, SPACE AND MISSILE DEFENSE DIRECTOR, STRATEGIC DETERRENCE AND CAPABILITY DEPUTY ASSISTANT SECRETARY OF DEFENSE (NUCLEAR MATTERS) DIRECTOR, DEFENSE CONTRACT AUDIT AGENCY DEPUTY REGIONAL DIRECTOR, CENTRAL DEPUTY REGIONAL DIRECTOR, WESTERN ASSISTANT DIRECTOR, OPERATIONS GENERAL COUNSEL REGIONAL DIRECTOR, EASTERN REGIONAL DIRECTOR, CENTRAL REGIONAL DIRECTOR, WESTERN DEPUTY DIRECTOR, DCAA CORPORATE AUDIT DIRECTOR (A) CORPORATE AUDIT DIRECTOR (B) DEPUTY REGIONAL DIRECTOR, EASTERN ASSISTANT DIRECTOR, POLICY AND QUALITY DIRECTOR, FIELD DETACHMENT CORPORATE AUDIT DIRECTOR (D) CORPORATE AUDIT DIRECTOR (C) ASSISTANT DIRECTOR, HUMAN CAPITAL AND RESOURCE MANAGEMENT GENERAL COUNSEL FOR DEFENSE HEALTH AGENCY DIRECTOR, CONTRACTS MANAGEMENT OFFICE
OFFICE OF THE UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS). OFFICE OF THE UNDER SECRETARY OF DEFENSE (RESEARCH AND ENGINEERING).	DEFENSE HEALTH AGENCY DEFENSE ADVANCED RESEARCH PROJECTS AGENCY. MISSILE DEFENSE AGENCY	GENERAL COUNSEL DIRECTOR, MISSION SERVICES OFFICE DIRECTOR, STRATEGIC RESOURCES DIRECTOR, CONTRACTING DIRECTOR FOR SYSTEMS ENGINEERING AND INTEGRATION DIRECTOR FOR INTERNATIONAL AFFAIRS PROGRAM DIRECTOR, TARGETS AND COUNTERMEASURES EXECUTIVE DIRECTOR CHIEF ENGINEER DIRECTOR FOR ADVANCED TECHNOLOGY DIRECTOR FOR OPERATIONS DIRECTOR FOR ENGINEERING DEPUTY PROGRAM EXECUTIVE FOR SBWS PROGRAM DIRECTOR, BC PROGRAM DIRECTOR, MISSILE DEFENSE SYSTEM GROUND SENSORS DEPUTY DIRECTOR FOR TEST PROGRAM EXECUTIVE, C4ISR PROGRAM DIRECTOR, GROUND-BASED MID-COURSE DEFENSE DEPUTY PROGRAM EXECUTIVE FOR GROUND BASED WEAPONS SYSTEMS COMPTROLLER/CHIEF FINANCIAL OFFICER DIRECTOR FOR ACQUISITION DEPUTY DIRECTOR LEGISLATIVE LIAISON DIRECTOR OF COMMUNICATIONS DIRECTOR, INSTALLATION, LOGISTICS AND MISSION SUPPORT DEPUTY DIRECTOR, STRATEGY, CONCEPTS AND ASSESSMENTS DIRECTOR, DIVERSITY AND INCLUSION EXECUTIVE DIRECTOR, AIR NATIONAL GUARD EXECUTIVE DIRECTOR DIRECTOR, HEADQUARTERS AIR FORCE INFORMATION MANAGEMENT CHIEF INFORMATION OFFICER AND DEPUTY DIRECTOR, PLANS AND INTEGRATION DEPUTY ASSISTANT SECRETARY (LOGISTICS) DEPUTY DIRECTOR OF LOGISTICS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PROGRAMS
DEPARTMENT OF THE AIR FORCE	DEPARTMENT OF THE AIR FORCE	

Agency name	Organization name	Position title
		DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS DEPUTY DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS DIRECTOR, LOGISTICS, ENGINEERING AND FORCE PROTECTION DEPUTY DIRECTOR OF OPERATIONS DEPUTY DIRECTOR, STRATEGIC PLANNING DEPUTY DIRECTOR, SECURITY, SPECIAL PROGRAM OVERSIGHT, AND INFORMATION PROTECTION DIRECTOR, SPACE SECURITY AND DEFENSE PROGRAM DIRECTOR, CYBER CAPABILITIES AND COMPLIANCE DIRECTOR, CIVILIAN FORCE MANAGEMENT AIR FORCE PROGRAM EXECUTIVE OFFICER FOR COMBAT AND MISSION SUPPORT DEPUTY DIRECTOR OF LOGISTICS DEPUTY DIRECTOR, INFORMATION DOMINANCE DEPUTY DIRECTOR, SPACE WARFIGHTING ANALYSIS CENTER DEPUTY DIRECTOR, CIVILIAN FORCE MANAGEMENT, HR SPECIALIST DEPUTY DIRECTOR, SECURITY FORCES DIRECTOR, DIVERSITY AND INCLUSION CHIEF INFORMATION SECURITY OFFICER (CISO) EXECUTIVE DIRECTOR, AIR FORCE LIFE CYCLE MANAGEMENT CENTER PROGRAM EXECUTIVE OFFICER, MOBILITY AIRCRAFT PROGRAM EXECUTIVE OFFICER FOR AGILE COMBAT SUPPORT EXECUTIVE DIRECTOR, AIR FORCE TEST CENTER COMMAND COUNSEL DIRECTOR, AIR FORCE MATERIEL COMMAND LAW OFFICE DIRECTOR AIR FORCE OFFICE OF SCIENTIFIC RESEARCH DIRECTOR, MATERIALS AND MANUFACTURING DIRECTOR, AEROSPACE SYSTEMS DIRECTOR, PLANS AND PROGRAMS DIRECTOR, STRATEGIC DEVELOPMENT AND PLANNING EXECUTIVE DIRECTOR, AIR FORCE RESEARCH LABORATORY DIRECTOR OF CONTRACTING DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT DIRECTOR OF CONTRACTING DIRECTOR, 448TH SUPPLY CHAIN MANAGEMENT WING DIRECTOR OF LOGISTICS, AIR FORCE SUSTAINMENT CENTER DIRECTOR OF CONTRACTING DIRECTOR, MILSATCOM DIRECTORATE DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT PROGRAM EXECUTIVE OFFICER, BATTLE MANAGEMENT DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT DEPUTY DIRECTOR, FINANCIAL MANAGEMENT DEPUTY DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT DIRECTOR, DIRECTED ENERGY DIRECTOR, HUMAN EFFECTIVENESS DIRECTORATE DIRECTOR SENSORS DIRECTOR, MILITARY SATELLITE COMMUNICATIONS DIRECTORATE DIRECTOR, RAPID CAPABILITY OFFICE DIRECTOR OF CONTRACTING, SPACE AND MISSILE SYSTEMS CENTER (SMC) ASSISTANT AUDITOR GENERAL, OPERATIONS AND SUPPORT AUDITS ASSISTANT AUDITOR GENERAL, ACQUISITION, LOGISTICS AND FINANCIAL AUDITS DEPUTY DIRECTOR OF LOGISTICS, ENGINEERING, AND FORCE PROTECTION
AIR FORCE MATERIEL COMMAND	AERONAUTICAL SYSTEMS CENTER	
	AIR FORCE FLIGHT TEST CENTER	
	AIR FORCE MATERIEL COMMAND LAW OFFICE ..	
	AIR FORCE OFFICE OF SCIENTIFIC RESEARCH ..	
	AIR FORCE RESEARCH LABORATORY	
	AIR LOGISTICS CENTER, OGDEN	
	AIR LOGISTICS CENTER, OKLAHOMA CITY	
	AIR LOGISTICS CENTER, WARNER ROBINS	
	CONTRACTING	
	ELECTRONIC SYSTEMS CENTER	
	ENGINEERING AND TECHNICAL MANAGEMENT ..	
	FINANCIAL MANAGEMENT AND COMPTROLLER ..	
	LOGISTICS	
AIR FORCE RESEARCH LABORATORY	DIRECTED ENERGY DIRECTORATE	
	HUMAN EFFECTIVENESS DIRECTORATE	
AIR FORCE SPACE COMMAND	SENSORS DIRECTORATE	
	SPACE AND MISSILE SYSTEMS CENTER	
AUDITOR GENERAL	AIR FORCE AUDIT AGENCY (FIELD OPERATING AGENCY).	
DEPARTMENT OF THE AIR FORCE	AIR COMBAT COMMAND	

Agency name	Organization name	Position title
	AIR EDUCATION AND TRAINING COMMAND	DIRECTOR, ACQUISITION MANAGEMENT AND INTEGRATION CENTER DEPUTY DIRECTOR, REQUIREMENTS DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT DIRECTOR, INTERNATIONAL TRAINING AND EDUCATION
	AIR FORCE MATERIEL COMMAND	DIRECTOR, NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE DIRECTOR, MANPOWER, PERSONNEL AND SERVICES EXECUTIVE DIRECTOR, AIR FORCE NUCLEAR WEAPONS CENTER DIRECTOR OF CONTRACTING DIRECTOR, INSTALLATION SUPPORT DIRECTOR, FINANCIAL MANAGEMENT PROGRAM EXECUTIVE OFFICER FOR BUSINESS ENTERPRISE SYSTEMS DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT DIRECTOR INSTALLATIONS DEPUTY DIRECTOR, STRATEGIC PLANS, PROGRAMS, REQUIREMENTS AND ANALYSES DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT, F-35 LIGHTNING II JOINT PROGRAM OFFICE DIRECTOR FINANCIAL MANAGEMENT AND COMPTROLLER DIRECTOR, AIR FORCE CIVIL ENGINEER CENTER DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT DIRECTOR OF LOGISTICS AND LOGISTICS SERVICES EXECUTIVE DIRECTOR, AIR FORCE INSTALLATION AND MISSION SUPPORT CENTER EXECUTIVE DIRECTOR, AIR FORCE SUSTAINMENT CENTER DIRECTOR OF CONTRACTING DIRECTOR, RESOURCES DIRECTOR OF PROPULSION DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT EXECUTIVE DIRECTOR, AIR FORCE MATERIEL COMMAND DIRECTOR OF CONTRACTING DEPUTY DIRECTOR, AIR, SPACE AND CYBERSPACE OPERATIONS EXECUTIVE DIRECTOR DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT DIRECTOR, HYBRID PRODUCT SUPPORT INTEGRATOR PROGRAM EXECUTIVE OFFICER, NC3 SYSTEMS AND DIRECTOR DIRECTOR OF CONTRACTING DIRECTOR, 448TH SUPPLY CHAIN MANAGEMENT WING
	AIR FORCE RESERVE COMMAND	DIRECTOR OF STAFF
	AIR FORCE SPACE COMMAND	EXECUTIVE DIRECTOR, AIR FORCE SPACE COMMAND DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, AND COMPUTER (C4) SYSTEMS DEPUTY DIRECTOR, RESOURCE AND INTEGRATION DIRECTORATE
	AIR FORCE SPECIAL OPERATIONS COMMAND	DEPUTY CHIEF FINANCIAL OFFICER EXECUTIVE DIRECTOR AIR FORCE SPECIAL OPERATIONS COMMAND
	AIR MOBILITY COMMAND	DEPUTY DIRECTOR OR LOGISTICS
	DEPUTY CHIEF OF STAFF FOR INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE.	DIRECTOR OF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE INNOVATIONS AND UNMANNED AERIAL SYSTEMS TASK FORCE
	JOINT STAFF	DIRECTOR, JOINT INFORMATION OPERATIONS WARFARE CENTER
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION.	DEPUTY ASSISTANT SECRETARY (SCIENCE, TECHNOLOGY AND ENGINEERING) DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION) DIRECTOR, INFORMATION DOMINANCE PROGRAMS ASSOCIATE DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE FOR SCIENCE, TECHNOLOGY AND ENGINEERING

Agency name	Organization name	Position title
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR FINANCIAL MANAGEMENT AND CONTROLLER.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION) DIRECTOR OF CONTRACTING, AIR FORCE RAPID CAPABILITIES OFFICE DIRECTOR OF CONTRACTING (SPECIAL ACCESS PROGRAMS) ASSOCIATE DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS)
	OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS.	CHIEF INFORMATION OFFICER DEPUTY ASSISTANT SECRETARY FOR RESERVE AFFAIRS
	OFFICE OF THE CHIEF OF STAFF	DEPUTY DIRECTOR OF STAFF, HEADQUARTERS UNITED STATES AIR FORCE
	OFFICE OF THE INSPECTOR GENERAL	EXECUTIVE DIRECTOR, OFFICE OF SPECIAL INVESTIGATIONS
	OFFICE OF THE SECRETARY	DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE DEPUTY CHIEF MANAGEMENT OFFICER DEPUTY DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE DEPUTY DIRECTOR, AIR FORCE REVIEW BOARDS AGENCY DIRECTOR, OFFICE OF DIVERSITY AND INCLUSION (2)
	UNITED STATES CENTRAL COMMAND	DEPUTY DIRECTOR OF OPERATIONS INTER-AGENCY ACTION GROUP DIRECTOR OF RESOURCES, REQUIREMENTS, BUDGET AND ASSESSMENT DEPUTY DIRECTOR OF LOGISTICS AND ENGINEERING
	UNITED STATES NORTHERN COMMAND	DIRECTOR, PROGRAMS AND RESOURCES NORTHCOM, DEPUTY DIRECTOR OF OPERATIONS FOR SPECIAL ACTIVITIES DIRECTOR OF INTERAGENCY DIRECTOR, JOINT EXERCISES AND TRAINING DEPUTY COMMANDER, JOINT FORCES HEADQUARTERS—NATIONAL CAPITAL REGION DEPUTY DIRECTOR, CENTER FOR SPECIAL OPERATIONS ACQUISITION AND LOGISTICS DIRECTOR FOR ACQUISITION PRESIDENT, JOINT SPECIAL OPERATIONS UNIVERSITY DIRECTOR, PLANS, POLICY AND STRATEGY DIRECTOR AND CHIEF INFORMATION OFFICER FOR SPECIAL OPERATIONS NETWORKS AND COMMUNICATIONS CENTER CHIEF FINANCIAL OFFICER DEPUTY CHIEF OF STAFF DIRECTOR COMMUNICATIONS SYSTEMS/CIO (J6)
	UNITED STATES STRATEGIC COMMAND	DIRECTOR, COMMAND SUPPORT DIRECTOR, PLANS, POLICY, STRATEGY AND CONCEPTS DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS AND COMPUTER SYSTEMS TECHNICAL DIRECTOR, JOINT WARFARE ANALYSIS CENTER DEPUTY DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION DEPUTY DIRECTOR, PLANS AND POLICY DIRECTOR, JOINT EXERCISES, TRAINING, AND ASSESSMENTS ASSOCIATE DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION DEPUTY DIRECTOR, CAPABILITY DEVELOPMENTAL GROUP COMMAND ACQUISITION EXEC DIRECTOR, GLOBAL INNOVATION STRATEGY CENTER DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION, USSTRATCOM C2 FACILITY MANAGEMENT PMO ASSOCIATE DIRECTOR CAPABILITY AND RESOURCE DEPUTY DIRECTOR, PLANS AND POLICY, USSTRATCOM DIRECTOR, JOINT EXERCISES AND TRAINING DEPUTY DIRECTOR, ACQUISITION DIRECTOR, ACQUISITION DIRECTOR, PROGRAM ANALYSIS AND FINANCIAL MANAGEMENT
	UNITED STATES TRANSPORTATION COMMAND ..	

Agency name	Organization name	Position title
DEPUTY CHIEF OF STAFF, INSTALLATIONS AND LOGISTICS.	CIVIL ENGINEER	DEPUTY DIRECTOR, STRATEGY, CAPABILITIES, POLICY AND LOGISTICS DIRECTOR, DEFENSE PERSONAL PROPERTY MANAGEMENT OFFICE EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR AND DEPUTY CHIEF INFORMATION OFFICER DEPUTY DIRECTOR OF CIVIL ENGINEERS
DEPUTY CHIEF OF STAFF, PERSONNEL	RESOURCES	DIRECTOR OF RESOURCE INTEGRATION EXECUTIVE DIRECTOR, AIR FORCE PERSONNEL CENTER DIRECTOR OF PERSONNEL OPERATIONS
OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION.	AIR FORCE PERSONNEL CENTER (FIELD OPERATING AGENCY).	DEPUTY ASSISTANT CHIEF OF STAFF, STRATEGIC DETERRENCE AND NUCLEAR INTEGRATION ASSOCIATE ASSISTANT CHIEF OF STAFF STRATEGIC DETERRENCE AND NUCLEAR INTEGRATION
	DIRECTORATE OF SPACE AND NUCLEAR DETERRENCE.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (CONTRACTING) SPECIAL ASSISTANT TO THE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING
OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR FINANCIAL MANAGEMENT AND CONTROLLER.	OFFICE DEPUTY ASSISTANT SECRETARY CONTRACTING. OFFICE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR BUDGET
	OFFICE DEPUTY ASSISTANT SECRETARY BUDGET.	DIRECTOR, BUDGET INVESTMENT DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS) ASSOCIATE DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS)
	OFFICE DEPUTY ASSISTANT SECRETARY COST AND ECONOMICS.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS) DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS)
	OFFICE DEPUTY ASSISTANT SECRETARY FINANCIAL OPERATIONS.	DEPUTY FOR AIR FORCE REVIEW BOARDS
OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS.	AIR FORCE REVIEW BOARDS AGENCY (AIR FORCE REVIEW BOARDS AGENCY)—FIELD OPERATING AGENCY.	DEPUTY CHIEF OF SAFETY
OFFICE OF THE CHIEF OF STAFF	AIR FORCE OFFICE OF SAFETY AND AIR FORCE SAFETY CENTER (FIELD OPERATING AGENCY). AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER (DIRECT REPORTING UNIT). AIR FORCE STUDIES AND ANALYSES AGENCY (DIRECT REPORTING UNIT (DRU)).	EXECUTIVE DIRECTOR, AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER PRINCIPLE DEPUTY DIRECTOR, STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED DIRECTOR, AIR FORCE STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED
	DEPUTY CHIEF OF STAFF, AIR AND SPACE OPERATIONS.	ASSOCIATE DEPUTY CHIEF OF STAFF OPERATIONS, PLANS AND REQUIREMENTS DIRECTOR OF WEATHER DEPUTY DIRECTOR, OPERATIONS AND READINESS DEPUTY DIRECTOR OF OPERATIONAL REQUIREMENTS
	DEPUTY CHIEF OF STAFF, PERSONNEL	DIRECTOR, PLANS AND INTEGRATION DEPUTY DIRECTOR OF SERVICES ASSISTANT DEPUTY CHIEF OF STAFF MANPOWER AND PERSONNEL DIRECTOR FORCE DEVELOPMENT DEPUTY DIRECTOR, MILITARY FORCE MANAGEMENT DEPUTY DIRECTOR, MANPOWER, ORGANIZATION AND RESOURCES ASSOCIATE DEPUTY DIRECTOR FOR PROGRAMS DEPUTY DIRECTOR OF STRATEGIC PLANNING ASSISTANT DEPUTY CHIEF OF STAFF, STRATEGIC PLANS AND REQUIREMENTS
	JUDGE ADVOCATE GENERAL	DIRECTOR, ADMINISTRATIVE LAW
	TEST AND EVALUATION	DEPUTY DIRECTOR, TEST AND EVALUATION DIRECTOR, TEST AND EVALUATION EXECUTIVE DIRECTOR, DEFENSE CYBER CRIME CENTER
OFFICE OF THE INSPECTOR GENERAL	AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS (FIELD OPERATING AGENCY).	AUDITOR GENERAL OF THE AIR FORCE ASSISTANT AUDITOR GENERAL, FIELD OFFICES
OFFICE OF THE SECRETARY	AUDITOR GENERAL	DIRECTORATE DIRECTOR, RESOURCES MANAGEMENT ADMINISTRATIVE ASSISTANT DEPUTY ADMINISTRATIVE ASSISTANT
	OFFICE OF ADMINISTRATIVE ASSISTANT TO THE SECRETARY.	

Agency name	Organization name	Position title
DEPARTMENT OF THE ARMY. AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMY RESEARCH LABORATORY. CHIEF INFORMATION OFFICER/G-6 DEPARTMENT OF THE ARMY	OFFICE OF PUBLIC AFFAIRS OFFICE OF SMALL AND DISADVANTAGED BUS- INESS UTILIZATION. OFFICE OF THE UNDER SECRETARY AFC, COMBAT CAPABILITIES DEVELOPMENT COMMAND, ARL, ARMY RESEARCH OFFICE. OFFICE, CHIEF OF PUBLIC AFFAIRS ARMY AUDIT AGENCY CHIEF INFORMATION OFFICER/G-6 HEADQUARTERS, UNITED STATES ARMY, EU- ROPE. HEADQUARTERS, UNITED STATES ARMY, PA- CIFIC. JOINT SPECIAL OPERATIONS COMMAND NATIONAL GUARD BUREAU OFFICE ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF ARMY. OFFICE ASSISTANT SECRETARY ARMY (ACQUI- SITION, LOGISTICS AND TECHNOLOGY). OFFICE ASSISTANT SECRETARY ARMY (CIVIL WORKS). OFFICE ASSISTANT SECRETARY ARMY (FINAN- CIAL MANAGEMENT AND COMPTROLLER). OFFICE ASSISTANT SECRETARY ARMY (INSTAL- LATIONS, ENERGY AND ENVIRONMENT).	DIRECTOR SECURITY, SPECIAL PROGRAM OVERSIGHT AND INFORMATION PROTECTION DIRECTOR, HEADQUARTERS AIR FORCE INFOR- MATION MANAGEMENT DEPUTY DIRECTOR, PUBLIC AFFAIRS DIRECTOR, OFFICE OF SMALL AND DISADVAN- TAGED BUSINESS UTILIZATION DEPUTY DIRECTOR FOR BUSINESS TRANS- FORMATION ASSOCIATE DEPUTY UNDER SECRETARY OF THE AIR FORCE (SPACE) AND DEPUTY DIREC- TOR PRINCIPAL DEPARTMENT OF DEFENSE SPACE ADVISOR STAFF DIRECTOR, ARMY RESEARCH OFFICE PRINCIPAL DEPUTY CHIEF OF PUBLIC AFFAIRS THE AUDITOR GENERAL PRINCIPAL DEPUTY AUDITOR GENERAL DEPUTY AUDITOR GENERAL, ACQUISITION AND LOGISTICS AUDITS DEPUTY AUDITOR GENERAL, MANPOWER AND TRAINING AUDITS DEPUTY AUDITOR GENERAL, FINANCIAL MAN- AGEMENT AUDITS DEPUTY AUDITOR GENERAL, INSTALLATION, EN- ERGY AND ENVIRONMENT AUDITS DIRECTOR OF ARCHITECTURE AND INFORMA- TION DIRECTOR, CYBERSECURITY INTEGRATION AND SYNCHRONIZATION (CIS) DEPUTY CHIEF INFORMATION OFFICER, ARMY CHIEF DATA AND ANALYTICS OFFICER PRINCIPAL DIRECTOR, POLICY, RESOURCES AND ANALYSIS/CHIEF FINANCIAL OFFICER, CIO DEPUTY CHIEF OF STAFF G-8 ASSISTANT CHIEF OF STAFF, G8 EXECUTIVE DIRECTOR FOR RESOURCES, SUP- PORT, AND INTEGRATION CHIEF FINANCIAL OFFICER ADMINISTRATIVE ASSISTANT TO THE SEC- RETARY OF THE ARMY DEPUTY ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY/DIRECTOR FOR SHARED SERVICES DIRECTOR FOR RESEARCH AND TECHNOLOGY DEPUTY ASSISTANT SECRETARY OF THE ARMY (ACQUISITION POLICY AND LOGISTICS) DEPUTY DIRECTOR, HYPERSONIC, DIRECTED ENERGY, SPACE AND RAPID ACQUISITION OF- FICE DEPUTY ASSISTANT SECRETARY OF THE ARMY (DASA-DES) DEPUTY ASSISTANT SECRETARY FOR RE- SEARCH AND TECHNOLOGY/CHIEF SCIENTIST DEPUTY ASSISTANT SECRETARY OF THE ARMY (POLICY AND PROCUREMENT) DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR PLANS, PROGRAMS AND RESOURCES DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR DEFENSE EXPORTS AND COOPERATION DEPUTY ASSISTANT SECRETARY OF THE ARMY (MANAGEMENT AND BUDGET) DIRECTOR, FINANCIAL OPERATIONS AND AC- COUNTING, ASA (FINANCIAL MANAGEMENT AND COMPTROLLER) DIRECTOR OF INVESTMENT DEPUTY ASSISTANT SECRETARY OF THE ARMY (COST AND ECONOMICS) DIRECTOR OF MANAGEMENT AND CONTROL DEPUTY DIRECTOR AND SENIOR ADVISOR FOR ARMY BUDGET (DDSA (BUDGET)) DIRECTOR, FINANCIAL INFORMATION MANAGE- MENT DEPUTY ASSISTANT SECRETARY OF THE ARMY (ENERGY AND SUSTAINABILITY) DEPUTY ASSISTANT SECRETARY OF THE ARMY (ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH)

Agency name	Organization name	Position title
	OFFICE ASSISTANT SECRETARY ARMY (MANPOWER AND RESERVE AFFAIRS).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS AND HOUSING) DEPUTY TO THE ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS) DEPUTY ASSISTANT SECRETARY OF THE ARMY (MILITARY PERSONNEL) SENIOR ADVISOR FOR DIVERSITY AND INCLUSION/DASA (DIVERSITY, EQUITY AND INCLUSION) DEPUTY ASSISTANT SECRETARY OF THE ARMY (CIVILIAN PERSONNEL) DEPUTY ASSISTANT SECRETARY OF THE ARMY (ARMY REVIEW BOARDS AGENCY)
	OFFICE OF THE SURGEON GENERAL	DEPUTY CHIEF OF STAFF, RESOURCES, INFRASTRUCTURE AND STRATEGY (G8/9)
	OFFICE, DEPUTY CHIEF OF STAFF, G-4	DIRECTOR FOR MAINTENANCE POLICY, PROGRAMS AND PROCESSES ASSISTANT DEPUTY CHIEF OF STAFF, G-4 DIRECTOR FOR SUPPLY POLICY DIRECTOR, LOGISTICS INFORMATION MANAGEMENT
	OFFICE, DEPUTY CHIEF OF STAFF, G-9	DIRECTOR OF RESOURCE MANAGEMENT DIRECTOR OF RESOURCE INTEGRATION DEPUTY ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
	OFFICE, DEPUTY CHIEF OF STAFF, G-1	DIRECTOR INSTALLATION SERVICES ASSISTANT DEPUTY CHIEF OF STAFF, G-1 DIRECTOR, PLANS AND RESOURCES DIRECTOR, TECHNOLOGY AND BUSINESS ARCHITECTURE INTEGRATION DIRECTOR, CIVILIAN HUMAN RESOURCE AGENCY DEPUTY DIRECTOR, CIVILIAN HUMAN RESOURCES AGENCY DIRECTOR, SHARP AND ARMY RESILIENCY DIRECTORATE
	OFFICE, DEPUTY CHIEF OF STAFF, G-3/5/7	DEPUTY DIRECTOR OF TRAINING AND TTPEG CO-CHAIR DEPUTY DIRECTOR FOR STRATEGY PLANS AND POLICY DEPUTY DIRECTOR FOR STRATEGIC OPERATIONS, DCS G3/5/7 DEPUTY DIRECTOR OF FORCE MANAGEMENT ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS (G-3/5/7)
	OFFICE, DEPUTY CHIEF OF STAFF, G-8	DEPUTY DIRECTOR, FORCE DEVELOPMENT ASSISTANT DEPUTY CHIEF OF STAFF, G-8
	UNITED STATES ARMY FUTURES COMMAND	CHIEF FINANACIAL OFFICER CHIEF, HUMAN CAPITAL OFFICER DEPUTY CHIEF EXECUTIVE OFFICER DEPUTY TO THE COMMANDING GENERAL
	UNITED STATES ARMY SPECIAL OPERATIONS COMMAND.	
	UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND (TRADOC).	DEPUTY CHIEF OF STAFF, G-3/5/7, TRADOC DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS SUPPORT COMMAND DIRECTOR, UNITED STATES ARMY CENTER OF MILITARY HISTORY/CHIEF OF MILITARY HISTORY DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS CENTER DEPUTY TO THE COMMANDING GENERAL MANUEVER SUPPORT/DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION DEPUTY CHIEF OF STAFF G8, TRADOC DEPUTY TO THE COMMANDING GENERAL FIRES/DIRECTOR, CAPABILITIES, DEVELOPMENT AND INTEGRATION DEPUTY CHIEF OF STAFF G-1/4 (PERSONNEL AND LOGISTICS) DEPUTY TO THE COMMANDING GENERAL DEPUTY TO THE COMMANDING GENERAL, CYBER CENTER OF EXCELLENCE (CYBERCOE) PRESIDENT, ARMY LOGISTICS UNIVERSITY DEPUTY CHIEF OF STAFF, G6 (TRADOC) DEPUTY TO THE CG ARMY AVIATION CENTER OF EXCELLENCE/DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION EXECUTIVE DEPUTY TO THE COMMANDING GENERAL, TRADOC
	UNITED STATES AFRICA COMMAND	DIRECTOR OF RESOURCES (J8), USAFRICOM

Agency name	Organization name	Position title
OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).	UNITED STATES ARMY CORPS OF ENGINEERS ..	DEPUTY DIRECTOR OF PROGRAM, (J5), USAFRICOM FOREIGN POLICY ADVISOR FOR US AFRICA COMMAND DIRECTOR OF RESOURCES (J1/J8), AFRICOM DIRECTOR OF RESOURCE MANAGEMENT DIRECTOR OF HUMAN RESOURCES DIRECTOR, INFORMATION TECHNOLOGY LABORATORY CHIEF MILITARY PROGRAMS INTEGRATION DIVISION DIRECTOR, RESEARCH AND DEVELOPMENT AND DIRECTOR, ENGINEERING RESEARCH AND DEVELOPMENT CENTER DIRECTOR CONTINGENCY OPERATIONS/CHIEF, HOMELAND SECURITY OFFICE DIRECTOR OF CONTRACTING DIRECTOR FOR CORPORATE INFORMATION DEPUTY TO COMMANDER, ARMY CYBER COMMAND/2ND ARMY DIRECTOR, TECHNICAL WARFARE CENTER, ARCYBER, ARCYBER DEPUTY TO COMMANDER/SENIOR TECHNICAL DIRECTOR/CHIEF ENGINEER
	UNITED STATES ARMY CYBER COMMAND/SECOND ARMY.	ASSISTANT DEPUTY CHIEF OF STAFF FOR LOGISTICS DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT ASSISTANT DEPUTY CHIEF OF STAFF, G-6 DEPUTY CHIEF OF STAFF, G-1 ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS, G-3/5/7
	UNITED STATES ARMY FORCES COMMAND	DIRECTOR, OPERATION AND READINESS DIRECTORATE, G-3 ADCS, SUPPLY CHAIN MANAGEMENT, G3 ASSISTANT DEPUTY CHIEF OF STAFF, G-3/4 FOR LOGISTICS INTEGRATION DEPUTY CHIEF OF STAFF FOR CORPORATE INFORMATION/CHIEF INFORMATION OFFICER DEPUTY TO THE COMMANDING GENERAL, ARNORTH
	UNITED STATES ARMY MATERIEL COMMAND	DEPUTY TO THE COMMANDER, US ARMY SPACE AND MISSILE DEFENSE COMMAND/ARMY FORCES STRATCOM DIRECTOR, FUTURE WARFARE CENTER DIRECTOR , SPACE AND MISSILE DEFENSE TECHNICAL CENTER
	UNITED STATES ARMY NORTH	DIRECTOR, INTERAGENCY PARTNERING, (J9) DIRECTOR FOR FORCES, RESOURCES AND ASSESSMENTS (J8) DEPUTY DIRECTOR FOR TRANSFORMATION AND RESTATIONING
	UNITED STATES ARMY SPACE AND MISSILE DEFENSE COMMAND.	DIRECTOR, J8 (RESOURCES AND ASSESSMENTS DIRECTORATE) DEPUTY DIRECTOR OF OPERATIONS, J3 DIRECTOR, EXERCISES AND COALITION AFFAIRS
	UNITED STATES EUROPEAN COMMAND	DEPUTY DIRECTOR STRATEGY AND POLICY PROGRAM EXECUTIVE OFFICER ENTERPRISE INFORMATION SYSTEMS
	UNITED STATES FORCES KOREA	DEPUTY PROGRAM EXECUTIVE OFFICER, COMMAND CONTROL AND COMMUNICATIONS TACTICAL DEPUTY PROGRAM EXECUTIVE OFFICER FOR AVIATION DEPUTY PROGRAM EXECUTIVE OFFICER, MISSILES AND SPACE DEPUTY JOINT PROGRAM EXECUTIVE OFFICER FOR CHEMICAL AND BIOLOGICAL DEFENSE DEPUTY PROGRAM EXECUTIVE OFFICER GROUND COMBAT SYSTEMS DEPUTY PROGRAM EXECUTIVE OFFICER (SIMULATION, TRAINING AND INSTRUMENTATION) DEPUTY PROGRAM EXECUTIVE OFFICER, ENTERPRISE INFORMATION SYSTEMS DEPUTY PROGRAM EXECUTIVE OFFICER, INTELLIGENCE, ELECTRONIC WARFARE AND SENSORS DEPUTY PROGRAM EXECUTIVE OFFICER, COMBAT SUPPORT AND COMBAT SERVICE SUPPORT PROGRAM EXECUTIVE OFFICER SIMULATION, TRAINING AND INSTRUMENTATION
	UNITED STATES SOUTHERN COMMAND	
	ARMY ACQUISITION EXECUTIVE	

Agency name	Organization name	Position title
OFFICE ASSISTANT SECRETARY ARMY (MAN-POWER AND RESERVE AFFAIRS). OFFICE OF THE SECRETARY	ARMY ENTERPRISE MARKETING OFFICE (FIELD OPERATING AGENCY).	DEPUTY PROGRAM EXECUTIVE OFFICER FOR SOLDIER
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY JOINT PROGRAM EXECUTIVE OFFICER (ARMAMENT AND AMMUNITION) JOINT PEO FOR CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM EXECUTIVE OFFICER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVE PROGRAM EXECUTIVE OFFICER, INTELLIGENCE, ELECTRONIC WARFARE AND SENSORS DEPUTY CHIEF MARKETING OFFICER, ARMY ENTERPRISE MARKETING OFFICE PRINCIPAL DIRECTOR TO THE INSPECTOR GENERAL (INSPECTIONS) EXECUTIVE DIRECTOR OF THE ARMY NATIONAL CEMETERIES PROGRAM SUPERINTENDENT, ARLINGTON NATIONAL CEMETERY
OFFICE OF THE UNDER SECRETARY	UNITED STATES ARMY NATIONAL MILITARY CEMETERIES.	DIRECTOR CIVILIAN SENIOR LEADER MANAGEMENT OFFICE ASSISTANT TO THE DUSA/DIRECTOR OF TEST AND EVALUATION DEPUTY DIRECTOR, CIVILIAN SENIOR LEADER MANAGEMENT OFFICE
	OFFICE DEPUTY UNDER SECRETARY OF ARMY (DUSA).	DIRECTOR, OFFICE OF BUSINESS TRANSFORMATION DEPUTY DIRECTOR, OFFICE OF BUSINESS TRANSFORMATION, OFFICE OF THE UNDER SECRETARY OF THE ARMY
OFFICE, CHIEF OF STAFF	OFFICE OF BUSINESS TRANSFORMATION	DIRECTOR, ARMY CRIMINAL INVESTIGATIONS DIVISION DIRECTOR OF RESOURCE MANAGEMENT AND MATERIAL ASSISTANT CHIEF OF THE ARMY RESERVE DIRECTOR, ARMY EVALUATION CENTER
	CRIMINAL INVESTIGATION DIVISION	EXECUTIVE DIRECTOR, OPERATIONAL TEST COMMAND DIRECTOR, UNITED STATES ARMY RESEARCH INSTITUTE AND CHIEF PSYCHOLOGIST
OFFICE, CHIEF ARMY RESERVE	OFFICE, CHIEF ARMY RESERVE	DIRECTOR, ASSURED PNT CROSS-FUNCTIONAL TEAM, SA DIRECTOR FOR SYSTEMS READINESS
	UNITED STATES ARMY TEST AND EVALUATION COMMAND.	DIRECTOR FOR SOFTWARE, SIMULATIONS, SYSTEMS ENGINEERING AND INTEGRATION DIRECTOR FOR TECHNOLOGY DEVELOPMENT, CCDC DIRECTOR FOR AVIATION AND MISSILE RESEARCH, DEVELOPMENT AND ENGINEERING CENTER
OFFICE, DEPUTY CHIEF OF STAFF, G-1	ARMY RESEARCH INSTITUTE (DEPUTY CHIEF OF STAFF FOR PERSONNEL, FIELD OPERATING AGENCY).	EXECUTIVE DIRECTOR, ENTERPRISE AND SYSTEMS INTEGRATION CENTER DIRECTOR, MUNITIONS ENGINEERING TECHNOLOGY CENTER, CCDC DIRECTOR FOR ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING EXECUTIVE DIRECTOR, WEAPONS AND SOFTWARE ENGINEER CENTER
	AFC, CROSS FUNCTIONAL TEAMS	DIRECTOR WEAPONS AND MATERIALS RESEARCH DIRECTORATE DIRECTOR, CCDC ARMY RESEARCH LABORATORY, CCDC DIR, HUMAN RESEARCH ENGINEERING DIRECTORATE, CCDC DIRECTOR, COMPUTATIONAL AND INFORMATION SCIENCE DIRECTORATE, ARL DIRECTOR, RESEARCH AND TECHNOLOGY INTEGRATION DIRECTORATE DIRECTOR, ENGINEERING AND SYSTEMS INTEGRATION DIRECTORATE DIRECTOR, COMMUNICATIONS-ELECTRONICS RESEARCH, DEVELOPMENT AND ENGINEERING CENTER
UNITED STATES ARMY FUTURES COMMAND	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD—US ARMY AVIATION AND MISSILE CENTER.	DIRECTOR, CHEMICAL AND BIOLOGICAL CENTER, CCDC DIRECTOR, ENGINEERING DIRECTORATE, CBC, CCDC DIRECTOR, RESEARCH AND TECHNOLOGY DIRECTORATE, CBC, CCDC
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMAMENTS CENTER.	
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMY RESEARCH LABORATORY.	
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, C5ISR CENTER.	
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, CHEMICAL AND BIOLOGICAL CENTER.	

Agency name	Organization name	Position title
UNITED STATES ARMY CORPS OF ENGINEERS ...	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, DATA ANALYSIS CENTER. AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, GROUND VEHICLE SYSTEMS CENTER.	DIRECTOR OPERATIONAL APPLICATIONS DIRECTORATE DIRECTOR, CCDC DATA AND ANALYSIS CENTER, CCDC DIRECTOR, RESEARCH, TECHNOLOGY DEVELOPMENT AND INTEGRATION DIRECTOR, CCDC GROUND VEHICLE SYSTEMS CENTER DIRECTOR FOR SYSTEMS INTEGRATION AND ENGINEERING
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, SOLDIERS CENTER.	DIRECTOR, RESEARCH AND TECHNOLOGY INTERGRATION, CCDC DIRECTOR, CCDC SOLDIER CENTER
	AFC, COMBAT CAPABILITIES DEVELOPMENT COMMAND.	DIRECTOR, SCIENCE AND TECHNOLOGY INTEGRATION
	AFC, FUTURES AND CONCEPTS CENTER, THE RESEARCH AND ANALYSIS CENTER.	DEPUTY TO COMMANDING GENERAL, CCDC DIRECTOR OF OPERATIONS, TRAC, WSMR DIRECTOR OF OPERATIONS, TRAC ANALYSIS CENTER FORT LEAVENWORTH DIRECTOR, THE TRAINING AND ANALYSIS CENTER, AFC
	AFC, UNITED STATES ARMY MEDICAL RESEARCH AND MATERIEL COMMAND.	DIRECTOR OF FUTURES INTEGRATION, FCC DEPUTY TO THE COMMANDING GENERAL, MRDC
	COLD REGIONS RESEARCH AND ENGINEERING LABORATORY HANOVER, NEW HAMSHIRE. DIRECTORATE OF CIVIL WORKS	PRINCIPAL ASSISTANT FOR ACQUISITION DIRECTOR, COLD REGIONS RESEARCH AND ENGINEERING LABORATORY CHIEF, PROGRAMS INTEGRATION DIVISION DIRECTOR OF CIVIL WORKS CHIEF, OPERATIONS DIVISION AND REGULATORY COMMUNITY OF PRACTICE CHIEF, ENGINEERING AND CONSTRUCTION DIVISION CHIEF, PLANNING AND POLICY DIVISION/COMMUNITY OF PRACTICE
	DIRECTORATE OF MILITARY PROGRAMS	CHIEF, INTERAGENCY AND INTERNATIONAL SERVICES DIVISION CHIEF INSTALLATION READINESS DIVISION CHIEF, ENVIRONMENTAL COMMUNITY OF PRACTICE
	DIRECTORS OF ENGINEERING AND TECHNICAL SERVICES.	DIRECTOR OF MILITARY PROGRAMS REGIONAL BUSINESS DIRECTOR (SOUTH ATLANTIC DIVISION) REGIONAL BUSINESS DIRECTOR (NORTHWESTERN DIVISION) REGIONAL BUSINESS DIRECTOR (NORTH ATLANTIC DIVISION) REGIONAL BUSINESS DIRECTOR (PACIFIC OCEAN DIVISION) REGIONAL BUSINESS DIRECTOR (SOUTHWESTERN DIVISION) REGIONAL BUSINESS DIRECTOR (SOUTH PACIFIC DIVISION) REGIONAL BUSINESS DIRECTOR (GREAT LAKES, OHIO RIVER DIVISION) REGIONAL BUSINESS DIRECTOR, (MISSISSIPPI VALLEY DIVISION)
	DIRECTORS OF PROGRAMS MANAGEMENT	DIVISION PROGRAMS DIRECTOR, TRANS-ATLANTIC DIVISION DIVISION PROGRAMS DIRECTOR (SOUTH PACIFIC DIVISION) DIVISION PROGRAMS DIRECTOR (NORTHWESTERN DIVISION) DIVISION PROGRAMS DIRECTOR (SOUTHWESTERN DIVISION) DIVISION PROGRAMS DIRECTOR (GREAT LAKE AND OHIO RIVER DIVISION) DIVISION PROGRAMS DIRECTOR (SOUTH ATLANTIC DIVISION) DIVISION PROGRAMS DIRECTOR (MISSISSIPPI VALLEY DIV)
	ENGINEER RESEARCH AND DEVELOPMENT CENTER.	DIVISION PROGRAMS DIRECTOR (PACIFIC OCEAN DIVISION) DIVISION PROGRAMS DIRECTOR (NORTH ATLANTIC DIVISION) DIRECTOR GEOTECHNICAL AND STRUCTURES LABORATORY DIRECTOR, COASTAL AND HYDRAULICS LABORATORY DEPUTY DIRECTOR ENGINEER RESEARCH AND DEVELOPMENT CENTER DIRECTOR, ENVIRONMENTAL LABORATORY

Agency name	Organization name	Position title
UNITED STATES ARMY MATERIEL COMMAND	ENGINEER TOPOGRAPHIC LABORATORIES, CENTER OF ENGINEERS.	DIRECTOR, ARMY GEOSPATIAL CENTER
	MILITARY SURFACE DEPLOYMENT DISTRIBUTION COMMAND.	DIRECTOR, TRANSPORTATION ENGINEERING AGENCY/DIRECTOR JOINT DISTRIBUTION PROCESS ANALYSIS CENTER
		DEPUTY TO THE COMMANDER, SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
	OFFICE DEPUTY COMMANDING GENERAL	EXECUTIVE DEPUTY TO THE COMMANDING GENERAL
	OFFICE OF DEPUTY CHIEF OF STAFF FOR LOGISTICS AND OPERATIONS.	DEPUTY CHIEF OF STAFF FOR LOGISTICS, FACILITIES, AND ENVIRONMENT
		PRINCIPAL DEPUTY CHIEF OF STAFF, G-3 FOR OPERATIONS
	OFFICE OF DEPUTY CHIEF OF STAFF FOR PERSONNEL.	DEPUTY CHIEF OF STAFF FOR PERSONNEL
	OFFICE OF THE DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.	ASSISTANT DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT, G-8/EXECUTIVE DIRECTOR FOR BUSINESS
		DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT
	TANK-AUTOMOTIVE AND ARMAMENTS COMMAND (TANK-AUTOMOTIVE AND ARMAMENTS COMMAND).	DEPUTY TO THE COMMANDER
		DIRECTOR INTEGRATED LOGISTICS SUPPORT CENTER
	UNITED STATES ARMY COMMUNICATIONS ELECTRONICS COMMAND.	DIRECTOR, SOFTWARE ENGINEERING DIRECTORATE
		DEPUTY TO THE COMMANDING GENERAL, CECOM, LCMC
		DIR, COMMUNICATIONS-ELECTRONICS LIFE CYCLE MANAGEMENT CMD LOGISTICS AND READINESS CENTER
	UNITED STATES ARMY JOINT MUNITIONS COMMAND.	DEPUTY TO THE COMMANDER (AMMUNITION MANAGEMENT)
DEPARTMENT OF THE NAVY CHIEF OF NAVAL OPERATIONS	UNITED STATES ARMY AVIATION AND MISSILE COMMAND (ARMY MATERIEL COMMAND).	ARMY AVIATION AND MISSILE COMMAND DIRECTOR, SPECIAL PROGRAMS (AVIATION)
		DIRECTOR FOR TEST MEASUREMENT DIAGNOSTIC EQUIPMENT ACTIVITY
		DEPUTY TO THE COMMANDER
	UNITED STATES ARMY CONTRACTING COMMAND.	EXECUTIVE DIRECTOR, AVIATION AND MISSILE COMMAND LOGISTICS CENTER
		EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND—REDSTONE, AL
		DEPUTY TO THE COMMANDER, MISSION INSTALLATION CONTRACTING COMMAND
		EXECUTIVE DIRECTOR, ACC—WARREN
		EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND—ROCK ISLAND
		DEPUTY TO THE COMMANDING GENERAL, ARMY CONTRACTING COMMAND
		EXECUTIVE DIRECTOR, ARMY CONTRACTING COMMAND—ABERDEEN
	UNITED STATES ARMY FINANCIAL MANAGEMENT COMMAND.	DEPUTY TO THE COMMANDER FOR FINANCIAL MANAGEMENT OPERATIONS
	UNITED STATES ARMY SECURITY ASSISTANCE COMMAND.	DEPUTY TO THE COMMANDING GENERAL
	UNITED STATES ARMY SUSTAINMENT COMMAND.	DEPUTY TO THE COMMANDER
	UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND.	EXECUTIVE DIRECTOR, SUPPORT OPERATIONS DIRECTOR, HUMAN RESOURCES (IMCOM)
		REGIONAL DIRECTOR (PACIFIC)
		REGIONAL DIRECTOR (EUROPE)
		DIRECTOR IMCOM SUPPORT (SUSTAINMENT)
		DIRECTOR IMCOM SUPPORT (TRAINING)
		DIRECTOR IMCOM SUPPORT (READINESS)
		DIRECTOR OF FACILITIES AND LOGISTICS
		EXECUTIVE DPUTY TO COMMANDING GENERAL, IMCOM
DEPARTMENT OF THE NAVY CHIEF OF NAVAL OPERATIONS	DEPARTMENT OF THE NAVY	PROGRAM EXECUTIVE OFFICER INDUSTRIAL INFRASTRUCTURE
	BUREAU OF MEDICINE AND SURGERY	DIRECTOR, BUSINESS OPERATIONS/CONTROLLER
		EXECUTIVE DIRECTOR, BUREAU OF MEDICINE AND SURGERY
	COMMANDER, NAVY INSTALLATIONS COMMAND	DIRECTOR STRATEGY AND FUTURE REQUIREMENTS
		DIRECTOR OF OPERATIONS
		DIRECTOR, TOTAL FORCE MANPOWER
		COMPTROLLER
		COUNSEL, COMMANDER NAVY INSTALLATIONS COMMAND

Agency name	Organization name	Position title
DEPARTMENT OF THE NAVY	COMMANDER, SUBMARINE FORCES MILITARY SEALIFT COMMAND	EXECUTIVE DIRECTOR, COMMANDER NAVY IN- STALLATIONS COMMAND EXECUTIVE DIRECTOR, SUBMARINE FORCES DIRECTOR, MARITIME OPERATIONS DIRECTOR, SHIP MANAGEMENT EXECUTIVE DIRECTOR DIRECTOR, MILITARY SEALIFT COMMAND MAN- POWER AND PERSONNEL DIRECTOR, PROCUREMENT FOR PEO(A)
	NAVAL AIR SYSTEMS COMMAND HEAD- QUARTERS.	DEPUTY COUNSEL, OFFICE OF COUNSEL FLEET SUPPORT TEAM EXECUTIVE/CHIEF ENGI- NEER, FLEET READINESS CENTERS DIRECTOR, PROCUREMENT FOR PEO DEPUTY COMMANDER, NAVAL AIR SYSTEMS COMMAND ASSISTANT COMMANDER FOR CONTRACTS COMPTROLLER (2) DIRECTOR, PRODUCT SUPPORT MANAGEMENT INTEGRATION DIRECTOR, PROCUREMENT FOR PEO(T) DEPUTY ASSISTANT COMMANDER FOR RE- SEARCH AND ENGINEERING DIRECTOR, SUSTAINMENT GROUP DIRECTOR, ENGINEERING GROUP DIRECTOR COMMAND OPERATIONS GROUP COUNSEL, NAVAL AIR SYSTEMS COMMAND DEPARTMENT DIRECTOR, COST AND SCHEDULE ANALYSIS DEPARTMENT DIRECTOR OF CONTRACTS, F-35 JSF EXECUTIVE DIRECTOR, SYSTEMS ACQUISITION GROUP EXECUTIVE DIRECTOR, FLEET READINESS CEN- TERS EXECUTIVE DIRECTOR, AIR SYSTEMS GROUP F-35 PRODUCT SUPPORT MANAGER TECHNICAL/DEPUTY DIRECTOR
	NAVAL METEOROLOGY AND OCEANOGRAPHY COMMUNICATIONS, STENNIS SPACE CENTER, MISSISSIPPI.	DEPUTY COMMANDER DIRECTOR FLEET PERSONNEL DEVELOPMENT AND ALLOCATION DIRECTOR, FLEET INSTALLATION AND ENVIRON- MENT EXECUTIVE DIRECTOR/CHIEF OF STAFF DEPUTY DIRECTOR, MARITIME OPERATIONS EXECUTIVE DIRECTOR, NAVY WARFARE DEVEL- OPMENT COMMAND DIRECTOR, COMMAND, CONTROL, COMMUNICA- TIONS, COMPUTER COMBAT SYSTEMS, INTEL- LIGENCE, SURVEILLANCE AND RECONNAIS- SANCE DIRECTOR, NAVY WARFARE DEVELOPMENT CENTER DIRECTOR, JOINT TRAINING AND EXERCISES
	OFFICE OF THE COMMANDER, UNITED STATES PACIFIC COMMAND.	CHIEF INFORMATION OFFICER
	OFFICE OF THE COMMANDER, UNITED STATES PACIFIC FLEET.	DEPUTY DIRECTOR OF MARITIME OPERATIONS/ DIRECTOR PLANS AND POLICY DEPUTY FOR NAVAL MINE AND ANTI-SUB- MARINE WARFARE COMMAND EXECUTIVE DIRECTOR, NAVAL SURFACE FORCES EXECUTIVE DIRECTOR, TOTAL FORCE MANAGE- MENT CHIEF OF STAFF EXECUTIVE DIRECTOR FOR COMMUNICATIONS AND INFORMATION SYSTEMS AND CHIEF IN- FORMATION OFFICER
	UNITES STATES FLEET CYBER COMMAND/ UNITED STATES TENTH FLEET.	EXECUTIVE DIRECTOR, NAVAL AIR FORCES EXECUTIVE DIRECTOR AND CHIEF INFORMA- TION OFFICER
	CHIEF OF NAVAL OPERATIONS	DIRECTOR NAVAL HISTORY AND HERITAGE COMMAND ASSISTANT DEPUTY CHIEF OF NAVAL OPER- ATIONS, FLEET READINESS AND LOGISTICS DIRECTOR, ENTERPRISE SUPPORT DEPUTY DIRECTOR, AIR WARFARE ASSISTANT DEPUTY CHIEF OF NAVAL OPER- ATIONS (MANPOWER, PERSONNEL, TRAINING AND EDUCATION) DEPUTY DIRECTOR, PROGRAM DIVISION (N80B)

Agency name	Organization name	Position title
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS, WARFARE SYSTEMS DEPUTY DIRECTOR SURFACE WARFARE DIVISION DEPUTY DIRECTOR, EXPEDITIONARY WARFARE DIVISION DEPUTY DIRECTOR, UNDERSEA WARFARE DIVISION DIRECTOR, FLEET READINESS DEPUTY CHIEF OF NAVY RESERVE DIRECTOR, SPECIAL PROGRAMS DIVISION (N89) DIRECTOR NAVY STAFF SPECIAL ASSISTANT (KNOWLEDGE TRANSFER) DIRECTOR, PROBLEM SOLVING AND PROCESS IMPROVEMENT EXECUTIVE DIRECTOR, OPERATIONAL TEST AND EVALUATION FORCE (OPTEVFOR)(2) DEPUTY DIRECTOR, NAVY CYBERSECURITY DEPUTY COMMANDER DIRECTOR, DIGITAL WARFARE OFFICE DIRECTOR, STRATEGIC MOBILITY AND COMBAT LOGISTICS DIVISION DIRECTOR OF STRATEGY EXECUTIVE DIRECTOR, NAVAL SPECIAL WARFARE COMMAND HEAD, CAMPAIGN ANALYSIS BRANCH DIRECTOR ASSESSMENT DIVISION (N8 1B) ASSISTANT DCNO, INTEGRATION OF CAPABILITIES AND RESOURCES FINANCIAL MANAGER AND CHIEF RESOURCES OFFICER FOR MANPOWER, PERSONNEL, TRAINING AND EDUCATION DEPUTY DIRECTOR, WARFARE INTEGRATION ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS FOR INFORMATION DOMINANCE (N2/N6) DIRECTOR, COMMUNICATIONS AND NETWORK DIVISION (N2/N6F1) CHIEF ENGINEER, MARINE CORPS SYSTEMS COMMAND EXECUTIVE DIRECTOR ASSISTANT DEPUTY COMMANDANT FOR INFORMATION DEPUTY TO THE COMMANDER FOR RESOURCE MANAGEMENT DEPUTY COMMANDER, ACQUISITION EXECUTIVE DIRECTOR DIRECTOR, NAVY CRANE CENTER DIRECTOR OF PUBLIC WORKS COUNSEL, NAVAL FACILITIES ENGINEERING COMMAND ASSISTANT COMMANDER/CHIEF MANAGEMENT OFFICER COMPTROLLER PROGRAM EXECUTIVE OFFICER INDUSTRIAL INFRASTRUCTURE CHIEF ENGINEER DIRECTOR OF ASSEST MANAGEMENT DIRECTOR, CONTRACTS DIRECTOR, READINESS/LOGISTICS DIRECTORATE DEPUTY CHIEF ENGINEER PEO MANPOWER, LOGISTICS AND BUSINESS SOLUTIONS DEPUTY DIRECTOR, PROJECT OVERMATCH EXECUTIVE DIRECTOR, FLEET READINESS DIRECTORATE DIRECTOR CORPORATE OPERATIONS ASSISTANT CHIEF ENGINEER FOR MISSION CAPABILITY ASSISTANT CHIEF ENGINEER FOR MISSION ARCHITECTURE EXECUTIVE DIRECTOR DEPUTY DIRECTOR, REACTOR REFUELING DIVISION DIRECTOR FOR AIRCRAFT CARRIER DESIGN AND SYSTEMS ENGINEERING DIRECTOR, SURFACE SYSTEMS CONTRACTS DIVISION EXECUTIVE DIRECTOR, SHIP DESIGN, AND ENGINEERING DIRECTORATE
	MARINE CORPS SYSTEMS COMMAND	
	NAVAL FACILITIES ENGINEERING COMMAND	
	NAVAL INFORMATION AND WARFARE SYSTEMS COMMAND.	
	NAVAL SEA SYSTEMS COMMAND	

Agency name	Organization name	Position title
		HEAD, ADVANCED REACTOR BRANCH COUNSEL, NAVAL SEA SYSTEMS COMMAND DIRECTOR FOR CONTRACTS DIRECTOR, REACTOR MATERIALS DIVISION DIRECTOR FOR SURFACE SHIP DESIGN AND SYSTEMS ENGINEERING DIRECTOR, COST ENGINEERING AND INDUS- TRIAL ANALYSIS DIRECTOR, SHIPBUILDING CONTRACTS DIVI- SION ASSISTANT DEPUTY COMMANDER FOR INDUS- TRIAL OPERATIONS DEPUTY FOR WEAPONS SAFETY DEPUTY COMMANDER, CORPORATE OPER- ATIONS DIRECTORATE EXECUTIVE DIRECTOR FOR LOGISTICS MAINTENANCE AND INDUSTRIAL OPERATIONS DIREC- TORATE EXECUTIVE DIRECTOR, IN-SERVICE SUB- MARINES DIRECTOR, REACTOR PLANT COMPONENTS AND AUXILIARY EQUIPMENT DIVISION DIRECTOR, SURFACE SHIP SYSTEMS DIVISION DIRECTOR, REACTOR SAFETY AND ANALYSIS DIVISION DIRECTOR FOR SUBMARINE/SUBMERSIBLE DE- SIGN AND SYSTEMS ENGINEERING PROGRAM MANAGER FOR COMMISSIONED SUB- MARINES DIRECTOR RESOURCES MANAGEMENT DIVI- SION DEPUTY COMMANDER/COMPTROLLER DIRECTOR, REACTOR REFUELING DIVISION EXECUTIVE DIRECTOR DIRECTOR, NUCLEAR COMPONENTS DIVISION DIRECTOR OF RADIOLOGICAL CONTROLS EXECUTIVE DIRECTOR, UNDERSEA INTEGRA- TION (PEO SUB C) DEPUTY DIRECTOR, ADVANCED AIRCRAFT CAR- RIER SYSTEM DIVISION DIRECTOR, FLEET READINESS DIVISION DIVISION TECHNICAL DIRECTOR, NSWV CO- RONA DIVISION EXECUTIVE DIRECTOR FOR COMMANDER, NAVY REGIONAL MAINTENANCE CENTERS (CNRMC) DIVISION TECHNICAL DIRECTOR, NAVAL SUR- FACE WARFARE CENTER, PHILADELPHIA DIVI- SION EXECUTIVE DIRECTOR NAVAL SURFACE AND UNDERSEA WARFARE CENTERS NUCLEAR ENGINEERING AND PLANNING MAN- AGER DIVISION TECHNICAL DIRECTOR, NAVAL SUR- FACE WARFARE CENTER PORT HUENEME DI- VISION DIRECTOR, INTEGRATED WARFARE SYSTEMS ENGINEERING GROUP DIRECTOR FOR SHIP INTEGRITY AND PER- FORMANCE ENGINEERING EXECUTIVE DIRECTOR, SURFACE SHIP MAINTENANCE AND MODERNIZATION DIRECTORATE DIRECTOR, FLEET SUPPORT CONTRACTS DIVI- SION ASSISTANT COMMANDER, SUPPLY CHAIN TECH- NOLOGY AND SYSTEM INTEGRATION DIRECTOR FOR MARINE ENGINEERING CHIEF LOGISTICIAN—AVIATION EXECUTIVE STRATEGIC INITIATIVES DIRECTOR, NAVY SYSTEMS MANAGEMENT AC- TIVITY ASSISTANT COMMANDER FOR CONTRACTING MANAGEMENT ASSISTANT CDR FOR FINANCIAL MANAGEMENT/ COMPTROLLER COUNSEL, NAVAL SUPPLY SYSTEMS COMMAND ASSISTANT COMMANDER FOR CORPORATE OP- ERATIONS VICE COMMANDER OFFICE OF NAVAL RESEARCH DIRECTOR, ELECTRONICS, SENSORS, AND NET- WORKS RESEARCH DIVISION DIRECTOR FOR AEROSPACE SCIENCE RE- SEARCH DIVISION

Agency name	Organization name	Position title
	OFFICE OF THE SECRETARY OF THE NAVY UNITED STATES MARINE CORPS HEAD- QUARTERS OFFICE.	DIRECTOR, OCEAN, ATMOSPHERE AND SPACE RESEARCH DIVISION NAVAL ACCELERATOR EXECUTIVE PATENT COUNSEL OF THE NAVY COUNSEL, OFFICE OF NAVAL RESEARCH HEAD, WARFIGHTER PERFORMANCE SCIENCE AND TECHNOLOGY DEPARTMENT HEAD, OCEAN, BATTLESPACE SENSING SCIENCE AND TECHNOLOGY DEPARTMENT HEAD MISSION CAPABLE PRSTNT AND SURVIV- ABLE NAVAL PLTFRM DEPARTMENT COMPTROLLER DIRECTOR, CONTRACTS, GRANTS AND ACQUISI- TIONS HEAD, COMMAND, CONTROL, COMMUNICA- TIONS, INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE (C4ISR) SCIENCE AND TECHNOLOGY DEPARTMENT DIRECTOR, MATHEMATICS COMPUTER AND IN- FORMATION SCIENCES (MCIS) DIVISION HEAD, AIR WARFARE AND WEAPONS SCIENCE AND TECHNOLOGY DEPARTMENT DIRECTOR, MISSION SUPPORT DIRECTOR, HUMAN AND BIOENGINEERED SYS- TEMS DIVISION EXECUTIVE DIRECTOR DEPUTY ASSISTANT FOR ADMINISTRATION ASSISTANT DEPUTY COMMANDANT, RE- SOURCES (PERSONNEL AND READINESS) DEPUTY DIRECTOR, MANPOWER PLANS AND POLICY DIVISION EXECUTIVE DEPUTY, MARINE CORPS LOGIS- TICS COMMAND ASSISTANT DEPUTY COMMANDANT FOR MAN- POWER AND RESERVE AFFAIRS ASSISTANT DEPUTY COMMANDANT FOR PLANS POLICIES AND OPERATIONS (SECURITY) DIRECTOR PACIFIC DIVISION, PLANS, POLICIES AND OPERATIONS DEPUTY COUNSEL FOR THE COMMANDANT OF THE MARINE CORPS ASSISTANT DEPUTY COMMANDANT FOR EVAL- UATION DIRECTOR, COMMUNICATION DIRECTORATE ASSISTANT DEPUTY COMMANDANT FOR AVIA- TION (SUSTAINMENT) DEPUTY ASSISTANT DEPUTY COMMANDANT, IN- STALLATIONS AND LOGISTICS (FACILITIES) ASSISTANT DEPUTY COMMANDANT, INSTALLA- TIONS AND LOGISTICS (E-BUSINESS AND CONTRACTS) COUNSEL FOR THE COMMANDANT ASSISTANT DEPUTY COMMANDANT, INSTALLA- TIONS AND LOGISTICS ASSISTANT DEPUTY COMMANDANT FOR PRO- GRAMS AND RESOURCES/FISCAL DIRECTOR OF THE MARINE CORPS EXECUTIVE DIRECTOR, MARINE FORCES COM- MAND EXECUTIVE DEPUTY TRAINING AND EDUCATION COMMAND EXECUTIVE DIRECTOR, MARINE FORCES RE- SERVE EXECUTIVE DIRECTOR, NAWCAD MISSION SYS- TEM AND DIGITAL ANALYTICS INFORMATION AND TECHNICAL ADVANCE DIRECTOR, FLIGHT TEST ENGINEERING DEPUTY ASSISTANT COMMANDER FOR TEST AND EVALUATION/EXECUTIVE DIRECTOR NAVAL AIR WARFARE CENTER AIRCRAFT DIVI- SION/DIRECTOR, TEST AND EVALUATION NAWCAD EXECUTIVE DIRECTOR, NAWCAD LAKEHURST EXECUTIVE DIRECTOR, NAWCTSD
MARINE CORPS SYSTEMS COMMAND	MARINE CORPS COMBAT DEVELOPMENT COM- MAND; QUANTICO, VIRGINIA. MARINE FORCES RESERVE, NEW ORLEANS, LA	EXECUTIVE DEPUTY TRAINING AND EDUCATION COMMAND EXECUTIVE DIRECTOR, MARINE FORCES RE- SERVE
NAVAL AIR SYSTEMS COMMAND HEAD- QUARTERS.	NAVAL AIR WARFARE CENTER AIRCRAFT DIVI- SION. NAVAL AIR WARFARE CENTER TRAINING SYS- TEMS DIVISION. NAVAL AIR WARFARE CENTER WEAPONS DIVI- SION, CHINA LAKE, CALIFORNIA.	EXECUTIVE DIRECTOR, NAWCAD MISSION SYS- TEM AND DIGITAL ANALYTICS INFORMATION AND TECHNICAL ADVANCE DIRECTOR, FLIGHT TEST ENGINEERING DEPUTY ASSISTANT COMMANDER FOR TEST AND EVALUATION/EXECUTIVE DIRECTOR NAVAL AIR WARFARE CENTER AIRCRAFT DIVI- SION/DIRECTOR, TEST AND EVALUATION NAWCAD EXECUTIVE DIRECTOR, NAWCAD LAKEHURST EXECUTIVE DIRECTOR, NAWCTSD DIRECTOR, RANGE/TEST OPERATIONS AND IN- FRASTRUCTURE GROUP DIRECTOR, RESEARCH AND DEVELOPMENT GROUP PRODUCT DIRECTOR, TARGETING AND KINETIC EFFECTS

Agency name	Organization name	Position title
NAVAL INFORMATION AND WARFARE SYSTEMS COMMAND.	NAVAL INFORMATION AND WARFARE SYSTEMS CENTER.	EXECUTIVE DIRECTOR, NAVAL AIR WARFARE CENTER WEAPONS DIVISION/DIRECTOR, RESEARCH ENGINEERING PRODUCT DIRECTOR, AIR WING INTEGRATION AND INTEROPERABILITY/ELECTRONIC WARFARE EFFECTS DIRECTOR, LONG RANGE FIRES OFFICE COMPTROLLER/BUSINESS RESOURCE MANAGER COUNSEL, SPACE AND NAVAL WARFARE SYSTEMS COMMAND DIRECTOR, SCIENCE AND TECHNOLOGY EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR
NAVAL SEA SYSTEMS COMMAND	NAVAL SHIPYARDS	NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER, NORFOLK NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER, PUGET SOUND NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER; PORTSMOUTH NAVAL SHIPYARD
	NAVAL SURFACE WARFARE CENTER	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER DAHLGREN DIVISION
	NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION.	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION
	NAVAL SURFACE WARFARE CENTER, CRANE DIVISION.	DIVISION TECHNICAL DIRECTOR, NSWCRANE DIVISION
	NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION.	DIVISION TECHNICAL DIRECTOR NAVAL SURFACE WARFARE CENTER PANAMA CITY DIVISION
	NAVAL SURFACE WARFARE CENTER, INDIAN HEAD DIVISION.	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER INDIAN HEAD EXPLOSIVE ORDNANCE DISPOSAL TECHNOLOGY DIVISION
	NAVAL UNDERSEA WARFARE CENTER DIVISION, KEYPORT, WASHINGTON.	DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION KEYPORT
	NAVAL UNDERSEA WARFARE CENTER DIVISION, NEWPORT, RHODE ISLAND.	DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION NEWPORT
NAVAL SUPPLY SYSTEMS COMMAND HEAD-QUARTERS.	NAVY SUPPLY INFORMATION SYSTEMS ACTIVITY.	DIRECTOR OF FINANCE/COMPTROLLER
	WEAPON SYSTEMS SUPPORT	VICE COMMANDER, NAVSUP WEAPON SYSTEMS SUPPORT
OFFICE OF NAVAL RESEARCH	NAVAL RESEARCH LABORATORY	SUPERINTENDENT, SPACE SCIENCES DIVISION SUPERINTENDENT, PLASMA PHYSICS DIVISION SUPERINTENDENT, ELECTRONICS SCIENCE AND TECHNOLOGY DIVISION SUPERINTENDENT, REMOTE SENSING DIVISION SUPERINTENDENT, ACOUSTICS DIVISION DIRECTOR OF RESEARCH ASSOCIATE DIRECTOR OF RESEARCH FOR MATERIAL SCIENCE AND COMPONENT TECHNOLOGY SUPERINTENDENT, TACTICAL ELECTRONIC WARFARE DIVISION ASSOCIATE DIRECTOR OF RESEARCH FOR BUSINESS OPERATIONS ASSOCIATE DIRECTOR OF RESEARCH FOR OCEAN AND ATMOSPHERIC SCIENCE AND TECHNOLOGY ASSOCIATE DIRECTOR OF RESEARCH FOR SYSTEMS SUPERINTENDENT, SPACE SYSTEMS DEVELOPMENT DEPARTMENT SUPERINTENDENT, RADAR DIVISION SUPERINTENDENT, OCEAN SCIENCES DIVISION SUPERINTENDENT, MATERIAL SCIENCE AND TECHNOLOGY DIVISION SUPERINTENDANT, INFORMATION TECHNOLOGY DIVISION SUPERINTENDENT, MARINE METEOROLOGY DIVISION DIRECTOR, NAVAL CENTER FOR SPACE TECHNOLOGY SUPERINTENDENT, OPTICAL SCIENCES DIVISION SUPERINTENDENT CHEMISTRY DIVISION DIRECTOR, OFFICE OF CIVILIAN HUMAN RESOURCES DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS DEPARTMENT DIRECTOR, HUMAN RESOURCES OPERATIONS
OFFICE OF THE ASSISTANT SECRETARY OF NAVY (MANPOWER AND RESERVE AFFAIRS).	OFFICE OF CIVILIAN HUMAN RESOURCES	

Agency name	Organization name	Position title
OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION).	PROGRAM EXECUTIVE OFFICERS	DIRECTOR, PRODUCTION DEPLOYMENT AND FLEET READINESS DEPUTY PROGRAM EXECUTIVE OFFICER FOR UNMANNED AVIATION PROGRAMS DEPUTY PROGRAM EXECUTIVE OFFICERS AIR ASSAULT AND SPECIAL MISSION EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR INTEGRATED WARFARE SYSTEMS EXECUTIVE DIRECTOR, COMBATANTS, PROGRAM EXECUTIVE OFFICERS SHIPS EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR AIRCRAFT CARRIERS DEPUTY PROGRAM EXECUTIVE OFFICERS FOR STRIKE WEAPONS DEPUTY PROGRAM EXECUTIVE OFFICERS FOR TACTICAL AIR PROGRAMS EXECUTIVE DIRECTOR, AMPHIBIOUS, AUXILIARY AND SEALIFT SHIPS, PROGRAM EXECUTIVE OFFICERS SHIPS EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE SUBMARINES EXECUTIVE DIRECTOR FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INTELLIGENCE (C4I) EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, LITTORAL COMBAT SHIPS DIRECTOR, DEVELOPMENT AND INTEGRATION PROGRAM EXECUTIVE OFFICER DIGITAL AND ENTERPRISE SERVICES EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, COLUMBIA
	STRATEGIC SYSTEMS PROGRAMS	TECHNICAL PLANS OFFICER DIRECTOR, INTEGRATED NUCLEAR WEAPONS SAFETY AND SECURITY BRANCH HEAD REENTRY SYSTEMS BRANCH ASSISTANT FOR MISSILE PRODUCTION, ASSEMBLY AND OPERATIONS DIRECTOR, PLANS AND PROGRAMS DIVISION CHIEF ENGINEER ASSISTANT FOR SHIPBOARD SYSTEMS HEAD, RESOURCES BRANCH (COMPTROLLER) AND DEPUTY DIRECTOR, PLANS AND PROGRAM DIVISION ASSISTANT FOR SYSTEMS INTEGRATION AND COMPATIBILITY
OFFICE OF THE SECRETARY OF THE NAVY	NAVAL CRIMINAL INVESTIGATIVE SERVICE	CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR CRIMINAL OPERATIONS DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR ATLANTIC OPERATIONS CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR PACIFIC OPERATIONS CRIMINAL INVESTIGATOR, DEPUTY DIRECTOR OPERATIONAL SUPPORT CRIMINAL INVESTIGATOR, DEPUTY DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR GLOBAL OPERATIONS
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT).	DEPUTY ASSISTANT SECRETARY OF THE NAVY (ENVIRONMENT) EXECUTIVE DIRECTOR PUBLIC PRIVATE PARTNERSHIP REVIEWS PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT) ASSISTANT GENERAL COUNSEL (ENERGY, INSTALLATIONS AND ENVIRONMENT)
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (FINANCIAL MANAGEMENT AND COMPTROLLER).	DEPUTY DASN FINANCIAL MANAGEMENT SYSTEMS (SYSTEMS TRANSFORMATION) ASSOCIATE DIRECTOR, OFFICE OF BUDGET/FISCAL MANAGEMENT DIVISION ASSISTANT GENERAL COUNSEL (FINANCIAL MANAGEMENT AND COMPTROLLER) DIRECTOR, INVESTMENT AND DEVELOPMENT DIVISION

Agency name	Organization name	Position title
		DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR FINANCIAL OPERATIONS DASN FINANCIAL MANAGEMENT SYSTEMS DIRECTOR, DATA AND DIGITAL TRANS- FORMATION DEPUTY DIRECTOR, FINANCIAL SYSTEMS PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE NAVY FINANCIAL MANGEMENT AND COMPTROLLER DIRECTOR, PROGRAM/BUDGET COORDINATION DIVISION DIRECTOR, POLICY AND PROCEDURES PRINCIPAL DEPUTY MANPOWER AND RESERVE AFFAIRS ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DIRECTOR, MANPOWER, ANALYTICS AND HUMAN RESOURCE SYSTEM DIRECTOR, FORCE RESILIENCY DEPUTY ASSISTANT SECRETARY OF THE NAVY (MILITARY MANPOWER AND PERSONNEL) DEPUTY ASSISTANT SECRETARY OF THE NAVY (CIVILIAN PERSONNEL) DIRECTOR, TECHNOLOGY SECURITY AND CO- OPERATIVE PROGRAMS DIRECTORATE CHIEF SYSTEMS ENGINEER DIRECTOR, CONTRACTS ASSISTANT GENERAL COUNSEL (RESEARCH, DEVELOPMENT AND ACQUISITION) EXECUTIVE DIRECTOR, DEPUTY ASSISTANT SECRETARY OF THE NAVY (ACQUISITION AND PROCUREMENT) EXECUTIVE DIRECTOR, NAVY INTERNATIONAL PROGRAMS OFFICE DEPUTY ASSISTANT SECRETARY OF THE NAVY (SHIPS) DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR INFORMATION WARFARE AND ENTER- PRISE SERVICES PRINCIPAL CIVILIAN DEPUTY ASSISTANT SEC- RETARY OF THE NAVY (RESEARCH, DEVELOP- MENT AND ACQUISITION) DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR ACQUISITION PROGRAMS AND BUDGET DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR AIR/GROUND PROGRAMS DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR SUSTAINMENT DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR PROCUREMENT DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, TEST AND ENGINEERING TEST AND EVALUATION EXECUTIVE PEO FOR AVIATION COMMON SYSTEMS AND COMMERCIAL SERVICES PROGRAM EXECUTIVE OFFICER, LAND SYS- TEMS MARINE CORPS EXECUTIVE DIRECTOR, F-35, JOINT PROGRAM OFFICE OFFICE OF THE GENERAL COUNSEL DEPUTY GENERAL COUNSEL COUNSEL, MILITARY SEALIFT COMMAND ASSISTANT GENERAL COUNSEL (ENERGY, IN- STALLATIONS, AND ENVIRONMENT) DEPUTY COUNSEL NAVAL SEA SYSTEMS COM- MAND ASSISTANT GENERAL COUNSEL (INTELLIGENCE) COUNSEL, STRATEGIC SYSTEMS PROGRAM PRINCIPAL DEPUTY GENERAL COUNSEL ASSOCIATIE GENERAL COUNSEL (LITIGATION)/ DIRECTOR, NAVY LITIGATION OFFICE ASSISTANT GENERAL COUNSEL (ACQUISITION INTEGRITY) SPECIAL COUNSEL FOR LITIGATION OFFICE OF THE NAVAL INSPECTOR GENERAL DEPUTY NAVAL INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL OF THE MARINE CORPS OFFICE OF THE UNDER SECRETARY OF THE SENIOR DIRECTOR, INTEGRATION SUPPORT DI- NAVY. RECTORATE SENIOR DIRECTOR FOR SECURITY AND INTEL- LIGENCE

Agency name	Organization name	Position title
OFFICE OF THE UNDER SECRETARY OF THE NAVY.	OFFICE OF THE AUDITOR GENERAL	PRINCIPAL DIRECTOR DEPUTY UNDER SECRETARY OF THE NAVY (POLICY)
UNITED STATES MARINE CORPS HEAD-QUARTERS OFFICE.	MARINE FORCES PACIFIC, HAWAII	DIRECTOR FOR BUSINESS REFORM AND DIRECTOR, OFFICE OF THE CHIEF MANAGEMENT OFFICE
OFFICE OF THE SECRETARY OF DEFENSE OFFICE OF THE INSPECTOR GENERAL.		AUDITOR GENERAL OF THE NAVY
DEPUTY INSPECTOR GENERAL FOR AUDITING ...	OFFICE OF THE PRINCIPAL DEPUTY INSPECTOR GENERAL FOR AUDITING.	EXECUTIVE DIRECTOR, MARINE FORCES PACIFIC
OFFICE OF THE INSPECTOR GENERAL	DIVERSITY AND INCLUSION AND EXTREMISM IN THE MILITARY (DIEM).	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING
OFFICE OF THE SECRETARY OF DEFENSE OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL FOR ADMINISTRATIVE INVESTIGATIONS.	DEPUTY INSPECTOR GENERAL FOR DIVERSITY AND INCLUSION AND EXTREMISM IN THE MILITARY
	DEPUTY INSPECTOR GENERAL ADMINISTRATIVE INVESTIGATIONS.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATIVE INVESTIGATIONS
	DEPUTY INSPECTOR GENERAL FOR AUDITING ...	ASSISTANT INSPECTOR GENERAL FOR READINESS AND CYBER OPERATIONS
		ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND SUSTAINMENT MANAGEMENT
		ASSISTANT INSPECTOR GENERAL FOR FINANCIAL MANAGEMENT AND REPORTING
		DEPUTY INSPECTOR GENERAL FOR AUDIT (2)
		ASSISTANT INSPECTOR GENERAL FOR READINESS AND GLOBAL OPERATIONS
	DEPUTY INSPECTOR GENERAL FOR EVALUATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, INTERNAL OPERATIONS
		DEPUTY INSPECTOR GENERAL FOR EVALUATIONS
		ASSISTANT INSPECTOR GENERAL FOR PROGRAM, COMBATANT COMMAND (COCOM), AND OVERSEAS CONTINGENCY OPERATIONS (OCO)
		ASSISTANT INSPECTOR GENERAL FOR SPACE, INTELLIGENCE, ENGINEERING, AND OVERSIGHT
	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS/INVESTIGATIVE OPERATIONS
		DEPUTY DIRECTOR DEFENSE CRIMINAL INVESTIGATIVE SERVICE
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL
	OFFICE OF THE INSPECTOR GENERAL	PRINCIPAL DEPUTY GENERAL COUNSEL
		CHIEF INFORMATION OFFICER
		ASSISTANT INSPECTOR GENERAL FOR LEGISLATIVE AFFAIRS AND COMMUNICATIONS
		ASSISTANT INSPECTOR GENERAL FOR STRATEGIC PLANNING AND PERFORMANCE
		ASSISTANT INSPECTOR GENERAL FOR DATA ANALYTICS
		DEPUTY INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS
		DEPUTY CHIEF OF STAFF
DEFENSE NUCLEAR FACILITIES SAFETY BOARD	DEFENSE NUCLEAR FACILITIES SAFETY BOARD	PRINCIPAL DEPUTY INSPECTOR GENERAL
		SPECIAL ASSISTANT TO THE CHAIRMAN
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR PROGRAMS AND ANALYSIS
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR WEAPON PROGRAMS
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR MATERIALS PROCESSING AND STABILIZATION
		TECHNICAL DIRECTOR
		GENERAL MANAGER
		DEPUTY TECHNICAL DIRECTOR
		ASSOCIATE TECHNICAL DIRECTOR, NUCLEAR FACILITY INFRASTRUCTURE AND PROJECTS
		ASSOCIATE TECHNICAL DIRECTOR FOR FIELD OPERATIONS
DEPARTMENT OF EDUCATION.		
OFFICE OF THE SECRETARY	FEDERAL STUDENT AID	DIRECTOR, FINANCIAL MANAGEMENT SYSTEMS GROUP
		CHIEF FINANCIAL OFFICER
	INSTITUTE OF EDUCATION SCIENCES	ASSOCIATE COMMISSIONER, ASSESSMENTS DIVISION
	OFFICE FOR CIVIL RIGHTS	DEPUTY ASSISTANT SECRETARY FOR ENFORCEMENT
		ENFORCEMENT DIRECTOR (4)

Agency name	Organization name	Position title
DEPARTMENT OF EDUCATION OFFICE OF THE INSPECTOR GENERAL.	.	SENIOR LEGAL ADVISOR DEPUTY ASSISTANT SECRETARY FOR ACQUISITION AND GRANTS ADMINISTRATION DEPUTY ASSISTANT SECRETARY, SECURITY, FACILITIES AND LOGISTICAL SERVICES DEPUTY CHIEF HUMAN CAPITAL OFFICER DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES CHAIRPERSON, EDUCATION APPEAL BOARD
	OFFICE OF FINANCIAL OPERATIONS	DIRECTOR, CONTRACTS AND ACQUISITIONS MANAGEMENT DEPUTY CHIEF FINANCIAL OFFICER, FINANCIAL MANAGEMENT DIRECTOR, FINANCIAL IMPROVEMENT AND POST AUDIT OPERATIONS
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, INFORMATION ASSURANCE SERVICES AND CHIEF INFORMATION SECURITY OFFICER CHIEF INFORMATION OFFICER
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	ASSISTANT GENERAL COUNSEL, DIVISION OF POSTSECONDARY EDUCATION ASSISTANT GENERAL COUNSEL FOR BUSINESS AND ADMINISTRATION LAW ASSISTANT GENERAL COUNSEL FOR EDUCATIONAL EQUITY
	OFFICE OF THE GENERAL COUNSEL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR TECHNOLOGY SERVICES DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES ASSISTANT INSPECTOR GENERAL FOR TECHNOLOGY SERVICES ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT SERVICES DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES ASSISTANT INSPECTOR GENERAL FOR LEGAL SERVICES AND COUNSEL TO THE INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES
DEPARTMENT OF ENERGY. ASSISTANT SECRETARY FOR ELECTRICITY	OFFICE OF THE INSPECTOR GENERAL	
	BONNEVILLE POWER ADMINISTRATION	VICE PRESIDENT, ENVIRONMENT, FISH AND WILDLIFE VICE PRESIDENT, NORTHWEST REQUIREMENTS MARKETING VICE PRESIDENT FOR TRANSMISSION FIELD SERVICES VICE PRESIDENT, PLANNING AND ASSET MANAGEMENT VICE PRESIDENT FOR ENGINEERING AND TECHNICAL SERVICES SENIOR VICE PRESIDENT FOR POWER SERVICES VICE PRESIDENT, TRANSMISSION MARKETING AND SALES CHIEF WORKFORCE AND STRATEGY OFFICER SENIOR VICE PRESIDENT TRANSMISSION SERVICES CHIEF OPERATING OFFICER VICE PRESIDENT, BULK MARKETING EXECUTIVE VICE PRESIDENT INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER EXECUTIVE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER VICE PRESIDENT FOR GENERATION ASSET MANAGEMENT CHIEF ADMINISTRATIVE OFFICER EXECUTIVE VICE PRESIDENT, COMPLIANCE AND RISK MANAGEMENT VICE PRESIDENT TRANSMISSION SYSTEM OPERATIONS VICE PRESIDENT, ENERGY EFFICIENCY GENERAL COUNSEL/EXECUTIVE VICE PRESIDENT DEPUTY ADMINISTRATOR, OFFICE OF POWER DELIVERY
	SOUTHWESTERN POWER ADMINISTRATION	

Agency name	Organization name	Position title
ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT. DEPARTMENT OF ENERGY	WESTERN AREA POWER ADMINISTRATION	TRANSMISSION INFRASTRUCTURE PROGRAM MANAGER DESERT SOUTHWEST REGIONAL MANAGER CHIEF INFORMATION OFFICER CHIEF ADMINISTRATIVE OFFICER CHIEF OPERATING OFFICER CHIEF FINANCIAL OFFICER GENERAL COUNSEL AND SENIOR VICE PRESI- DENT REGIONAL MANAGER, UPPER GREAT PLAINS REGION REGIONAL MANAGER, ROCKY MOUNTAIN RE- GION REGIONAL MANAGER, SIERRA NEVADA REGION CHIEF COUNSEL
	ENVIRONMENTAL MANAGEMENT CONSOLI- DATED BUSINESS CENTER. SAVANNAH RIVER OPERATIONS OFFICE	DIRECTOR FOR SPECIAL PROJECTS CHIEF COUNSEL
	ADVANCED RESEARCH PROJECTS AGENCY— ENERGY. ASSISTANT SECRETARY FOR ELECTRICITY	CHIEF OPERATING OFFICER DEPUTY ASSISTANT SECRETARY, ENERGY RE- SILIENCE SENIOR ADVISOR
	ASSISTANT SECRETARY FOR ENERGY EFFI- CIENCY AND RENEWABLE ENERGY.	CHIEF COUNSEL, GOLDEN FIELD OFFICE DIRECTOR, OFFICE OF BUSINESS SERVICES MANAGEMENT MANAGER, IDAHO CLEANUP PROJECT
	ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT.	SENIOR PROJECT MANAGEMENT ADVISOR FOR CORPORATE SERVICES SENIOR ADVISOR (2) DIRECTOR FOR REGULATORY, INTERGOVERN- MENTAL AND STAKEHOLDER ENGAGEMENT SENIOR ADVISOR FOR ENVIRONMENTAL MAN- AGEMENT SITE MANAGER, OAK RIDGE OFFICE OF ENVI- RONMENTAL MANAGEMENT DEPUTY MANAGER, IDAHO CLEANUP PROJECT DIRECTOR FOR ARTIFICIAL INTELLIGENCE AND SPECIAL PROJECTS ASSOCIATE LABORATORY DIRECTOR FOR RE- SEARCH AND INNOVATION DEPUTY DIRECTOR AND CHIEF TECHNOLOGY OFFICER CHIEF INFORMATION OFFICER AND CHIEF SE- CURITY OFFICER DIRECTOR, CARBON MANAGEMENT TECH- NOLOGIES DEPUTY DIRECTOR AND CHIEF RESEARCH OF- FICER CHIEF OPERATING OFFICER AND DIRECTOR FOR LABORATORY OPERATIONS EXECUTIVE DIRECTOR, FINANCE, ACQUISITION AND CHIEF FINANCIAL OFFICER PROJECT MANAGER, STRATEGIC PETROLEUM RESERVE CHIEF COUNSEL
	ASSISTANT SECRETARY FOR FOSSIL ENERGY ...	DEPUTY ASSISTANT SECRETARY FOR ASIA AND THE AMERICAS DEPUTY ASSISTANT SECRETARY FOR EUROPE, EURASIA, AFRICA AND THE MIDDLE EAST ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR INFRASTRUCTURE PROGRAMS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR REACTOR FLEET AND ADVANCED REAC- TOR DEPLOYMENT PROGRAM DIRECTOR, VERSATILE TEST REAC- TOR PROJECT DEPUTY ASSISTANT SECRETARY, SPENT FUEL AND WASTE DISPOSITION DEPUTY MANAGER FOR NUCLEAR ENERGY FA- CILITIES AND OPERATIONS CHIEF OPERATING OFFICER DIRECTOR OFFICE OF USED NUCLEAR FUEL DISPOSITION RESEARCH AND DEVELOPMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR FUEL CYCLE AND SUPPLY DIRECTOR, OFFICE OF NUCLEAR SAFETY
	ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS.	DIRECTOR, OFFICE OF ENVIRONMENTAL PRO- TECTION SUSTAINABILITY DEPUTY DIRECTOR FOR SECURITY
	ASSISTANT SECRETARY FOR NUCLEAR EN- ERGY.	
	ASSOCIATE UNDER SECRETARY FOR ENVIRON- MENT, HEALTH, SAFETY AND SECURITY.	

Agency name	Organization name	Position title
	IDAHO OPERATIONS OFFICE	MANAGER, IDAHO OPERATIONS OFFICE
		DEPUTY MANAGER FOR NUCLEAR ENERGY
	LOAN PROGRAMS OFFICE	PROGRAM SUPPORT AND EXECUTION
		DIRECTOR, LOAN ORIGINATION DIVISION
		SENIOR ADVISOR
		DIRECTOR, RISK MANAGEMENT
		CHIEF COUNSEL
	NATIONAL NUCLEAR SECURITY ADMINISTRA-	DIRECTOR, PORTFOLIO MANAGEMENT DIVISION
	TION.	DEPUTY DIRECTOR, INSTRUMENTATION AND
		CONTROL DIVISION
		MANAGER, LIVERMORE FIELD OFFICE
		MANAGER, SANDIA FIELD OFFICE
		FEDERAL PROJECT DIRECTOR, CHEMISTRY
		AND METALLURGY RESEARCH REPLACEMENT
		FACILITY
		DEPUTY ASSOCIATE ADMINISTRATOR FOR EN-
		TERPRISE STEWARDSHIP
		DIRECTOR, OFFICE OF NUCLEAR INCIDENT RE-
		SPONSE
		DEPUTY ASSOCIATE ADMINISTRATOR FOR
		SAFETY
		ASSOCIATE DEPUTY ADMINISTRATOR FOR SE-
		CURE TRANSPORTATION
		ASSOCIATE PRINCIPAL DEPUTY ADMINIS-
		TRATOR
		DIRECTOR, OFFICE OF COST ESTIMATING AND
		PROGRAM EVALUATION
		ASSISTANT DEPUTY ADMINISTRATOR, FOR
		GLOBAL MATERIAL SECURITY
		ASSOCIATE ASSISTANT DEPUTY ADMINIS-
		TRATOR, FOR GLOBAL MATERIAL SECURITY
		ASSOCIATE ADMINISTRATOR FOR SAFETY IN-
		FRASTRUCTURE AND OPERATIONS
		PRINCIPAL DEPUTY ASSOCIATE ADMINIS-
		TRATOR FOR SAFETY INFRASTRUCTURE AND
		OPERATIONS
		ASSOCIATE ADMINISTRATOR FOR INFORMA-
		TION MANAGEMENT AND CHIEF INFORMATION
		OFFICER
		ASSISTANT DEPUTY ADMINISTRATOR FOR
		STRATEGIC PARTNERSHIP PROGRAMS
		DEPUTY MANAGER, Y-12
		ADA (OFFICE OF MATERIAL MANAGEMENT AND
		MINIMIZATION)
		DIRECTOR, MANAGEMENT AND ADMINISTRA-
		TION
		DIRECTOR, REGULATORY AFFAIRS
		ASSOCIATE ASSISTANT DEPUTY
		ADMINISTRATOR FOR MATERIAL MANAGE-
		MENT AND MINIMIZATION
		DIRECTOR, OFFICE OF EXPERIMENTAL
		SCIENCES
		DADA FOR PRODUCTION MODERNIZATION
		PRINCIPAL ASSISTANT DEPUTY ADMINIS-
		TRATOR FOR ENTERPRISE CAPABILITIES
		DEPUTY ASSISTANT DEPUTY ADMINISTRATOR
		FOR STOCKPILE MANAGEMENT
		DADA FOR RESEARCH, TEST AND EVALUATION
		ADA FOR NONPROLIFERATION AND ARMS CON-
		TROL
		SENIOR ADVISOR
		DIRECTOR, AUKUS TECHNICAL EXCHANGE PRO-
		GRAMS DIVISION
		SITE MANAGER, THOMAS JEFFERSON NA-
		TIONAL ACCELERATOR FACILITY
		SITE MANAGER, ORNL SITE OFFICE
		DIRECTOR, OFFICE OF CYBERSECURITY, EN-
		ERGY SECURITY AND EMERGENCY RE-
		SPONSE
		DEPUTY DIRECTOR FOR RESPONSE AND RES-
		TORATION
		DEPUTY DIRECTOR PREPAREDNESS, POLICY,
		AND RISK ANALYSIS
		DIRECTOR, OFFICE OF ENVIRONMENT, SAFETY
		AND HEALTH ASSESSMENTS
		DEPUTY DIRECTOR, OFFICE OF ENTERPRISE
		ASSESSMENTS
		ASSISTANT GENERAL COUNSEL FOR PROCURE-
		MENT AND FINANCIAL ASSISTANCE
		ASSISTANT GENERAL COUNSEL FOR TECH-
		NOLOGY TRANSFER AND INTELLECTUAL
		PROPERTY

Agency name	Organization name	Position title
		DEPUTY GENERAL COUNSEL FOR TRANS-ACTIONS, TECHNOLOGY, AND CONTRACTOR HUMAN RESOURCES
		ASSISTANT GENERAL COUNSEL FOR ENFORCEMENT
		ASSISTANT GENERAL COUNSEL FOR CLEAN ENERGY DEMONSTRATIONS
		ASSISTANT GENERAL COUNSEL FOR ETHICS AND PERSONNEL LAW
		ASSOCIATE GENERAL COUNSEL
	OFFICE OF HEARINGS AND APPEALS	DIRECTOR, HEARINGS AND APPEALS (CHIEF ADMINISTRATIVE JUDGE)
		DEPUTY DIRECTOR, HEARINGS AND APPEALS (DEPUTY CHIEF ADMINISTRATIVE JUDGE)
	OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.	DEPUTY DIRECTOR FOR CYBER INTELLIGENCE
		DIRECTOR OFFICE OF INTELLIGENCE AND COUNTER-INTELLIGENCE
		DEPUTY DIRECTOR FOR COUNTER-INTELLIGENCE
		PRINCIPAL DEPUTY DIRECTOR, OFFICE OF INTELLIGENCE AND COUNTER-INTELLIGENCE
		DEPUTY DIRECTOR FOR INTELLIGENCE ANALYSIS
	OFFICE OF MANAGEMENT	DIRECTOR, OFFICE OF ADMINISTRATION
		DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT
		DIRECTOR, OFFICE OF THE OMBUDSMAN
		DIRECTOR, OFFICE OF HEADQUARTERS PROCUREMENT SERVICES
	OFFICE OF POLICY	DIRECTOR, OFFICE OF POLICY
		PRINCIPAL DEPUTY DIRECTOR
	OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS.	DEPUTY DIRECTOR, OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS
	OFFICE OF SCIENCE	SITE OFFICE MANAGER, BROOKHAVEN
		DIRECTOR OFFICE OF SCIENTIFIC AND TECHNICAL INFORMATION
		SITE OFFICE MANAGER, FERMI
		SITE OFFICE MANAGER, ARGONNE
		SITE OFFICE MANAGER, PRINCETON
		MANAGER
		ASSISTANT MANAGER, GRANTS AND COOPERATIVE AGREEMENTS
		ASSISTANT MANAGER FOR RESERVATION MANAGEMENT
		SENIOR TECHNICAL ADVISOR
		SENIOR ADVISOR
		DIRECTOR OFFICE OF INFORMATION MANAGEMENT
		OAK RIDGE NATIONAL LABORATORY DEPUTY SITE OFFICE MANAGER
		BERKELEY SITE OFFICE MANAGER
		SLAC SITE OFFICE MANAGER
		CHIEF COUNSEL
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER.	DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES OPERATIONS AND COMPENSATION
		DIRECTOR, OFFICE OF POLICY, LABOR AND EMPLOYEE RELATIONS
		DEPUTY CHIEF HUMAN CAPITAL OFFICER
		DIRECTOR, OFFICE OF CORPORATE EXECUTIVE MANAGEMENT
		DIRECTOR, OFFICE OF RECRUITMENT AND ADVISORY SERVICES
		PROGRAM DIRECTOR FOR HUMAN CAPITAL AND ENERGY HIRING INITIATIVES
		DEPUTY DIRECTOR FOR TALENT MANAGEMENT
		DIRECTOR, OFFICE OF HUMAN RESOURCES OPERATIONS AND COMPENSATION
		SENIOR ADVISOR
		DIRECTOR, HUMAN RESOURCES SERVICE CENTER
		DIRECTOR, OAK RIDGE HUMAN RESOURCES SHARED SERVICE CENTER
		DIRECTOR, OFFICE OF TALENT MANAGEMENT
		DIRECTOR, OFFICE OF BUSINESS OPERATIONS
	OFFICE OF THE DEPUTY SECRETARY	SENIOR ADVISOR
	UNITED STATES ENERGY INFORMATION ADMINISTRATION.	DEPUTY ADMINISTRATOR ENERGY INFORMATION ADMINISTRATION
		DIRECTOR, OFFICE OF ENERGY CONSUMPTION AND EFFICIENCY STATISTICS
		ASSISTANT ADMINISTRATOR FOR ENERGY STATISTICS

Agency name	Organization name	Position title
NATIONAL NUCLEAR SECURITY ADMINISTRATION.	ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY.	ASSISTANT ADMINISTRATOR FOR RESOURCES AND TECHNOLOGY MANAGEMENT SENIOR ADVISOR FOR CONSUMPTION ANALYSIS DIRECTOR, OFFICE OF ENERGY PRODUCTION, CONVERSION AND DELIVERY DIRECTOR OFFICE OF INTEGRATED AND INTERNATIONAL ENERGY ANALYSIS ASSISTANT ADMINISTRATOR FOR ENERGY ANALYSIS DIRECTOR, OFFICE OF SURVEY OPERATIONS DIRECTOR, OFFICE OF STATISTICAL METHODS AND RESEARCH DIRECTOR, OFFICE OF LONG-TERM ENERGY MODELING DIRECTOR, OFFICE OF ENERGY PRODUCTION AND MARKETS ANALYSIS DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY (CIO) DEPUTY ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY AND CHIEF OF DEFENSE NUCLEAR SECURITY ASSOCIATE ADMINISTRATOR FOR EMERGENCY OPERATIONS ASSOCIATE ADMINISTRATOR, ENVIRONMENT, SAFETY AND HEALTH DIRECTOR, OFFICE OF ENTERPRISE PROJECT MANAGEMENT ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT FEDERAL PROJECT DIRECTOR (URANIUM PROCESSING FACILITY) FEDERAL PROJECT DIRECTOR (MOX) DIRECTOR, ACQUISITION MANAGEMENT ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR, OFFICE OF NONPROLIFERATION AND ARMS CONTROL AADA ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION RESEARCH AND DEVELOPMENT ASSISTANT DEPUTY ADMINISTRATOR FOR NONPROLIFERATION RESEARCH AND DEVELOPMENT PRINCIPAL ASSISTANT DEPUTY ADMINISTRATOR MANAGER, KANSAS CITY FIELD OFFICE PRINCIPAL DEPUTY ASSISTANT DEPUTY ADMINISTRATOR FOR SECURE TRANSPORTATION MANAGER, NEVADA FIELD OFFICE PRINCIPAL ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE SUSTAINMENT ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE MANAGEMENT ADA FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION ADA FOR PRODUCTION MODERNIZATION PROGRAMS ASSISTANT DEPUTY ADMINISTRATOR FOR SYSTEMS ENGINEERING AND INTEGRATION DIRECTOR, OFFICE OF STOCKPILE MODERNIZATION PROGRAM MANAGER, VA CLASS SUBS AND US/UK TECHNOLOGY EXCHANGE DIRECTOR, GOVERNMENTAL AFFAIRS DIRECTOR, ACQUISITION DIVISION SENIOR NAVAL REACTOS REPRESENTATIVE (PUGET SOUND NAVAL SHIP) PROGRAM MANAGER, ADVANCED TECHNOLOGY DEVELOPMENT PROGRAM MANAGER, NEW SHIP DESIGN ASSISTANT MANAGER FOR OPERATIONS DEPUTY DIRECTOR, NUCLEAR TECHNOLOGY DIVISION SENIOR NAVAL REACTORS REPRESENTATIVE (NEWPORT NEWS, VA) DIRECTOR, INFORMATION TECHNOLOGY MANAGEMENT
	ASSOCIATE ADMINISTRATOR FOR EMERGENCY OPERATIONS. ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT, SAFETY AND HEALTH. ASSOCIATE ADMINISTRATOR FOR INFRASTRUCTURE.	
	DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NON-PROLIFERATION.	
	DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.	
	DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.	

Agency name	Organization name	Position title
		PROGRAM MANAGER FOR SURFACE SHIP NUCLEAR PROPULSION MANAGER, NAVAL REACTORS LABORATORY FIELD OFFICE DIRECTOR, REACTOR ENGINEERING DIVISION DIRECTOR NUCLEAR TECHNOLOGY DIVISION DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION DIRECTOR, COMMISSIONED SUBMARINE SYSTEMS DIVISION ASSISTANT MANAGER FOR OPERATIONS DEPUTY DIRECTOR, ADVANCED SUBMARINE SYSTEMS DIVISION PROGRAM MANAGER, PROTOTYPE AND MOORED TRAINING SHIP OPERATIONS AND INACTIVATION PROGRAM DEPUTY DIRECTOR FOR NAVAL REACTORS DIRECTOR ADVANCED SUBMARINE SYSTEMS DIVISION ASSOCIATE ADMINISTRATOR/DEPUTY UNDER SECRETARY FOR COUNTERTERRORISM AND COUNTER-PROLIFERATION DEPUTY ASSOCIATE ADMINISTRATOR FOR COUNTERTERRORISM AND COUNTER-PROLIFERATION DEPUTY MANAGER SANDIA FIELD OFFICE DEPUTY MANAGER, NNSA PRODUCTION OFFICE-PANTEX MANAGER, SAVANNAH RIVER FIELD OFFICE DEPUTY MANAGER SAVANNAH RIVER FIELD OFFICE DEPUTY MANAGER FOR BUSINESS, SECURITY AND MISSIONS DEPUTY ASSISTANT DEPUTY ADMINISTRATOR FOR PRODUCTION MODERNIZATION MANAGER NNSA PRODUCTION OFFICE MANAGER, LOS ALAMOS FIELD OFFICE DEPUTY MANAGER, LIVERMORE FIELD OFFICE DEPUTY MANAGER, NEVADA FIELD OFFICE ASSOCIATE ADMINISTRATOR FOR MANAGEMENT AND BUDGET DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCIAL MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR MANAGEMENT DIRECTOR, OFFICE OF HUMAN RESOURCES DIRECTOR, FINANCIAL INTEGRATION AND BUDGET DEPUTY DEPUTY GENERAL COUNSEL FOR PROCUREMENT, IP AND TECHNICAL TRANSFER GENERAL COUNSEL DIRECTOR, OFFICE OF BUDGET DEPUTY DIRECTOR, BUDGET OPERATIONS DEPUTY DIRECTOR, FINANCIAL REPORTING AND BUSINESS ANALYSIS DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING DEPUTY DIRECTOR, FINANCIAL OPERATIONS DEPUTY DIRECTOR, BUDGET FORMULATION DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR OF CORPORATE BUSINESS SYSTEMS DEPUTY FOR CORPORATE BUSINESS SYSTEMS SENIOR ADVISOR FOR ENVIRONMENTAL MANAGEMENT TO THE UNDER SECRETARY FOR SCIENCE DIRECTOR, FEDERAL EMERGENCY MANAGEMENT PROGRAM DEPUTY DIRECTOR, GRID MODERNIZATION PRINCIPAL DEPUTY DIRECTOR, GRID DEPLOYMENT OFFICE DEPUTY DIRECTOR OF PROJECT MANAGEMENT DEPUTY DIRECTOR FOR TECHNICAL AND ENGINEERING SUPPORT DEPUTY DIRECTOR OF CONTRACTS AND AWARDS DEPUTY DIRECTOR FOR OPERATIONS AND MANAGEMENT PRINCIPAL DEPUTY DIRECTOR, OFFICE OF CLEAN ENERGY DEMONSTRATIONS CHIEF OPERATING OFFICER DEPUTY DIRECTOR OF PORTFOLIO STRATEGY
	DEPUTY UNDER SECRETARY FOR COUNTERTERRORISM AND COUNTER-PROLIFERATION.	
	NATIONAL NUCLEAR SECURITY ADMINISTRATION FIELD SITE OFFICES.	
	OFFICE OF MANAGEMENT AND BUDGET	
	OFFICE OF THE GENERAL COUNSEL	
OFFICE OF THE DEPUTY SECRETARY	OFFICE OF THE CHIEF FINANCIAL OFFICER	
OFFICE OF THE SECRETARY	UNDER SECRETARY FOR SCIENCE	
UNDER SECRETARY OF ENERGY	FEDERAL ENERGY MANAGEMENT PROGRAM	
	GRID DEPLOYMENT OFFICE	
	OFFICE OF CLEAN ENERGY DEMONSTRATIONS	

Agency name	Organization name	Position title
DEPARTMENT OF ENERGY OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF MANUFACTURING AND ENERGY SUPPLY CHAINS.	ASSOCIATE DIRECTOR OF PROJECT MANAGEMENT (HYDROGEN) ASSOCIATE DIRECTOR OF PROJECT MANAGEMENT (NUCLEAR TECHNOLOGIES) ASSOCIATE DIRECTOR OF PROJECT MANAGEMENT (RENEWABLES) ASSOCIATE DIRECTOR OF PROJECT MANAGEMENT (CARBON CAPTURE AND REMOVAL) PRINCIPAL DEPUTY DIRECTOR, OFFICE OF MANUFACTURING AND ENERGY SUPPLY CHAINS
	STATE AND COMMUNITY ENERGY PROGRAMS ...	ASSOCIATE DIRECTOR OF STATE AND COMMUNITY ENERGY PROGRAMS (SCEP)
ENVIRONMENTAL PROTECTION AGENCY	DEPARTMENT OF ENERGY OFFICE OF THE INSPECTOR GENERAL.	SPECIAL COUNSEL FOR ADMINISTRATIVE REMEDIES DEPUTY INSPECTOR GENERAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS CHIEF COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS SENIOR COUNSEL, FOIA AND PRIVACY ACT OFFICER DEPUTY INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS, INTELLIGENCE OVERSIGHT, AND SPECIAL PROJECTS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (WESTERN REGION) ASSISTANT INSPECTOR GENERAL FOR CYBER ASSESSMENTS AND DATA ANALYTICS ASSISTANT INSPECTOR GENERAL FOR AUDITS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (EASTERN REGION) DIRECTOR, INDOOR ENVIRONMENTS DIVISION
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION.	DIRECTOR, TRANSPORTATION AND CLIMATE DIVISION DIRECTOR, TESTING AND ADVANCED TECHNOLOGY DIVISION DIRECTOR, CLEAN AIR MARKETS DIVISION DIRECTOR, OUTREACH AND INFORMATION DIVISION DIRECTOR, AIR QUALITY ASSESSMENT DIVISION DIRECTOR, CLIMATE CHANGE DIVISION DIRECTOR, RADIATION PROTECTION DIVISION DIRECTOR, ASSESSMENT AND STANDARDS DIVISION DIRECTOR, CLIMATE PROTECTION PARTNERSHIP DIVISION DIRECTOR, COMPLIANCE DIVISION DIRECTOR, AIR QUALITY POLICY DIVISION DIRECTOR, HEALTH AND ENVIRONMENTAL IMPACTS DIVISION DIRECTOR, SECTOR POLICIES AND PROGRAMS DIVISION DIRECTOR, STRATOSPHERIC PROTECTION DIVISION DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, EXISTING CHEMICAL RISK MANAGEMENT DIVISION DIRECTOR, PROJECT MANAGEMENT AND OPERATIONS DIVISION DIRECTOR, OFFICE OF PROGRAM SUPPORT DIRECTOR, DATA GATHERING AND ANALYSIS DIVISION DEPUTY DIRECTOR, OFFICE OF PROGRAM SUPPORT DIRECTOR, NEW CHEMICALS DIVISION DIRECTOR, EXISTING CHEMICALS RISK ASSESSMENT DIVISION DIRECTOR, BIOPESTICIDES AND POLLUTION PREVENTION DIVISION DIRECTOR, ANTIMICROBIALS DIVISION DIRECTOR, INFORMATION TECHNOLOGY AND RESOURCES MANAGEMENT DIVISION DIRECTOR, HEALTH EFFECTS DIVISION DIRECTOR, BIOLOGICAL AND ECONOMIC ANALYSIS DIVISION DIRECTOR, REGISTRATION DIVISION

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE. OFFICE OF THE ASSISTANT ADMINISTRATOR FOR LAND AND EMERGENCY MANAGEMENT. OFFICE OF THE ASSISTANT ADMINISTRATOR FOR MISSION SUPPORT. OFFICE OF THE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.	DIRECTOR, ENVIRONMENTAL FATE AND EFFECTS DIVISION DIRECTOR, PESTICIDE RE-EVALUATION DIVISION DIRECTOR, AIR ENFORCEMENT DIVISION DIRECTOR, MONITORING ASSISTANCE AND MEDIA PROGRAMS DIVISION DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT DIRECTOR, OFFICE OF CIVIL ENFORCEMENT DEPUTY DIRECTOR, OFFICE OF CIVIL ENFORCEMENT DIRECTOR, OFFICE OF COMPLIANCE DIRECTOR, ENFORCEMENT TARGETING AND DATA DIVISION DEPUTY DIRECTOR, OFFICE OF COMPLIANCE DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING DEPUTY DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT DIRECTOR, CRIMINAL INVESTIGATION DIVISION DEPUTY DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING DIRECTOR, NATIONAL ENFORCEMENT INVESTIGATIONS CENTER DIRECTOR, WATER ENFORCEMENT DIVISION DIRECTOR, MATERIALS RECOVERY AND WASTE MANAGEMENT DIVISION DIRECTOR, TECHNOLOGY INNOVATION AND FIELD SERVICES DIVISION DIRECTOR, PROGRAM IMPLEMENTATION AND INFORMATION DIVISION DIRECTOR, RESOURCES MANAGEMENT DIVISION DIRECTOR, ASSESSMENT AND REMEDIATION DIVISION DIRECTOR, RESOURCE CONSERVATION AND SUSTAINABILITY DIVISION DIRECTOR, OFFICE OF ACQUISITION SOLUTIONS DIRECTOR, OFFICE OF DIGITAL SERVICES AND TECHNICAL ARCHITECTURE ENVIRONMENTAL APPEALS JUDGE DIRECTOR, OFFICE OF RESOURCES AND BUSINESS OPERATIONS ENVIRONMENTAL APPEALS JUDGE DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT (2) ENVIRONMENTAL APPEALS JUDGE (3) DEPUTY DIRECTOR, OFFICE OF ACQUISITION SOLUTIONS DIRECTOR, OFFICE OF GRANTS AND DEBARMENT DIRECTOR, OFFICE OF HUMAN RESOURCES DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES DEPUTY DIRECTOR, OFFICE OF GRANTS AND DEBARMENT DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION DIRECTOR, OFFICE OF ADMINISTRATION DEPUTY DIRECTOR FOR MANAGEMENT DIRECTOR, PACIFIC ECOLOGICAL SYSTEMS DIVISION DIRECTOR, GULF ECOSYSTEM MEASUREMENT AND MODELING DIVISION DIRECTOR, CENTER FOR ENVIRONMENTAL MEASUREMENT AND MODELING DEPUTY DIRECTOR FOR MANAGEMENT DIRECTOR, OFFICE OF SCIENCE INFORMATION MANAGEMENT DIRECTOR, GREAT LAKES TOXICOLOGY AND ECOLOGY DIVISION DIRECTOR, OFFICE OF SCIENCE ADVISOR, POLICY AND ENGAGEMENT DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DEPUTY DIRECTOR FOR MANAGEMENT (2) DIRECTOR, CENTER FOR ENVIRONMENTAL SOLUTIONS AND EMERGENCY RESPONSE

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WATER.	DIRECTOR, ATLANTIC COASTAL ENVIRONMENTAL SCIENCES DIVISION DEPUTY DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DIRECTOR, GROUNDWATER CHARACTER AND REMEDIATION DIVISION SENIOR ADVISOR DIRECTOR, WATER INFRASTRUCTURE DIVISION DIRECTOR, OCEANS, WETLANDS AND COMMUNITIES' DIVISION DIRECTOR, WATERSHED RESTORATION, ASSESSMENT AND PROTECTION DIVISION DIRECTOR, DRINKING WATER CAPACITY AND COMPLIANCE ASSISTANCE DIVISION DIRECTOR, WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT MANAGEMENT DIVISION DIRECTOR, ENGINEERING AND ANALYSIS DIVISION DIRECTOR, WATER PERMITS DIVISION DIRECTOR, DRINKING WATER PROTECTION DIVISION DIRECTOR, STANDARDS AND HEALTH PROTECTION DIVISION DIRECTOR, HEALTH AND ECOLOGICAL CRITERIA DIVISION DIRECTOR, STANDARDS AND RISK MANAGEMENT DIVISION ASSOCIATE CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF TECHNOLOGY SOLUTIONS DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY DIRECTOR, OFFICE OF BUDGET CONTROLLER DEPUTY CONTROLLER DIRECTOR, RESOURCES MANAGEMENT OFFICE DIRECTOR, MISSION SUPPORT DIVISION REGIONAL COUNSEL DIRECTOR, WATER DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, WATER DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSISTANCE DIVISION DIRECTOR, CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, WATER DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, WATER DIVISION DIRECTOR, CHESAPEAKE BAY PROGRAM OFFICE REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, AIR AND RADIATION DIVISION
	OFFICE OF THE CHIEF FINANCIAL OFFICER	
	OFFICE OF THE GENERAL COUNSEL	
	REGION 1- BOSTON, MASSACHUSETTS	
	REGION 10—SEATTLE, WASHINGTON	
	REGION 2—NEW YORK, NEW YORK	
	REGION 3—PHILADELPHIA, PENNSYLVANIA	

Agency name	Organization name	Position title
	REGION 4—ATLANTA, GEORGIA	DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, MISSION SUPPORT DIVISION REGIONAL COUNSEL DIRECTOR, GULF OF MEXICO PROGRAM DIRECTOR, WATER DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION
	REGION 5—CHICAGO, ILLINOIS	DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, WATER DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, GREAT LAKES NATIONAL PROGRAM OFFICE DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION REGIONAL COUNSEL DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, MISSION SUPPORT DIVISION REGIONAL COUNSEL
	REGION 6—DALLAS, TEXAS	DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, WATER DIVISION DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, LAND, CHEMICAL AND REDEVELOPMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, LAND, CHEMICAL AND REDEVELOPMENT DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, WATER DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION REGIONAL COUNSEL
	REGION 7—LENEXA, KANSAS	DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, WATER DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION REGIONAL COUNSEL DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, WATER DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, WATER DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, TRIBAL, INTERGOVERNMENTAL AND POLICY DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, WATER DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, OFFICE OF EXECUTIVE SERVICES
	REGION 8—DENVER, COLORADO	DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, WATER DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, TRIBAL, INTERGOVERNMENTAL AND POLICY DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, WATER DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, OFFICE OF EXECUTIVE SERVICES
	REGION 9—SAN FRANCISCO, CALIFORNIA	DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, TRIBAL, INTERGOVERNMENTAL AND POLICY DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, WATER DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, OFFICE OF EXECUTIVE SERVICES
OFFICE OF THE ADMINISTRATOR	OFFICE OF ADMINISTRATIVE AND EXECUTIVE SERVICES.	DIRECTOR, OFFICE OF ENVIRONMENTAL JUSTICE
ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL.	ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR CONGRESSIONAL AND PUBLIC AFFAIRS COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS

Agency name	Organization name	Position title
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.	OFFICE OF INFORMATION TECHNOLOGY	ASSOCIATE DEPUTY INSPECTOR GENERAL CHIEF TECHNOLOGY OFFICER ASSISTANT INSPECTOR GENERAL FOR OFFICE OF SPECIAL REVIEW AND EVALUATION CHIEF OF STAFF TO THE INSPECTOR GENERAL PRINCIPAL DEPUTY AIG FOR AUDITS DEPUTY CHIEF INFORMATION OFFICER
	OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS. OFFICE OF ENTERPRISE DATA AND ANALYTICS OFFICE OF FIELD PROGRAMS	ASSOCIATE DIRECTOR, OCLA DEPUTY CHIEF DATA OFFICER DISTRICT DIRECTOR-(PHILADELPHIA) DISTRICT DIRECTOR-(NEW YORK) DISTRICT DIRECTOR-(ATLANTA) DISTRICT DIRECTOR-(HOUSTON) DISTRICT DIRECTOR (SAN FRANCISCO) DISTRICT DIRECTOR (DALLAS) DISTRICT DIRECTOR-(CHICAGO) DISTRICT DIRECTOR-(ST LOUIS) DISTRICT DIRECTOR (MIAMI) DISTRICT DIRECTOR-(INDIANAPOLIS) DISTRICT DIRECTOR (MEMPHIS) DISTRICT DIRECTOR (LOS ANGELES) DISTRICT DIRECTOR-(PHOENIX) DISTRICT DIRECTOR-(CHARLOTTE) DIRECTOR, INFORMATION INTAKE GROUP DISTRICT DIRECTOR (BIRMINGHAM)
	OFFICE OF THE CHAIR	DEPUTY CHIEF HUMAN CAPITAL OFFICER PROGRAM MANAGER DEPUTY CHIEF OPERATING OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF HUMAN CAPITAL OFFICER
	OFFICE OF THE CHIEF FINANCIAL OFFICER OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER.	
OFFICE OF FIELD PROGRAMS	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL
FEDERAL COMMUNICATIONS COMMISSION	FIELD COORDINATION PROGRAMS	DIRECTOR, FIELD COORDINATION PROGRAMS
	FIELD MANAGEMENT PROGRAMS	DIRECTOR FIELD MANAGEMENT PROGRAMS
FEDERAL ENERGY REGULATORY COMMISSION. OFFICE OF THE CHAIRMAN	MEDIA BUREAU	CHIEF, VIDEO DIVISION
	OFFICE OF INSPECTOR GENERAL	INSPECTOR GENERAL
	OFFICE OF ADMINISTRATIVE LITIGATION	DIRECTOR, TECHNICAL DIVISION DIRECTOR, LEGAL DIVISION
	OFFICE OF ENERGY PROJECTS	DIRECTOR OF DAM SAFETY AND INSPECTION
	OFFICE OF ENFORCEMENT	CHIEF ACCOUNTANT AND DIRECTOR, DIVISION OF AUDITS AND ACCOUNTING
FEDERAL LABOR RELATIONS AUTHORITY	FEDERAL SERVICE IMPASSES PANEL	EXECUTIVE DIRECTOR, FEDERAL SERVICE IMPASSES PANEL
	OFFICE OF MEMBER	CHIEF COUNSEL (2)
	OFFICE OF THE CHAIRMAN	CHIEF COUNSEL SENIOR ADVISOR SOLICITOR DIRECTOR, POLICY AND PERFORMANCE MANAGEMENT
	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR
OFFICE OF THE CHAIRMAN	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL (2)
OFFICE OF THE GENERAL COUNSEL	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL
	OFFICE OF THE GENERAL COUNSEL REGIONAL OFFICES.	REGIONAL DIRECTOR- DENVER
		REGIONAL DIRECTOR-BOSTON REGIONAL DIRECTOR-ATLANTA REGIONAL DIRECTOR-DALLAS REGIONAL DIRECTOR- CHICAGO ILLINOIS REGIONAL DIRECTOR- SAN FRANCISCO REGIONAL DIRECTOR-WASHINGTON, D.C. INSPECTOR GENERAL
FEDERAL LABOR RELATIONS AUTHORITY OFFICE OF INSPECTOR GENERAL.	FEDERAL LABOR RELATIONS AUTHORITY OFFICE OF INSPECTOR GENERAL.	
FEDERAL MARITIME COMMISSION	OFFICE OF THE MANAGING DIRECTOR	PROGRAM MANAGER
OFFICE OF THE MANAGING DIRECTOR	BUREAU OF ENFORCEMENT, INVESTIGATIONS, AND COMPLIANCE.	DIRECTOR BUREAU OF ENFORCEMENT, INVESTIGATIONS, AND COMPLIANCE
	BUREAU OF TRADE ANALYSIS	INDUSTRY ECONOMIST
OFFICE OF THE MEMBERS	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL
FEDERAL MARITIME COMMISSION OFFICE OF THE INSPECTOR GENERAL.	FEDERAL MARITIME COMMISSION OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL
FEDERAL MEDIATION AND CONCILIATION SERVICE.	FEDERAL MEDIATION AND CONCILIATION SERVICE.	CHIEF OPERATING OFFICER
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.	FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.	DIRECTOR OF PARTICIPANT SERVICES
		CHIEF FINANCIAL OFFICER DIRECTOR OF ENTERPRISE RISK MANAGEMENT CHIEF INFORMATION OFFICER DIRECTOR OF RESOURCE MANAGEMENT CHIEF OPERATING OFFICER
FEDERAL TRADE COMMISSION	BUREAU OF COMPETITION	DEPUTY DIRECTOR, BUREAU OF COMPETITION
	BUREAU OF CONSUMER PROTECTION	DEPUTY DIRECTOR, BUREAU OF CONSUMER PROTECTION

Agency name	Organization name	Position title
FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL. GENERAL SERVICES ADMINISTRATION	BUREAU OF ECONOMICS	DEPUTY DIRECTOR FOR RESEARCH AND MANAGEMENT
	OFFICE OF EXECUTIVE DIRECTOR	CHIEF INFORMATION OFFICER
	OFFICE OF THE GENERAL COUNSEL	DEPUTY EXECUTIVE DIRECTOR
	FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL.	PRINCIPAL DEPUTY GENERAL COUNSEL (2)
	FEDERAL ACQUISITION SERVICE	INSPECTOR GENERAL
		DIRECTOR, FEDERAL SYSTEMS INTEGRATION AND MANAGEMENT CENTER
		DEPUTY ASSISTANT COMMISSIONER FOR ACQUISITION
		DIRECTOR, INFORMATION TECHNOLOGY SERVICES
		DEPUTY ASSISTANT COMMISSIONER FOR CATEGORY MANAGEMENT
		ASSISTANT COMMISSIONER FOR SYSTEMS MANAGEMENT
		SENIOR ADVISOR FOR WORKPLACE PROGRAMS
		ASSISTANT COMMISSIONER FOR REGULATORY AND OVERSIGHT SYSTEMS
		DIRECTOR, CENTERS OF EXCELLENCE
		ASSISTANT COMMISSIONER FOR POLICY AND COMPLIANCE
		ASSISTANT COMMISSIONER FOR ASSISTED ACQUISITION SERVICES
		ASSISTANT COMMISSIONER FOR CUSTOMER AND STAKEHOLDER ENGAGEMENT
		ASSISTANT COMMISSIONER FOR TRAVEL, TRANSPORTATION AND LOGISTICS CATEGORIES
		ASSISTANT COMMISSIONER FOR GENERAL SUPPLIES AND SERVICES CATEGORIES
		DIRECTOR OF TRAVEL, EMPLOYEE RELOCATION, AND TRANSPORTATION
		DEPUTY ASSISTANT COMMISSIONER FOR GENERAL SUPPLIES AND SERVICES CATEGORIES
		DIRECTOR OF SUPPLY CHAIN MANAGEMENT
		DIRECTOR OF FLEET MANAGEMENT
		DIRECTOR, ENTERPRISE TECHNOLOGY SOLUTIONS
		DEPUTY ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY CATEGORY
		ASSISTANT COMMISSIONER FOR ENTERPRISE STRATEGY MANAGEMENT
		DIRECTOR, ACQUISITION OPERATIONS
		ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY CATEGORY
	OFFICE OF GOVERNMENTWIDE POLICY	DEPUTY ASSOCIATE ADMINISTRATOR FOR INFORMATION, INTEGRITY AND ACCESS
		DIRECTOR OF FEDERAL HIGH-PERFORMANCE GREEN BUILDINGS
		DIRECTOR OF GOVERNMENTWIDE ACQUISITION POLICY
		DEPUTY CHIEF ACQUISITION OFFICER AND SENIOR PROCUREMENT EXECUTIVE
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ASSET AND TRANSPORTATION MANAGEMENT
		DEPUTY ASSOCIATE ADMINISTRATOR FOR REGULATION MANAGEMENT
		DEPUTY ASSOCIATE ADMINISTRATOR, SHARED SOLUTIONS AND PERFORMANCE IMPROVEMENT OFFICE
		DIRECTOR OF THE FEDERAL ACQUISITION INSTITUTE
	OFFICE OF GSA INFORMATION TECHNOLOGY	ASSOCIATE CHIEF INFORMATION OFFICER FOR CORPORATE INFORMATION TECHNOLOGY SERVICES
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER
		ASSOCIATE CHIEF INFORMATION OFFICER FOR PUBLIC BUILDINGS INFORMATION TECHNOLOGY SERVICES
		CHIEF INFORMATION SECURITY OFFICER
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ACQUISITION INFORMATION TECHNOLOGY SERVICES
		ASSOCIATE CHIEF INFORMATION OFFICER FOR DIGITAL INFRASTRUCTURE TECHNOLOGIES
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE PLANNING AND GOVERNANCE
	OFFICE OF HUMAN RESOURCES MANAGEMENT	CHIEF HUMAN CAPITAL OFFICER
		DIRECTOR, HUMAN RESOURCES SERVICES
		DEPUTY CHIEF HUMAN CAPITAL OFFICER

Agency name	Organization name	Position title
REGIONAL ADMINISTRATORS	OFFICE OF MISSION ASSURANCE	PRINCIPAL DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR OF REGIONAL FINANCIAL SERVICES CHIEF FINANCIAL OFFICER DIRECTOR OF FINANCIAL MANAGEMENT DIRECTOR OF BUDGET DIRECTOR, OFFICE OF AUDIT MANAGEMENT AND ACCOUNTABILITY DIRECTOR, OFFICE OF ANALYTICS, PERFORMANCE AND IMPROVEMENT DEPUTY CHIEF FINANCIAL OFFICER
	PUBLIC BUILDINGS SERVICE	ASSISTANT COMMISSIONER FOR REAL PROPERTY UTILIZATION AND DISPOSAL ASSISTANT COMMISSIONER FOR PORTFOLIO MANAGEMENT AND CUSTOMER ENGAGEMENT ASSISTANT COMMISSIONER FOR ACQUISITION MANAGEMENT ASSISTANT COMMISSIONER FOR PROJECT DELIVERY ASSISTANT COMMISSIONER FOR LEASING ASSISTANT COMMISSIONER FOR FACILITIES MANAGEMENT AND SERVICES PROGRAMS CHIEF ARCHITECT SENIOR ADVISOR ASSISTANT COMMISSIONER, OFFICE OF STRATEGY AND ENGAGEMENT
	GREAT LAKES REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE
	GREATER SOUTHWEST REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE
	MID-ATLANTIC REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	NATIONAL CAPITAL REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE DIRECTOR FOR DESIGN AND CONSTRUCTION DIRECTOR OF FACILITIES MANAGEMENT AND SERVICES PROGRAMS DEPUTY DIRECTOR OF PORTFOLIO MANAGEMENT AND LEASING DIRECTOR OF PORTFOLIO MANAGEMENT AND REAL ESTATE
	NEW ENGLAND REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	NORTHEAST AND CARIBBEAN REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE
	NORTHWEST/ ARCTIC REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	PACIFIC RIM REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE
	ROCKY MOUNTAIN REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	SOUTHEAST SUNBELT REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE
	THE HEARTLAND REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS

Agency name	Organization name	Position title
GULF COAST ECOSYSTEM RESTORATION COUNCIL. DEPARTMENT OF HEALTH AND HUMAN SERVICES. CENTERS FOR MEDICARE AND MEDICAID SERVICES.	GULF COAST ECOSYSTEM RESTORATION COUNCIL.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR REAL PROPERTY AUDITS DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDITING DEPUTY ASSISTANT INSPECTOR GENERAL FOR ACQUISITION PROGRAMS AUDITS COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION ASSOCIATE INSPECTOR GENERAL DEPUTY EXECUTIVE DIRECTOR AND DIRECTOR OF PROGRAMS
	CENTER FOR CLINICAL STANDARDS AND QUALITY.	DIRECTOR, QUALITY, SAFETY, AND OVERSIGHT GROUP DIRECTOR, INFORMATION SYSTEMS GROUP DIRECTOR, SURVEY AND OPERATIONS GROUP DEPUTY CENTER DIRECTOR DIRECTOR, IQUALITY IMPROVEMENT AND INNOVATION GROUP DEPUTY CENTER DIRECTOR
	CENTER FOR CONSUMER INFORMATION AND INSURANCE OVERSIGHT.	DIRECTOR, MARKETPLACE INFORMATION TECHNOLOGY GROUP DEPUTY DIRECTOR FOR POLICY DEPUTY DIRECTOR FOR OPERATIONS DIRECTOR, PAYMENT POLICY AND FINANCIAL MANAGEMENT GROUP DIRECTOR, MARKETPLACE ELIGIBILITY AND ENROLLMENT GROUP
	CENTER FOR MEDICAID AND CHIP SERVICES	DEPUTY CENTER DIRECTOR (2) DIRECTOR, CHILDREN AND ADULTS HEALTH PROGRAMS GROUP DIRECTOR, MANAGED CARE GROUP DIRECTOR, FINANCIAL MANAGEMENT GROUP DIRECTOR, DATA AND SYSTEMS GROUP DIRECTOR, DISABLED AND ELDERLY HEALTH PROGRAMS GROUP DIRECTOR, MEDICAID AND CHIP OPERATIONS GROUP
	CENTER FOR MEDICARE	DIRECTOR, STATE DEMONSTRATIONS GROUP DIRECTOR, PERFORMANCE BASED PAYMENT POLICY GROUP DIRECTOR, COVERAGE AND ANALYSIS DIRECTOR, TECHNOLOGY, CODING AND PRICING GROUP DIRECTOR, CHRONIC CARE POLICY GROUP DIRECTOR, HOSPITAL AND AMBULATORY POLICY GROUP DEPUTY CENTER DIRECTOR, CENTER FOR MEDICARE DIRECTOR, MEDICARE DRUG AND HEALTH PLAN CONTRACT ADMINISTRATION GROUP DIRECTOR, MEDICARE CONTRACTOR MANAGEMENT GROUP DIRECTOR PROVIDER BILLING GROUP DIRECTOR, MEDICARE PARTS C AND D OVERSIGHT AND ENFORCEMENT GROUP DIRECTOR, MEDICARE DRUG BENEFIT AND C AND D DATA GROUP DIRECTOR, MEDICARE ENROLLMENT AND APPEALS GROUP DIRECTOR, MEDICARE PLAN PAYMENT GROUP DEPUTY CENTER DIRECTOR, CENTER FOR MEDICARE
	CENTER FOR MEDICARE AND MEDICAID INNOVATION.	DIRECTOR, RESEARCH AND RAPID CYCLE EVALUATION GROUP DIRECTOR, PATIENT CARE MODELS GROUP DIRECTOR, POLICY AND PROGRAMS GROUP DEPUTY DIRECTOR (2)
	CENTER FOR PROGRAM INTEGRITY	DIRECTOR, PROVIDER ENROLLMENT AND OVERSIGHT GROUP DIRECTOR, INVESTIGATIONS AND FRAUD PREVENTION PARTNERSHIPS GROUP DIRECTOR, DATA ANALYTICS AND SYSTEMS GROUP DEPUTY ADMINISTRATOR AND DIRECTOR DEPUTY CENTER DIRECTOR (2)

Agency name	Organization name	Position title
CHIEF OPERATING OFFICER	FEDERAL COORDINATED HEALTH CARE OFFICE	DIRECTOR, PROVIDER COMPLIANCE GROUP DIRECTOR, FEDERAL COORDINATED HEALTH CARE OFFICE
	OFFICE OF COMMUNICATIONS	DIRECTOR, WEB AND NEW MEDIA GROUP
	OFFICE OF ENTERPRISE DATA AND ANALYTICS	DIRECTOR, OFFICE OF ENTERPRISE DATA AND ANALYTICS/CHIEF DATA OFFICER
	OFFICE OF HUMAN CAPITAL	DIRECTOR, OFFICE OF HUMAN CAPITAL
	OFFICE OF PROGRAM OPERATIONS AND LOCAL ENGAGEMENT.	DEPUTY DIRECTOR FOR LOCAL ENGAGEMENT AND ADMINISTRATION DEPUTY DIRECTOR FOR STRATEGY AND BUSINESS OPERATIONS
	OFFICE OF STRATEGIC OPERATIONS AND REGULATORY AFFAIRS.	DIRECTOR, OFFICE OF PROGRAM OPERATIONS AND LOCAL ENGAGEMENT
	OFFICE OF THE ACTUARY	DIRECTOR, OFFICE OF STRATEGIC OPERATIONS AND REGULATORY AFFAIRS DIRECTOR, NATIONAL HEALTH STATISTICS GROUP
		DIRECTOR, PARTS C AND D ACTUARIAL GROUP DIRECTOR, OFFICE OF THE ACTUARY (CHIEF ACTUARY)
		DIRECTOR, MEDICARE AND MEDICAID COST ESTIMATES GROUP
	OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT.	DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT DEPUTY DIRECTOR, OFFICE OF ACQUISITION AND GRANTS MANAGEMENT
	OFFICE OF FINANCIAL MANAGEMENT	DIRECTOR, ACCOUNTING MANAGEMENT GROUP DIRECTOR, FINANCIAL SERVICES GROUP DEPUTY DIRECTOR OFFICE OF FINANCIAL MANAGEMENT
		DIRECTOR, FINANCIAL MANAGEMENT SYSTEMS GROUP
		DIRECTOR OFFICE OF FINANCIAL MANAGEMENT
		DIRECTOR, BUDGET AND ANALYSIS GROUP
	OFFICE OF INFORMATION TECHNOLOGY	DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY/CMS CHIEF INFORMATION OFFICER DIRECTOR, INFORMATION SECURITY AND PRIVACY GROUP/CHIEF INFORMATION SECURITY OFFICER
		DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY
		DIRECTOR, ENTERPRISE ARCHITECTURE AND DATA GROUP
		DIRECTOR, INFRASTRUCTURE AND USER SERVICES GROUP
		DIRECTOR, ENTERPRISE SYSTEMS SOLUTIONS GROUP
		DIRECTOR, APPLICATIONS MANAGEMENT GROUP
DEPARTMENT OF HEALTH AND HUMAN SERVICES.		DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY
	OFFICE OF SECURITY, FACILITIES AND LOGISTICS OPERATIONS.	DIRECTOR, OFFICE OF SECURITY, FACILITIES AND LOGISTICS OPERATIONS
	ADMINISTRATION FOR CHILDREN AND FAMILIES	SENIOR POLICY ADVISOR
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR GRANTS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION
		PRINCIPAL DEPUTY DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT
		DIRECTOR, ACQUISITION SERVICES
		DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR EARLY CHILDHOOD DEVELOPMENT
	ADMINISTRATION FOR COMMUNITY LIVING	DEPUTY DIRECTOR, NATIONAL INSTITUTE FOR DISABILITY, INDEPENDENT LIVING AND REHABILITATION RESEARCH
		DEPUTY ADMINISTRATOR FOR MANAGEMENT AND BUDGET
		DEPUTY ASSISTANT SECRETARY FOR AGING DEPUTY ADMINISTRATOR FOR THE CENTER FOR INTEGRATED PROGRAMS
	AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.	DIRECTOR, OFFICE OF EXTRAMURAL RESEARCH, EDUCATION AND PRIORITY POPULATIONS
		EXECUTIVE OFFICER
	CENTERS FOR DISEASE CONTROL AND PREVENTION.	DEPUTY DIRECTOR FOR MANAGEMENT
		DIRECTOR, HUMAN RESOURCES OFFICE
		DEPUTY CHIEF FINANCIAL OFFICER

Agency name	Organization name	Position title
		DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS PRINCIPAL DEPUTY DIRECTOR, OFFICE OF SAFETY, SECURITY, AND ASSET MANAGEMENT DEPUTY DIRECTOR, NATIONAL CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION PRINCIPAL DEPUTY DIRECTOR, HUMAN RESOURCES OFFICE CHIEF INFORMATION OFFICER DIRECTOR, OFFICE OF SAFETY, SECURITY AND ASSET MANAGEMENT SUPERVISORY PUBLIC HEALTH ADVISOR BUDGET DIRECTOR DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING CHIEF OPERATING OFFICER DIRECTOR, OFFICE OF DIVERSITY MANAGEMENT AND EQUAL EMPLOYMENT OPPORTUNITY DIRECTOR OFFICE OF GRANTS SERVICES DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS DEPUTY CHIEF INFORMATION OFFICER DIRECTOR, DIGITAL SERVICES OFFICE CHIEF INFORMATION SECURITY OFFICER CHIEF FINANCIAL OFFICER DIRECTOR, DIVISION OF GLOBAL MIGRATION AND QUARANTINE DEPUTY CHIEF OPERATING OFFICER DEPUTY DIRECTOR FOR MANAGEMENT AND OVERSEAS OPERATIONS DIRECTOR, ASSET MANAGEMENT SERVICES OFFICE DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS, NATIONAL CENTER FOR INJURY PREVENTION AND CONTROL DIRECTOR FOR STRATEGIC BUSINESS MANAGEMENT DIRECTOR, OFFICE OF ACQUISITION SERVICES DEPUTY DIRECTOR FOR MANAGEMENT AND OVERSEAS OPERATIONS DEPUTY DIRECTOR NATIONAL CENTER FOR ENVIRONMENTAL HEALTH/AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS DEPUTY DIRECTOR, OFFICE OF HUMAN CAPITAL DIRECTOR, OFFICES OF HEARINGS AND INQUIRIES DIRECTOR, OFFICE EQUAL OPPORTUNITY AND CIVIL RIGHTS/CMS CHIEF DIVERSITY OFFICER DEPUTY DIRECTOR, OFFICE OF PARTNERSHIPS AND OPERATIONAL POLICY DEPUTY ASSOCIATE GENERAL COUNSEL FOR LITIGATION FOOD AND DRUG DIVISION DEPUTY ASSOCIATE GENERAL COUNSEL FOR LITIGATION 2 PRINCIPAL DEPUTY ASSOCIATE GENERAL COUNSEL, FOOD AND DRUG DIVISION SENIOR POLICY ADVISOR TO THE CHIEF SCIENTIST ASSOCIATE DIRECTOR FOR MANAGEMENT DIRECTOR, OFFICE OF REGULATIONS DIRECTOR OFFICE OF REGULATIONS AND POLICY DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS SERVICES DEPUTY DIRECTOR, CENTER FOR VETERINARY MEDICINE SENIOR DEPUTY ASSOCIATE GENERAL COUNSEL DEPUTY DIRECTOR, OFFICE OF LABORATORY SCIENCE AND SAFETY DEPUTY DIRECTOR FOR COMPLIANCE OPERATIONS DIRECTOR OFFICE OF HUMAN CAPITAL MANAGEMENT DIRECTOR OF STAKEHOLDER ENGAGEMENT
	CENTERS FOR MEDICARE AND MEDICAID SERVICES.	
	FOOD AND DRUG ADMINISTRATION	

Agency name	Organization name	Position title
	HEALTH RESOURCES AND SERVICES ADMINISTRATION.	DEPUTY CENTER DIRECTOR FOR REGULATORY POLICY AND NUTRITION ENGAGEMENT PROGRAM DIRECTOR, OFFICE OF HUMAN AND ANIMAL FOOD OPERATIONS–EAST DEPUTY DIRECTOR FOR REGULATORY AFFAIRS ASSISTANT COMMISSIONER FOR PARTNERSHIPS AND POLICY DIRECTOR, OFFICE OF COMPLIANCE DIRECTOR, OFFICE OF BUDGET DIRECTOR, OFFICE OF FACILITIES ENGINEERING AND MISSION SUPPORT SERVICES DEPUTY DIRECTOR, CENTER FOR TOBACCO PRODUCTS DIRECTOR, OFFICE OF HEALTH COMMUNICATION AND EDUCATION ASSOCIATE DIRECTOR FOR MANAGEMENT DEPUTY CHIEF FINANCIAL OFFICER/DIRECTOR, OFFICE OF FINANCIAL OPERATIONS DIRECTOR, DIVISION OF ETHICS AND INTEGRITY DIRECTOR, OFFICE OF PARTNERSHIPS ASSISTANT COMMISSIONER FOR HUMAN AND ANIMAL FOOD OPERATIONS CHIEF INFORMATION SECURITY OFFICER DIRECTOR, OFFICE OF SECURITY AND EMERGENCY MANAGEMENT PROGRAM DIRECTOR, OFFICE OF HUMAN AND ANIMAL FOOD OPERATIONS–WEST DIRECTOR, OFFICE OF BUDGET DEPUTY ASSOCIATE ADMINISTRATOR, OFFICE OF FEDERAL ASSISTANCE MANAGEMENT ASSOCIATE ADMINISTRATOR, BUREAU OF HEALTH WORKFORCE DIRECTOR, OFFICE OF HUMAN RESOURCES DEPUTY ASSOCIATE ADMINISTRATOR, OFFICE OF OPERATIONS DEPUTY ASSOCIATE ADMINISTRATOR, BUREAU OF PRIMARY HEALTH CARE DEPUTY ASSOCIATE ADMINISTRATOR, BUREAU OF HEALTH WORKFORCE ASSOCIATE ADMINISTRATOR, PROVIDER RELIEF BUREAU ASSOCIATE ADMINISTRATOR, MATERNAL AND CHILD HEALTH BUREAU ASSOCIATE ADMINISTRATOR, OFFICE OF FEDERAL RURAL HEALTH POLICY DEPUTY ASSOCIATE ADMINISTRATOR, HIV/AIDS BUREAU ASSOCIATE ADMINISTRATOR, OFFICE OF REGIONAL OPERATIONS DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER ASSOCIATE ADMINISTRATOR, HIV/AIDS BUREAU DEPUTY ASSOCIATE ADMINISTRATOR AND CHIEF MEDICAL OFFICER ASSOCIATE ADMINISTRATOR, HEALTH SYSTEMS BUREAU ASSOCIATE ADMINISTRATOR FOR OPERATIONS ASSOCIATE ADMINISTRATOR FOR BUREAU OF PRIMARY HEALTH CARE ASSOCIATE ADMINISTRATOR, OFFICE OF FEDERAL ASSISTANCE MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR, HEALTHCARE SYSTEMS BUREAU DEPUTY ASSOCIATE ADMINISTRATOR, FEDERAL OFFICE OF RURAL HEALTH POLICY DEPUTY ADMINISTRATOR, HEALTH RESOURCES AND SERVICES ADMINISTRATION DIRECTOR, OFFICE OF CIVIL RIGHTS AND DIVERSITY INCLUSION DEPUTY ASSOCIATE ADMINISTRATOR, MATERNAL AND CHILD HEALTH BUREAU DIRECTOR, OFFICE OF ACQUISITIONS MANAGEMENT AND POLICY INDIAN HEALTH SERVICE DIRECTOR, ALASKA AREA DIRECTOR, NAVAJO AREA DIRECTOR, CALIFORNIA AREA DIRECTOR, BEMIDJI AREA DIRECTOR, NASHVILLE AREA DEPUTY DIRECTOR DIRECTOR, GREAT PLAINS AREA DIRECTOR, OFFICE OF ENVIRONMENTAL HEALTH AND ENGINEERING

Agency name	Organization name	Position title
	NATIONAL INSTITUTES OF HEALTH OFFICE OF THE SECRETARY SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.	DIRECTOR, OFFICE OF URBAN INDIAN HEALTH PROGRAMS DIRECTOR, OFFICE OF CLINICAL AND PREVENTIVE SERVICES CHIEF EXECUTIVE OFFICER, PHOENIX INDIAN MEDICAL CENTER DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING DEPUTY DIRECTOR FOR MANAGEMENT OPERATIONS DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY DIRECTOR, BILLINGS AREA DIRECTOR, TUCSON AREA DIRECTOR, OFFICE OF TRIBAL SELF-GOVERNANCE DIRECTOR, OFFICE OF MANAGEMENT SERVICES DIRECTOR, PORTLAND AREA CHIEF COMPLIANCE OFFICER HEALTH SYSTEM ADMINISTRATOR (6) DEPUTY DIRECTOR FOR INTERGOVERNMENTAL AFFAIRS DIRECTOR, DIVERSITY MANAGEMENT AND EEO DIRECTOR, OFFICE OF DIRECT SERVICE AND CONTRACTING TRIBES CHIEF EXECUTIVE OFFICER, GALLUP INDIAN MEDICAL CENTER DIRECTOR, OFFICE OF HUMAN RESOURCES DEPUTY DIRECTOR FOR QUALITY HEALTH CARE DIRECTOR, OFFICE OF STRATEGIC PLANNING AND MANAGEMENT OPERATIONS DIRECTOR, OFFICE OF HEALTH EDUCATION, COMMUNICATIONS, AND SCIENCE POLICY ASSOCIATE DIRECTOR FOR FINANCIAL MANAGEMENT AND LEGISLATION DIRECTOR, CENTER FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER DIRECTOR OF CYBERSECURITY/CHIEF INFORMATION SECURITY OFFICER DIRECTOR, NIH ETHICS OFFICE ASSOCIATE DIRECTOR FOR MANAGEMENT (2) CHIEF INFORMATION OFFICER DEPUTY DIRECTOR, DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES DIRECTOR, OFFICE OF ACQUISITION AND LOGISTICS MANAGEMENT ASSOCIATE DIRECTOR FOR BUDGET DIRECTOR, OFFICE OF HUMAN RESOURCES ELECTRONIC RESEARCH ADMINISTRATION PROGRAM MANAGER DIRECTOR, OFFICE OF MANAGEMENT ASSESSMENT ASSOCIATE DIRECTOR FOR SECURITY AND EMERGENCY RESPONSE DIRECTOR, OFFICE OF POLICY FOR EXTRAMURAL RESEARCH ADMINISTRATION DEPUTY DIRECTOR FOR MANAGEMENT DIRECTOR, OFFICE OF EQUITY, DIVERSITY, AND INCLUSION DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT DIRECTOR, OFFICE OF RESEARCH SERVICES ASSISTANT DEPUTY SECRETARY FOR NATIONAL SECURITY DIRECTOR, CENTER FOR SUBSTANCE ABUSE PREVENTION DIRECTOR, OFFICE OF RECOVERY DIRECTOR, OFFICE OF FINANCIAL RESOURCES DIRECTOR, NATIONAL MENTAL HEALTH AND SUBSTANCE USE POLICY LABORATORY EXECUTIVE OFFICER DIRECTOR, CENTER FOR SUBSTANCE ABUSE TREATMENT DEPUTY DIRECTOR FOR ANIMAL-DERIVED FOODS
FOOD AND DRUG ADMINISTRATION	CENTER FOR FOOD SAFETY AND APPLIED NUTRITION.	DIRECTOR, OFFICE OF EXECUTIVE PROGRAMS DIRECTOR, OFFICE OF DIETARY SUPPLEMENT PROGRAMS

Agency name	Organization name	Position title
NATIONAL INSTITUTES OF HEALTH	NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH.	ASSOCIATE DIRECTOR FOR OPERATIONS
	OFFICE OF POLICY AND PLANNING	DIRECTOR OFFICE OF PLANNING AND EVALUATION
	OFFICE OF REGULATORY AFFAIRS	DEPUTY DIRECTOR, OFFICE OF HUMAN AND ANIMAL FOOD OPERATIONS
	ADVANCED RESEARCH PROJECTS AGENCY FOR HEALTH.	DEPUTY DIRECTOR FOR TARGETING, ANALYSIS AND SUPPORT
		DIRECTOR, STRATEGIC RESOURCES OFFICE
	CENTER FOR INFORMATION TECHNOLOGY	DIRECTOR, ACQUISITIONS AND CONTRACTING OFFICE
		COMPTROLLER
	NATIONAL CANCER INSTITUTE	DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY SERVICES MANAGEMENT
		DEPUTY DIRECTOR
	NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.	DEPUTY DIRECTOR FOR MANAGEMENT
	NATIONAL EYE INSTITUTE	ASSOCIATE DIRECTOR FOR ADMINISTRATION
	NATIONAL HUMAN GENOME RESEARCH INSTITUTE.	DEPUTY DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES.	ASSOCIATE DIRECTOR FOR MANAGEMENT
		ASSOCIATE DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH.	ASSOCIATE DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES.	ASSOCIATE DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTE OF MENTAL HEALTH	ASSOCIATE DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTE ON AGING	DIRECTOR OF MANAGEMENT
	NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM.	ASSOCIATE DIRECTOR FOR ADMINISTRATION
	NATIONAL INSTITUTE ON DRUG ABUSE	DEPUTY DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTES OF ALLERGY AND INFECTIOUS DISEASES.	DIRECTOR, OFFICE OF MISSION INTEGRATION AND FINANCIAL MANAGEMENT
	NATIONAL INSTITUTES OF CHILD HEALTH AND HUMAN DEVELOPMENT.	ASSOCIATE DIRECTOR FOR ADMINISTRATION
	NATIONAL INSTITUTES OF ENVIRONMENTAL HEALTH SCIENCES.	ASSOCIATE DIRECTOR OF MANAGEMENT
	NATIONAL INSTITUTES OF GENERAL MEDICAL SCIENCES.	ASSOCIATE DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTES OF HEALTH CLINICAL CENTER.	CHIEF OPERATING OFFICER
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	NATIONAL INSTITUTES ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.	CHIEF FINANCIAL OFFICER
	NATIONAL LIBRARY OF MEDICINE	ASSOCIATE DIRECTOR FOR ADMINISTRATION
OFFICE OF THE ASSISTANT SECRETARY FOR FINANCIAL RESOURCES.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR BUDGET.	ASSOCIATE DIRECTOR FOR EXTRAMURAL PROGRAMS
		ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT
OFFICE OF THE COMMISSIONER	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE.	DIRECTOR, INFORMATION SYSTEMS
		ASSOCIATE DIRECTOR FOR LIBRARY OPERATIONS
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	PROGRAM SUPPORT CENTER	DEPUTY DIRECTOR, POLICY AND EXTERNAL AFFAIRS
		DIRECTOR, OFFICE OF RESEARCH FACILITIES DEVELOPMENT AND OPERATIONS
OFFICE OF THE ASSISTANT SECRETARY FOR FINANCIAL RESOURCES.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR BUDGET.	DIRECTOR, FACILITIES AND LOGISTICS
		DEPUTY ASSISTANT SECRETARY, PROGRAM SUPPORT CENTER
OFFICE OF THE COMMISSIONER	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE.	DIRECTOR, FINANCIAL MANAGEMENT PORTFOLIO
		DEPUTY ASSISTANT SECRETARY, BUDGET
OFFICE OF THE COMMISSIONER	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE.	DIRECTOR, DIVISION OF HEALTH BENEFITS AND INCOME SECURITY
		DIRECTOR, DIVISION OF BUDGET POLICY, EXECUTION AND REVIEW
OFFICE OF THE COMMISSIONER	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE.	ASSOCIATE DEPUTY ASSISTANT SECRETARY, BUDGET
		DIRECTOR, OFFICE OF PROGRAM INTEGRITY COORDINATION
OFFICE OF THE COMMISSIONER	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCE
		DEPUTY ASSISTANT SECRETARY, FINANCE
OFFICE OF THE COMMISSIONER	OFFICE OF OPERATIONS	DEPUTY DIRECTOR FOR REGULATORY AFFAIRS
		CHIEF FINANCIAL OFFICER
OFFICE OF THE COMMISSIONER	OFFICE OF OPERATIONS	DIRECTOR OF FISCAL SERVICES AND OPERATIONS
		DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

Agency name	Organization name	Position title
OFFICE OF THE SECRETARY	OFFICE FOR CIVIL RIGHTS	DEPUTY DIRECTOR FOR CIVIL RIGHTS PRINCIPAL DEPUTY DIRECTOR DEPUTY DIRECTOR FOR CONSCIENCE DEPUTY DIRECTOR FOR HEALTH INFORMATION PRIVACY DEPUTY DIRECTOR, PLANNING AND BUSINESS ADMINISTRATION MANAGEMENT
	OFFICE OF GLOBAL AFFAIRS	DEPUTY ASSISTANT SECRETARY FOR GLOBAL AFFAIRS
	OFFICE OF MEDICARE HEARINGS AND APPEALS	EXECUTIVE DIRECTOR, PROGRAM INTEGRITY AND ETHICS EXECUTIVE DIRECTOR, OFFICE OF MEDICARE HEARINGS AND APPEALS
	OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	EXECUTIVE DIRECTOR, OFFICE OF ENTERPRISE SERVICES EXECUTIVE DIRECTOR, HUMAN RESOURCES OPERATIONS DEPUTY ASSISTANT SECRETARY FOR EQUITY, DIVERSITY, AND INCLUSION EXECUTIVE OFFICER (2) ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES DEPUTY CHIEF INFORMATION OFFICER DEPUTY ASSISTANT SECRETARY FOR ACQUISI- TIONS EXECUTIVE DIRECTOR, FINANCIAL MANAGE- MENT AND BUDGET DEPUTY ASSISTANT SECRETARY, CHIEF INFOR- MATION OFFICER DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES EXECUTIVE DIRECTOR, OFFICE OF APPLICA- TION AND PLATFORM SOLUTIONS EXECUTIVE DIRECTOR, NATIONAL LABOR EM- PLOYEE RELATIONS OFFICE DEPUTY DIRECTOR, PROGRAM SUPPORT CEN- TER DEPUTY DIRECTOR FOR DRUG AND HEALTH PLAN OPERATIONS CHIEF INFORMATION SECURITY OFFICER ASSOCIATE DEPUTY ASSISTANT SECRETARY, GRANTS DEPUTY ASSISTANT SECRETARY FOR OPER- ATIONS AND MANAGEMENT DEPUTY ASSISTANT SECRETARY, OFFICE OF ACQUISITIONS EXECUTIVE DIRECTOR, GRANTS QUALITY SERV- ICE MANAGEMENT DIRECTOR OF POLICY, OVERSIGHT, EVALUA- TION AND TRAINING EXECUTIVE DIRECTOR, ACQUISITION POLICY, LEGISLATION, OVERSIGHT AND WORKFORCE EXECUTIVE DIRECTOR, STRATEGIC PROGRAMS AND BUSINESS SYSTEMS DIRECTOR, NATIONAL GRANTS CENTER OF EX- CELLENCE DIRECTOR, OFFICE OF SMALL AND DISADVAN- TAGED BUSINESS UTILIZATION DIRECTOR, OFFICE OF FINANCIAL POLICY AND REPORTING DIVISION DIRECTOR ASSOCIATE DEPUTY ASSISTANT SECRETARY, ACQUISITION DEPUTY ASSISTANT SECRETARY, OFFICE OF GRANTS DEPUTY DIRECTOR, OFFICE OF RESEARCH IN- TEGRITY DEPUTY ASSISTANT SECRETARY FOR CLIMATE CHANGE AND HEALTH EQUITY DEPUTY ASSISTANT SECRETARY FOR HEALTH (REGIONAL OPERATIONS) DIRECTOR, OFFICE OF RESEARCH INTEGRITY EXECUTIVE OFFICER CHIEF INFORMATION OFFICER, EXECUTIVE DI- RECTOR FOR INFORMATION TECHNOLOGY PRINCIPAL DEPUTY DIRECTOR, OFFICE OF MI- NORITY HEALTH ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PLANNING AND EVALUATION (HEALTH SERVICES POLICY) DEPUTY ASSISTANT SECRETARY, OFFICE OF OPERATIONS AND RESOURCES
	OFFICE OF THE ASSISTANT SECRETARY FOR FI- NANCIAL RESOURCES.	
	OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH.	
	OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION.	
	OFFICE OF THE ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.	

Agency name	Organization name	Position title
		DEPUTY ASSISTANT SECRETARY, INDUSTRIAL BASE MANAGEMENT AND SUPPLY CHAIN DEPUTY CHIEF OPERATING OFFICER, H-CORE DEPUTY HEAD OF CONTRACTING ACTIVITY HEAD OF CONTRACTING ACTIVITY DIRECTOR, OFFICE OF SECURITY, INTEL, IN- FORMATION MANAGEMENT DIRECTOR OF SUPPLY, PRODUCTION, DIS- TRIBUTION AND ADMINISTRATION DIRECTOR, OFFICE OF RESOURCE MANAGE- MENT DIRECTOR, STRATEGIC NATIONAL STOCKPILE DIRECTOR, OFFICE OF EMERGENCY MANAGE- MENT AND MEDICAL OPERATIONS EXECUTIVE OFFICER/DEPUTY AGENCY CHIEF FOIA DEPUTY AGENCY CHIEF FOIA OFFICER CHAIR, DEPARTMENTAL APPEALS BOARD DEPUTY GENERAL COUNSEL (LITIGATION) ASSOC GEN COUNSEL, ETHICS DIV AND DES- IGNATED AGENCY ETHICS OFFICIAL DEPUTY ASSOCIATE GENERAL COUNSEL FOR ETHICS ADVICE AND POLICY CHIEF MEDICAL OFFICER
	OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.	
	OFFICE OF THE DEPUTY SECRETARY	
	OFFICE OF THE GENERAL COUNSEL	
	OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.	DEPUTY NATIONAL COORDINATOR FOR OPER- ATIONS EXECUTIVE DIRECTOR, OFFICE OF TECH- NOLOGY EXECUTIVE DIRECTOR, OFFICE OF POLICY DEPUTY NATIONAL COORDINATOR PRINCIPAL DEPUTY INSPECTOR GENERAL
DEPARTMENT OF HEALTH AND HUMAN SERV- ICES OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF HEALTH AND HUMAN SERV- ICES OFFICE OF THE INSPECTOR GENERAL.	DEPUTY CHIEF OF STAFF CHIEF OF STAFF ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES (CYBERSECURITY AND INFORMA- TION TECHNOLOGY AUDITS) ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES (3) DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES ASSISTANT INSPECTOR GENERAL FOR MEDI- CARE AND MEDICAID SERVICE AUDITS CHIEF COUNSEL TO THE INSPECTOR GENERAL
DEPARTMENT OF HEALTH AND HUMAN SERV- ICES OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF AUDIT SERVICES	ASSISTANT INSPECTOR GENERAL FOR LEGAL AFFAIRS (2) ASSISTANT INSPECTOR GENERAL FOR EVALUA- TION AND INSPECTIONS (3) DEPUTY INSPECTOR GENERAL FOR EVALUA- TION AND INSPECTIONS DEPUTY INSPECTOR GENERAL FOR INVESTIGA- TIONS ASSISTANT INSPECTOR GENERAL FOR INVES- TIGATIONS (4) ASSISTANT INSPECTOR GENERAL FOR INFOR- MATION TECHNOLOGY (CHIEF INFORMATION OFFICER) ASSISTANT INSPECTOR GENERAL (CHIEF DATA AND ANALYTICS OFFICER) DEPUTY INSPECTOR GENERAL FOR MANAGE- MENT AND POLICY ASSISTANT INSPECTOR GENERAL FOR MAN- AGEMENT AND POLICY (DEPUTY CHIEF FI- NANCIAL OFFICER) DEPUTY ASSISTANT SECRETARY, INFORMATION ANALYSIS EXECUTIVE DIRECTOR FOR TECHNOLOGY AND CAPABILITY READINESS REGIONAL DIRECTOR, REGION I, BOSTON, MA
	OFFICE OF COUNSEL TO THE INSPECTOR GEN- ERAL.	
	OFFICE OF EVALUATION AND INSPECTIONS	
	OFFICE OF INVESTIGATIONS	
	OFFICE OF MANAGEMENT AND POLICY	
DEPARTMENT OF HOMELAND SECURITY	COUNTERING WEAPONS OF MASS DESTRUC- TION OFFICE.	REGIONAL DIRECTOR, REGION 10, SEATTLE, WA EXECUTIVE DIRECTOR, JOINT CYBER COORDI- NATION GROUP DEPUTY ASSISTANT DIRECTOR FOR INTE- GRATED OPERATIONS CHIEF INFORMATION SECURITY OFFICER EXECUTIVE DIRECTOR, CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY SENIOR TECHNICAL DIRECTOR CHIEF, STRATEGY, POLICY, AND PLANS
	CYBERSECURITY AND INFRASTRUCTURE SEC- URITY AGENCY.	

Agency name	Organization name	Position title
	FEDERAL EMERGENCY MANAGEMENT AGENCY	DEPUTY ASSISTANT DIRECTOR FOR STAKE- HOLDER ENGAGEMENT ASSOCIATE DIRECTOR FOR CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA) CENTRAL ASSOCIATE DIRECTOR FOR READINESS AND CONTINUITY CHIEF PEOPLE OFFICER CHIEF ACQUISITION EXECUTIVE ASSOCIATE DIRECTOR FOR THREAT HUNTING DEPUTY CHIEF ACQUISITION EXECUTIVE FOR PROCUREMENT REGIONAL DIRECTOR (2) ASSOCIATE DIRECTOR FOR CAPACITY BUILD- ING CHIEF FINANCIAL OFFICER DIRECTOR, NETWORK SECURITY DEPLOYMENT ASSISTANT DIRECTOR FOR INTEGRATED OPER- ATIONS DIRECTOR, OFFICE OF COMPLIANCE AND SECUR- ITY COMPONENT CHIEF HUMAN CAPITAL OFFICER DEPUTY EXECUTIVE ASSISTANT DIRECTOR FOR INFRASTRUCTURE SECURITY DIRECTOR MISSION INTEGRATION CHIEF TECHNOLOGY OFFICER, CYBER SECUR- ITY AND COMMUNICATIONS REGIONAL DIRECTOR, REGION 7, KANSAS CITY, MO DEPUTY ASSISTANT DIRECTOR, NATIONAL RISK MANAGEMENT CENTER ASSISTANT DIRECTOR, FUTURES IDENTITY REGIONAL DIRECTOR SENIOR ADVISOR, OFFICE OF INFRASTRUC- TURE SECURITY DIRECTOR, PROTECTIVE SECURITY COORDINA- TION DEPUTY DIRECTOR, OFFICE OF BIOMETRIC IDENTITY MANAGEMENT EXECUTIVE ASSISTANT DIRECTOR FOR EMER- GENCY COMMUNICATIONS DEPUTY EXECUTIVE ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS SENIOR COUNSELOR TO THE DIRECTOR FOR CISA REGIONAL DIRECTOR (2) COMPONENT CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR FOR CHEMICAL SECUR- ITY ASSISTANT DIRECTOR, NATIONAL RISK MAN- AGEMENT CENTER DEPUTY DIRECTOR FOR OPERATIONS, NA- TIONAL CYBERSECURITY AND COMMUNICA- TIONS INTEGRATION CENTER (NCCIC) ASSISTANT DIRECTOR FOR STAKEHOLDER EN- GAGEMENT DIRECTOR OF MANAGEMENT REGIONAL DIRECTOR, REGION 6, DALLAS, TX REGIONAL DIRECTOR, REGION 3, PHILADEL- PHIA, PA DEPUTY EXECUTIVE ASSISTANT DIRECTOR FOR CYBERSECURITY ASSISTANT ADMINISTRATOR FOR RISK MAN- AGEMENT DEPUTY CHIEF COUNSEL FOR GENERAL LAW DIRECTOR, GRANTS MANAGEMENT DIVISION ASSOCIATE ADMINISTRATOR, MISSION SUP- PORT ASSISTANT ADMINISTRATOR FOR BUDGET ASSISTANT ADMINISTRATOR FOR FEDERAL IN- SURANCE DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR STRATEGIC SOLUTIONS DIRECTOR, PLANNING AND EXERCISE DIVISION, OFFICE OF RESPONSE AND RECOVERY DIRECTOR, INDIVIDUAL ASSISTANCE DIVISION DIRECTOR, PUBLIC ASSISTANCE DIVISION CHIEF FINANCIAL OFFICER DIVISION DIRECTOR, HAZARD MITIGATION AS- SISTANCE DEPUTY ASSOCIATE ADMINISTRATOR, FEDERAL INSURANCE AND MITIGATION ADMINISTRA- TION

Agency name	Organization name	Position title
		DEPUTY CHIEF INFORMATION OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF COMPONENT PROCUREMENT OFFICER DEPUTY ASSOCIATE ADMINISTRATOR FOR MIS- SION SUPPORT ASSISTANT ADMINISTRATOR FOR NATIONAL PREPAREDNESS SUPERINTENDENT, EMERGENCY MANAGEMENT INSTITUTE ASSISTANT ADMINISTRATOR FOR FINANCIAL SYSTEMS DIVISION DEPUTY ASSISTANT ADMINISTRATOR FOR MITI- GATION ASSISTANT ADMINISTRATOR, FIELD OPER- ATIONS DIRECTORATE DEPUTY CHIEF COMPONENT PROCUREMENT OFFICER DIRECTOR, OPERATIONS DIVISION (RESPONSE AND RECOVERY) DEPUTY ASSISTANT ADMINISTRATOR FOR RE- SPONSE DEPUTY CHIEF INFORMATION OFFICER (DIS- ASTER OPERATIONS), MISSION SUPPPORT DI- RECTORATE DIRECTOR, NATIONAL EXERCISES AND TECH- NOLOGICAL HAZARDS DEPUTY ASSOCIATE ADMINISTRATOR FOR POL- ICY, PROGRAM ANALYSIS AND INTER- NATIONAL AFFAIRS DEPUTY DIRECTOR, EXTERNAL AFFAIRS SUPERINTENDENT, CENTER FOR DOMESTIC PREPAREDNESS DEPUTY CHIEF COUNSEL FOR OPERATIONS DEPUTY ASSISTANT ADMINISTRATOR, GRANTS PROGRAM ASSISTANT ADMINISTRATOR FOR FINANCIAL MANAGEMENT DIRECTOR, OPERATIONAL COORDINATION CHIEF ADMINISTRATIVE OFFICER DIRECTOR, EMERGENCY COMMUNICATION DIVI- SION ASSISTANT ADMINISTRATOR FOR MITIGATION DEPUTY ASSISTANT ADMINISTRATOR FOR FED- ERAL INSURANCE ASSISTANT ADMINISTRATOR, RESILIENCE BUSI- NESS OPERATIONS DEPUTY CHIEF ADMINISTRATIVE OFFICER DEPUTY ASSISTANT ADMINISTRATOR FOR RISK MANAGEMENT DEPUTY REGIONAL ADMINISTRATOR (REGION VI, DALLAS) DEPUTY REGIONAL ADMINISTRATOR (REGION II NEW YORK) DEPUTY REGIONAL ADMINISTRATOR (REGION III PHILADELPHIA) DEPUTY REGIONAL ADMINISTRATOR (REGION V CHICAGO) DEPUTY REGIONAL ADMINISTRATOR (REGION VII KANSAS) DEPUTY REGIONAL ADMINISTRATOR (REGION VIII DENVER) DEPUTY REGIONAL ADMINISTRATOR (REGION IX OAKLAND) DEPUTY REGIONAL ADMINISTRATOR (REGION X SEATTLE) DEPUTY REGIONAL ADMINISTRATOR (REGION 1 BOSTON) DEPUTY DIRECTOR, PUBLIC ASSISTANCE DIVI- SION DEPUTY ASSISTANT ADMINISTRATOR, FIELD OPERATIONS DIRECTORATE CHIEF SECURITY OFFICER CHIEF TECHNOLOGY OFFICER PRINCIPAL DEPUTY CHIEF COUNSEL DEPUTY ASSISTANT ADMINISTRATOR, NA- TIONAL PREPAREDNESS DIRECTORATE DEPUTY REGIONAL ADMINISTRATOR, REGION IV, ATLANTA CHIEF INFORMATION SECURITY OFFICER DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR HUMAN RESOURCE OPERATIONS DIRECTOR, NATIONAL ASSESSMENT AND INTE- GRATION

Agency name	Organization name	Position title
	FEDERAL LAW ENFORCEMENT TRAINING CENTER.	DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY DEPUTY ASSISTANT ADMINISTRATOR, GRANTS SYSTEMS AND POLICY INTEGRATION DIRECTOR, OFFICE OF EQUAL RIGHTS DEPUTY CHIEF SECURITY OFFICER ASSISTANT ADMINISTRATOR FOR FIELD LEADERSHIP DEPUTY ASSOCIATE ADMINISTRATOR FOR RESILIENCE DIRECTOR OF HERMIT'S PEAK CLAIMS OFFICE DEPUTY DIRECTOR, INDIVIDUAL ASSISTANCE DIVISION ASSISTANT DIRECTOR (CHIEF FINANCIAL OFFICER) ASSISTANT DIRECTOR (MISSION AND READINESS SUPPORT DIRECTORATE) ASSISTANT DIRECTOR OF TRAINING (CORE TRAINING OPERATIONS DIRECTORATE) ASSISTANT DIRECTOR OF TRAINING (NATIONAL CAPITAL REGION TRAINING OPERATIONS DIRECTORATE) ASSISTANT DIRECTOR OF TRAINING (TECHNICAL TRAINING OPERATIONS DIRECTORATE) ASSISTANT DIRECTOR (CHIEF INFORMATION OFFICER DIRECTORATE) CHIEF COUNSEL ASSOCIATE DIRECTOR FOR TRAINING OPERATIONS DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER DEPUTY DIRECTOR ASSISTANT DIRECTOR OF TRAINING (TRAINING MANAGEMENT OPERATIONS DIRECTORATE) DIRECTOR, FINANCIAL MANAGEMENT DIRECTOR, FEDERAL PROTECTIVE SERVICE EXECUTIVE DIRECTOR, THREAT MANAGEMENT OPERATIONS EXECUTIVE DIRECTOR, OFFICE OF THE CHIEF TECHNOLOGY OFFICER DEPUTY CHIEF INFORMATION OFFICER EXECUTIVE DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS ASSISTANT DIRECTOR PROTECTIVE SECURITY OFFICER OVERSIGHT DEPUTY DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS DEPUTY CHIEF PROCUREMENT OFFICER PRINCIPAL DEPUTY EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY OPERATIONS EXECUTIVE DIRECTOR, CHIEF INFORMATION SECURITY OFFICER EXECUTIVE DIRECTOR, BUSINESS MANAGEMENT DIRECTORATE DEPUTY DIRECTOR, TECHNOLOGY AND INNOVATION (CHIEF TECHNOLOGY OFFICER) EXECUTIVE DIRECTOR, STRATEGIC OPERATIONS EXECUTIVE DIRECTOR, SUSTAINABILITY AND ENVIRONMENTAL PROGRAMS EXECUTIVE DIRECTOR, HUMAN RESOURCES MANAGEMENT AND SERVICES EXECUTIVE DIRECTOR, ENTERPRISE SECURITY OPERATIONS AND SUPPORT DEPUTY CHIEF INFORMATION SECURITY OFFICER—CYBERSECURITY (CIO) CHIEF PROCUREMENT OFFICER EXECUTIVE DIRECTOR, SOLUTIONS DEVELOPMENT DIRECTORATE DIRECTOR, OFFICE OF BUDGET EXECUTIVE DIRECTOR, FACILITIES AND OPERATIONAL SUPPORT DEPUTY CHIEF READINESS SUPPORT OFFICER EXECUTIVE DIRECTOR, HUMAN CAPITAL POLICY AND PROGRAMS EXECUTIVE DIRECTOR, ACQUISITION, POLICY AND OVERSIGHT CHIEF SECURITY OFFICER DEPUTY CHIEF SECURITY OFFICER DEPUTY DIRECTOR, POLICY, INTERGOVERNMENTAL PROGRAMS AND COMMUNICATIONS ASSISTANT DIRECTOR FOR FIELD OPERATIONS (EAST), FEDERAL PROTECTIVE SERVICE
	MANAGEMENT DIRECTORATE	

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, ACQUISITION WORK- FORCE AND SYSTEMS SUPPORT EXECUTIVE DIRECTOR, HUMAN CAPITAL BUSI- NESS SYSTEMS DEPUTY CHIEF DATA OFFICER DEPUTY EXECUTIVE DIRECTOR, PROGRAM AC- COUNTABILITY AND RISK MANAGEMENT DEPUTY BUDGET DIRECTOR, OFFICE OF BUDG- ET DEPUTY EXECUTIVE DIRECTOR, SOLUTIONS DE- VELOPMENT DIRECTORATE EXECUTIVE DIRECTOR, STRATEGIC PROGRAMS DIVISION PRINCIPAL DEPUTY DIRECTOR, FEDERAL PRO- TECTIVE SERVICE ASSISTANT DIRECTOR OF FIELD OPERATIONS (WEST), FEDERAL PROTECTIVE SERVICES ASSISTANT DIRECTOR OF FIELD OPERATIONS (CENTRAL), FEDERAL PROTECTIVE SERVICES CHIEF DATA OFFICER DIRECTOR, DEPARTMENTAL GENERAL AC- COUNTING OFFICE/INPSECTOR GENERAL LIAI- SON OFFICE ASSISTANT DIRECTOR, OFFICE OF TRAINING AND CAREER DEVELOPMENT, FEDERAL PRO- TECTIVE SERVICE EXECUTIVE DIRECTOR, PROGRAM ACCOUNT- ABILITY AND RISK MANAGEMENT OFFICE ASSISTANT DIRECTOR, OFFICE OF RESOURCE MANAGEMENT, FEDERAL PROTECTIVE SERV- ICE EXECUTIVE DIRECTOR, DIVERSITY AND INCLU- SION DIRECTOR, RISK MANAGEMENT AND ASSUR- ANCE ASSISTANT DIRECTOR FOR RESOURCE MAN- AGEMENT (FINANCIAL OPERATIONS) EXECUTIVE DIRECTOR, REGIONAL MISSION SUPPORT EXECUTIVE DIRECTOR, STRATEGIC SOLUTIONS OFFICE DEPUTY CHIEF INFORMATION OFFICER CHIEF, COUNTER-INTELLIGENCE AND INVES- TIGATIONS EXECUTIVE DIRECTOR, ACQUISITION POLICY AND LEGISLATION BRANCH EXECUTIVE DIRECTOR, STRATEGIC WORK- FORCE PLANNING AND ANALYSIS EXECUTIVE DIRECTOR, ASSETS AND LOGISTICS EXECUTIVE DIRECTOR, HEADQUARTERS SUP- PORT DEPUTY CHIEF TECHNOLOGY OFFICER OFFICE OF INTELLIGENCE AND ANALYSIS DIRECTOR, OFFICE OF REGIONAL INTEL- LIGENCE ASSOCIATE DEPUTY UNDER SECRETARY FOR INTELLIGENCE ENTERPRISE OPERATIONS DIRECTOR, CURRENT AND EMERGING THREATS CENTER DIRECTOR, BORDER SECURITY DIVISION PRINCIPAL DEPUTY UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS CHIEF OF STAFF DEPUTY UNDER SECRETARY FOR INTEL- LIGENCE ENTERPRISE READINESS DIRECTOR, CYBER MISSION CENTER DEPUTY ASSISTANT SECRETARY FOR CYBER DEPUTY ASSISTANT SECRETARY FOR UNITY OF EFFORT INTEGRATION PRINCIPAL DEPUTY DIRECTOR, TERRORIST SCREENING CENTER DEPUTY ASSISTANT SECRETARY FOR INTER- NATIONAL AFFAIRS (WESTERN HEMISPHERE) DEPARTMENT OF HOMELAND SECURITY (DHS) ATTACHE TO CENTRAL AMERICA DEPUTY ASSISTANT SECRETARY FOR IMMIGRA- TION STATISTICS DHS ATTACHÉ TO MEXICO DEPUTY UNDER SECRETARY FOR INTEL- LIGENCE PARTNERSHIPS DEPUTY ASSISTANT SECRETARY FOR COUNTERTERRORISM AND THREAT PREVEN- TION POLICY
	OFFICE OF STRATEGY, POLICY, AND PLANS	

Agency name	Organization name	Position title
	OFFICE OF THE GENERAL COUNSEL	DEPUTY ASSISTANT SECRETARY FOR ECONOMIC SECURITY DEPUTY ASSOCIATE GENERAL COUNSEL FOR ACQUISITION AND PROCUREMENT LEGAL ADVISOR AND ALTERNATE DESIGNATED AGENCY ETHICS OFFICIAL CHIEF OF STAFF/MANAGING COUNSEL DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW
	OFFICE OF THE SECRETARY	DHS DEPUTY MILITARY ADVISOR DEPARTMENT OF HOMELAND SECURITY (DHS) ADVISOR TO THE DEPARTMENT OF DEFENSE (DOD)
	SCIENCE AND TECHNOLOGY DIRECTORATE	SENIOR ADVISOR TO THE DEPUTY UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY DIRECTOR, OPERATIONS AND REQUIREMENTS ANALYSIS DIRECTOR, TECHNOLOGY TRANSITION PRINCIPAL DIRECTOR, OFFICE OF INNOVATION AND COLLABORATION PRINCIPAL DIRECTOR, OFFICE OF ENTERPRISE SERVICES SENIOR ADVISOR, OFFICE OF SCIENCE AND ENGINEERING DIRECTOR, SYSTEMS ENGINEERING AND STANDARDS PRINCIPAL DIRECTOR, OFFICE OF SCIENCE AND ENGINEERING DIRECTOR, TEST AND EVALUATION DIVISION DIRECTOR, COMMUNITY ENGAGEMENT AND TECHNOLOGY OPPORTUNITIES DIRECTOR, OFFICE FOR STRATEGY AND POLICY DIRECTOR, TECHNOLOGY CENTERS DIRECTOR, FINANCE AND BUDGET DIVISION DEPUTY GENERAL COUNSEL
	UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.	ASSOCIATE DIRECTOR, REFUGEE, ASYLUM AND INTERNATIONAL OPERATIONS DEPUTY ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY CHIEF, ASYLUM DIVISION DISTRICT DIRECTOR, FIELD SERVICES, NEW YORK CITY, NEW YORK DEPUTY ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION DEPUTY CHIEF INFORMATION OFFICER FOR DELIVERY DEPUTY ASSOCIATE DIRECTOR, OFFICE OF FIELD OPERATIONS CHIEF, INTAKE AND DOCUMENT PRODUCTION ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY CHIEF, HUMAN CAPITAL AND TRAINING CHIEF FINANCIAL OFFICER DISTRICT DIRECTOR, FIELD SERVICES, MIAMI, FLORIDA DIRECTOR, SERVICE CENTER, LINCOLN, NEBRASKA DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA DIRECTOR, SERVICE CENTER, DALLAS, TEXAS DIRECTOR, VERMONT SERVICE CENTER, SAINT ALBANS, VERMONT CENTRAL REGIONAL DIRECTOR (DALLAS, TEXAS) WESTERN REGIONAL DIRECTOR (LAGUNA NIGUEL, CALIFORNIA) NORTHEAST REGIONAL DIRECTOR (BURLINGTON, VERMONT) ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT CHIEF, PERFORMANCE AND QUALITY CHIEF INFORMATION OFFICER CHIEF, INTERNATIONAL AND REFUGEE AFFAIRS DIVISION REGIONAL DIRECTOR, SOUTHEAST REGION CHIEF, OFFICE OF ADMINISTRATION DIRECTOR, NATIONAL BENEFITS CENTER DISTRICT DIRECTOR, FIELD SERVICES, LOS ANGELES CALIFORNIA DISTRICT DIRECTOR, FIELD SERVICES, SAN FRANCISCO CALIFORNIA

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA DEPUTY DIRECTOR, SERVICE CENTER, DALLAS, TEXAS CHIEF, INTERNATIONAL OPERATIONS DEPUTY DIRECTOR, NATIONAL BENEFITS CEN- TER DIRECTOR, NATIONAL RECORDS CENTER ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION DEPUTY ASSOCIATE DIRECTOR, REFUGEE, ASY- LUM, AND INTERNATIONAL OPERATIONS ASSOCIATE DIRECTOR, SERVICE CENTER OP- ERATIONS CHIEF, OFFICE OF SECURITY AND INTEGRITY DISTRICT DIRECTOR, FIELD SERVICES, TAMPA, FLORIDA DISTRICT DIRECTOR, FIELD SERVICES, NEW- ARK, NEW JERSEY DISTRICT DIRECTOR, FIELD SERVICES, AT- LANTA, GEORGIA DEPUTY DIRECTOR, SERVICE CENTER, SAINT ALBANS, VERMONT DEPUTY DIRECTOR, SERVICE CENTER, LIN- COLN, NEBRASKA ASSOCIATE DIRECTOR, FIELD OPERATIONS CHIEF, VERIFICATION DIVISION DISTRICT DIRECTOR, FIELD SERVICES, BOS- TON, MASSACHUSETTS DISTRICT DIRECTOR, FIELD SERVICES, CHI- CAGO, ILLINOIS DEPUTY ASSOCIATE DIRECTOR, EXTERNAL AF- FAIRS DIRECTORATE DEPUTY ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT DISTRICT DIRECTOR, FIELD SERVICES (CLEVE- LAND, OH) CHIEF, IDENTITY AND INFORMATION MANAGE- MENT DIVISION COMPONENT ACQUISITION EXECUTIVE DISTRICT DIRECTOR, FIELD OPERATIONS (SE- ATTLE, WA) DISTRICT DIRECTOR, FIELD SERVICES (SAN AN- TONIO, TX) DISTRICT DIRECTOR, FIELD SERVICES (SAN DIEGO, CA) DISTRICT DIRECTOR, FIELD SERVICES (KANSAS CITY, MO) CHIEF REGULATORY OFFICER CHIEF BUDGET OFFICER DEPUTY CHIEF, OFFICE OF SECURITY AND IN- TEGRITY DISTRICT DIRECTOR, ASYLUM DIVISION (DIS- TRICT 1) DISTRICT DIRECTOR, ASYLUM DIVISION (DIS- TRICT 2) DISTRICT DIRECTOR, ASYLUM DIVISION (DIS- TRICT 3) DISTRICT DIRECTOR, ASYLUM DIVISION (DIS- TRICT 4) DISTRICT DIRECTOR, INTERNATIONAL AND REF- UGEE AFFAIRS DIVISION DEPUTY CHIEF, ASYLUM DIVISION DEPUTY CHIEF, INTERNATIONAL AND REFUGEE AFFAIRS DIVISION SENIOR COUNSELOR TO THE DIRECTOR (HU- MANITARIAN PROGRAMS) SENIOR COUNSELOR TO THE DIRECTOR (OPER- ATIONAL EFFICIENCY) SENIOR COUNSELOR TO THE DIRECTOR (OPER- ATIONAL EFFICIENCY) CHIEF STRATEGY OFFICER/CHIEF EVALUATION OFFICER SENIOR COUNSELOR TO THE DIRECTOR AT USCIS CHIEF, OFFICE OF CONTRACTING DEPUTY CHIEF INFORMATION OFFICE FOR OP- ERATIONS DISTRICT DIRECTOR, WASHINGTON, DC DEPUTY DIRECTOR, POTOMAC SERVICE CEN- TER DIRECTOR, POTOMAC SERVICE CENTER

Agency name	Organization name	Position title
	UNITED STATES CUSTOMS AND BORDER PROTECTION.	DISTRICT DIRECTOR, FIELD SERVICES, DALLAS, TEXAS CHIEF DATA OFFICER DEPUTY CHIEF FINANCIAL OFFICER DEPUTY ASSOCIATE DIRECTOR, SERVICE CENTER OPERATIONS DEPUTY CHIEF COUNSEL FOR FIELD MANAGEMENT EXECUTIVE DIRECTOR, AUTOMATED COMMERCIAL ENVIRONMENT (ACE) BUSINESS OFFICE ASSISTANT COMMISSIONER, INTELLIGENCE CHIEF PATROL AGENT (DETROIT) CHIEF PATROL AGENT (BIG BEND) ASSISTANT COMMISSIONER, INTERNATIONAL AFFAIRS DIRECTOR, NATIONAL TARGETING CENTER (PASSENGER) DIRECTOR, JOINT TASK FORCE (JTF)—WEST, SAN ANTONIO, TX EXECUTIVE DIRECTOR, SOFTWARE DEVELOPMENT (BORDER ENFORCEMENT AND MANAGEMENT SYSTEMS) EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT EXECUTIVE DIRECTOR, PRIVACY AND DIVERSITY PORT DIRECTOR, BUFFALO PORT DIRECTOR, CALEXICO, CA PORT DIRECTOR, NOGALES, AZ DIRECTOR, FIELD OPERATIONS (BALTIMORE) CHIEF, UNITED STATES BORDER PATROL ACADEMY DIRECTOR, LEADERSHIP DEVELOPMENT CENTER DIRECTOR, NATIONAL TARGETING CENTER (CARGO) DIRECTOR, COUNTER NETWORK EXECUTIVE DIRECTOR, PROGRAMMING EXECUTIVE DIRECTOR, INVESTIGATIVE OPERATIONS EXECUTIVE DIRECTOR, INTELLIGENCE OPERATIONS ASSOCIATE CHIEF COUNSEL (TUCSON) EXECUTIVE DIRECTOR, FIELD OPERATIONS ACADEMY EXECUTIVE DIRECTOR, MISSION SUPPORT PORTFOLIO ACQUISITION EXECUTIVE SENIOR POLICY ADVISOR DEPUTY CHIEF, STRATEGIC PLANNING AND ANALYSIS DIRECTOR, NATIONAL VETTING CENTER PORT DIRECTOR, DETROIT EXECUTIVE DIRECTOR, LAW ENFORCEMENT SAFETY AND COMPLIANCE EXECUTIVE DIRECTOR, OPERATIONS DEPUTY EXECUTIVE DIRECTOR, OPERATIONS DEPUTY CHIEF PATROL AGENT (LAREDO) EXECUTIVE DIRECTOR, SECURITY OPERATIONS EXECUTIVE DIRECTOR, ENTERPRISE INFRASTRUCTURE AND OPERATIONS CHIEF PATROL AGENT, BUFFALO SENIOR ADVISOR FOR INFORMATION AND TECHNOLOGY SENIOR ADVISOR FOR INTELLIGENCE CHIEF MANAGEMENT AND GOVERNANCE OFFICER DEPUTY ASSISTANT COMMISSIONER, SOFTWARE APPLICATIONS AND SERVICES DEPUTY ASSISTANT COMMISSIONER, INFRASTRUCTURE AND SUPPORT SERVICES EXECUTIVE DIRECTOR, INTERGOVERNMENTAL PUBLIC LIAISON PORT DIRECTOR (OTAY MESA) CHIEF PATROL AGENT, GRAND FORKS CHIEF PATROL AGENT, BLAINE CHIEF PATROL AGENT, MIAMI EXECUTIVE DIRECTOR, INTELLIGENCE ENTERPRISE DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, ENTERPRISE SERVICES EXECUTIVE DIRECTOR, ACQUISITION GOVERNANCE AND OVERSIGHT DIRECTOR, FIELD OPERATIONS (PRECLEARANCE)

Agency name	Organization name	Position title
		DEPUTY CHIEF PATROL AGENT, TUCSON PORT DIRECTOR, SAN YSIDRO DEPUTY ASSISTANT COMMISSIONER, ACQUISITION DEPUTY ASSISTANT COMMISSIONER, INTERNATIONAL AFFAIRS DIRECTOR OF OPERATIONS, NORTHERN REGION, WDC, (CBP) AMO EXECUTIVE DIRECTOR, AIR AND MARINE OPERATIONS CENTER DIRECTOR OF OPERATIONS, SOUTHEASTERN REGION EXECUTIVE DIRECTOR, OPERATIONS, SOUTHWEST REGION EXECUTIVE DIRECTOR, PROGRAM MANAGEMENT OFFICE DEPUTY CHIEF PATROL AGENT, SAN DIEGO CHIEF PATROL AGENT, EL CENTRO, CALIFORNIA EXECUTIVE DIRECTOR, TALENT MANAGEMENT EXECUTIVE DIRECTOR, TRAINING, SAFETY AND STANDARDS EXECUTIVE DIRECTOR, NATIONAL AIR SECURITY OPERATIONS, AIR AND MARINE EXECUTIVE DIRECTOR, PASSENGER SYSTEMS PROGRAM OFFICE EXECUTIVE DIRECTOR, ENTERPRISE DATA MANAGEMENT AND ENGINEERING DEPUTY ASSISTANT COMMISSIONER, PROFESSIONAL RESPONSIBILITY DEPUTY CHIEF, LAW ENFORCEMENT OPERATIONS, OFFICE OF BORDER PATROL EXECUTIVE DIRECTOR, MISSION SUPPORT, AIR AND MARINE EXECUTIVE DIRECTOR, TRADE POLICY AND PROGRAMS EXECUTIVE ASSISTANT COMMISSIONER, ENTERPRISE SERVICES EXECUTIVE DIRECTOR OF OPERATIONS, AIR AND MARINE OPERATIONS DEPUTY ASSISTANT COMMISSIONER, INTELLIGENCE EXECUTIVE DIRECTOR, STRATEGIC PLANNING AND ANALYSIS PORT DIRECTOR, LAREDO EXECUTIVE DIRECTOR, FINANCIAL OPERATIONS EXECUTIVE DIRECTOR, TRADE REMEDY LAW ENFORCEMENT DEPUTY EXECUTIVE DIRECTOR, LAW ENFORCEMENT OPERATIONAL PROGRAMS, OFFICE OF BORDER PATROL EXECUTIVE DIRECTOR, CARGO SYSTEMS EXECUTIVE DIRECTOR, FIELD SUPPORT EXECUTIVE DIRECTOR, TARGETING AND ANALYSIS SYSTEMS EXECUTIVE DIRECTOR, MISSION SUPPORT CHIEF, LAW ENFORCEMENT OPERATIONS, OFFICE OF BORDER PATROL EXECUTIVE DIRECTOR, ENTERPRISE NETWORKS AND TECHNOLOGY SUPPORT DIRECTOR, FIELD OPERATIONS (ATLANTA) EXECUTIVE DIRECTOR, CARGO AND CONVEYANCE SECURITY EXECUTIVE DIRECTOR, PLANNING, ANALYSIS AND REQUIREMENTS EVALUATION (PARE) EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE CHIEF PATROL AGENT (DEL RIO) EXECUTIVE DIRECTOR, ADMISSIBILITY AND PASSENGER PROGRAMS CHIEF PATROL AGENT, YUMA, ARIZONA EXECUTIVE DIRECTOR, REGULATIONS AND RULINGS ASSISTANT COMMISSIONER, FINANCE, CHIEF FINANCIAL OFFICER EXECUTIVE DIRECTOR, BUDGET ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY DEPUTY CHIEF (DEPUTY EXECUTIVE ASSISTANT COMMISSIONER), BORDER PATROL EXECUTIVE DIRECTOR, OPERATIONS DIRECTOR, FIELD OPERATIONS (SEATTLE) DIRECTOR, FIELD OPERATIONS (DETROIT)

Agency name	Organization name	Position title
		DIRECTOR, FIELD OPERATIONS (BUFFALO) ASSISTANT COMMISSIONER, LABORATORIES AND SCIENTIFIC SERVICES EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS DEPUTY ASSISTANT COMMISSIONER, OFFICE OF TRAINING AND DEVELOPMENT DIRECTOR, FIELD OPERATIONS (NEW YORK) CHIEF ACCOUNTABILITY OFFICER PORT DIRECTOR, NEWARK PORT DIRECTOR, MIAMI INTERNATIONAL AIRPORT DIRECTOR, FIELD OPERATIONS (MIAMI) EXECUTIVE ASSISTANT COMMISSIONER, TRADE EXECUTIVE DIRECTOR, REGULATORY AUDIT AND AGENCY ADVISORY SERVICES ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT DEPUTY ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT EXECUTIVE DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS ASSISTANT COMMISSIONER, FACILITIES AND ASSET MANAGEMENT, CHIEF READINESS SUPPORT OFFICER ASSISTANT COMMISSIONER, TRAINING AND DEVELOPMENT DEPUTY COMMISSIONER EXECUTIVE DIRECTOR, INTELLIGENCE AND ANALYSIS PORT DIRECTOR, JFK INTERNATIONAL AIRPORT EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS AND EVALUATION DEPUTY CHIEF COUNSEL ASSISTANT COMMISSIONER, ACQUISITION, CHIEF ACQUISITION OFFICER DEPUTY CHIEF PATROL AGENT, RIO GRANDE VALLEY DEPUTY CHIEF PATROL AGENT, EL PASO CHIEF PATROL AGENT, RIO GRANDE VALLEY PORT DIRECTOR (EL PASO) DEPUTY ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY DEPUTY ASSISTANT COMMISSIONER, FACILITIES AND ASSET MANAGEMENT CHIEF PATROL AGENT (TUCSON) PORT DIRECTOR, LOS ANGELES/LONG BEACH SEAPORT EXECUTIVE DIRECTOR, PROCUREMENT DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT EXECUTIVE DIRECTOR, MISSION SUPPORT EXECUTIVE DIRECTOR, AGRICULTURE PROGRAMS AND TRADE LIAISON PORT DIRECTOR, LOS ANGELES INTERNATIONAL AIRPORT EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS, AND EVALUATION EXECUTIVE DIRECTOR, CYBERSECURITY OPERATIONS AND POLICY DEPUTY ASSISTANT COMMISSIONER, FINANCE ASSOCIATE CHIEF COUNSEL FOR ETHICS, LABOR, AND EMPLOYMENT ASSOCIATE CHIEF COUNSEL—SOUTHEAST ASSOCIATE CHIEF COUNSEL—NEW YORK ASSOCIATE CHIEF COUNSEL, CHICAGO ASSOCIATE CHIEF COUNSEL—HOUSTON ASSOCIATE CHIEF COUNSEL—LOS ANGELES CHIEF (EXECUTIVE ASSISTANT COMMISSIONER), UNITED STATES BORDER PATROL CHIEF PATROL AGENT, LAREDO DIRECTOR, FIELD OPERATIONS (SAN FRANCISCO) CHIEF PATROL AGENT (EL PASO) CHIEF PATROL AGENT, (SAN DIEGO) DIRECTOR, FIELD OPERATIONS (CHICAGO) DIRECTOR, FIELD OPERATIONS (LOS ANGELES) DIRECTOR, FIELD OPERATIONS (HOUSTON) DIRECTOR, FIELD OPERATIONS (LAREDO) DIRECTOR, FIELD OPERATIONS (SAN DIEGO) DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE

Agency name	Organization name	Position title
	UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.	DEPUTY EXECUTIVE DIRECTOR, PROGRAM MANAGEMENT DIRECTOR, FIELD OPERATIONS (EL PASO) ASSOCIATE CHIEF COUNSEL—ENFORCEMENT ASSOCIATE CHIEF COUNSEL—TRADE AND FINANCE DIRECTOR, FIELD OPERATIONS (SAN JUAN) ASSISTANT COMMISSIONER, PROFESSIONAL RESPONSIBILITY DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, TRADE DIRECTOR, FIELD OPERATIONS (BOSTON) DIRECTOR, FIELD OPERATIONS (TUCSON) PORT DIRECTOR, SAN FRANCISCO EXECUTIVE DIRECTOR, NATIONAL TARGETING CENTER SPECIAL AGENT IN CHARGE (MIAMI) ASSISTANT DIRECTOR, NATIONAL SECURITY SPECIAL AGENT IN CHARGE, NEW YORK DEPUTY EXECUTIVE ASSOCIATE DIRECTOR, HOMELAND SECURITY INVESTIGATIONS SPECIAL AGENT IN CHARGE, HOUSTON SPECIAL AGENT IN CHARGE, LOS ANGELES SPECIAL AGENT IN CHARGE, NEW ORLEANS SPECIAL AGENT IN CHARGE, SAN ANTONIO SPECIAL AGENT IN CHARGE, SAN DIEGO ASSISTANT DIRECTOR, INTELLIGENCE, HOMELAND SECURITY INVESTIGATIONS SPECIAL AGENT IN CHARGE, SEATTLE DEPUTY ASSISTANT DIRECTOR, FINANCIAL AND FRAUD ASSISTANT DIRECTOR, INTERNATIONAL OPERATIONS ASSOCIATE DIRECTOR, OPERATIONS SPECIAL AGENT IN CHARGE, CHICAGO SPECIAL AGENT IN CHARGE, DALLAS SPECIAL AGENT IN CHARGE, SAN FRANCISCO FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, SAN FRANCISCO, CA SPECIAL AGENT IN CHARGE, BALTIMORE DEPUTY PRINCIPAL LEGAL ADVISOR FOR ENFORCEMENT AND LITIGATION EXECUTIVE ASSOCIATE DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS ASSISTANT DIRECTOR, ADMINISTRATIVE OPERATIONS DEPUTY ASSISTANT DIRECTOR, ADMINISTRATIVE OPERATIONS SPECIAL AGENT IN CHARGE (SAC), NASHVILLE, TN FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, PHILADELPHIA, PENNSYLVANIA FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, DALLAS, TEXAS EXECUTIVE ASSOCIATE DIRECTOR, HOMELAND SECURITY INVESTIGATIONS EXECUTIVE DEPUTY PRINCIPAL LEGAL ADVISOR DEPUTY EXECUTIVE ASSOCIATE DIRECTOR, MANAGEMENT AND ADMINISTRATION DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT SPECIAL AGENT IN CHARGE, LAS VEGAS, NV ASSISTANT DIRECTOR, DIVERSITY AND CIVIL RIGHTS DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR STRATEGY AND SERVICES CHIEF HUMAN CAPITAL OFFICER CHIEF INFORMATION OFFICER DEPUTY DIRECTOR, INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL) DEPUTY ASSISTANT DIRECTOR, INVESTIGATIVE SERVICES BUDGET DIRECTOR SPECIAL AGENT IN CHARGE, EL PASO SPECIAL AGENT IN CHARGE, PHOENIX DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (INTERNATIONAL), ERO FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, ST. PAUL, MN FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, SEATTLE, ERO

Agency name	Organization name	Position title
		DEPUTY ASSISTANT DIRECTOR, INTER- NATIONAL OPERATIONS SPECIAL AGENT IN CHARGE, WASHINGTON, DC SPECIAL AGENT IN CHARGE, ATLANTA ASSISTANT DIRECTOR, REPATRIATION DIVI- SION, OFFICE OF ENFORCEMENT AND RE- MOVAL OPERATIONS COMPTROLLER ASSISTANT DIRECTOR, ENFORCEMENT DIVI- SION, OFFICE OF ENFORCEMENT AND RE- MOVAL OPERATIONS HEAD OF CONTRACTING ACTIVITY EXECUTIVE ASSOCIATE DIRECTOR, MANAGE- MENT AND ADMINISTRATION CHIEF FINANCIAL OFFICER ASSISTANT DIRECTOR, INFORMATION GOVERN- ANCE AND PRIVACY ASSISTANT DIRECTOR, ENFORCEMENT AND RE- MOVAL OPERATIONS, FIELD OPERATIONS DEPUTY CHIEF FINANCIAL OFFICER ASSISTANT DIRECTOR, CUSTODY OPERATIONS DIVISION, OFFICE OF ENFORCEMENT AND RE- MOVAL OPERATIONS ASSISTANT DIRECTOR, UNITED STATES IMMI- GRATION AND CUSTOMS ENFORCEMENT SERVICES HEALTH CORPS FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL OPERATIONS, SAN DIEGO, CALIFORNIA FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL OPERATIONS, SAN AN- TONIO, TEXAS ASSISTANT DIRECTOR, OPERATIONS SUPPORT, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS ASSISTANT DIRECTOR, OFFICE OF LEADERSHIP AND CAREER DEVELOPMENT DEPUTY ASSOCIATE DIRECTOR, OPERATIONS ASSISTANT DIRECTOR, OPERATION INVESTIGA- TIONS DEPUTY EXECUTIVE ASSOCIATE DIRECTOR, EN- FORCEMENT AND REMOVAL OPERATIONS DEPUTY ASSISTANT DIRECTOR, CYBER CHIEF COUNSEL, NEW YORK DEPUTY PRINCIPAL LEGAL ADVISOR FOR FIELD OPERATIONS DEPUTY PRINCIPAL LEGAL ADVISOR FOR GEN- ERAL AND ADMINISTRATIVE LAW ASSISTANT DIRECTOR, OFFICE OF INVESTIGA- TIONS (DOMESTIC OPERATIONS) DEPUTY ASSISTANT DIRECTOR, FIELD OPER- ATIONS (DOMESTIC OPERATIONS—WEST), OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS DEPUTY ASSISTANT DIRECTOR, TARGETING OP- ERATIONS DIVISION, ENFORCEMENT AND RE- MOVAL OPERATIONS DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR OPERATIONS SPECIAL AGENT IN CHARGE, DETROIT DEPUTY CHIEF INFORMATION OFFICER ASSISTANT DIRECTOR, CYBER AND OPER- ATIONAL TECHNOLOGY FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL, ATLANTA, GEORGIA FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL, CHICAGO, ILLINOIS FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL, HOUSTON, TEXAS SPECIAL AGENT IN CHARGE, DENVER ASSISTANT DIRECTOR, GLOBAL TRADE FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL, EL PASO, TEXAS ASSISTANT DIRECTOR, SECURITY DIVISION DEPUTY ASSISTANT DIRECTOR, FIELD OPER- ATIONS (DOMESTIC OPERATIONS—EAST) DEPUTY ASSISTANT DIRECTOR NATIONAL SE- CURITY PROGRAMS DEPUTY ASSISTANT DIRECTOR, PUBLIC SAFETY AND BORDER SECURITY DEPUTY ASSISTANT DIRECTOR, INTELLIGENCE, HOMELAND SECURITY INVESTIGATIONS SENIOR ADVISOR, GLOBAL TRADE

Agency name	Organization name	Position title
		SENIOR BUDGET ADVISOR DEPUTY ASSISTANT DIRECTOR, DOMESTIC OPERATIONS DEPUTY ASSISTANT DIRECTOR, OFFICE OF REGULATORY AFFAIRS AND POLICY (2) ASSISTANT DIRECTOR, STRATEGIC PLANNING AND REQUIREMENTS DEPUTY ASSISTANT DIRECTOR, OPERATIONAL TECHNOLOGY DIVISION ASSISTANT DIRECTOR, NON-DETAINED MANAGEMENT DIVISION CHIEF INFORMATION SECURITY OFFICER DEPUTY ASSISTANT DIRECTOR, JOINT TASK FORCE-EAST FIELD OFFICE DIRECTOR, WASHINGTON, DC DEPUTY HEAD OF CONTRACTING ACTIVITY SPECIAL AGENT IN CHARGE, KANSAS CITY CHIEF COUNSEL, NEW ORLEANS DEPUTY ASST. DIRECTOR, OVERSIGHT, COMPLIANCE AND ACQUISITION DIVISION ASSOCIATE DEPUTY PRINCIPAL LEGAL ADVISOR FIELD OFFICE DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, HARLINGEN, TX SPECIAL AGENT IN CHARGE, HSI, CHARLOTTE, NC ASSISTANT DIRECTOR, CENTER FOR COUNTERING HUMAN TRAFFICKING ASSISTANT DIRECTOR, LAW ENFORCEMENT SYSTEMS AND ANALYSIS (LESA), ERO FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BUFFALO, NY FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BOSTON, MA FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, DENVER, CO CHIEF COUNSEL, CHICAGO CHIEF COUNSEL, SAN ANTONIO CHIEF COUNSEL, PHOENIX CHIEF, FACILITIES AND ASSET ADMINISTRATION ASSISTANT DIRECTOR OFFICE OF INVESTMENT AND PROGRAM ACCOUNTABILITY SPECIAL AGENT IN CHARGE, HONOLULU, HI DEPUTY ASSISTANT DIRECTOR, COUNTERPROLIFERATION SPECIAL AGENT IN CHARGE, SAN JUAN, PUERTO RICO FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, PHOENIX, ARIZONA FIELD OFFICE DIRECTOR, OERO, LOS ANGELES, CALIFORNIA FIELD OFFICE DIRECTOR, OFFICE OF ERO, NEW YORK SPECIAL AGENT IN CHARGE, SAINT PAUL, MINNESOTA SPECIAL AGENT IN CHARGE, TAMPA, FLORIDA SPECIAL AGENT IN CHARGE, NEWARK, NEW JERSEY SPECIAL AGENT IN CHARGE, BOSTON, MASSACHUSETTS SPECIAL AGENT IN CHARGE, PHILADELPHIA, PENNSYLVANIA SPECIAL AGENT IN CHARGE, BUFFALO, NEW YORK FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, MIAMI, FLORIDA FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, NEW ORLEANS, LOUISIANA DEPUTY ASSISTANT DIRECTOR, STUDENT AND EXCHANGE VISITOR PROGRAM ASSISTANT DIRECTOR, COUNTERING—TRANSNATIONAL ORGANIZED CRIME CHIEF COUNSEL, MIAMI CHIEF COUNSEL FOR LOS ANGELES ASSISTANT DIRECTOR, INSPECTIONS AND DETENTION OVERSIGHT DIVISION DEPUTY ASSISTANT DIRECTOR, DOMESTIC OPERATIONS DIRECTOR, INCIDENT MANAGEMENT AND PREPAREDNESS POLICY
	UNITED STATES COAST GUARD	

Agency name	Organization name	Position title
		DEPUTY ASSISTANT COMMANDANT FOR CAPABILITY DIRECTOR OF FINANCIAL OPERATIONS/CONTROLLER ASSISTANT COMMANDANT FOR RESOURCES AND CHIEF FINANCIAL OFFICER DEPUTY FOR MISSION SUPPORT—MATERIEL READINESS DIRECTOR, ASSISTANT COMMANDANT FOR HUMAN RESOURCES DEPUTY DIRECTOR OF ACQUISITION PROGRAMS DEPUTY ASSISTANT COMMANDANT FOR HUMAN RESOURCES DIRECTOR, NATIONAL POLLUTION FUNDS CENTER HEAD OF CONTRACTING ACTIVITY DEPUTY ASSISTANT COMMANDANT FOR ACQUISITION/DIRECTOR OF ACQUISITION SERVICES DIRECTOR, MARINE TRANSPORTATION SYSTEM MANAGEMENT DIRECTOR, COAST GUARD INVESTIGATIVE SERVICE ASSISTANT JUDGE ADVOCATE GENERAL FOR ACQUISITION AND LITIGATION DEPUTY ASSISTANT COMMANDANT FOR RESOURCES AND DEPUTY CHIEF FINANCIAL OFFICER DEPUTY ASSISTANT COMMANDANT FOR INTELLIGENCE DEPUTY ASSISTANT COMMANDANT FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INFORMATION TECHNOLOGY/DEPUTY CHIEF INFORMATION OFFICER UNITED STATES SECRET SERVICE DEPUTY DIRECTOR, UNITED STATES SECRET SERVICE TALENT DEVELOPMENT EXECUTIVE ASSISTANT DIRECTOR, INVESTIGATIONS ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS CHIEF TECHNOLOGY OFFICER, TECHNICAL DEVELOPMENT AND MISSION SUPPORT ASSISTANT DIRECTOR, PROFESSIONAL RESPONSIBILITY DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION SPECIAL AGENT IN CHARGE—NEW YORK CHIEF HUMAN CAPITAL OFFICER CHIEF, NATIONAL THREAT ASSESSMENT CENTER CHIEF INFORMATION OFFICER DEPUTY SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION SPECIAL AGENT IN CHARGE—ATLANTA FIELD OFFICE SPECIAL AGENT IN CHARGE—HONOLULU FIELD OFFICE DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS CHIEF COUNSEL SPECIAL AGENT IN CHARGE—SAN FRANCISCO FIELD OFFICE SPECIAL AGENT IN CHARGE—DALLAS FIELD OFFICE CHIEF SECURITY OFFICER SPECIAL AGENT IN CHARGE (DIGNITARY PROTECTIVE DIVISION) DEPUTY CHIEF STRATEGY OFFICER, STRATEGIC PLANNING AND POLICY DEPUTY SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION CHIEF STRATEGY OFFICER, STRATEGIC PLANNING AND POLICY DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION SPECIAL AGENT IN CHARGE—TECHNICAL SECURITY DIVISION

Agency name	Organization name	Position title
		SPECIAL AGENT IN CHARGE—PHILADELPHIA FIELD OFFICE SPECIAL AGENT IN CHARGE—HOUSTON FIELD OFFICE DEPUTY ASSISTANT DIRECTOR, TRAINING DEPUTY ASSISTANT DIRECTOR, TECHNICAL DEVELOPMENT AND MISSION SUPPORT DEPUTY SPECIAL AGENT IN CHARGE (PRESIDENTIAL PROTECTIVE DIVISION) SPECIAL AGENT IN CHARGE—WASHINGTON FIELD OFFICE DEPUTY CHIEF FINANCIAL OFFICER DEPUTY CHIEF, PROFESSIONAL RESPONSIBILITY SPECIAL AGENT IN CHARGE—LOS ANGELES FIELD OFFICE DEPUTY ASSISTANT DIRECTOR—OFFICE OF INVESTIGATIONS SPECIAL AGENT IN CHARGE, CHICAGO FIELD OFFICE DEPUTY ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS CHIEF FINANCIAL OFFICER DIRECTOR, UNITED STATES SECRET SERVICE DEPUTY ASSISTANT DIRECTOR, INTEGRITY SPECIAL AGENT IN CHARGE, SPECIAL OPERATIONS DIVISION DEPUTY ASSISTANT DIRECTOR, OFFICE OF INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS SPECIAL AGENT IN CHARGE—CRIMINAL INVESTIGATIVE DIVISION SPECIAL AGENT IN CHARGE (ROWLEY TRAINING CENTER) SPECIAL AGENT IN CHARGE—ROME EQUITY AND EMPLOYEE SUPPORT SERVICES EXECUTIVE SPECIAL AGENT IN CHARGE, PROTECTIVE INTELLIGENCE AND ASSESSMENT DIVISION ASSISTANT DIRECTOR—OFFICE OF INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS COMPONENT ACQUISITION EXECUTIVE CHIEF OF STAFF DEPUTY ASSISTANT DIRECTOR, ENTERPRISE READINESS DEPUTY CHIEF HUMAN CAPITAL OFFICER SENIOR ADVISOR (4) DEPUTY CHIEF INFORMATION OFFICER SENIOR ADVISOR, INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS ASSISTANT DIRECTOR, TRAINING CHIEF OPERATING OFFICER DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS CHIEF OF COMMUNICATIONS DEPUTY CHIEF, PROTECTIVE OPERATIONS DEPUTY CHIEF COUNSEL/PRINCIPAL ETHICS OFFICIAL SPECIAL AGENT IN CHARGE—MIAMI FIELD OFFICE SPECIAL AGENT IN CHARGE, PARIS FIELD OFFICE DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES DEPUTY ASSISTANT DIRECTOR, STRATEGIC INTELLIGENCE AND INFORMATION ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION COMPONENT ACQUISITION EXECUTIVE, PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT DEPUTY DIRECTOR OF OPERATIONS ASSISTANT DIRECTOR, HUMAN CAPITAL OPERATIONS ASSISTANT DIRECTOR, OPERATIONS SUPPORT DIRECTORATE DEPUTY ASSISTANT SECRETARY FOR STRATEGY, POLICY, AND PLANS CHIEF OF STAFF DIRECTOR OF ACQUISITION
MANAGEMENT DIRECTORATE	MANAGEMENT DIRECTORATE	
OFFICE OF THE SECRETARY	COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.	

Agency name	Organization name	Position title
DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL.	OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR SYSTEMS SUPPORT CHIEF FINANCIAL MANAGER DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER, PROGRAMS AND COMPLIANCE DIRECTOR CIVIL RIGHTS AND CIVIL LIBERTIES PROGRAMS BRANCH DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY DIRECTOR DIRECTOR, COMPLIANCE BRANCH DIRECTOR, WORKFORCE HEALTH AND MEDICAL SUPPORT/DEPUTY CHIEF MEDICAL OFFICER DEPUTY ASSISTANT SECRETARY FOR HEALTH SECURITY
	OFFICE OF HEALTH SECURITY	EXECUTIVE DIRECTOR, SOCIAL IMPACT (2) DEPUTY EXECUTIVE SECRETARY DEPUTY INSPECTOR GENERAL FOR MANAGEMENT DEPUTY INSPECTOR GENERAL FOR AUDITS COUNSEL TO THE INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS DEPUTY INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS DEPUTY COUNSEL ASSISTANT INSPECTOR GENERAL FOR AUDITS (DISASTER AND INFRASTRUCTURE) ASSISTANT INSPECTOR GENERAL FOR AUDITS (FACETS) PRINCIPAL DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS ASSISTANT INSPECTOR GENERAL FOR AUDITS (LAW ENFORCEMENT AND TERRORISM) ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD) ASSISTANT INSPECTOR GENERAL FOR INTEGRITY ASSISTANT INSPECTOR GENERAL FOR INNOVATION DEPUTY INSPECTOR GENERAL FOR INNOVATION CHIEF OF STAFF DEPUTY INSPECTOR GENERAL FOR INTEGRITY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (HEADQUARTERS) ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY INSPECTOR GENERAL FOR THE IMMEDIATE OFFICE DEPUTY INSPECTOR GENERAL FOR EXTERNAL AFFAIRS
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. OFFICE OF THE SECRETARY	DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL.	
	GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.	SENIOR VICE PRESIDENT OF THE OFFICE OF SECURITIES OPERATIONS SENIOR VICE PRESIDENT AND CHIEF FINANCIAL OFFICER SENIOR VICE PRESIDENT, OFFICE OF ENTERPRISE DATA AND TECHNOLOGY SOLUTIONS SENIOR VICE PRESIDENT OFFICE OF CAPITAL MARKETS SENIOR VICE PRESIDENT AND CHIEF RISK OFFICER SENIOR VICE PRESIDENT FOR MORTGAGE-BACKED SECURITIES DEPUTY ASSISTANT SECRETARY FOR SPECIAL NEEDS PROGRAMS DEPUTY ASSISTANT SECRETARY FOR OPERATIONS DEPUTY ASSISTANT SECRETARY FOR GRANT PROGRAMS DIRECTOR OF STRATEGIC PLANNING AND MANAGEMENT OF HUMAN CAPITAL DIRECTOR, OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND MANAGEMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR ENFORCEMENT COMPLIANCE
	OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT.	
	OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY. OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.	

Agency name	Organization name	Position title
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF FIELD POLICY AND MANAGEMENT	EXECUTIVE DIRECTOR FOR FIELD OPERATIONS
	OFFICE OF HOUSING	DIRECTOR
		DIRECTOR, PROGRAM SYSTEMS MANAGEMENT OFFICE
		DEPUTY ASSISTANT SECRETARY FOR FINANCE AND BUDGET
		DEPUTY ASSISTANT SECRETARY FOR OPERATIONS
		DEPUTY ASSISTANT SECRETARY FOR HEALTHCARE PROGRAMS
		DEPUTY ASSISTANT SECRETARY FOR MULTIFAMILY HOUSING
		HOUSING FEDERAL HOUSING ADMINISTRATION—COMPTROLLER
		FEDERAL HOUSING ADMINISTRATION COMPTROLLER
	OFFICE OF POLICY DEVELOPMENT AND RESEARCH.	DEPUTY ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH
	OFFICE OF PUBLIC AFFAIRS	GENERAL DEPUTY ASSISTANT SECRETARY FOR PUBLIC AFFAIRS
	OFFICE OF PUBLIC AND INDIAN HOUSING	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR THE REAL ESTATE ASSESSMENT CENTER
		DEPUTY ASSISTANT SECRETARY FOR POLICY PROGRAM AND LEGISLATIVE INITIATIVES
		DEPUTY ASSISTANT SECRETARY FOR NATIVE AMERICAN PROGRAMS
		DEPUTY ASSISTANT SECRETARY FOR THE REAL ESTATE ASSESSMENT CENTER
		DIRECTOR FOR BUDGET AND FINANCIAL MANAGEMENT
		DEPUTY ASSISTANT SECRETARY FOR PUBLIC HOUSING INVESTMENTS
	OFFICE OF THE ADMINISTRATION	CHIEF DISASTER AND NATIONAL SECURITY OFFICER
		CHIEF PRIVACY OFFICER AND CHIEF FOIA OFFICER
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER
		CHIEF RISK OFFICER
		DIRECTOR, PERFORMANCE MANAGEMENT AND CUSTOMER EXPERIENCE
		ASSISTANT CHIEF FINANCIAL OFFICER FOR SYSTEMS
		ASSISTANT CHIEF FINANCIAL OFFICER FOR BUDGET
		ASSISTANT CHIEF FINANCIAL OFFICER FOR ACCOUNTING
		ASSISTANT CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER.	DIRECTOR, HUMAN CAPITAL SERVICES
		CHIEF LEARNING OFFICER
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	CHIEF HUMAN CAPITAL OFFICER
		CHIEF INFORMATION SECURITY OFFICER (2)
		DEPUTY CHIEF INFORMATION OFFICER FOR INFRASTRUCTURE AND OPERATIONS
		PRINCIPAL DEPUTY CHIEF INFORMATION OFFICER (2)
		CHIEF DIGITAL SERVICES OFFICER
		CHIEF TECHNOLOGY OFFICER
		DEPUTY CHIEF INFORMATION SECURITY OFFICER
		DEPUTY CHIEF INFORMATION OFFICER FOR BUSINESS AND INFORMATION TECHNOLOGY
		RESOURCE MANAGEMENT OFFICER
		DEPUTY CHIEF INFORMATION OFFICER—OFFICE OF CUSTOMER RELATIONSHIP AND PERFORMANCE MANAGEMENT
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL FOR PROGRAM ENFORCEMENT
		DIRECTOR, DEPARTMENTAL ENFORCEMENT CENTER
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	CHIEF STRATEGY OFFICER
		COUNSEL TO THE INSPECTOR GENERAL
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION
		ASSISTANT INSPECTOR GENERAL FOR AUDIT
		DEPUTY INSPECTOR GENERAL
		CHIEF OF STAFF

Agency name	Organization name	Position title
DEPARTMENT OF THE INTERIOR ASSISTANT SECRETARY—FISH AND WILDLIFE AND PARKS.	NATIONAL PARK SERVICE	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION (HEADQUARTERS OPERATIONS) ASSISTANT INSPECTOR GENERAL FOR OFFICE OF EVALUATION (OE) CHIEF INFORMATION OFFICER DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FIELD OPERATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FIELD OPERATIONS) SENIOR ADVISOR FOR EXTERNAL AFFAIRS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—FIELD OPERATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT—FINANCIAL MANAGEMENT, IT, AND OPERATIONS ASSISTANT INSPECTOR GENERAL FOR—OFFICE OF SPECIAL INQUIRY CHIEF, UNITED STATES PARK POLICE
		ASSOCIATE DIRECTOR, INTERPRETATION AND EDUCATION COMPTROLLER CHIEF FINANCIAL OFFICER CHIEF, OFFICE OF LAW ENFORCEMENT DIRECTOR, LAW ENFORCEMENT AND SECURITY
ASSISTANT SECRETARY—LAND AND MINERALS MANAGEMENT.	UNITED STATES FISH AND WILDLIFE SERVICE ... BUREAU OF LAND MANAGEMENT	STRATEGIC RESOURCES CHIEF PROGRAM DIRECTOR, RENEWABLE ENERGY AND REGULATORY COMPLIANCE DIRECTOR, OFFICE OF HEARINGS AND APPEALS
ASSISTANT SECRETARY—POLICY, MANAGEMENT AND BUDGET.	BUREAU OF OCEAN ENERGY MANAGEMENT BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT. OFFICE OF HEARINGS AND APPEALS	DEPUTY DIRECTOR, OFFICE OF NATURAL RESOURCES REVENUE MANAGEMENT PROGRAM DIRECTOR FOR COORDINATION, ENFORCEMENT, VALUATION AND APPEALS PROGRAM DIRECTOR FOR AUDIT AND COMPLIANCE MANAGEMENT PROGRAM DIRECTOR FOR REVENUE, REPORTING AND COMPLIANCE MANAGEMENT
ASSISTANT SECRETARY—WATER AND SCIENCE	BUREAU OF RECLAMATION	DIRECTOR, MISSION SUPPORT ORGANIZATION DIRECTOR, DAM SAFETY AND INFRASTRUCTURE
	UNITED STATES GEOLOGICAL SURVEY	DEPUTY DIRECTOR DEPUTY DIRECTOR FOR OPERATIONS DEPUTY DIRECTOR FOR ADMINISTRATION AND POLICY ASSOCIATE DIRECTOR FOR LAND RESOURCES ASSOCIATE DIRECTOR FOR WATER ASSOCIATE DIRECTOR FOR NATURAL HAZARDS ASSOCIATE DIRECTOR FOR CORE SCIENCE SYSTEMS ASSOCIATE DIRECTOR FOR ECOSYSTEMS ASSOCIATE DIRECTOR FOR ENERGY AND MINERALS DIRECTOR, NATIONAL GEOSPATIAL DIRECTORATE ASSOCIATE DIRECTOR FOR ADMINISTRATION ASSOCIATE DIRECTOR FOR BUDGET, PLANNING, AND INTEGRATION ASSOCIATE DIRECTOR FOR COMMUNICATIONS AND PUBLISHING
BUREAU OF LAND MANAGEMENT	FIELD OFFICES—BLM	DIRECTOR, NATIONAL OPERATIONS CENTER
DEPARTMENT OF THE INTERIOR	ASSISTANT SECRETARY—INDIAN AFFAIRS	DIRECTOR OF HUMAN CAPITAL MANAGEMENT
	ASSISTANT SECRETARY—POLICY, MANAGEMENT AND BUDGET.	CHIEF, BUDGET ADMINISTRATION AND DEPARTMENTAL MANAGEMENT CHIEF DIVERSITY OFFICER/DIRECTOR, OFFICE OF CIVIL RIGHTS DIRECTOR, OFFICE OF GRANTS MANAGEMENT DEPUTY DIRECTOR, OFFICE OF CIVIL RIGHTS/ DEPUTY CHIEF DIVERSITY OFFICER CHIEF DIVISION OF BUDGET AND PROGRAM REVIEW DEPUTY ASSISTANT SECRETARY—BUDGET, FINANCE, GRANTS AND ACQUISITION DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER DEPUTY CHIEF HUMAN CAPITAL OFFICER/DIRECTOR, OFFICE OF HUMAN CAPITAL DEPUTY ASSISTANT SECRETARY—PUBLIC SAFETY, RESOURCE PROTECTION AND EMERGENCY SERVICES

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT DIRECTOR, OFFICE OF LAW ENFORCEMENT AND SECURITY DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT DEPUTY ASSISTANT SECRETARY—HUMAN CAPITAL AND DIVERSITY/CHIEF HUMAN CAPITAL OFFICER DESIGNATED AGENCY ETHICS OFFICIAL DEPUTY CHIEF FOIA OFFICER ASSOCIATE SOLICITOR FOR ADMINISTRATION PARK MANAGER, GRAND CANYON NATIONAL PARK PARK MANAGER, YELLOWSTONE NATIONAL PARK REGIONAL DIRECTOR, DOI UNIFIED REGION 1 REGIONAL DIRECTOR, DOI UNIFIED REGION 3 REGIONAL DIRECTOR—DOI UNIFIED REGION 9 REGIONAL DIRECTOR—DOI UNIFIED REGIONS 3 AND 5 REGIONAL DIRECTOR—DOI UNIFIED REGIONS 8 AND 10 REGIONAL DIRECTOR—DOI UNIFIED REGION 11 REGIONAL DIRECTOR—DOI UNIFIED REGION 1 REGIONAL DIRECTOR—DOI UNIFIED REGIONS 4 AND 6 REGIONAL DIRECTOR—DOI UNIFIED REGION 7 DEPUTY INSPECTOR GENERAL
NATIONAL PARK SERVICE	OFFICE OF THE SOLICITOR	
	FIELD OFFICES—NPS	
OFFICE OF SURFACE MINING	FIELD OFFICES—OSM	
UNITED STATES GEOLOGICAL SURVEY	FIELD OFFICES—USGS	
DEPARTMENT OF THE INTERIOR OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE INSPECTOR GENERAL	
OFFICE OF THE INSPECTOR GENERAL	OFFICE OF AUDITS, INSPECTIONS, AND EVALUATIONS.	CHIEF OF STAFF DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS ASSISTANT INSPECTOR GENERAL FOR AUDITS, INSPECTIONS, AND EVALUATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS GENERAL COUNSEL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES SENIOR ADVISOR FOR LAW ENFORCEMENT RELATIONS CHIEF AND COUNSELOR TO THE DAG, PROFESSIONAL MISCONDUCT REVIEW UNIT
	OFFICE OF GENERAL COUNSEL	
	OFFICE OF INVESTIGATIONS	
	OFFICE OF MANAGEMENT	
DEPARTMENT OF JUSTICE	EXECUTIVE OFFICE FOR ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES. OFFICE OF THE ATTORNEY GENERAL	
	OFFICE OF THE DEPUTY ATTORNEY GENERAL ..	
OFFICE OF THE ASSOCIATE ATTORNEY GENERAL.	OFFICE OF TRIBAL JUSTICE	DIRECTOR
	ANTITRUST DIVISION	DIRECTOR, ECONOMIC ENFORCEMENT
		EXECUTIVE OFFICER CHIEF, TELECOMMUNICATIONS AND MEDIA SECTION CHIEF, ENFORCEMENT UNIT, OIL—DCS DEPUTY DIRECTOR CHIEF INFORMATION OFFICER DIRECTOR, BUDGET STAFF DEPUTY DIRECTOR, CONSTITUTIONAL AND SPECIALIZED TORT LITIGATION SPECIAL COUNSEL TO THE AAG DEPUTY DIRECTOR (OPERATIONS), OFFICE OF IMMIGRATION LITIGATION, DISTRICT COURT SECTION DEPUTY DIRECTOR, COMMERCIAL LITIGATION, FRAUD SECTION DEPUTY DIRECTOR CONSUMER PROTECTION BRANCH DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION DEPUTY DIRECTOR, APPELLATE STAFF DEPUTY BRANCH DIRECTOR DIRECTOR, OFFICE OF MANAGEMENT PROGRAMS DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH
	CIVIL DIVISION	

Agency name	Organization name	Position title
		DEPUTY BRANCH DIRECTOR, FEDERAL PRO-GRAMS DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH (INTELLECTUAL PROPERTY) APPELLATE LITIGATION COUNSEL DIRECTOR, CONSUMER PROTECTION BRANCH DEPUTY BRANCH DIRECTOR, FEDERAL PRO-GRAMS DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH SPECIAL LITIGATION COUNSEL, AVIATION AND ADMIRALTY SECTION DIRECTOR, CONSUMER LITIGATION BRANCH, FOREIGN LITIGATION SECTION DEPUTY DIRECTOR APPELLATE BRANCH CHIEF FEDERAL COORDINATION AND COMPLIANCE SECTION CHIEF, EMPLOYMENT LITIGATION SECTION CHIEF APPELLATE SECTION CHIEF CRIMINAL SECTION CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION CHIEF, VOTING SECTION CHIEF, EDUCATIONAL OPPORTUNITIES SECTION CHIEF-SPECIAL LITIGATION SECTION DEPUTY SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES EXECUTIVE OFFICER CHIEF, DISABILITY RIGHTS SECTION DEPUTY ASSISTANT ATTORNEY GENERAL (2) COUNSEL TO THE ASSISTANT ATTORNEY GENERAL CHIEF, POLICY STRATEGY SECTION PRINCIPAL DEPUTY CHIEF, CRIMINAL SECTION PRINCIPAL DEPUTY CHIEF, VOTING SECTION PRINCIPAL DEPUTY CHIEF, DISABILITY RIGHTS SECTION PRINCIPAL DEPUTY CHIEF, SPECIAL LITIGATION SECTION PRINCIPAL DEPUTY CHIEF, EMPLOYMENT LITIGATION SECTION PRINCIPAL DEPUTY CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION PRINCIPAL DEPUTY CHIEF (EDUCATIONAL OPPORTUNITIES SECTION) CHIEF COUNSEL DIRECTOR, OEJ DEPUTY CHIEF, ENVIRONMENTAL CRIMES SECTION DEPUTY CHIEF, APPELLATE SECTION CHIEF, INDIAN RESOURCES SECTION CHIEF, ENVIRONMENTAL DEFENSE SECTION DEPUTY CHIEF ENVIRONMENTAL ENFORCEMENT SECTION CHIEF, WILDLIFE AND MARINE RESOURCES SECTION CHIEF, NATURAL RESOURCES SECTION CHIEF, LAND ACQUISITION SECTION CHIEF-APPELLATE SECTION CHIEF ENVIRONMENTAL CRIMES SECTION CHIEF ENVIRONMENTAL ENFORCEMENT SECTION EXECUTIVE OFFICER SENIOR LITIGATION COUSEL DEPUTY CHIEF, NATURAL RESOURCES SECTION DEPUTY SECTION CHIEF, NATURAL RESOURCES SECTION DEPUTY CHIEF, ENVIRONMENTAL DEFENSE SECTION DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION (2) DIRECTOR, OFFICE OF ADMINISTRATION CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF AUDIT, ASSESSMENT AND MANAGEMENT DEPUTY DIRECTOR, OFFICE FOR VICTIMS OF CRIME DIRECTOR OF COMMUNICATIONS CHIEF, CRIMINAL ENFORCEMENT SECTION, WESTERN REGION
	CIVIL RIGHTS DIVISION	
	ENVIRONMENT AND NATURAL RESOURCES DIVISION.	
	OFFICE OF JUSTICE PROGRAMS	
	TAX DIVISION	

Agency name	Organization name	Position title
OFFICE OF THE DEPUTY ATTORNEY GENERAL ...	BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.	CHIEF OFFICE OF REVIEW CHIEF CIVIL TRIAL SECTION SOUTHWESTERN REGION EXECUTIVE OFFICER CHIEF CIVIL TRIAL SECTION EASTERN REGION CHIEF, APPELLATE SECTION CHIEF, COURT OF FEDERAL CLAIMS SECTION CHIEF, CIVIL TRIAL SECTION, CENTRAL REGION CHIEF CIVIL TRIAL SECTION NORTHERN CHIEF CIVIL TRIAL SECTION (SOUTHERN REGION) CHIEF CIVIL TRIAL SECTION, WESTERN REGION SPECIAL LITIGATION COUNSEL SENIOR LITIGATION COUNSEL DEPUTY ASSISTANT ATTORNEY GENERAL CHIEF, CRIMINAL ENFORCEMENT SECTION, SOUTH REGION CHIEF, CRIMINAL ENFORCEMENT SECTION, NORTH REGION CHIEF, CRIMINAL APPEALS AND TAX ENFORCEMENT POLICY SECTION DEPUTY CHIEF, APPELLATE SECTION SPECIAL AGENT IN CHARGE, NEWARK SPECIAL AGENT IN CHARGE, DENVER DEPUTY ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS SPECIAL AGENT IN CHARGE, SAINT PAUL SPECIAL AGENT IN CHARGE, ATLANTA SPECIAL AGENT IN CHARGE, BOSTON SPECIAL AGENT IN CHARGE, CHICAGO SPECIAL AGENT IN CHARGE, KANSAS CITY SPECIAL AGENT IN CHARGE, PHILADELPHIA SPECIAL AGENT IN CHARGE, PHOENIX SPECIAL AGENT IN CHARGE, SAN FRANCISCO SPECIAL AGENT IN CHARGE, MIAMI SPECIAL AGENT IN CHARGE, CHARLOTTE SPECIAL AGENT IN CHARGE, DETROIT SPECIAL AGENT IN CHARGE, LOUISVILLE SPECIAL AGENT IN CHARGE, SEATTLE SPECIAL AGENT IN CHARGE, TAMPA SPECIAL AGENT IN CHARGE, COLUMBUS SPECIAL AGENT IN CHARGE, NEW ORLEANS SPECIAL AGENT IN CHARGE, BALTIMORE ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION DEPUTY ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECURITY OPERATIONS DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—EAST DEPUTY ASSISTANT DIRECTOR, INDUSTRY OPERATIONS SPECIAL AGENT IN CHARGE, NASHVILLE SPECIAL AGENT IN CHARGE, DALLAS SPECIAL AGENT IN CHARGE, HOUSTON DEPUTY DIRECTOR ASSISTANT DIRECTOR, FIELD OPERATIONS DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—CENTRAL ASSISTANT DIRECTOR, ENFORCEMENT PROGRAMS AND SERVICES DEPUTY ASSISTANT DIRECTOR, ENFORCEMENT PROGRAMS AND SERVICES DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECURITY OPERATIONS DEPUTY ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER DEPUTY ASSISTANT DIRECTOR FOR INFORMATION TECHNOLOGY AND DEPUTY CHIEF INFORMATION OFFICER

Agency name	Organization name	Position title
		ASSISTANT DIRECTOR, SCIENCE AND TECHNOLOGY DEPUTY ASSISTANT DIRECTOR, FORENSIC SERVICES DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—WEST SPECIAL AGENT IN CHARGE, LOS ANGELES SPECIAL AGENT IN CHARGE, NEW YORK SPECIAL AGENT IN CHARGE, WASHINGTON DC SPECIAL ASSISTANT TO THE DIRECTOR EXECUTIVE ASSISTANT TO THE DIRECTOR DEPUTY ASSISTANT DIRECTOR HUMAN RESOURCES SPECIAL AGENT IN CHARGE, NATIONAL CENTER FOR EXPLOSIVES TRAINING AND RESEARCH DEPUTY DIRECTOR, TERRORIST EXPLOSIVE DEVICE ANALYTICAL CENTER DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (PROGRAMS) CHIEF, SPECIAL OPERATIONS DIVISION DEPUTY CHIEF, NARCOTIC AND DANGEROUS DRUG SECTION DIRECTOR, OFFICE OF OVERSEAS PROSECUTORIAL DEVELOPMENT, ASSISTANCE, AND TRAINING SENIOR COUNSEL FOR CYBERCRIME DEPUTY CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION CHIEF, HUMAN RIGHTS AND SPECIAL PROSECUTIONS SECTION CHIEF, CAPITAL CASE SECTION DEPUTY CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION CHIEF NARCOTIC AND DANGEROUS DRUG SECTION CHIEF FRAUD SECTION CHIEF PUBLIC INTEGRITY SECTION DEPUTY DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS DIRECTOR, OFFICE OF ENFORCEMENT OPERATIONS CHIEF, ORGANIZED CRIME AND GANG SECTION CHIEF, APPELLATE SECTION CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION DEPUTY CHIEF FOR ORGANIZED CRIME AND GANG SECTION EXECUTIVE OFFICER DEPUTY CHIEF, APPELLATE SECTION DEPUTY DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS DEPUTY CHIEF PUBLIC INTEGRITY SECTION CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS DEPUTY, CHIEF FRAUD SECTION DIRECTOR, INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM DEPUTY ASSISTANT ATTORNEY GENERAL DEPUTY DIRECTOR, OFFICE OF ENFORCEMENT OPERATIONS DEPUTY CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION DEPUTY CHIEF, HUMAN RIGHTS AND SPECIAL PROSECUTIONS DEPUTY DIRECTOR, OPDAT REGIONAL DEPUTY CHIEF IMMIGRATION JUDGE (2) DEPUTY CHIEF APPELLATE IMMIGRATION JUDGE DEPUTY CHIEF IMMIGRATION JUDGE ASSISTANT DIRECTOR FOR ADMINISTRATION CHIEF ADMINISTRATIVE HEARING OFFICER GENERAL COUNSEL CHIEF IMMIGRATION JUDGE CHAIRMAN, BOARD OF IMMIGRATION APPEALS ASSISTANT DIRECTOR FOR POLICY VICE CHAIRMAN, BOARD OF IMMIGRATION APPEALS CHIEF, INFORMATION OFFICER
	CRIMINAL DIVISION	
	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	
	EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS.	

Agency name	Organization name	Position title
	FEDERAL BUREAU OF PRISONS	COUNSEL, LEGAL PROGRAMS AND POLICY GENERAL COUNSEL DEPUTY DIRECTOR ASSOCIATE DIRECTOR, OFFICE OF LEGAL EDUCATION CHIEF FINANCIAL OFFICER CHIEF HUMAN RESOURCES OFFICER SENIOR ADVISOR WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SAN DIEGO, CALIFORNIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, CHICAGO, ILLINOIS WARDEN, FEDERAL DETENTION CENTER, PHILADELPHIA, PA PROGRAM MANAGEMENT OFFICER CORRECTIONAL PROGRAM OFFICER (2) CHIEF EDUCATION ADMINISTRATOR ASSISTANT DIRECTOR, INFORMATION, POLICY AND PUBLIC AFFAIRS SENIOR DEPUTY GENERAL COUNSEL, OGC SENIOR DEPUTY ASSISTANT DIRECTOR, INDUSTRIES, EDUCATION, AND VOCATIONAL TRAINING DIVISION ASSISTANT DIRECTOR, HEALTH SERVICES DIVISION SENIOR DEPUTY ASSISTANT DIRECTOR, ADMINISTRATION DIVISION ASSISTANT DIRECTOR, REENTRY SERVICES DIVISION WARDEN FCI FORT WORTH, TEXAS SENIOR DEPUTY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION SENIOR DEPUTY GENERAL COUNSEL, OFFICE OF THE GENERAL COUNSEL WARDEN FCI, THOMSON, ILLINOIS CHIEF, OFFICE OF PUBLIC AFFAIRS ASSISTANT DIRECTOR FOR ADMINISTRATION WARDEN, UNITED STATES PENITENTIARY, LEAVENWORTH, KANSAS WARDEN, UNITED STATES PENITENTIARY, LEWISBURG, PENNSYLVANIA WARDEN, FEDERAL CORRECTIONAL COMPLEX, LOMPOC, CALIFORNIA ASSISTANT DIRECTOR, OFFICE OF GENERAL COUNSEL REGIONAL DIRECTOR, NORTHEAST REGION REGIONAL DIRECTOR, SOUTHEAST REGION REGIONAL DIRECTOR, NORTH CENTRAL REGION REGIONAL DIRECTOR, WESTERN REGION REGIONAL DIRECTOR, SOUTH CENTRAL REGION WARDEN, UNITED STATES PENITENTIARY, ATLANTA, GEORGIA ASSISTANT DIRECTOR CORRECTIONAL PROGRAMS DIVISION WARDEN, UNITED STATES MEDICAL CENTER FEDERAL PRISONERS, SPRINGFIELD, MISSOURI WARDEN, FEDERAL MEDICAL CENTER, LEXINGTON, KENTUCKY WARDEN, UNITED STATES PENITENTIARY, MARION ILLINOIS SUPERVISORY INDUSTRIAL SPECIALIST (CEO)FEDERAL PRISON INDUSTRIES WARDEN FEDERAL CORRECTIONAL COMPLEX, TERRE HAUTE, INDIANA WARDEN FEDERAL CORRECTIONAL COMPLEX, BUTNER, NORTH CAROLINA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FORT DIX, NEW JERSEY WARDEN, FEDERAL CORRECTIONAL COMPLEX, FLORENCE, COLORADO WARDEN, UNITED STATES PENITENTIARY-HIGH, FLORENCE, COLORADO WARDEN, FEDERAL CORRECTIONAL COMPLEX, OAKDALE, LOUISIANA WARDEN, FEDERAL MEDICAL CENTER, CARSWELL, TEXAS WARDEN, FEDERAL CORRECTIONAL COMPLEX, ALLENWOOD, PENNSYLVANIA WARDEN, FEDERAL TRANSFER CENTER, OKLAHOMA CITY, OKLAHOMA

Agency name	Organization name	Position title
		SENIOR DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES MANAGEMENT DIVISION WARDEN, FEDERAL DETENTION CENTER, MIAMI, FLORIDA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FAIRTON, NEW JERSEY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION WARDEN, FEDERAL CORRECTIONAL INSTITUTION, EDGEFIELD, SOUTH CAROLINA WARDEN, FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS WARDEN, METROPOLITAN DETENTION CENTER, LOS ANGELES, CALIFORNIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, TALLADEGA, ALABAMA DEPUTY DIRECTOR ASSISTANT DIRECTOR HUMAN RESOURCES MANAGEMENT DIVISION WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MARIANNA, FLORIDA SENIOR DEPUTY ASSISTANT DIRECTOR, CORRECTIONAL PROGRAMS DIVISION WARDEN, FEDERAL CORRECTIONAL INSTITUTION, PHOENIX, ARIZONA WARDEN, FEDERAL MEDICAL CENTER, ROCHESTER, MINNESOTA REGIONAL DIRECTOR MIDDLE ATLANTIC REGION WARDEN, FCI, MENDOTA, CA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BENNETTSVILLE, SOUTH CAROLINA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MEMPHIS, TENNESSEE WARDEN, FEDERAL CORRECTIONAL INSTITUTION, CUMBERLAND, MARYLAND WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GREENVILLE, ILLINOIS WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MCKEAN, PENNSYLVANIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SCHUYLKILL, PENNSYLVANIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, THREE RIVERS, TEXAS WARDEN, METROPOLITAN DETENTION CENTER, GUAYNABO, PUERTO RICO WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SHERIDAN, OREGON WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GILMER, WEST VIRGINIA COMPLEX WARDEN, UNITED STATES PENITENTIARY, TUCSON, ARIZONA SENIOR COUNSEL, OFFICE OF GENERAL COUNSEL COMPLEX WARDEN, FEDERAL CORRECTION COMPLEX, PETERSBURG, VIRGINIA WARDEN, UNITED STATES PENITENTIARY, BIG SANDY, KENTUCKY COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, VICTORVILLE, CALIFORNIA WARDEN, UNITED STATES PENITENTIARY, MCCREARY, KENTUCKY WARDEN, UNITED STATES PENITENTIARY, CANAAN, PENNSYLVANIA COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, YAZOO CITY, MISSISSIPPI WARDEN, UNITED STATES PENITENTIARY, HAZELTON, WEST VIRGINIA SENIOR DEPUTY ASSISTANT DIRECTOR RE-ENTRY SERVICES DIVISION WARDEN, FEDERAL CORRECTIONAL COMPLEX, FORREST CITY, ARKANSAS WARDEN, UNITED STATES PENITENTIARY COLEMAN-I, COLEMAN, FLORIDA WARDEN, METROPOLITAN DETENTION CENTER, BROOKLYN, NEW YORK SENIOR DEPUTY ASSISTANT DIRECTOR ADMINISTRATION DIVISION SENIOR DEPUTY ASSISTANT DIRECTOR, INFORMATION, POLICY, AND PUBLIC AFFAIRS DIVISION WARDEN, UNITED STATES PENITENTIARY, POLLOCK, LOUISIANA

Agency name	Organization name	Position title
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, JESUP, GEORGIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, OTISVILLE, NEW YORK WARDEN, METROPOLITAN CORRECTIONAL CENTER, NEW YORK, NEW YORK WARDEN, FEDERAL CORRECTIONAL COMPLEX, COLEMAN, FLORIDA WARDEN, UNITED STATES PENITENTIARY, LEE, VIRGINIA WARDEN, UNITED STATES PENITENTIARY, ATWATER, CALIFORNIA WARDEN, FEDERAL CORRECTIONAL COMPLEX, BEAUMONT, TEXAS DEPUTY DIRECTOR, BUDGET STAFF, OPERATIONS AND FUNDS CONTROL DIRECTOR, DEPARTMENTAL ETHICS OFFICE DEPUTY DIRECTOR, BUDGET STAFF, PROGRAMS AND PERFORMANCE DEPUTY DIRECTOR, SERVICE DELIVERY STAFF DEPUTY DIRECTOR, HUMAN RESOURCES DEPUTY DIRECTOR, AUDITING, FINANCE STAFF DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF DEPUTY DIRECTOR, CUSTOMER AND BUSINESS SOLUTIONS SERVICE DELIVERY STAFF DIRECTOR FINANCE STAFF DEPUTY ASSISTANT ATTORNEY GENERAL (CONTROLLER) DEPUTY ASSISTANT ATTORNEY GENERAL FOR HUMAN RESOURCES AND ADMINISTRATION DIRECTOR LIBRARY STAFF DIRECTOR JUSTICE SECURITY OPERATIONS CENTER ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION DEPUTY ASSISTANT ATTORNEY GENERAL, POLICY, MANAGEMENT, AND PLANNING DIRECTOR, HUMAN RESOURCES DIRECTOR, APPROPRIATION LIAISON OFFICE DIRECTOR, OFFICE OF ATTORNEY RECRUITMENT AND MANAGEMENT DIRECTOR, ASSET FORFEITURE MANAGEMENT STAFF DIRECTOR, FACILITIES AND ADMINISTRATIVE SERVICES STAFF DIRECTOR RM AND E-DISCOVERY DIRECTOR, BUDGET STAFF DIRECTOR, DEBT COLLECTION MANAGEMENT STAFF DEPUTY ASSISTANT ATTORNEY GENERAL/ CHIEF INFORMATION OFFICER GENERAL COUNSEL DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY STAFF DIRECTOR PROCUREMENT SERVICES STAFF DIRECTOR, SERVICE DELIVERY STAFF DIRECTOR, SERVICE ENGINEERING STAFF DEPUTY DIRECTOR, CYBERSECURITY STAFF/ DEPUTY CHIEF INFORMATION SECURITY OFFICER SENIOR ADVISOR DIRECTOR, CYBERSECURITY SERVICES STAFF DEPUTY CHIEF INFORMATION OFFICER CHIEF TECHNOLOGY OFFICER DEPUTY DIRECTOR, SERVICE DELIVERY STAFF DEPUTY DIRECTOR, POLICY AND PLANNING STAFF DIRECTOR, POLICY AND PLANNING STAFF (2) DEPUTY SENIOR PROCUREMENT EXECUTIVE DEPUTY DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF SENIOR COUNSELOR, OFFICE OF THE DEPUTY ASSISTANT ATTORNEY GENERAL FOR POLICY, MANAGEMENT AND PLANNING JUSTICE MANAGEMENT DIVISION SPECIAL COUNSEL FOR NATIONAL SECURITY EXECUTIVE OFFICER DEPUTY ASSISTANT ATTORNEY GENERAL, FISA OPERATIONS AND INTELLIGENCE OVERSIGHT CHIEF, OPERATIONS SECTION CHIEF, OVERSIGHT SECTION CHIEF, APPELLATE UNIT
	JUSTICE MANAGEMENT DIVISION	
	NATIONAL SECURITY DIVISION	

Agency name	Organization name	Position title
DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL.		DIRECTOR, FOIA AND DECLASSIFICATION PROGRAM CHIEF, FOREIGN INVESTMENT REVIEW STAFF DIRECTOR OF RISK MANAGEMENT AND SENIOR COUNSEL
	OFFICE OF LEGAL COUNSEL	SPECIAL COUNSEL (2)
	OFFICE OF PROFESSIONAL RESPONSIBILITY	COUNSEL ON PROFESSIONAL RESPONSIBILITY DEPUTY COUNSEL ON PROFESSIONAL RESPONSIBILITY
	OFFICE OF PUBLIC AFFAIRS	DEPUTY DIRECTOR, OFFICE OF PUBLIC AFFAIRS
	PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE.	DIRECTOR, PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE
	UNITED STATES MARSHALS SERVICE	ASSISTANT DIRECTOR, JPATS
		ASSOCIATE DIRECTOR, OPERATIONS
		ASSOCIATE DIRECTOR, ADMINISTRATION
		ASSISTANT DIRECTOR, TACTICAL OPERATIONS
		ASSISTANT DIRECTOR FOR PRISONER OPERATIONS
		ASSISTANT DIRECTOR, INFORMATION TECHNOLOGY
		ASSISTANT DIRECTOR FINANCIAL SERVICES
		ASSISTANT DIRECTOR, INVESTIGATIVE OPERATIONS
		ATTORNEY ADVISOR
		DEPUTY DIRECTOR
		ASSISTANT DIRECTOR, HUMAN RESOURCES
		CHIEF FINANCIAL OFFICER, FINANCIAL SERVICES
		ASSISTANT DIRECTOR, WITNESS SECURITY
		ASSISTANT DIRECTOR, MANAGEMENT SUPPORT
		ASSISTANT DIRECTOR, ASSET FORFEITURE
		ASSISTANT DIRECTOR, TRAINING
DEPARTMENT OF LABOR	AUDIT DIVISION	PROGRAM EXECUTIVE, BODY WORN CAMERA
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY
		ASSISTANT DIRECTOR JUDICIAL SECURITY
		PROCUREMENT EXECUTIVE, FINANCIAL SERVICES
		ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR DATA ANALYTICS
	EVALUATION AND INSPECTIONS DIVISION	DEPUTY ASSISTANT INSPECTOR GENERAL, EVALUATION AND INSPECTIONS DIVISION
		ASSISTANT INSPECTOR GENERAL, EVALUATION AND INSPECTIONS DIVISION
	FRONT OFFICE	DEPUTY INSPECTOR GENERAL
		GENERAL COUNSEL
	INFORMATION TECHNOLOGY DIVISION	ASSISTANT INSPECTOR GENERAL, INFORMATION TECHNOLOGY DIVISION
	INVESTIGATIONS DIVISION	DEPUTY ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION
		ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION
	MANAGEMENT AND PLANNING DIVISION	ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING DIVISION
		DEPUTY ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING
	OVERSIGHT AND REVIEW DIVISION	DEPUTY ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION
		ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION
	BUREAU OF LABOR STATISTICS	ASSISTANT COMMISSIONER FOR PRICES AND LIVING CONDITIONS
		ASSISTANT COMMISSIONER FOR REGIONAL OPERATIONS (6)
		ASSISTANT COMMISSIONER FOR OCCUPATIONAL STATISTICS AND EMPLOYMENT PROJECTIONS
		ASSISTANT COMMISSIONER FOR CONSUMER PRICES AND PRICES INDEXES
		ASSISTANT COMMISSIONER FOR INDUSTRIAL PRICES AND PRICE INDEXES
		ASSISTANT COMMISSIONER FOR INDUSTRY EMPLOYMENT STATISTICS
		ASSISTANT COMMISSIONER FOR INTERNATIONAL PRICES
		ASSOCIATE COMMISSIONER FOR PUBLICATIONS AND SPECIAL STUDIES

Agency name	Organization name	Position title
	EMPLOYEE BENEFITS SECURITY ADMINISTRATION. EMPLOYMENT AND TRAINING ADMINISTRATION MINE SAFETY AND HEALTH ADMINISTRATION	ASSOCIATE COMMISSIONER FOR EMPLOYMENT AND UNEMPLOYMENT STATISTICS ASSOCIATE COMMISSIONER PRODUCTIVITY AND TECHNOLOGY ASSOCIATE COMMISSIONER FOR ADMINISTRATION ASSOCIATE COMMISSIONER FOR SURVEY METHODS RESEARCH DIRECTOR OF SURVEY PROCESSING DIRECTOR OF TECHNOLOGY AND COMPUTING SERVICES ASSISTANT COMMISSIONER FOR CURRENT EMPLOYMENT ANALYSIS ASSISTANT COMMISSIONER FOR COMPENSATION LEVELS AND TRENDS ASSISTANT COMMISSIONER FOR SAFETY, HEALTH AND WORKING CONDITIONS ASSOCIATE COMMISSIONER FOR COMPENSATION AND WORKING CONDITIONS ASSOCIATE COMMISSIONER FOR TECHNOLOGY AND SURVEY PROCESSING ASSOCIATE COMMISSIONER FOR FIELD OPERATIONS DEPUTY ASSISTANT SECRETARY FOR PROGRAM OPERATIONS DIRECTOR OF EXEMPTION DETERMINATIONS DIRECTOR OF REGULATIONS AND INTERPRETATIONS REGIONAL DIRECTOR—BOSTON REGIONAL DIRECTOR—ATLANTA REGIONAL DIRECTOR—KANSAS CITY REGIONAL DIRECTOR—SAN FRANCISCO DIRECTOR OF ENFORCEMENT CHIEF ACCOUNTANT DIRECTOR, OFFICE OF OUTREACH EDUCATION AND ASSISTANCE DIRECTOR OF HEALTH PLAN STANDARDS COMPLIANCE AND ASSISTANCE REGIONAL DIRECTOR—CHICAGO REGIONAL DIRECTOR (2) REGIONAL DIRECTOR—PHILADELPHIA DIRECTOR, OFFICE OF FIELD ADMINISTRATION REGIONAL DIRECTOR NEW YORK DEPUTY ADMINISTRATOR, OFFICE OF JOB CORPORATION DEPUTY ADMINISTRATOR, OFFICE OF UNEMPLOYMENT INSURANCE COMPTROLLER DEPUTY ASSISTANT SECRETARY (OPERATIONS AND MANAGEMENT) DEPUTY ADMINISTRATOR JOB CORP ADMINISTRATOR, OFFICE OF TRADE ADJUSTMENT ASSISTANCE ADMINISTRATOR, OFFICE OF GRANTS MANAGEMENT ADMINISTRATOR, OFFICE OF POLICY DEVELOPMENT AND RESEARCH ADMINISTRATOR, APPRENTICESHIP AND TRAINING, EMPLOYEE AND LABOR SERVICES ADMINISTRATOR, OFFICE OF FOREIGN LABOR CERTIFICATION ADMINISTRATOR, OFFICE OF UNEMPLOYMENT INSURANCE REGIONAL ADMINISTRATOR ATLANTA ADMINISTRATOR, OFFICE OF JOB CORPS REGIONAL ADMINISTRATOR PHILADELPHIA REGIONAL ADMINISTRATOR (2) REGIONAL ADMINISTRATOR, DALLAS/SAN FRANCISCO DEPUTY ASSISTANT SECRETARY DIRECTOR OF PROGRAM EVALUATION AND INFORMATION RESOURCES DIRECTOR, OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT, AND INVESTIGATIONS DIRECTOR OF TECHNICAL SUPPORT DIRECTOR, OFFICE OF STANDARDS REGULATIONS AND VARIANCES DIRECTOR OF ADMINISTRATION AND MANAGEMENT DEPUTY ADMINISTRATOR, MINE SAFETY HEALTH ENFORCEMENT REGIONAL ADMININSTRATOR

Agency name	Organization name	Position title
	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION. OFFICE OF DISABILITY EMPLOYMENT POLICY OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS. OFFICE OF LABOR-MANAGEMENT STANDARDS OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT. OFFICE OF THE ASSISTANT SECRETARY FOR POLICY. OFFICE OF THE CHIEF FINANCIAL OFFICER OFFICE OF THE SOLICITOR	DIRECTOR, ADMINISTRATIVE PROGRAMS DIRECTOR OF CONSTRUCTION DEPUTY ASSISTANT SECRETARY REGIONAL DIRECTOR FOR OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (6) DIRECTOR, DIVISION OF POLICY, PLANNING AND PROGRAM DEVELOPMENT DIRECTOR, MANAGEMENT AND ADMINISTRATIVE PROGRAMS DIRECTOR, OFFICE OF PROGRAM OPERATIONS DIRECTOR, OFFICE OF FIELD OPERATIONS REGIONAL DIRECTOR, NEW ORLEANS REGIONAL DIRECTOR, NORTHEASTERN REGION REGIONAL DIRECTOR, MILWAUKEE REGIONAL DIRECTOR, SAINT LOUIS, MO DIRECTOR OFFICE OF FIELD OPERATIONS DEPUTY DIRECTOR, OFFICE OF LABOR MANAGEMENT STANDARDS SENIOR PROCUREMENT EXECUTIVE DIRECTOR, CYBER SECURITY AND CHIEF INFORMATION SECURITY OFFICER DEPUTY CHIEF INFORMATION OFFICER DIRECTOR, DIRECTORATE OF INFORMATION TECHNOLOGY OPERATIONS AND SERVICES (2) DIRECTOR, OFFICE OF STRATEGIC OPERATIONS DIRECTOR, DIRECTORATE OF DIGITAL TRANSFORMATION DEPUTY CHIEF HUMAN CAPITAL OFFICER SENIOR DIRECTOR OF JOB CORPS ACQUISITION SERVICES HEAD OF CONTRACTING ACTIVITY DIRECTOR, APPLICATION DEVELOPMENT, ENFORCEMENT, BENEFITS AND PAYMENTS DIRECTOR, BUSINESS APPLICATION SERVICES CHIEF TECHNOLOGY OFFICER DIRECTOR OF CASE MANAGEMENT DIRECTOR, GRANTS MANAGEMENT DEPUTY ASSISTANT SECRETARY FOR BUDGET DIRECTOR DEPARTMENTAL BUDGET CENTER DIRECTOR OF CIVIL RIGHTS DIRECTOR BUSINESS OPERATIONS CENTER CHIEF HUMAN CAPITAL OFFICER DEPUTY DIRECTOR OF HUMAN RESOURCES DEPUTY ASSISTANT SECRETARY FOR OPERATIONS DIRECTOR, PERFORMANCE MANAGEMENT CENTER DIRECTOR, OFFICE OF REGULATORY AND PROGRAMMATIC POLICY DEPUTY ASSISTANT SECRETARY FOR POLICY DEPUTY CHIEF FINANCIAL OFFICER ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL SYSTEMS DEPUTY SOLICITOR (NATIONAL OPERATIONS) ASSOCIATE SOLICITOR, MANAGEMENT AND ADMINISTRATIVE LEGAL SERVICES DIVISION ASSOCIATE SOLICITOR FOR CIVIL RIGHTS AND LABOR MANAGEMENT ASSOCIATE SOLICITOR FOR BLACK LUNG AND LONGSHORE LEGAL SERVICES DEPUTY SOLICITOR (REGIONAL OPERATIONS) REGIONAL SOLICITOR—SAN FRANCISCO REGIONAL SOLICITOR—BOSTON REGIONAL SOLICITOR—NEW YORK REGIONAL SOLICITOR—PHILADELPHIA REGIONAL SOLICITOR—DALLAS REGIONAL SOLICITOR—ATLANTA ASSOCIATE SOLICITOR FOR FAIR LABOR STANDARDS ASSOCIATE SOLICITOR FOR FEDERAL EMPLOYEES' AND ENERGY WORKERS' COMPENSATION ASSOCIATE SOLICITOR FOR OCCUPATIONAL SAFETY AND HEALTH ASSOCIATE SOLICITOR FOR MINE SAFETY AND HEALTH REGIONAL SOLICITOR—CHICAGO ASSOCIATE SOLICITOR FOR PLAN BENEFITS SECURITY

Agency name	Organization name	Position title
DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL.	OFFICE OF WORKERS COMPENSATION PROGRAMS.	DIRECTOR FOR FEDERAL EMPLOYEES' COMPENSATION DEPUTY DIRECTOR FOR OFFICE OF WORKERS' COMPENSATION PROGRAMS DIRECTOR OF COAL MINE WORKERS COMPENSATION DIRECTOR, ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS COMPENSATION COMPTROLLER DEPUTY DIRECTOR, POLICY AND NATIONAL OPERATIONS DEPUTY DIRECTOR, CLAIMS ADMINISTRATION, POLICY, HEARINGS, AND TECHNICAL ASSISTANCE DEPUTY DIRECTOR, PROGRAM AND SYSTEMS INTEGRITY NATIONAL ADMINISTRATION OF FIELD OPERATIONS, DIVISION OF FEDERAL EMPLOYEES' COMPENSATION NATIONAL ADM OF FIELD OP, DIVISION OF ENERGY EMPLOYEE OCC ILLNESS COMP REGIONAL DIRECTOR—DALLAS REGIONAL DIRECTOR (NORTHEAST REGION) REGIONAL DIRECTOR ADMINISTRATIVE OFFICER DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND MANAGEMENT DIRECTOR, OFFICE OF FIELD OPERATIONS DIRECTOR OF NATIONAL PROGRAMS ASSOCIATE ADMINISTRATOR, REGIONAL ENFORCEMENT AND SUPPORT ASSOCIATE ADMINISTRATOR FOR ENTERPRISE DATA AND ANALYTICS ASSOCIATE ADMINISTRATOR FOR ADMINISTRATIVE OPERATIONS DEPUTY DIRECTOR, WOMEN'S BUREAU DEPUTY INSPECTOR GENERAL
	VETERANS EMPLOYMENT AND TRAINING SERVICE.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING AND FRAUD ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY ASSISTANT INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING AND FRAUD COUNSEL TO THE INSPECTOR GENERAL CHIEF PERFORMANCE AND RISK MANAGEMENT OFFICER DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT CHIEF TECHNOLOGY OFFICER REGIONAL DIRECTOR, DALLAS REGIONAL DIRECTOR, ATLANTA REGIONAL DIRECTOR, CHICAGO REGIONAL DIRECTOR, PHILADELPHIA
	WAGE AND HOUR DIVISION	REGIONAL DIRECTOR, WASHINGTON, D.C. REGIONAL DIRECTOR, OAKLAND
	WOMEN'S BUREAU	DIRECTOR, FINANCIAL AND ADMINISTRATIVE MANAGEMENT DIRECTOR, INFORMATION RESOURCES MANAGEMENT DIRECTOR, OFFICE OF POLICY AND EVALUATION
	DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL.	DIRECTOR, OFFICE OF REGIONAL OPERATIONS CLERK OF THE BOARD DIRECTOR, HUMAN RESOURCES DIRECTOR, SPACEPORT INTEGRATION AND SERVICES DIRECTOR, COMMUNICATION AND PUBLIC ENGAGEMENT DIRECTOR, EXPLORATION RESEARCH AND TECHNOLOGY PROGRAMS
MERIT SYSTEMS PROTECTION BOARD	DALLAS REGIONAL OFFICE	
OFFICE OF REGIONAL OPERATIONS	ATLANTA REGIONAL OFFICE	
	CENTRAL REGION, CHICAGO REGIONAL OFFICE	
	NORTHEAST REGION, PHILADELPHIA REGIONAL OFFICE.	
	WASHINGTON, DC REGION, WASHINGTON REGIONAL OFFICE.	
	WESTERN REGION, OAKLAND REGIONAL OFFICE.	
OFFICE OF THE BOARD, CHAIRMAN	OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT.	
	OFFICE OF INFORMATION RESOURCES MANAGEMENT.	
	OFFICE OF POLICY AND EVALUATION	
	OFFICE OF REGIONAL OPERATIONS	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	OFFICE OF THE CLERK OF THE BOARD	
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	

Agency name	Organization name	Position title
AERONAUTICS RESEARCH MISSION DIRECTORATE.	AMES RESEARCH CENTER	GROUND SYSTEMS INTEGRATION MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM DIRECTOR OF SAFETY AND MISSION ASSURANCE
		DEPUTY DIRECTOR, AERONAUTICS
		DEPUTY CENTER DIRECTOR, ARC
		DIRECTOR OF AERONAUTICS
		CHIEF FINANCIAL OFFICER
		DIRECTOR OF CENTER OPERATIONS
		DIRECTOR, EXPLORATION TECHNOLOGY
		DIRECTOR OF SCIENCE
		CHIEF INFORMATION OFFICER
		DEPUTY DIRECTOR, EXPLORATION TECHNOLOGY
		ASSOCIATE DIRECTOR FOR RESEARCH AND TECHNOLOGY
		DIRECTOR, PROGRAMS AND PROJECTS
		DEPUTY DIRECTOR, SCIENCE
		DIRECTOR OF ENGINEERING
		DIRECTOR, HUMAN RESOURCES
		DEPUTY DIRECTOR, ENGINEERING
		CENTER ASSOCIATE DIRECTOR
		CENTER ASSOCIATE DIRECTOR
		DEPUTY DIRECTOR, SPACE FLIGHT SYSTEMS
		DIRECTOR OF CENTER OPERATIONS
		CHIEF INFORMATION OFFICER
		CHIEF FINANCIAL OFFICER
		DEPUTY DIRECTOR OF FACILITIES, TEST AND MANUFACTURING DIRECTORATE
		CHIEF, CHIEF ENGINEER OFFICE
		DIRECTOR, OFFICE OF TECHNOLOGY INCUBATION AND INNOVATION
		MANAGER, NEIL A ARMSTRONG TEST FACILITY
		DIRECTOR, OFFICE OF PROCUREMENT
		DIRECTOR, SPACE FLIGHT SYSTEMS DIRECTORATE
		DEPUTY CHIEF, POWER DIVISION
		CHIEF, POWER DIVISION
		DIRECTOR, RESEARCH AND ENGINEERING DIRECTORATE
		CHIEF, MATERIALS AND STRUCTURES DIVISION
		CHIEF, PROPULSION DIVISION
		DEPUTY CHIEF, PROPULSION DIVISION
		DIRECTOR, FACILITIES, TEST AND MANUFACTURING DIRECTORATE
		DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE
		CHIEF, SYSTEMS ENGINEERING AND ARCHITECTURE DIVISION
		DIRECTOR, AERONAUTICS DIRECTORATE
		CHIEF, COMMUNICATIONS AND INTELLIGENT SYSTEMS DIVISION
		DEPUTY DIRECTOR, RESEARCH AND ENGINEERING DIRECTORATE
		MANAGER, EUROPEAN SERVICE MODULE INTEGRATION OFFICE
		DIRECTOR, HUMAN RESOURCES
		MANAGER, POWER AND PROPULSION ELEMENT PROJECT OFFICE
		DEPUTY DIRECTOR, NASA SAFETY CENTER
	GLENN RESEARCH CENTER	DIRECTOR, SAFETY AND MISSION ASSURANCE OFFICE
		CHIEF FINANCIAL OFFICER
		DEPUTY DIRECTOR, LANGLEY RESEARCH CENTER
		DEPUTY DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER
		DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER
		MANAGER, INTEGRATION OFFICE, NASA ENGINEERING AND SAFETY CENTER
		DIRECTOR, ENGINEERING DIRECTORATE
		DEPUTY DIRECTOR, ENGINEERING DIRECTORATE
		DIRECTOR, RESEARCH DIRECTORATE
		DEPUTY DIRECTOR, RESEARCH DIRECTORATE
		DIRECTOR, CENTER OPERATIONS DIRECTORATE
		DIRECTOR, AERONAUTICS RESEARCH DIRECTORATE
		DIRECTOR, SCIENCE DIRECTORATE

Agency name	Organization name	Position title
		DIRECTOR, SYSTEMS ANALYSIS AND ADVANCED CONCEPTS DIRECTORATE DIRECTOR, RESEARCH SERVICES DIRECTORATE CHIEF INFORMATION OFFICER DEPUTY DIRECTOR FOR INTELLIGENT FLIGHT SYSTEMS ASSOCIATE DIRECTOR, LANGLEY RESEARCH CENTER DEPUTY DIRECTOR FOR TECHNICAL CAPABILITIES DIRECTOR, SPACE TECHNOLOGY AND EXPLORATION DIRECTORATE DIRECTOR, EARTH SYSTEM SCIENCE PATHFINDER PROGRAM OFFICE DEPUTY DIRECTOR FOR SAFETY ASSOCIATE DIRECTOR, TECHNICAL DEPUTY DIRECTOR FOR STRUCTURES AND MATERIALS SENIOR ADVISOR, ON-ORBIT SERVICING, ASSEMBLY, AND MANUFACTURING MANAGER, QUESST MISSION DEPUTY DIRECTOR FOR PROJECTS, ENGINEERING DIRECTORATE DIRECTOR, RESEARCH SERVICES DIRECTORATE DIRECTOR, OFFICE OF STRATEGIC ANALYSIS, COMMUNICATIONS, AND BUSINESS DEVELOPMENT DEPUTY DIRECTOR FOR AEROSCIENCES DEPUTY DIRECTOR, SCIENCES AND EXPLORATION
GODDARD SPACE FLIGHT CENTER	SCIENCES AND EXPLORATION	MANAGER, LAUNCH SERVICES PROGRAM DIRECTOR, SAFETY AND MISSION ASSURANCE
KENNEDY SPACE CENTER	LAUNCH SERVICES PROGRAM	SPECIAL ASSISTANT FOR LIQUID PROPULSION SYSTEMS
MARSHALL SPACE FLIGHT CENTER	SAFETY AND MISSION ASSURANCE	EXECUTIVE DIRECTOR OF NASA SHARED SERVICES CENTER DIRECTOR, SERVICE DELIVERY DIRECTORATE DIRECTOR, SUPPORT OPERATIONS DIRECTORATE
MISSION SUPPORT DIRECTORATE	SPACE LAUNCH SYSTEM PROGRAM OFFICE	DEPUTY CHIEF HEALTH AND MEDICAL OFFICER
	NASA SHARED SERVICES CENTER	DIRECTOR, HEALTH OPERATIONS AND OVERSIGHT CHIEF HEALTH AND MEDICAL OFFICER
	OFFICE OF CHIEF HEALTH AND MEDICAL OFFICER.	DIRECTOR, HUMAN RESOURCE MANAGEMENT DIVISION DIRECTOR, HEADQUARTERS INFORMATION AND COMMUNICATION DIVISION
	OFFICE OF HEADQUARTERS OPERATIONS	DEPUTY ASSISTANT ADMINISTRATOR FOR HUMAN CAPITAL MANAGEMENT DIRECTOR, TALENT STRATEGY AND ENGAGEMENT DIVISION ASSISTANT ADMINISTRATOR FOR HUMAN CAPITAL MANAGEMENT
	OFFICE OF HUMAN CAPITAL MANAGEMENT	DIRECTOR, TALENT ACQUISITION AND DEVELOPMENT PROGRAM OFFICE DIRECTOR, BUSINESS OPERATIONS DIVISION DIRECTOR, EXECUTIVE RESOURCES
	OFFICE OF PROCUREMENT	DIRECTOR, CONTRACT MANAGEMENT DIVISION DIRECTOR, INFORMATION TECHNOLOGY PROCUREMENT OFFICE DEPUTY ASSISTANT ADMINISTRATION FOR OFFICE OF PROCUREMENT DIRECTOR, PROGRAM OPERATIONS DIVISION ASSISTANT ADMININSTRATOR FOR PROCUREMENT
	OFFICE OF PROTECTIVE SERVICES	DIRECTOR, OFFICE OF PROCUREMENT (2) SENIOR ADVISOR (TRANSFORMATION) ASSISTANT ADMINISTRATOR FOR PROTECTIVE SERVICES DIRECTOR OF COUNTERINTELLIGENCE/COUNTERTERRORISM FOR PROTECTIVE SERVICES DEPUTY ASSISTANT ADMINISTRATOR FOR PROTECTIVE SERVICES
	OFFICE OF STRATEGIC INFRASTRUCTURE	DEPUTY ASSISTANT ADMINISTRATOR FOR STRATEGIC INFRASTRUCTURE DIRECTOR, SPACE ENVIRONMENTS TESTING MANAGEMENT OFFICE (SETMO) DIRECTOR, FACILITIES AND REAL ESTATE SENIOR ADVISOR (TRANSFORMATION)

Agency name	Organization name	Position title
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	OFFICE OF SAFETY AND MISSION ASSURANCE ..	DIRECTOR, LOGISTICS MANAGEMENT DIVISION ASSISTANT ADMINISTRATOR FOR INFRASTRUCTURE AND ADMINISTRATION DIRECTOR ENVIRONMENTAL MANAGEMENT DIVISION DIRECTOR, MISSIONS AND PROGRAMS ASSESSMENT DIVISION DIRECTOR, MISSION ASSURANCE STANDARDS AND CAPABILITIES DIVISION CHIEF SAFETY AND MISSION ASSURANCE OFFICER DEPUTY CHIEF SAFETY AND MISSION ASSURANCE OFFICER DIRECTOR, INSTITUTIONAL SAFETY MANAGEMENT DIVISION DIRECTOR, NASA SAFETY CENTER DIRECTOR, INDEPENDENT VERIFICATION AND VALIDATION PROGRAM
	OFFICE OF THE ADMINISTRATOR	ASSOCIATE ADMINISTRATOR DEPUTY ASSOCIATE ADMINISTRATOR FOR TECHNOLOGY, POLICY, AND STRATEGY DEPUTY ASSOCIATE ADMINISTRATOR FOR BUSINESS OPERATIONS CHIEF RESILIENCE OFFICE CHIEF PROGRAM MANAGEMENT OFFICER ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE BUSINESS MANAGEMENT OFFICE DIRECTOR, APPLICATIONS AND PLATFORMS SERVICES SPECIAL ASSISTANT FOR ACQUISITION AND PARTNERSHIP STRATEGY DIRECTOR OF SPACE ARCHITECTURES DEPUTY DIGITAL TRANSFORMATION OFFICER AND CHIEF DATA OFFICER DIGITAL TRANSFORMATION OFFICER SENIOR ADVISOR TO THE ASSOCIATE ADMINISTRATOR
OFFICE OF EARTH SCIENCE	STENNIS SPACE CENTER	DIRECTOR FIELD OPERATIONS DIVISION DEPUTY DIRECTOR, STENNIS SPACE CENTER DIRECTOR, ENGINEERING AND SCIENCE DIRECTORATE ASSOCIATE DIRECTOR DIRECTOR, CENTER OPERATIONS DIRECTORATE DIRECTOR, OFFICE OF SAFETY AND MISSION ASSURANCE DEPUTY DIRECTOR, ENGINEERING AND TEST DIRECTORATE
	GODDARD SPACE FLIGHT CENTER	DIRECTOR OF ENGINEERING AND TECHNOLOGY DEPUTY DIRECTOR OF ENGINEERING AND TECHNOLOGY CHIEF, MECHANICAL SYSTEMS DIVISION CHIEF, SOFTWARE ENGINEERING DIVISION DEPUTY DIRECTOR FOR PLANNING AND BUSINESS MANAGEMENT DIRECTOR OFFICE OF PROCUREMENT DEPUTY DIRECTOR DEPUTY DIRECTOR OF FLIGHT PROJECTS DIRECTOR OF WALLOPS FLIGHT FACILITY DIRECTOR, EARTH SCIENCES DIVISION CHIEF, GODDARD INSTITUTE FOR SPACE STUDIES DIRECTOR OF FLIGHT PROJECTS DIRECTOR, ASTROPHYSICS SCIENCE DIVISION DIRECTOR OF THE OFFICE OF HUMAN CAPITAL MANAGEMENT DEPUTY DIRECTOR OF SAFETY AND MISSION ASSURANCE DIRECTOR OF SCIENCES AND EXPLORATION DIRECTOR OF SAFETY AND MISSION ASSURANCE DIRECTOR OF MANAGEMENT OPERATIONS CHIEF FINANCIAL OFFICER DIRECTOR, SOLAR SYSTEM EXPLORATION DIVISION CHIEF, INSTRUMENT SYSTEMS AND TECHNOLOGY DIVISION CHIEF, ELECTRICAL ENGINEERING DIVISION CENTER ASSOCIATE DIRECTOR ASSOCIATE DIRECTOR FOR EXPLORERS AND HELIOPHYSICS PROJECTS DIVISION CHIEF, MISSION ENGINEERING AND SYSTEMS ANALYSIS DIVISION

Agency name	Organization name	Position title
		DEPUTY DIRECTOR FLIGHT PROJECTS FOR PLANNING AND BUSINESS MANAGEMENT DEPUTY DIRECTOR FOR TECHNOLOGY AND RESEARCH INVESTMENTS DEPUTY DIRECTOR FOR INSTITUTIONS, PROGRAMS, AND BUSINESS MANAGEMENT DIRECTOR, HELIOPHYSICS SCIENCE DIVISION DEPUTY CHIEF FINANCIAL OFFICER ASSOCIATE DIRECTOR FOR EARTH SCIENCE PROJECTS DIVISION ASSOCIATE DIRECTOR FOR EXPLORATION AND SPACE COMMUNICATIONS PROJECTS DIVISION ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR THE INSTRUMENT AND SPECIAL PROJECTS DIVISION DEPUTY DIRECTOR FOR TECHNICAL MANAGEMENT SPECIAL ASSISTANT FOR PROJECT MANAGEMENT TRAINING DEPUTY DIRECTOR WALLOPS FLIGHT FACILITY CHIEF INFORMATION OFFICER AND DIRECTOR OF INFORMATION TECHNOLOGY AND COMMUNICATIONS DIRECTORATE SPECIAL ASSISTANT TO THE DIRECTOR DIRECTOR, OFFICE OF PROCUREMENT ASSISTANT DIRECTOR FOR SPACE TECHNOLOGY AND EXPLORATION DEPUTY ASSOCIATE ADMINISTRATOR FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS
OFFICE OF PUBLIC AFFAIRS	OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS.	
OFFICE OF SMALL BUSINESS PROGRAMS	JOHNSON SPACE CENTER	DIRECTOR, SAFETY AND MISSION ASSURANCE MANAGER, WHITE SANDS TEST FACILITY CHIEF, SOFTWARE, ROBOTICS AND SIMULATION DIVISION DEPUTY DIRECTOR, ENGINEERING CHIEF, AIRCRAFT OPERATIONS DIVISION DIRECTOR, HUMAN HEALTH AND PERFORMANCE DIRECTOR, CENTER OPERATIONS DIRECTOR, ENGINEERING DIRECTOR, OFFICE OF PROCUREMENT DIRECTOR OF HUMAN RESOURCES CHIEF, AEROSCIENCE AND FLIGHT MECHANICS DIVISION CENTER ASSOCIATE DIRECTOR MANAGER, VEHICLE OFFICE DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE MANAGER, EXTRA VEHICULAR ACTIVITY MANAGEMENT OFFICE MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, INTERNATIONAL SPACE STATION DEPUTY DIRECTOR, HUMAN HEALTH AND PERFORMANCE MANAGER, INTERNATIONAL SPACE STATION RESEARCH INTEGRATION OFFICE CHIEF INFORMATION OFFICER CHIEF, FLIGHT DIRECTOR OFFICE DIRECTOR, EXTERNAL RELATIONS MANAGER, INTERNATIONAL SPACE STATION PROGRAM DEPUTY DIRECTOR, JOHNSON SPACE CENTER MANAGER, AVIONICS AND SOFTWARE OFFICE DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM MANAGER, SAFETY AND MISSION ASSURANCE/ PROGRAM RISK OFFICE, ISSP MANAGER, INTERNATIONAL SPACE STATION TRANSPORTATION INTEGRATION CHIEF, PROPULSION AND POWER DIVISION DIRECTOR, FLIGHT OPERATIONS DIRECTOR, EXPLORATION INTEGRATION AND SCIENCE MANAGER, EXTERNAL INTEGRATION OFFICE MANAGER, CREW AND SERVICE MODULE OFFICE DEPUTY MANAGER, FLIGHT DEVELOPMENT AND OPERATIONS, COMMERCIAL CREW PROGRAM MANAGER, ORION PROGRAM MANAGER, VEHICLE INTEGRATION OFFICE DEPUTY MANAGER, ORION PROGRAM MANAGER, OPERATIONS INTEGRATION, COMMERCIAL CREW PROGRAM

Agency name	Organization name	Position title
		CHIEF, MISSION SYSTEMS DIVISION DEPUTY CHIEF FINANCIAL OFFICER CHIEF, ASTROMATERIALS RESEARCH AND EX- PLORATION SCIENCE (ARES) MANAGER, PROGRAM OPERATIONS INTEGRA- TION, INTERNATIONAL SPACE STATION PRO- GRAM CHIEF FINANCIAL OFFICER DEPUTY MANAGER, GATEWAY PROGRAM MANAGER, VEHICLE SYSTEMS INTEGRATION PRODUCTION MANAGER, GATEWAY PROGRAM MANAGER, SYSTEMS ENGINEERING AND INTE- GRATION OFFICE, GATEWAY CHIEF, STRUCTURAL ENGINEERING DIVISION GATEWAY HABITATION AND LOGISTICS OUT- POST PROJECT MANAGER ASSOCIATE CENTER DIRECTOR FOR VISION AND STRATEGY CHIEF, CREW AND THERMAL SYSTEMS DIVISION MANAGER, EXTRAVEHICULAR ACTIVITY AND HUMAN SURFACE MOBILITY PROGRAM DEPUTY MANAGER, EXTRAVEHICULAR ACTIVITY AND HUMAN SURFACE MOBILITY PROGRAM DIRECTOR, CENTER ENGAGEMENT AND BUSI- NESS INTEGRATION SERVICES MANAGER, ORION PRODUCTION OPERATIONS MANAGER, DEEP SPACE LOGISTICS OFFICE PRINCIPAL ADVISOR FOR SPACE TRANSPOR- TATION ASSOCIATE DIRECTOR, MANAGEMENT CHIEF, COMMERCIAL SYSTEMS DIVISION, ENGI- NEERING CHIEF, EXPLORATION SYSTEMS AND OPER- ATIONS DIVISION, ENGINEERING ASSOCIATE MANAGER, TECHNICAL, EXPLO- RATION GROUND SYSTEMS PROGRAM DEPUTY DIRECTOR, SPACEPORT INTEGRATION AND SERVICES DEPUTY MANAGER, GROUND DEVELOPMENT AND OPERATIONS, COMMERCIAL CREW PRO- GRAM CHIEF, LABORATORIES AND TEST FACILITIES DI- VISION, ENGINEERING CHIEF, TECHNICAL PERFORMANCE AND INTE- GRATION DIVISION, ENGINEERING DEPUTY DIRECTOR, SAFETY AND MISSION AS- SURANCE DIRECTOR, ENGINEERING ASSOCIATE DIRECTOR, ENGINEERING MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM DEPUTY MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM DEPUTY DIRECTOR, ENGINEERING MANAGER, COMMERCIAL CREW PROGRAM DEPUTY MANAGER, LAUNCH SERVICES PRO- GRAM CHIEF FINANCIAL OFFICER DIRECTOR, PROCUREMENT DEPUTY DIRECTOR, JOHN F. KENNEDY SPACE CENTER ASSOCIATE DIRECTOR, TECHNICAL, JOHN F KENNEDY SPACE CENTER ASSOCIATE CENTER DIRECTOR DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE MANAGER, SPACECRAFT/PAYLOAD INTEGRA- TION AND EVOLUTION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE DIRECTOR, ENGINEERING DIRECTORATE DEPUTY DIRECTOR, OFFICE OF CENTER OPER- ATIONS CHIEF INFORMATION OFFICER DIRECTOR, OFFICE OF HUMAN RESOURCES DIRECTOR, TEST LABORATORY, ENGINEERING DIRECTORATE DIRECTOR, SPACECRAFT AND VEHICLE SYS- TEMS DEPT, ENGINEERING DIRECTORATE DEPUTY DIRECTOR, SPACECRAFT AND VEHICLE SYSTEMS DEPARTMENT, ENGINEERING DI- RECTORATE DEPUTY DIRECTOR, ENGINEERING DIREC- TORATE
	KENNEDY SPACE CENTER	
	MARSHALL SPACE FLIGHT CENTER	

Agency name	Organization name	Position title
OFFICE OF THE ADMINISTRATOR	AERONAUTICS RESEARCH MISSION DIRECTORATE.	DEPUTY DIRECTOR, SPACE SYSTEMS DEPT, ENGINEERING DIRECTORATE
		DIRECTOR, SPACE SYSTEMS DEPT, ENGINEERING DIRECTORATE
		DIRECTOR, MATERIALS AND PROCESSES LAB, ENGINEERING DIRECTORATE
		DIRECTOR, PROPULSION SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE
		DEPUTY DIRECTOR, PROPULSION SYSTEMS DEPT, ENGINEERING DIRECTORATE
		DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE
		DEPUTY CENTER DIRECTOR
		ASSOCIATE CENTER DIRECTOR, TECHNICAL
		DIRECTOR, OFFICE OF STRATEGIC ANALYSIS AND COMMUNICATIONS
		DIRECTOR, OFFICE OF CENTER OPERATIONS
		ASSOCIATE DIRECTOR FOR OPERATIONS, ENGINEERING DIRECTORATE
		DEPUTY MANAGER, OFFICE OF THE CHIEF ENGINEER, ENGINEERING DIRECTORATE
		DIRECTOR, MICHOUD ASSEMBLY FACILITY
		MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE
		MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE
		DEPUTY MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE
		MANAGER, SCIENCE AND TECHNOLOGY OFFICE
		DEPUTY MANAGER, SCIENCE AND TECHNOLOGY OFFICE
		ASSOCIATE MANAGER, SCIENCE AND TECHNOLOGY OFFICE
		MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE
		DEPUTY MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE
		MANAGER, ENGINES OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE
		MANAGER, STAGES OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE
		MANAGER, BOOSTERS OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE
		CHIEF ENGINEER, OFFICE OF THE CHIEF ENGINEER, ENGINEERING DIRECTORATE
		MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE
		ASSOCIATE PROGRAM MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE
		INTERNATIONAL SPACE STATION COST ACCOUNT MANAGER
		ASSOCIATE CHIEF INFORMATION OFFICER, APPLICATIONS DIVISION
		DEPUTY MANAGER, HUMAN LANDING SYSTEM PROGRAM OFFICE
		PROGRAM MANAGER, HUMAN LANDING SYSTEM
		CHIEF FINANCIAL OFFICER
		MANAGER, PLANETARY MISSIONS PROGRAM OFFICE
		MANAGER, BLOCK1B/EXPLORATION UPPER STAGE DEVELOPMENT OFFICE
		MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE
		DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS
		SPECIAL ASSISTANT TO THE CENTER DIRECTOR
		DIRECTOR OF TRANSFORMATIVE AERONAUTICS CONCEPTS PROGRAM OFFICE
		DIRECTOR OF AIRSPACE OPERATIONS AND SAFETY PROGRAM OFFICE
		DIRECTOR OF ADVANCED AIR VEHICLES PROGRAM OFFICE
		DIRECTOR, AEROSCIENCES EVALUATION AND TEST CAPABILITIES PORTFOLIO
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY
		DEPUTY ASSOCIATE ADMINISTRATOR

Agency name	Organization name	Position title
	EXPLORATION SYSTEMS DEVELOPMENT MISSION DIRECTORATE.	DIRECTOR FOR INTEGRATED AVIATION SYSTEMS PROGRAM DIRECTOR, PORTFOLIO ANALYSIS AND MANAGEMENT OFFICE DIRECTOR, TECHNICAL INTEGRATION OFFICE
	MISSION SUPPORT DIRECTORATE	MANAGER, SYSTEMS ENGINEERING AND INTEGRATION, ARTEMIS CAMPAIGN DEVELOPMENT ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR COMMON EXPLORATION SYSTEMS DEVELOPMENT DEPUTY ASSOCIATE ADMINISTRATOR, ARTEMIS CAMPAIGN DEVELOPMENT DIRECTOR, RESOURCES AND PERFORMANCE MANAGEMENT OFFICE DEPUTY ASSOCIATE ADMINISTRATOR, MISSION SUPPORT TRANSFORMATION OFFICE SENIOR ADVISOR FOR HUMAN CAPITAL TRANSFORMATION DEPUTY ASSISTANT ADMINISTRATOR FOR BUSINESS MANAGEMENT DIRECTOR, MISSION SUPPORT OPERATIONS OFFICE DIRECTOR, AVIATION CAPABILITY MANAGEMENT OFFICE DIRECTOR, ANALYSIS DIVISION PROGRAM EXECUTIVE FOR MISSION SUPPORT FUTURE ARCHITECTURE PROGRAM DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION SUPPORT DEPUTY DIRECTOR, NASA OFFICE OF JPL MANAGEMENT AND OVERSIGHT DEPUTY ASSOCIATE ADMINISTRATOR FOR COMMUNICATIONS DIRECTOR, PUBLIC ENGAGEMENT AND MULTIMEDIA DEPUTY ASSOCIATE ADMINISTRATOR FOR MEDIA OPERATIONS AND TECHNOLOGY DIRECTOR OF ENGAGEMENT DIRECTOR OF HISTORY AND INFORMATION SERVICES DIRECTOR OF NEWS, MEDIA, AND INTERNAL COMMUNICATIONS DEPUTY ASSOCIATE ADMINISTRATOR FOR STEM ENGAGEMENT PROGRAM DEPUTY ASSOCIATE ADMINISTRATOR FOR STRATEGY AND INTEGRATION DEPUTY CHIEF ENGINEER CHIEF ENGINEER, HUMAN EXPLORE DEVELOPMENT AND OPERATIONS CHIEF ENGINEER DEPUTY FOR MANAGEMENT DIRECTOR, STRATEGIC INVESTMENT DIVISION DIRECTOR, QUALITY ASSURANCE DIRECTOR, FINANCIAL MANAGEMENT DIVISION DIRECTOR, BUDGET DIVISION DEPUTY CHIEF FINANCIAL OFFICER (APPROPRIATIONS) ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER (FINANCE) DEPUTY CHIEF FINANCIAL OFFICER (STRATEGY AND PERFORMANCE) DEPUTY CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER (FINANCE) DIRECTOR, STRATEGIC INVESTMENTS DIVISION SENIOR ADVISOR FOR TRANSFORMATION DIRECTOR, NETWORK AND TELECOMMUNICATION SERVICE ASSOCIATE CHIEF INFORMATION OFFICER FOR CAPITAL PLANNING AND GOVERNANCE ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE SERVICE AND INTEGRATION DIVISION DEPUTY CHIEF INFORMATION OFFICER FOR STRATEGY DEPUTY CHIEF INFORMATION OFFICER FOR INFORMATION TECHNOLOGY SECURITY CHIEF SCIENTIST DEPUTY CHIEF SCIENTIST CHIEF TECHNOLOGIST DIRECTOR, ASTROPHYSICS DIVISION DIRECTOR, EARTH SCIENCE DIVISION
	NASA MANAGEMENT OFFICE	
	OFFICE OF COMMUNICATIONS	
	OFFICE OF STEM ENGAGEMENT	
	OFFICE OF THE CHIEF ENGINEER	
	OFFICE OF THE CHIEF FINANCIAL OFFICER	
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	
	OFFICE OF THE CHIEF SCIENTIST	
	OFFICE OF THE CHIEF TECHNOLOGIST	
	SCIENCE MISSION DIRECTORATE	

Agency name	Organization name	Position title
		DIRECTOR, JOINT AGENCY SATELLITE DIVISION DIRECTOR, NASA OFFICE OF JPL MANAGEMENT AND OVERSIGHT DEPUTY DIRECTOR, JOINT AGENCY SATELLITE DIVISION DIRECTOR, SCIENCE ENGAGEMENT AND PARTNERSHIPS ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR JAMES WEBB SPACE TELESCOPE (JWST) ASSOCIATE DIRECTOR FOR FLIGHT PROGRAMS DIRECTOR, MARS SAMPLE RETURN PROGRAM PROGRAM DIRECTOR FOR FLIGHT PROGRAMS, ASTROPHYSICS DIVISION DEPUTY DIRECTOR, PLANETARY SCIENCE DIVISION ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT DEPUTY DIRECTOR, EARTH SCIENCE DIVISION ASSOCIATE DIRECTOR FOR FLIGHT PROGRAMS, ASTROPHYSICS DIVISION SENIOR ADVISOR, SCIENCE MISSION DIRECTORATE ASSOCIATE DIRECTOR FOR RESEARCH, ASTROPHYSICS DIVISION ASSOCIATE DIRECTOR FOR FLIGHT PROGRAMS, HELIOPHYSICS DIVISION DEPUTY ASSOCIATE ADMINISTRATOR FOR EXPLORATION DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR, SCIENCE MISSION DIRECTORATE DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS PROGRAM DIRECTOR RESEARCH AND ANALYSIS PROGRAM DEPUTY DIRECTOR, ASTROPHYSICS DIVISION DIRECTOR, HELIOPHYSICS DIVISION DIRECTOR, PLANETARY SCIENCE DIVISION PROGRAM DIRECTOR FOR FLIGHT PROGRAMS, PLANETARY SCIENCE DEPUTY, DIRECTOR, HELIOPHYSICS DIVISION DEPUTY ASSOCIATE ADMINISTRATOR FOR RESEARCH DIRECTOR, RESOURCES MANAGEMENT DIVISION SPACE OPERATIONS MISSION DIRECTORATE DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE COMMUNICATIONS AND NAVIGATION MANAGER, ROCKET PROPULSION TEST PROGRAM OFFICE DIRECTOR, INTERNATIONAL SPACE STATION SPECIAL ASSISTANT TO THE DAA, SYSTEMS ENGINEERING AND INTEGRATION SENIOR ADVISOR TO THE HUMAN EXPLORATION AND OPERATIONS MISSION DIRECTORATE DEPUTY ASSOCIATE ADMINISTRATOR, EXPLORATION SYSTEMS DEVELOPMENT ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR, ADVANCED EXPLORATION SYSTEMS DEPUTY DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR FOR EXPLORATION OPERATIONS DIVISION DEPUTY ASSOCIATE ADMINISTRATOR, SPACE OPERATIONS DEPUTY ASSOCIATE ADMINISTRATOR, EXPLORATION SYSTEMS DEVELOPMENT DAA, MANAGEMENT FOR ESDMD AND SOMD GATEWAY PROGRAM MANAGER CESD SAFETY AND MISSION ASSURANCE MANAGER ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR EXPLORATION SYSTEMS DEVELOPMENT DIRECTOR, RESOURCES MANAGEMENT OFFICE DIRECTOR, HUMAN SPACEFLIGHT CAPABILITIES DIVISION DIRECTOR, NETWORK SERVICES DIRECTOR, LAUNCH SERVICES OFFICE DIRECTOR, HUMAN RESEARCH PROGRAM DIRECTOR, COMMERCIAL SPACEFLIGHT DEVELOPMENT DIVISION

Agency name	Organization name	Position title
OFFICE OF THE DEPUTY ADMINISTRATOR	ARMSTRONG FLIGHT RESEARCH CENTER (AFRC).	DIRECTOR, BIOLOGICAL AND PHYSICAL SCIENCES DIVISION DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DIVISION DEPUTY CENTER DIRECTOR, AFRC
	OFFICE INTERNATIONAL AND INTERAGENCY RELATIONS.	CENTER ASSOCIATE DIRECTOR FOR MISSION SUPPORT DIRECTOR FOR RESEARCH AND ENGINEERING DIRECTOR FOR FLIGHT OPERATIONS DIRECTOR FOR SAFETY AND MISSION ASSURANCE DIRECTOR FOR PROGRAMS DIRECTOR, MISSION OPERATIONS CHIEF FINANCIAL OFFICER ASSOCIATE DIRECTOR OF STRATEGY DEPUTY DIRECTOR, EXPORT CONTROL AND INTERAGENCY LIAISON DIVISION DIRECTOR, SCIENCE DIVISION DIRECTOR, AERONAUTICS AND CROSS AGENCY SUPPORT DIVISION DIRECTOR, HUMAN EXPLORATION AND OPERATIONS DIVISION DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL AND INTERAGENCY RELATIONS DIRECTOR, EXPORT CONTROL AND INTERAGENCY LIAISON DIVISION DIRECTOR, ADVISORY COMMITTEE MANAGEMENT DIVISION
	OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY.	DIRECTOR, DIVERSITY AND DATA/ANALYTICS DIVISION AND FIELD OPERATIONS DIRECTOR, EQUAL OPPORTUNITY PROGRAMS DIVISION AND FIELD OPERATIONS DEPUTY ASSOCIATE ADMINISTRATOR FOR DIVERSITY AND EQUAL OPPORTUNITY
	SPACE TECHNOLOGY MISSION DIRECTORATE ...	DIRECTOR, STRATEGIC PLANNING AND INTEGRATION TECHNOLOGY MATURATION PROGRAM DIRECTOR EARLY STAGE INNOVATIONS AND PARTNERSHIPS DIRECTOR TECHNOLOGY DEMONSTRATIONS PROGRAM DIRECTOR DIRECTOR, RESOURCE MANAGEMENT OFFICE DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR (STMD) DIRECTOR, JAMES WEBB SPACE TELESCOPE PROGRAM SENIOR SCIENCE ADVISOR DEPUTY INSPECTOR GENERAL
SCIENCE MISSION DIRECTORATE	JAMES WEBB SPACE TELESCOPE PROGRAM OFFICE.	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR AUDITING ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND PLANNING COUNSEL TO THE INSPECTOR GENERAL
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES.	CONGRESSIONAL AFFAIRS STAFF	DIRECTOR, CONGRESSIONAL AFFAIRS
	GENERAL COUNSEL	GENERAL COUNSEL
	OFFICE OF INNOVATION	CHIEF INNOVATION OFFICER
	OFFICE OF THE CHIEF OF MANAGEMENT AND ADMINISTRATION.	CHIEF OF MANAGEMENT AND ADMINISTRATION
	OFFICE OF THE CHIEF OF STAFF	CHIEF OF STAFF
	OFFICE OF THE CHIEF OPERATING OFFICER	CHIEF OPERATING OFFICER
LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES.	OFFICE OF PRESIDENTIAL LIBRARIES	DIRECTOR, OFFICE OF PRESIDENTIAL LIBRARIES
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.	ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES.	CHIEF EQUITY OFFICER
OFFICE OF THE CHIEF OF MANAGEMENT AND ADMINISTRATION.	BUSINESS SUPPORT SERVICES	DEPUTY ARCHIVIST OF THE UNITED STATES BUSINESS SUPPORT SERVICES EXECUTIVE
	INFORMATION SERVICES	CHIEF TECHNOLOGY OFFICER DEPUTY CHIEF INFORMATION OFFICER

Agency name	Organization name	Position title
OFFICE OF THE CHIEF OPERATING OFFICER	OFFICE OF HUMAN CAPITAL OFFICE OF THE CHIEF ACQUISITION OFFICER OFFICE OF THE CHIEF FINANCIAL OFFICER AGENCY SERVICES	INFORMATION SERVICES EXECUTIVE/CHIEF INFORMATION OFFICER CHIEF HUMAN CAPITAL OFFICER CHIEF ACQUISITION OFFICER CHIEF FINANCIAL OFFICER CHIEF RECORDS OFFICER AGENCY SERVICES EXECUTIVE DIRECTOR, NATIONAL PERSONNEL RECORDS CENTER DIRECTOR, INFORMATION SECURITY OVERSIGHT OFFICE DIRECTOR, RECORDS CENTER PROGRAMS DIRECTOR, NATIONAL DECLASSIFICATION CENTER DIRECTOR, OFFICE OF GOVERNMENT INFORMATION SERVICES LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES OFFICE OF THE FEDERAL REGISTER RESEARCH SERVICES
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDITING ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS EXECUTIVE DIRECTOR
NATIONAL CAPITAL PLANNING COMMISSION	NATIONAL CAPITAL PLANNING COMMISSION STAFF.	
NATIONAL ENDOWMENT FOR THE ARTS	NATIONAL ENDOWMENT FOR THE ARTS	DIRECTOR , RESEARCH AND ANALYSIS DEPUTY CHAIRMAN FOR MANAGEMENT AND BUDGET CHIEF INFORMATION OFFICER INSPECTOR GENERAL
NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL.	NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL.	
NATIONAL ENDOWMENT FOR THE HUMANITIES ..	NATIONAL ENDOWMENT FOR THE HUMANITIES	ASSISTANT CHAIRMAN FOR PLANNING AND OPERATIONS DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ENFORCEMENT LITIGATION
NATIONAL LABOR RELATIONS BOARD	NATIONAL LABOR RELATIONS BOARD	REGIONAL DIRECTOR, REGION 27, DENVER, COLORADO REGIONAL DIRECTOR REGION 2, NEW YORK REGIONAL DIRECTOR, REGION 3, BUFFALO, NEW YORK REGIONAL DIRECTOR, REGION 4, PHILADELPHIA, PENNSYLVANIA REGIONAL DIRECTOR, REGION 5, BALTIMORE, MARYLAND REGIONAL DIRECTOR, REGION 6, PITTSBURGH, PENNSYLVANIA REGIONAL DIRECTOR, REGION 7, DETROIT, MICHIGAN REGIONAL DIRECTOR, REGION 8, CLEVELAND, OHIO REGIONAL DIRECTOR, REGION 9, CINCINNATI, OHIO REGIONAL DIRECTOR, REGION 10, ATLANTA, GEORGIA REGIONAL DIRECTOR, REGION 11, WINSTON SALEM, NORTH CAROLINA REGIONAL DIRECTOR, REGION 13, CHICAGO, ILLINOIS REGIONAL DIRECTOR, REGION 14, SAINT LOUIS, MISSOURI REGIONAL DIRECTOR, REGION 15, NEW ORLEANS, LOUISIANA REGIONAL DIRECTOR, REGION 16, FORT WORTH, TEXAS REGIONAL DIRECTOR, REGION 17, KANSAS CITY, KANSAS REGIONAL DIRECTOR, REGION 18, MINNEAPOLIS, MINNESOTA REGIONAL DIRECTOR, REGION 19, SEATTLE, WASHINGTON REGIONAL DIRECTOR, REGION 20, SAN FRANCISCO, CALIFORNIA REGIONAL DIRECTOR, REGION 21, LOS ANGELES, CALIFORNIA REGIONAL DIRECTOR, REGION 22, NEWARK, NEW JERSEY
DIVISION OF OPERATIONS MANAGEMENT	REGIONAL OFFICES	

Agency name	Organization name	Position title
		REGIONAL DIRECTOR, REGION 24, HATO REY, PUERTO RICO REGIONAL DIRECTOR, REGION 25, INDIANAPOLIS, INDIANA REGIONAL DIRECTOR, REGION 26, MEMPHIS, TENNESSEE REGIONAL DIRECTOR, REGION 1, BOSTON, MASSACHUSETTS REGIONAL DIRECTOR, REGION 28, PHOENIX, ARIZONA REGIONAL DIRECTOR, REGION 29, BROOKLYN, NEW YORK REGIONAL DIRECTOR, REGION 30, MILWAUKEE, WISCONSIN REGIONAL DIRECTOR, REGION 32, OAKLAND, CALIFORNIA REGIONAL DIRECTOR, REGION 31, LOS ANGELES, CALIFORNIA
NATIONAL LABOR RELATIONS BOARD	OFFICE OF THE BOARD MEMBERS	CHIEF INFORMATION OFFICER DEPUTY CHIEF COUNSEL INSPECTOR GENERAL REGIONAL DIRECTOR, REGION 12, TAMPA, FLORIDA EXECUTIVE SECRETARY DEPUTY EXECUTIVE SECRETARY ASSOCIATE GENERAL COUNSEL (DAEO) DIRECTOR, DIVISION OF ADMINISTRATION DIRECTOR OF ADMINISTRATION DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ADVICE ASSOCIATE GENERAL COUNSEL, DIVISION OF LEGAL COUNSEL DIRECTOR, OFFICE OF APPEALS DEPUTY ASSOCIATE GENERAL COUNSEL, APPELLATE COURT BRANCH
OFFICE OF THE GENERAL COUNSEL	OFFICE OF THE GENERAL COUNSEL	ASSISTANT TO GENERAL COUNSEL (2) ASSISTANT GENERAL COUNSEL (2) DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF OPERATIONS-MANAGEMENT ASSOCIATE GENERAL COUNSEL, DIVISION OF OPERATION-MANAGEMENT ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
	DIVISION OF ADMINISTRATION	
	DIVISION OF ADVICE	
	DIVISION OF ENFORCEMENT LITIGATION	
	DIVISION OF OPERATIONS MANAGEMENT	
DEPARTMENT OF TREASURY OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY. NATIONAL SCIENCE FOUNDATION. DIRECTORATE FOR ENGINEERING	DEPARTMENT OF TREASURY OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY. DIVISION OF ENGINEERING EDUCATION AND CENTERS. DIVISION OF ATMOSPHERIC AND GEOSPACE SCIENCES. DIVISION OF EARTH SCIENCES	DEPUTY DIVISION DIRECTOR SECTION HEAD NCAR/FACILITIES SECTION SECTION HEAD, INTEGRATED ACTIVITIES SECTION SECTION HEAD, INTERGRATIVE PROGRAMS SECTION HEAD, SECTION FOR ANTARCTIC INFRASTRUCTURE AND LOGISTIC DEPUTY DIVISION DIRECTOR
DIRECTORATE FOR GEOSCIENCES	DIVISION OF OCEAN SCIENCES	
	OFFICE OF POLAR PROGRAMS	
DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES. DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES.	DIVISION OF ASTRONOMICAL SCIENCES	
NATIONAL SCIENCE FOUNDATION	NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS. DIRECTORATE FOR BIOLOGICAL SCIENCES	DIVISION DIRECTOR CHIEF STATISTICIAN DEPUTY ASSISTANT DIRECTOR DEPUTY ASSISTANT DIRECTOR
	DIRECTORATE FOR COMPUTER AND INFORMATION SCIENCE AND ENGINEERING. DIRECTORATE FOR GEOSCIENCES	DEPUTY ASSISTANT DIRECTOR DEPUTY ASSISTANT DIRECTOR
	DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES. DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES.	DEPUTY ASSISTANT DIRECTOR
	DIRECTORATE FOR TECHNOLOGY, INNOVATION, AND PARTNERSHIPS. OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.	DEPUTY ASSISTANT DIRECTOR CHIEF FINANCIAL OFFICER AND HEAD, OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT DEPUTY OFFICE HEAD DEPUTY OFFICE HEAD
	OFFICE OF INFORMATION AND RESOURCE MANAGEMENT.	HEAD, OFFICE OF INFORMATION AND RESOURCE MANAGEMENT AND CHIEF HUMAN CAPITAL OFFICER DEPUTY DIRECTOR
OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.	BUDGET DIVISION	DIVISION DIRECTOR

Agency name	Organization name	Position title
OFFICE OF INFORMATION AND RESOURCE MANAGEMENT.	DIVISION OF ACQUISITION AND COOPERATIVE SUPPORT.	DIVISION DIRECTOR
	DIVISION OF FINANCIAL MANAGEMENT	DEPUTY DIVISION DIRECTOR DEPUTY CHIEF FINANCIAL OFFICER AND DIVISION DIRECTOR
	DIVISION OF GRANTS AND AGREEMENTS	CONTROLLER AND DEPUTY DIVISION DIRECTOR
	DIVISION OF INSTITUTIONAL AND AWARD SUPPORT.	DIVISION DIRECTOR DEPUTY DIVISION DIRECTOR DEPUTY DIVISION DIRECTOR
	DIVISION OF ADMINISTRATIVE SERVICES	DIVISION DIRECTOR DIVISION DIRECTOR
OFFICE OF THE DIRECTOR	DIVISION OF HUMAN RESOURCE MANAGEMENT	DEPUTY DIVISION DIRECTOR DEPUTY DIVISION DIRECTOR DIVISION DIRECTOR
	DIVISION OF INFORMATION SYSTEMS	DEPUTY DIVISION DIRECTOR
	OFFICE OF EQUITY AND CIVIL RIGHTS	OFFICE HEAD DEPUTY OFFICE HEAD
	OFFICE OF INTEGRATIVE ACTIVITIES	CHIEF EVALUATION OFFICER AND SECTION HEAD FOR EVALUATION AND ASSESSMENT CAPABILITY (EAC)
NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL DESIGNATED AGENCY ETHICS OFFICIAL
	NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT/CIO OF OFFICE OF THE INSPECTOR GENERAL
NATIONAL TRANSPORTATION SAFETY BOARD. OFFICE OF BOARD MEMBERS		INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL AND COUNSEL TO THE INSPECTOR GENERAL
	OFFICE OF CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER
	OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS.	DEPUTY DIRECTOR, OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS
	OFFICE OF THE MANAGING DIRECTOR	DEPUTY MANAGING DIRECTOR (2) SENIOR ADVISOR FOR POLICY AND STRATEGIC INITIATIVES
OFFICE OF THE MANAGING DIRECTOR		PRINCIPAL DEPUTY MANAGING DIRECTOR FOR MANAGEMENT AND OPERATIONS
		DEPUTY MANAGING DIRECTOR FOR INVESTIGATIONS
	OFFICE OF ADMINISTRATION	DIRECTOR, OFFICE OF ADMINISTRATION
	OFFICE OF AVIATION SAFETY	DIRECTOR OFFICE OF AVIATION SAFETY DEPUTY DIRECTOR, OFFICE OF AVIATION SAFETY
		DEPUTY DIRECTOR, REGIONAL OPERATIONS
	OFFICE OF CHIEF INFORMATION OFFICER	CHIEF INFORMATION OFFICER
	OFFICE OF HIGHWAY SAFETY	DIRECTOR, OFFICE OF HIGHWAY SAFETY
	OFFICE OF MARINE SAFETY	DIRECTOR, OFFICE OF MARINE SAFETY
	OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS.	DEPUTY DIRECTOR, OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS
		DIRECTOR, OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS
NUCLEAR REGULATORY COMMISSION	OFFICE OF RESEARCH AND ENGINEERING	DIRECTOR OFFICE OF RESEARCH AND ENGINEERING DEPUTY DIRECTOR OFFICE OF RESEARCH AND ENGINEERING
	OFFICE OF ADMINISTRATION	DIRECTOR, ACQUISITION MANAGEMENT DIVISION
		DIRECTOR, DIVISION OF FACILITIES AND SECURITY
		DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION
	OFFICE OF COMMISSION APPELLATE ADJUDICATION.	DIRECTOR, OFFICE OF COMMISSION APPELLATE ADJUDICATION
	OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS.	DIRECTOR, DIVISION OF RULEMAKING, ENVIRONMENTAL, AND FINANCIAL SUPPORT
		DEPUTY DIRECTOR, DIVISION OF RULEMAKING, ENVIRONMENTAL, AND FINANCIAL SUPPORT
		DEPUTY DIRECTOR, DIVISION OF FUEL MANAGEMENT
		DEPUTY DIRECTOR, DIVISION OF RULEMAKING, ENVIRONMENTAL, AND FINANCIAL SUPPORT
		DEPUTY DIRECTOR, DIVISION OF FUEL MANAGEMENT

Agency name	Organization name	Position title
		DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS DEPUTY DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS DEPUTY DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS DIRECTOR, DIVISION OF ENGINEERING AND EXTERNAL HAZARDS DIRECTOR, DIVISION OF RISK ASSESSMENT DIRECTOR, DIVISION OF NEW AND RENEWED LICENSE DEPUTY OFFICE DIRECTOR FOR NEW REACTORS DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING (2) DIRECTOR, DIVISION OF REACTOR OVERSIGHT DIRECTOR, DIVISION OF SAFETY SYSTEMS DEPUTY DIRECTOR, DIVISION OF SAFETY SYSTEMS DEPUTY DIRECTOR, DIVISION OF ENGINEERING AND EXTERNAL HAZARDS DEPUTY OFFICE DIRECTOR FOR ENGINEERING DEPUTY DIRECTOR, DIVISION OF REACTOR OVERSIGHT DEPUTY DIRECTOR, DIVISION OF RISK ASSESSMENT DEPUTY OFFICE DIRECTOR FOR REACTOR SAFETY PROGRAMS AND MISSION SUPPORT DEPUTY DIRECTOR, DIVISION OF ADVANCED REACTORS AND NON-POWER PRODUCTION AND UTILIZATION FACILITIES (2) DIRECTOR, DIVISION OF ADVANCED REACTORS AND NON-POWER PRODUCTION AND UTILIZATION FACILITIES DEPUTY DIRECTOR, DIVISION OF NEW AND RENEWED LICENSES DIRECTOR, VOGTLE 3 AND 4 PROJECT OFFICE DEPUTY DIRECTOR, DIVISION OF ENGINEERING DIRECTOR, DIVISION OF ENGINEERING DIRECTOR, DIVISION OF SYSTEMS ANALYSIS DEPUTY DIRECTOR, DIVISION OF SYSTEMS ANALYSIS DIRECTOR, DIVISION OF RISK ANALYSIS DEPUTY DIRECTOR, DIVISION OF RISK ANALYSIS DEPUTY DIRECTOR, DIVISION OF SECURITY OPERATIONS DEPUTY DIRECTOR, OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE DEPUTY DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE DIRECTOR, DIVISION OF SECURITY OPERATIONS DEPUTY DIRECTOR, DIVISION OF PHYSICAL AND CYBER SECURITY POLICY DIRECTOR, DIVISION OF PHYSICAL AND CYBER SECURITY POLICY DIRECTOR, OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS COMPTROLLER DEPUTY CHIEF FINANCIAL OFFICER BUDGET DIRECTOR DIRECTOR, GOVERNANCE AND ENTERPRISE MANAGEMENT SERVICES DIVISION DIRECTOR, INFORMATION TECHNOLOGY SERVICES DEVELOPMENT AND OPERATIONS DIVISION DEPUTY REGIONAL ADMINISTRATOR DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR DIVISION OF REACTOR SAFETY
	OFFICE OF NUCLEAR REACTOR REGULATION	
	OFFICE OF NUCLEAR REGULATORY RESEARCH	
	OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE.	
	OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS	
	OFFICE OF THE CHIEF FINANCIAL OFFICER	
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	
	REGION I	

Agency name	Organization name	Position title
		DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DEPUTY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DEPUTY REGIONAL ADMINISTRATOR DIRECTOR, DIVISION OF CONSTRUCTION OVERSIGHT DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR, DIVISION OF REACTOR SAFETY PROJECTS DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS DEPUTY REGIONAL ADMINISTRATOR DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY DEPUTY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DEPUTY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR DIVISION OF REACTOR PROJECTS ASSISTANT TO THE REGIONAL ADMINISTRATOR DEPUTY REGIONAL ADMINISTRATOR DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS DEPUTY INSPECTOR GENERAL
	REGION II	
	REGION III	
	REGION IV	
NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL. ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR
OFFICE OF GOVERNMENT ETHICS	OFFICE OF GOVERNMENT ETHICS	DEPUTY DIRECTOR FOR COMPLIANCE DEPUTY GENERAL COUNSEL CHIEF OF STAFF AND PROGRAM COUNSEL
OFFICE OF MANAGEMENT AND BUDGET. GENERAL GOVERNMENT PROGRAMS	HOUSING, TREASURY AND COMMERCE DIVISION.	CHIEF, HOUSING BRANCH CHIEF, COMMERCE BRANCH DEPUTY ASSOCIATE DIRECTOR FOR HOUSING, TREASURY AND COMMERCE CHIEF, TREASURY BRANCH CHIEF TRANSPORTATION BRANCH
	TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES DIVISION.	CHIEF, TRANSPORTATION/GENERAL SERVICES ADMINISTRATION BRANCH DEPUTY ASSOCIATE DIRECTOR, TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES CHIEF, JUSTICE BRANCH CHIEF, HOMELAND SECURITY BRANCH DEPUTY ASSOCIATE DIRECTOR FOR HEALTH CHIEF, MEDICAID BRANCH (2) CHIEF, HEALTH AND HUMAN SERVICES BRANCH CHIEF, PUBLIC HEALTH BRANCH CHIEF, HEALTH INSURANCE AND DATA ANALYSIS BRANCH
HUMAN RESOURCE PROGRAMS	HEALTH DIVISION	
NATIONAL SECURITY PROGRAMS	INTERNATIONAL AFFAIRS DIVISION	DEPUTY ASSOCIATE DIRECTOR FOR INTERNATIONAL AFFAIRS

Agency name	Organization name	Position title
	NATIONAL SECURITY DIVISION	CHIEF, ECONOMIC AFFAIRS BRANCH CHIEF, STATE/UNITED STATES INFORMATION AGENCY BRANCH CHIEF, INTELLIGENCE PROGRAMS BRANCH CHIEF, FORCE STRUCTURE AND INVESTMENT BRANCH DEPUTY ASSOCIATE DIRECTOR FOR NATIONAL SECURITY CHIEF, VETERANS AFFAIRS AND DEFENSE HEALTH BRANCH CHIEF, DEFENSE OPERATIONS, PERSONNEL, AND SUPPORT CHIEF, ENERGY BRANCH CHIEF SCIENCE AND SPACE PROGRAMS BRANCH CHIEF, WATER AND POWER BRANCH DEPUTY ASSOCIATE DIRECTOR FOR ENERGY, SCIENCE, AND WATER DIVISION DEPUTY ASSOCIATE DIRECTOR FOR NATURAL RESOURCES CHIEF, AGRICULTURE BRANCH CHIEF INTERIOR BRANCH CHIEF, ENVIRONMENT BRANCH DEPUTY FEDERAL CHIEF INFORMATION OFFICER EXECUTIVE SECRETARY SENIOR ADVISOR (2) SENIOR ADVISOR TO THE DIRECTOR ASSISTANT DIRECTOR FOR MANAGEMENT AND OPERATIONS DEPUTY ASSISTANT DIRECTOR FOR MANAGEMENT DEPUTY ASSOCIATE DIRECTOR FOR ECONOMIC POLICY
NATURAL RESOURCE PROGRAMS	ENERGY, SCIENCE AND WATER DIVISION	
	NATURAL RESOURCES DIVISION	
OFFICE OF INFORMATION AND REGULATORY AFFAIRS. OFFICE OF MANAGEMENT AND BUDGET	OFFICE OF E-GOVERNMENT AND INFORMATION TECHNOLOGY. OFFICE OF THE DIRECTOR	
	STAFF OFFICES	
OFFICE OF THE DIRECTOR	BUDGET REVIEW	
	EDUCATION, INCOME MAINTENANCE AND LABOR PROGRAMS.	
	GENERAL COUNSEL	
	LEGISLATIVE REFERENCE DIVISION	
	OFFICE OF FEDERAL FINANCIAL MANAGEMENT	
	OFFICE OF FEDERAL PROCUREMENT POLICY	
	OFFICE OF INFORMATION AND REGULATORY AFFAIRS.	
OFFICE OF NATIONAL DRUG CONTROL POLICY ..	OFFICE OF INTELLIGENCE	
	OFFICE OF OPERATIONS	
	OFFICE OF PERFORMANCE AND BUDGET	
OFFICE OF PERSONNEL MANAGEMENT	FACILITIES, SECURITY AND EMERGENCY MANAGEMENT.	

Agency name	Organization name	Position title
	HEALTHCARE AND INSURANCE	DEPUTY ASSOCIATE DIRECTOR, ACTUARY DEPUTY ASSOCIATE DIRECTOR, POSTAL SERVICE INSURANCE OPERATIONS DEPUTY ASSOCIATE DIRECTOR, FEDERAL EMPLOYEE INSURANCE OPERATIONS PRINCIPAL DEPUTY ASSOCIATE DIRECTOR
	MERIT SYSTEM ACCOUNTABILITY AND COMPLIANCE. OFFICE OF PROCUREMENT OPERATIONS	DEPUTY DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS
	OFFICE OF THE CHIEF INFORMATION OFFICER .. OFFICE OF THE CHIEF FINANCIAL OFFICER	CHIEF INFORMATION SECURITY OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER ASSOCIATE CHIEF FINANCIAL OFFICER, FINANCIAL SERVICES
	OFFICE OF THE DIRECTOR	EXECUTIVE DIRECTOR, OFFICE OF THE EXECUTIVE SECRETARIAT AND PRIVACY AND INFORMATION MANAGEMENT
	RETIREMENT SERVICES	PRINCIPAL DEPUTY ASSOCIATE DIRECTOR RETIREMENT SERVICES DEPUTY ASSOCIATE DIRECTOR, OPERATIONS ASSOCIATE DIRECTOR OF RETIREMENT SERVICES
OFFICE OF THE DIRECTOR	HUMAN CAPITAL DATA MANAGEMENT AND MODERNIZATION.	DEPUTY ASSOCIATE DIRECTOR, OPERATIONS DEPUTY DIRECTOR, HUMAN CAPITAL DATA MANAGEMENT AND MODERNIZATION AND CHIEF DATA OFFICER
OFFICE OF PERSONNEL MANAGEMENT OFFICE OF THE INSPECTOR GENERAL. OFFICE OF MANAGEMENT	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL CHIEF INFORMATION OFFICER DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT
OFFICE OF AUDITS	OFFICE OF AUDITS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (2)
OFFICE OF INVESTIGATIONS	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE OF LEGISLATIVE AND LEGAL AFFAIRS	OFFICE OF LEGISLATIVE AND LEGAL AFFAIRS ...	DEPUTY ASSISTANT INSPECTOR GENERAL FOR LEGAL AND LEGISLATIVE AFFAIRS ASSISTANT INSPECTOR GENERAL FOR LEGISLATIVE AND LEGAL AFFAIRS
OFFICE OF THE INSPECTOR GENERAL	OFFICE OF EVALUATIONS	ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS
OFFICE OF SCIENCE AND TECHNOLOGY POLICY	OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL
OFFICE OF SPECIAL COUNSEL	OFFICE OF SCIENCE AND TECHNOLOGY POLICY	DEPUTY GENERAL COUNSEL AND CHIEF OPERATING OFFICER
	HEADQUARTERS, OFFICE OF SPECIAL COUNSEL	CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATIVE SERVICES DIRECTOR, OFFICE OF PLANNING AND ANALYSIS SENIOR ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (3) ASSOCIATE SPECIAL COUNSEL FOR LEGAL COUNSEL AND POLICY ASSOCIATE SPECIAL COUNSEL (GENERAL LAW) ASSOCIATE SPECIAL COUNSEL FOR GENERAL LAW DIVISION CHIEF OPERATING OFFICER ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (HEADQUARTERS) DIRECTOR OF MANAGEMENT AND BUDGET ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (FIELD OFFICES)
SURFACE TRANSPORTATION BOARD	OFFICE OF SPECIAL COUNSEL	MANAGING DIRECTOR DIRECTOR OF PUBLIC ASST GOVERNMENT AFFAIRS AND COMPLIANCE DIRECTOR, OFFICE OF ECONOMICS GENERAL COUNSEL DIRECTOR, OFFICE OF PROCEEDINGS DIRECTOR OFFICE OF ENVIRONMENTAL ANALYSIS
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.	SURFACE TRANSPORTATION BOARD	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR INDUSTRY, MARKET ACCESS AND TELECOMMUNICATIONS
	INDUSTRY, MARKET ACCESS AND TELECOMMUNICATIONS.	

Agency name	Organization name	Position title
	INNOVATION AND INTELLECTUAL PROPERTY	ASSISTANT US TRADE REPRESENTATIVE FOR INTELLECTUAL PROPERTY AND INNOVATION
	LABOR	ASSISTANT US TRADE REPRESENTATIVE FOR LABOR AFFAIRS
		ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR LABOR
	MONITORING AND ENFORCEMENT	DIRECTOR OF INTERAGENCY CENTER FOR TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT
RAILROAD RETIREMENT BOARD	BOARD STAFF	DIRECTOR OF FISCAL OPERATIONS
		CHIEF OF TECHNOLOGY SERVICE
		CHIEF ACTUARY
		DIRECTOR OF FIELD SERVICE
		DIRECTOR OF ADMINISTRATION
		DEPUTY GENERAL COUNSEL
		GENERAL COUNSEL
		DIRECTOR OF PROGRAMS
		CHIEF INFORMATION OFFICER
		DIRECTOR OF OPERATIONS
		CHIEF FINANCIAL OFFICER
RAILROAD RETIREMENT BOARD OFFICE OF THE INSPECTOR GENERAL. OFFICE OF INSPECTOR GENERAL	OFFICE OF INSPECTOR GENERAL	ASSISTANT TO THE INSPECTOR GENERAL FOR AUDIT
		GENERAL COUNSEL—DEPUTY INSPECTOR GENERAL
		ASSISTANT TO THE INSPECTOR GENERAL FOR INVESTIGATIONS
SELECTIVE SERVICE SYSTEM	SELECTIVE SERVICE SYSTEM	ASSOCIATE DIRECTOR FOR OPERATIONS
	OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR OPERATIONS
		SENIOR ADVISOR TO THE DIRECTOR
SMALL BUSINESS ADMINISTRATION. OFFICE OF THE ADMINISTRATOR	OFFICE OF ENTREPRENEURIAL DEVELOPMENT	DEPUTY ASSOCIATE ADMINISTRATOR FOR ENTREPRENEURIAL DEVELOPMENT
	OFFICE OF EXECUTIVE MANAGEMENT, INSTITUTION, AND SUPPORT SERVICES. OFFICE OF GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT.	EXECUTIVE DIRECTOR
		DIRECTOR FOR POLICY PLANNING AND LIAISON
		DEPUTY ASSOCIATE ADMINISTRATOR FOR GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT
		DIRECTOR OF HUBZONE EMPOWERMENT PROGRAM
	OFFICE OF HEARINGS AND APPEALS	ASSISTANT ADMINISTRATOR FOR HEARINGS AND APPEALS
	OFFICE OF HUMAN RESOURCES SOLUTIONS	CHIEF HUMAN CAPITAL OFFICER
		DEPUTY CHIEF HUMAN CAPITAL OFFICER
	OFFICE OF INTERNATIONAL TRADE	DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE
	OFFICE OF INVESTMENT AND INNOVATION	DEPUTY ASSOCIATE ADMINISTRATOR FOR INVESTMENT AND INNOVATION
	OFFICE OF PERFORMANCE, PLANNING, AND THE CHIEF FINANCIAL OFFICER.	DIRECTOR AND CHIEF ACQUISITION OFFICER
		DIRECTOR OF FINANCIAL, ACQUISITION, AND MANAGEMENT
		ASSOCIATE ADMINISTRATOR FOR PERFORMANCE, PLANNING AND CHIEF FINANCIAL OFFICER
		DEPUTY CHIEF FINANCIAL OFFICER
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	CHIEF INFORMATION SECURITY OFFICER
		CHIEF INFORMATION OFFICER
		DEPUTY CHIEF INFORMATION OFFICER
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL LITIGATION
		ASSOCIATE GENERAL COUNSEL FOR PROCUREMENT LAW
		ASSOCIATE GENERAL COUNSEL FOR FINANCIAL LAW AND LENDER OVERSIGHT
		ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW
SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITS
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
		COUNSEL TO THE INSPECTOR GENERAL
		DEPUTY INSPECTOR GENERAL
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND OPERATIONS
		ASSISTANT INSPECTOR GENERAL FOR TECHNOLOGY SOLUTIONS
		SENIOR ADVISOR TO THE INSPECTOR GENERAL
SOCIAL SECURITY ADMINISTRATION. OFFICE OF ANALYTICS, REVIEW, AND OVERSIGHT.	OFFICE OF APPELLATE OPERATIONS	DEPUTY EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS

Agency name	Organization name	Position title
OFFICE OF BUDGET, FINANCE, AND MANAGEMENT.	OFFICE OF PROGRAM INTEGRITY	EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS ASSOCIATE COMMISSIONER FOR PROGRAM INTEGRITY
	OFFICE OF ACQUISITION AND GRANTS	DEPUTY ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS
	OFFICE OF BUDGET	ASSOCIATE COMMISSIONER FOR BUDGET DEPUTY ASSOCIATE COMMISSIONER FOR BUDGET
	OFFICE OF FINANCIAL POLICY AND OPERATIONS.	ASSOCIATE COMMISSIONER, OFFICE OF FINANCE POLICY AND OPERATIONS DEPUTY ASSOCIATE COMMISSIONER FINANCIAL POLICY AND OPERATIONS
OFFICE OF HUMAN RESOURCES	OFFICE OF SECURITY AND EMERGENCY PREPAREDNESS.	ASSOCIATE COMMISSIONER FOR SECURITY AND EMERGENCY PREPAREDNESS
	OFFICE OF LABOR-MANAGEMENT AND EMPLOYEE RELATIONS.	DEPUTY ASSOCIATE COMMISSIONER FOR LABOR-MANAGEMENT AND EMPLOYEE RELATIONS
OFFICE OF OPERATIONS	OFFICE OF PERSONNEL	ASSOCIATE COMMISSIONER FOR LABOR-MANAGEMENT AND EMPLOYEE RELATIONS ASSOCIATE COMMISSIONER FOR PERSONNEL DEPUTY ASSOCIATE COMMISSIONER FOR PERSONNEL
	OFFICE OF DISABILITY DETERMINATIONS	ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS DEPUTY ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS
OFFICE OF SYSTEMS	OFFICE OF INFORMATION SECURITY	ASSOCIATE COMMISSIONER FOR INFORMATION SECURITY
	OFFICE OF INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT.	DEPUTY ASSOCIATE COMMISSIONER FOR INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT ASSOCIATE COMMISSIONER FOR INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT
OFFICE OF THE GENERAL COUNSEL	OFFICE OF SYSTEMS OPERATIONS AND HARDWARE ENGINEERING.	ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING (OPERATIONS) DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING (INFRASTRUCTURE) DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING (END USER)
	OFFICE OF GENERAL LAW	ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW (OFFICE 1) ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW (OFFICE 2) ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW (OFFICE 3) ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW (OFFICE 4)
	OFFICE OF PRIVACY AND DISCLOSURE	EXECUTIVE DIRECTOR FOR PRIVACY AND DISCLOSURE
	OFFICE OF PROGRAM LAW	ASSOCIATE GENERAL COUNSEL FOR PROGRAM LAW DEPUTY ASSOCIATE COMMISSIONER FOR PROGRAM LAW
SOCIAL SECURITY ADMINISTRATION	OFFICE OF PROGRAM LITIGATION	ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 1) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 2) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 3) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 4) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 5) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 6) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 7)
	OFFICE OF ANALYTICS, REVIEW, AND OVERSIGHT.	ASSISTANT DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT
	OFFICE OF BUDGET, FINANCE, AND MANAGEMENT.	ASSISTANT DEPUTY COMMISSIONER FOR BUDGET, FINANCE, AND MANAGEMENT

Agency name	Organization name	Position title
SOCIAL SECURITY ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF CIVIL RIGHTS AND EQUAL OPPORTUNITY.	EEO DIRECTOR
	OFFICE OF HEARINGS OPERATIONS	DEPUTY EEO DIRECTOR ASSISTANT DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS (MISSION SUPPORT) ASSISTANT DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS (MISSION OPERATIONS) DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS
	OFFICE OF THE CHIEF ACTUARY	DEPUTY CHIEF ACTUARY CHIEF ACTUARY
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL DEPUTY GENERAL COUNSEL (PROGRAM LAW) DEPUTY GENERAL COUNSEL (GENERAL LAW)
	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR WORKFORCE PERFORMANCE AND DEVELOPMENT CHIEF OPERATING OFFICER DEPUTY INSPECTOR GENERAL SENIOR ADVISOR TO THE INSPECTOR GENERAL
	OFFICE OF AUDIT	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL AND INFORMATION TECHNOLOGY SYSTEMS AND OPERATIONS AUDITS) ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDITS AND EVALUATIONS) CHIEF COUNSEL
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	
	OFFICE OF INFORMATION TECHNOLOGY	ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER) DEPUTY ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY
	OFFICE OF INVESTIGATIONS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (HEADQUARTERS OPERATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (COOPERATIVE DISABILITY INVESTIGATIONS OPERATIONS) CHIEF INVESTIGATIVE COUNSEL DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS) COUNSEL FOR INVESTIGATIONS AND ENFORCEMENT ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
	OFFICE OF RESOURCE MANAGEMENT	DEPUTY ASSISTANT INSPECTOR GENERAL FOR RESOURCE MANAGEMENT
	OFFICE OF THE CHIEF STRATEGY OFFICER	ASSISTANT INSPECTOR GENERAL ORM CHIEF STRATEGY OFFICER SPECIAL ADVISOR TO THE CHIEF STRATEGY OFFICER
DEPARTMENT OF STATE.		
OFFICE OF THE DEPUTY SECRETARY	OFFICE OF UNITED STATES FOREIGN ASSISTANCE.	MANAGING DIRECTOR (2)
OFFICE OF THE SECRETARY	BUREAU OF INTELLIGENCE AND RESEARCH	OFFICE DIRECTOR
	OFFICE OF GLOBAL WOMENS ISSUES	SPECIAL ENVOY FOR AFGHANISTAN WOMEN, INCLUSION, AND MINORITIES
	OFFICE OF THE LEGAL ADVISER	DEPUTY ASSISTANT LEGAL ADVISER
	OFFICE OF THE UNITED STATES GLOBAL AIDS COORDINATOR.	DEPUTY COORDINATOR
	OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	DEPUTY DIRECTOR
		OMBUDSMAN ASSOCIATE DEAN
	OFFICE OF THE UNDER SECRETARY FOR PUBLIC DIPLOMACY AND PUBLIC AFFAIRS.	DIRECTOR, OFFICE OF POLICY PLANNING AND RESOURCES DEPUTY COORDINATOR FOR POLICY, PLANS, AND OPERATIONS PRINCIPAL DEPUTY COORDINATOR SENIOR ADVISOR (2)
	BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE.	
	BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.	DIRECTOR, OFFICE OF STRATEGIC NEGOTIATIONS AND IMPLEMENTATION OFFICE DIRECTOR (3)
	BUREAU OF POLITICAL-MILITARY AFFAIRS	DEPUTY ASSISTANT SECRETARY DEPUTY ASSISTANT SECRETARY OFFICE DIRECTOR
OFFICE OF THE UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY AFFAIRS.	BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE.	DEPUTY ASSISTANT SECRETARY
OFFICE OF THE UNDER SECRETARY FOR CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS.	BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.	
	BUREAU OF POLITICAL-MILITARY AFFAIRS	DEPUTY ASSISTANT SECRETARY
	BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR.	

Agency name	Organization name	Position title
OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS. BUREAU OF ADMINISTRATION	DEPUTY ASSISTANT SECRETARY PROCUREMENT EXECUTIVE MANAGING DIRECTOR PROCUREMENT EXECUTIVE HUMAN RESOURCES OFFICER OFFICE DIRECTOR ENTERPRISE CHIEF INFORMATION SECURITY OFFICER COMPTROLLER
DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL.	BUREAU OF GLOBAL TALENT MANAGEMENT BUREAU OF INFORMATION RESOURCES MANAGEMENT. BUREAU OF OVERSEAS BUILDINGS OPERATIONS. BUREAU OF THE COMPTROLLER AND GLOBAL FINANCIAL SERVICES. DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL.	DIRECTOR CHIEF OF STAFF
DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS AND SPECIAL PROJECTS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS GENERAL COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDITS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR MIDDLE EAST REGIONAL OFFICE DEPUTY INSPECTOR GENERAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS (2) ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS AND SPECIAL PROJECTS DEPUTY GENERAL COUNSEL ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS
TRADE AND DEVELOPMENT AGENCY OFFICE OF THE DIRECTOR	TRADE AND DEVELOPMENT AGENCY OFFICE OF THE GENERAL COUNSEL OFFICE OF THE DIRECTOR	DIRECTOR OF MANAGEMENT OPERATIONS GENERAL COUNSEL DEPUTY DIRECTOR
DEPARTMENT OF TRANSPORTATION. ASSISTANT SECRETARY FOR ADMINISTRATION ..	OFFICE OF THE SENIOR PROCUREMENT EXECUTIVE. OFFICE OF BUDGET AND PROGRAM PERFORMANCE. OFFICE OF SAFETY, ENERGY AND ENVIRONMENT. OFFICE OF ENFORCEMENT AND COMPLIANCE ...	SENIOR PROCUREMENT EXECUTIVE
ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS. ASSISTANT SECRETARY FOR TRANSPORTATION POLICY. ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT AND PROGRAM DELIVERY. ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAM DEVELOPMENT. ASSOCIATE ADMINISTRATOR FOR RESEARCH AND REGISTRATION. DEPARTMENT OF TRANSPORTATION	OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS. OFFICE OF LICENSING AND SAFETY INFORMATION. FEDERAL HIGHWAY ADMINISTRATION	DIRECTOR OFFICE OF BUDGET AND PROGRAM PERFORMANCE DIRECTOR, OFFICE OF POLICY DIRECTOR, OFFICE OF ENFORCEMENT AND COMPLIANCE DIRECTOR, OFFICE OF CARRIER, DRIVER AND VEHICLE SAFETY STANDARDS DIRECTOR, OFFICE FOR LICENSING AND SAFETY INFORMATION ASSOCIATE ADMINISTRATOR FOR TRANSPORTATION WORKFORCE DEVELOPMENT AND TECHNOLOGY DEPLOYMENT DIRECTOR, OFFICE OF INNOVATION MANAGEMENT, EDUCATION AND PARTNERSHIPS EXECUTIVE DIRECTOR AND CHIEF SAFETY OFFICER DIRECTOR, OFFICE OF REAL ESTATE SERVICES
FEDERAL HIGHWAY ADMINISTRATION	FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION. ASSOCIATE ADMINISTRATOR FOR PLANNING, ENVIRONMENT AND REALTY. ASSOCIATE ADMINISTRATOR FOR SAFETY IMMEDIATE OFFICE OF THE ADMINISTRATOR	ASSOCIATE ADMINISTRATOR FOR SAFETY CHIEF INNOVATION OFFICER EXECUTIVE DIRECTOR REGIONAL FIELD ADMINISTRATOR, SOUTHERN REGION REGIONAL FIELD ADMINISTRATOR, MIDWEST REGION ASSISTANT ADMINISTRATOR/CHIEF SAFETY OFFICER CHIEF FINANCIAL OFFICER SENIOR ADVISOR
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.	ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS. IMMEDIATE OFFICE OF THE ADMINISTRATOR	ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY/CHIEF SAFETY OFFICER EXECUTIVE DIRECTOR CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF ACQUISITION AND GRANTS MANAGEMENT
FEDERAL RAILROAD ADMINISTRATION	ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY. IMMEDIATE OFFICE OF THE ADMINISTRATOR OFFICE OF THE CHIEF FINANCIAL OFFICER OFFICE OF THE CHIEF FINANCIAL OFFICER	
IMMEDIATE OFFICE OF THE ADMINISTRATOR		

Agency name	Organization name	Position title
MARITIME ADMINISTRATION	ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.	DEPUTY CHIEF FINANCIAL OFFICER AND CHIEF BUDGET OFFICER DEPUTY ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE
	ASSOCIATE ADMINISTRATOR FOR STRATEGIC SEALIFT.	DEPUTY ASSOCIATE ADMINISTRATOR FOR FEDERAL SEALIFT DEPUTY ASSOCIATE ADMINISTRATOR FOR MARITIME EDUCATION AND TRAINING
	IMMEDIATE OFFICE OF THE ADMINISTRATOR	EXECUTIVE SECRETARY, COMMITTEE ON MARINE TRANSPORTATION SYSTEMS EXECUTIVE DIRECTOR
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.	OFFICE OF THE CHIEF COUNSEL	DEPUTY CHIEF COUNSEL
	ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT.	ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT DIRECTOR, OFFICE OF DEFECTS INVESTIGATION DIRECTOR, OFFICE OF VEHICLE SAFETY COMPLIANCE
	ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY.	ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY
	IMMEDIATE OFFICE OF THE ADMINISTRATOR	EXECUTIVE DIRECTOR
	OFFICE OF THE CHIEF COUNSEL	DEPUTY CHIEF COUNSEL
OFFICE OF THE SECRETARY	ASSISTANT SECRETARY FOR ADMINISTRATION	DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION
	ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS.	DEPUTY ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS DEPUTY CHIEF FINANCIAL OFFICER OFFICE OF THE SECRETARY CHIEF FINANCIAL OFFICER
	NATIONAL SURFACE TRANSPORTATION INNOVATIVE FINANCE BUREAU (BUILD AMERICA BUREAU).	EXECUTIVE DIRECTOR, NATIONAL SURFACE TRANSPORTATION INNOVATIVE FINANCE BUREAU (BUILD AMERICA BUREAU)
	OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE.	DIRECTOR, OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE DEPUTY DIRECTOR
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	CHIEF TECHNOLOGY OFFICER DEPUTY CHIEF INFORMATION OFFICER CHIEF INFORMATION SECURITY OFFICER
	OFFICE OF THE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.	EXECUTIVE DIRECTOR FOR THE OFFICE OF THE UNDER SECRETARY OF TRANSPORTATION FOR POLICY
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.	IMMEDIATE OFFICE OF THE ADMINISTRATOR	EXECUTIVE DIRECTOR
	OFFICE OF CHIEF SAFETY OFFICER	ASSISTANT ADMINISTRATOR AND CHIEF SAFETY OFFICER
	OFFICE OF HAZARDOUS MATERIALS SAFETY	ASSOCIATE ADMINISTRATOR FOR HAZARDOUS MATERIALS SAFETY
	OFFICE OF PIPELINE SAFETY	ASSOCIATE ADMINISTRATOR FOR PIPELINE SAFETY DEPUTY ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAMS
	OFFICE OF THE CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER
SURFACE TRANSPORTATION BOARD	OFFICE OF PUBLIC ASSISTANCE, GOVERNMENTAL AFFAIRS AND COMPLIANCE.	DIRECTOR OF PUBLIC ASSISTANCE, GOVERNMENTAL AFFAIRS AND COMPLIANCE
DEPARTMENT OF TRANSPORTATION OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT.	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT
OFFICE OF INSPECTOR GENERAL IMMEDIATE OFFICE.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS.	ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS
	OFFICE OF CHIEF COUNSEL	CHIEF COUNSEL
	OFFICE OF DEPUTY INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND PROCUREMENT AUDITS.	ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND PROCUREMENT AUDITS
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS.	ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.	ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AUDITS.	ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AUDITS
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS.	ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS

Agency name	Organization name	Position title
OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS. DEPARTMENT OF THE TREASURY. ASSISTANT SECRETARY (TAX POLICY)	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS. OFFICE OF DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS. ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.	ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT ADMINISTRATOR, EXTERNAL AFFAIRS/CHIEF OF STAFF ASSISTANT ADMINISTRATOR INFORMATION RESOURCES/CHIEF INFORMATION OFFICER ASSISTANT ADMINISTRATOR, HEADQUARTER OPERATIONS ASSISTANT ADMINISTRATOR, MANAGEMENT/CHIEF FINANCIAL OFFICER ASSISTANT ADMINISTRATOR, FIELD OPERATIONS ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU DEPUTY ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU ASSISTANT ADMINISTRATOR, PERMITTING AND TAXATION DIRECTOR, ECONOMIC MODELING AND COMPUTER APPLICATIONS DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF PROCUREMENT CHIEF DIVERSITY AND INCLUSION OFFICER CHIEF COUNSEL, FINANCIAL CRIMES ENFORCEMENT NETWORK CHIEF RISK OFFICER AND SENIOR ADVISOR DIRECTOR, ADVANCE PRICING AND MUTUAL AGREEMENT CHIEF, APPEALS DEPUTY DIRECTOR, FACILITIES MANAGEMENT AND SECURITY SERVICES EXECUTIVE DIRECTOR, OFFICE OF EQUITY, DIVERSITY, AND INCLUSION EXECUTIVE DIRECTOR, CASE ADVOCACY INTAKE AND TECHNICAL SUPPORT DIRECTOR, SUBMISSION PROCESSING DIRECTOR, INTERNAL MANAGEMENT DIRECTOR, CORPORATE DATA DIRECTOR, ENTERPRISE SYSTEMS TESTING PROGRAM MANAGER DIRECTOR, WHISTLEBLOWER OFFICE SPECIAL AGENT IN CHARGE DIRECTOR, EXAMINATION MIDWEST AREA DIRECTOR, APPEALS POLICY AND VALUATION DIRECTOR, BUSINESS SYSTEMS PLANNING ASSOCIATE CHIEF INFORMATION OFFICER, STRATEGY AND PLANNING DEPUTY CHIEF OF STAFF ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE OPERATIONS DEPUTY DIVISION COUNSEL #2 (OPERATIONS)/ SMALL BUSINESS AND SELF EMPLOYED DIRECTOR, COLLECTION POLICY DEPUTY DIRECTOR, SUBMISSION PROCESSING SPECIAL AGENT IN CHARGE—CRIMINAL INVESTIGATION DIRECTOR, FIELD OPERATIONS EAST DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS ASSOCIATE CHIEF INFORMATION OFFICER, CYBERSECURITY DIRECTOR, PASS THROUGH ENTITIES DEPUTY COMMISSIONER (DOMESTIC), LARGE BUSINESS AND INTERNATIONAL DIRECTOR, OFFICE OF PRIVACY, INFORMATION PROTECTION AND DATA SECURITY DIRECTOR, REPORTING COMPLIANCE DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE OPERATIONS DEPUTY COMMISSIONER, SMALL BUSINESS/ SELF-EMPLOYED PROJECT DIRECTOR DIRECTOR, EXAMINATION HEADQUARTERS DIRECTOR, JOINT OPERATIONS CENTER DIRECTOR, EMPLOYEE PLANS, RULINGS, AND AGREEMENTS DEPUTY CHIEF HUMAN CAPITAL OFFICER, INTERNAL REVENUE SERVICE DIRECTOR, COLLECTION—FIELD DIRECTOR, COLLECTION—ATLANTA
DEPARTMENT OF THE TREASURY	ASSISTANT SECRETARY (TAX POLICY) ASSISTANT SECRETARY FOR MANAGEMENT GENERAL COUNSEL INTERNAL REVENUE SERVICE	

Agency name	Organization name	Position title
		DIRECTOR, COLLECTION—ANDOVER DIRECTOR, EXAMINATION AREA DIRECTOR, EXAMINATION—OGDEN DIRECTOR, EXAMINATION SOUTHWEST AREA SUBMISSION PROCESSING FIELD DIRECTOR PROJECT DIRECTOR, ENTERPRISE PROGRAM MANAGEMENT ACCOUNTS MANAGEMENT FIELD DIRECTOR DIRECTOR, EXAMINATION—GULF STATES DIRECTOR, RESEARCH AND ORGANIZATIONAL DIRECTOR, ENTERPRISE TECHNOLOGY IMPLE- MENTATION AREA DIRECTOR, FIELD ASSISTANCE—ATLANTA DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR OF FIELD OPERATIONS CHIEF, COMMUNICATIONS AND LIAISON SPECIAL AGENT IN CHARGE COMMISSIONER, SMALL BUSINESS AND SELF EMPLOYED COMMISSIONER, LARGE AND MID-SIZED BUSI- NESS DIVISION CHIEF INFORMATION OFFICER CHIEF HUMAN CAPITAL OFFICER, INTERNAL REVENUE SERVICE CHIEF FINANCIAL OFFICER, INTERNAL REVENUE SERVICE CHIEF, CRIMINAL INVESTIGATION DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDU- CATION AND COMMUNICATIONS DIRECTOR, SERVER SUPPORT AND SERVICES DIRECTOR, STATISTICS OF INCOME DIRECTOR, INTERNET DEVELOPMENT SERV- ICES ASSOCIATE CHIEF FINANCIAL OFFICER FOR IN- TERNAL FINANCIAL MANAGEMENT—NATIONAL HEADQUARTERS DIRECTOR, IDENTITY THEFT VICTIM ASSIST- ANCE DIRECTOR, PROCUREMENT DIRECTOR, ENTERPRISE CASE MANAGEMENT DIRECTOR, DATA SOLUTIONS DIRECTOR, ACCOUNTS MANAGEMENT, WAGE AND INVESTMENT DEPUTY CHIEF, CRIMINAL INVESTIGATION DIRECTOR, BUSINESS SYSTEMS PLANNING— LARGE AND MID-SIZE BUSINESS INDUSTRY DIRECTOR—FINANCIAL SERVICES— LARGE AND MID SIZE BUSINESS DEPUTY CHIEF, APPEALS DEPUTY DIRECTOR, ENTERPRISE COMPUTING CENTER DEPUTY DIVISION COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES COMMISSIONER, TAX EXEMPT AND GOVERN- MENT ENTITIES DIVISION DIRECTOR, EMPLOYEE PLANS DIRECTOR, EXEMPT ORGANIZATIONS ACCOUNTS MANAGEMENT FIELD DIRECTOR— ANDOVER DIRECTOR, OPERATIONS SUPPORT COMMISSIONER, WAGE AND INVESTMENT DIRECTOR, CUSTOMER ASSISTANCE, RELA- TIONSHIPS AND EDUCATION DIRECTOR, FIELD ASSISTANCE—WAGE AND IN- VESTMENT DIRECTOR, CUSTOMER ACCOUNT SERVICES— WAGE AND INVESTMENT DIRECTOR, RESEARCH, APPLIED ANALYTICS AND STATISTICS PROJECT DIRECTOR DEPUTY NATIONAL TAXPAYER ADVOCATE DEPUTY DIRECTOR, RETURN INTEGRITY AND CORRESPONDENCE SERVICES DIRECTOR, TECHNOLOGY SOLUTIONS DIRECTOR, SOLUTION ENGINEERING DIRECTOR, INFRASTRUCTURE SERVICES DIRECTOR, UNIFIED COMMUNICATIONS ACIO, AFFORDABLE CARE ACT PMO DIRECTOR, ENTERPRISE NETWORKS OPER- ATIONS DIRECTOR, ONLINE SERVICES DEPUTY COMMISSIONER, WAGE AND INVEST- MENTS

Agency name	Organization name	Position title
		ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE INFORMATION TECHNOLOGY PROGRAM MANAGEMENT SENIOR DIRECTOR FOR OPERATIONS, AFFORDABLE CARE ACT DEPUTY CHIEF PROCUREMENT OFFICER DIRECTOR, CROSS BORDER ACTIVITIES DIRECTOR, DEMAND MANAGEMENT AND PROJECT GOVERNANCE DIRECTOR, REFUNDABLE CREDITS POLICY AND PROGRAM MANAGEMENT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY DIRECTOR, COLLECTION—HEADQUARTERS DIRECTOR, COLLECTION—CAMPUS DIRECTOR, STRATEGY AND FINANCE DIRECTOR, MICROSOFT INITIATIVES PROGRAM NATIONAL DIRECTOR LEGISLATIVE AFFAIRS CHIEF, AGENCY-WIDE SHARED SERVICES DIRECTOR, COLLECTION—QUALITY AND TECHNICAL SUPPORT DIRECTOR, COLLECTION DIRECTOR, SERVICEWIDE OPERATIONS DIRECTOR, COLLECTION APPEALS DIRECTOR, ENTERPRISE ACTIVITIES DIRECTOR, COLLECTION—CENTRAL DIRECTOR, EXAMINATION—CENTRAL PROJECT DIRECTOR (2) DIRECTOR, MODERNIZATION, DEVELOPMENT AND DELIVERY ASSOCIATE CHIEF INFORMATION OFFICER FOR USER AND NETWORK SERVICES ASSOCIATE CHIEF INFORMATION OFFICER FOR APPLICATIONS DEVELOPMENT DIRECTOR, COLLECTION AREA—GULF STATE SPECIAL ASSISTANT ASSISTANT DEPUTY COMMISSIONER FOR SERVICES AND ENFORCEMENT DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR APPLICATIONS DEVELOPMENT DIRECTOR, KNOWLEDGE DEVELOPMENT AND APPLICATION FIELD DIRECTOR, SUBMISSION PROCESSING—FRESNO DIRECTOR, REFUNDABLE CREDITS EXAMINATION OPERATIONS DEPUTY CHIEF INFORMATION OFFICER FOR STRATEGY/MODERNIZATION DIRECTOR, FACILITIES MANAGEMENT AND SEC SERVICES DIRECTOR, EXAMINATION—CAMPUS DIRECTOR, E-FILE SERVICES DIRECTOR, SPECIALIZED EXAMINATION PROGRAMS AND REFERRALS SUBMISSION PROCESSING FIELD DIRECTOR DIRECTOR, OPERATIONS SUPPORT DEPUTY DIRECTOR, SUBMISSION PROCESSING DIRECTOR, AFFORDABLE CARE ACT DIRECTOR, CAMPUS COLLECTION FRESNO IRS IDENTITY ASSURANCE EXECUTIVE DIRECTOR, MAINFRAME SUPPORT AND SERVICES SPECIAL ASSISTANT TO THE CHIEF, APPEALS DIRECTOR, EXAMINATION—SPECIALITY TAX DEPUTY ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT DEPUTY DIRECTOR, SUBMISSION PROCESSING DIRECTOR, NETWORK ENGINEERING DIRECTOR, REFUND CRIMES AREA DIRECTOR, STAKEHOLDER PARTNERSHIP, EDUCATION, AND COMMUNICATION DIRECTOR, EXAMINATION FIELD DIRECTOR, FIELD OPERATIONS, RETAILERS, FOOD, TRANSPORTATION AND HEALTHCARE—EAST DEPUTY COMMISSIONER, OPERATIONS SUPPORT DIRECTOR, OPERATIONS SERVICE SUPPORT DEPUTY DIRECTOR, STRATEGY AND FINANCE DIRECTOR, RETURN PREPARER OFFICE DIRECTOR, EXAMINATION AREA MIDWEST AREA DIRECTOR, FIELD ASSISTANCE DIRECTOR, EXAMINATION AREA

Agency name	Organization name	Position title
		DIRECTOR, CUSTOMER SERVICE DIRECTOR, FINANCIAL MANAGEMENT SERVICES DIRECTOR OF FIELD OPERATIONS, HEAVY MANUFACTURING AND PHARMACEUTICALS, SOUTHEAST DIRECTOR, FIELD OPERATIONS, ENGINEERING EXECUTIVE DIRECTOR, BUSINESS MODERNIZATION DIRECTOR, COLLECTION STRATEGY AND ORGANIZATION DIRECTOR, CAMPUS OPERATIONS DIRECTOR, IMPLEMENTATION AND TESTING DIRECTOR, BUSINESS PLANNING AND RISK MANAGEMENT DIRECTOR, SERVICE DELIVERY MANAGEMENT COMPLIANCE SERVICES FIELD DIRECTOR COUNSELOR TO THE COMMISSIONER OF IRS ASSISTANT DEPUTY COMMISSIONER COMPLIANCE INTEGRATION DIRECTOR, PRIVACY AND INFORMATION PROTECTION DIRECTOR, STRATEGY, RESEARCH AND PROGRAM PLANNING DIRECTOR, DATA DELIVERY SERVICES DIRECTOR, COMPLIANCE STRATEGY AND POLICY DIRECTOR, STRATEGIC SUPPLIER MANAGEMENT DIRECTOR, RETURN INTEGRITY AND COMPLIANCE SERVICES DIRECTOR, CYBERSECURITY POLICY AND PROGRAMS DIRECTOR, FIELD OPERATIONS, RETAIL FOOD, PHARMACEUTICALS, AND HEALTHCARE—WEST DIRECTOR, CONTACT CENTER SUPPORT DIVISION EXECUTIVE DIRECTOR, INVESTIGATIVE AND ENFORCEMENT OPERATIONS DIRECTOR, EXAMINATION AREA—NORTH ATLANTIC DIRECTOR, ADVANCED PRICING AND MUTUAL AGREEMENT DIRECTOR, CUSTOMER SERVICE AND STAKEHOLDERS DIRECTOR, TAX FORMS AND PUBLICATIONS ASSISTANT DEPUTY COMMISSIONER GOVERNMENT ENTITIES AND SHARED SERVICES DIRECTOR, CASE AND OPERATIONS SUPPORT DEPUTY DIRECTOR, RETURN PREPARER OFFICE ACCOUNTS MANAGEMENT FIELD DIRECTOR DIRECTOR, FILING AND PREMIUM TAX CREDIT ASSISTANT DEPUTY COMMISSIONER (INTERNATIONAL) DIRECTOR, EMERGING PROGRAMS AND INITIATIVES DIRECTOR, FIELD OPERATIONS, NATURAL RESOURCES AND CONSTRUCTION—WEST DIRECTOR, CAMPUS COMPLIANCE OPERATIONS DIRECTOR, PRODUCT MANAGEMENT DIRECTOR, INTERNATIONAL OPERATIONS DIRECTOR FIELD OPERATIONS, FOREIGN PAYMENTS PRACTICE AREA DIRECTOR, FIELD ASSISTANCE DIRECTOR FIELD OPERATIONS (SOUTH CENTRAL), WESTERN COMPLIANCE DIRECTOR FIELD OPERATIONS (WEST), WESTERN COMPLIANCE DEPUTY DIRECTOR, PASS-THROUGH EXAM STRATEGY AND PROMOTER PROGRAMS DIRECTOR OF FIELD OPERATIONS, GLOBAL HIGH WEALTH AND HIGH-INCOME COMPLIANCE STRATEGY DIRECTOR, TALENT ACQUISITION SPECIAL AGENT IN CHARGE (3) DIRECTOR, IT TECHNOLOGICAL DIRECTOR, STRATEGIC PLANNING AND TECHNOLOGY DIRECTION DEPUTY CHIEF, FACILITIES MANAGEMENT AND SECURITY SERVICES DEPUTY CHIEF TAXPAYER EXPERIENCE OFFICER

Agency name	Organization name	Position title
		DIRECTOR, ADVANCE PRICING AND MUTUAL AGREEMENT DIRECTOR CAMPUS EXAMINATION (2) DIRECTOR, OFFICE OF COMMUNICATIONS PROJECT DIRECTOR, AMERICAN RESCUE PLAN DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY ACQUISITION CHIEF OF STAFF (OFFICE OF THE COMMISSIONER) DIRECTOR PRODUCT MANAGEMENT NATIONAL DIRECTOR, LEGISLATIVE AFFAIRS DIRECTOR, FINANCIAL INSTITUTIONS AND PRODUCTS DIRECTOR FIELD OPERATIONS (NORTH ATLANTIC) NORTHEASTERN COMPLIANCE DIRECTOR EXEMPT ORGANIZATIONS EXAMINATIONS DIRECTOR, EMPLOYEE PLANS RULINGS AND AGREEMENTS DIRECTOR, WORKLIFE, BENEFITS AND PERFORMANCE DIRECTOR, EXAMINATION SOUTHWEST AREA DIRECTOR, OPERATIONS POLICY AND SUPPORT SPECIAL AGENT IN CHARGE, CRIMINAL INVESTIGATION PROJECT DIRECTOR (2) SENIOR ADVISOR AND TECHNOLOGY ADVISOR DIRECTOR, COLLECTION—SPECIAL DIRECTOR, DATA MANAGEMENT SERVICES AND SUPPORT DIRECTOR, SECURITY OPERATIONS AND STANDARDS DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR CYBERSECURITY DIRECTOR, DATA MANAGEMENT DIVISION PROJECT DIRECTOR FOR DEPUTY COMMISSIONER SERVICES AND ENFORCEMENT DIRECTOR, COLLECTION SOUTHWEST DIRECTOR, ENTERPRISE ARCHITECTURE CHIEF OF STAFF DIRECTOR, MEDIA AND PUBLICATIONS (WASHINGTON, DC) FIELD DIRECTOR, SUBMISSION PROCESSING—OGDEN DIRECTOR, HUMAN RESOURCES DIRECTOR OF FIELD OPERATIONS—WESTERN AREA, CRIMINAL INVESTIGATION SPECIAL AGENT IN CHARGE, CRIMINAL INVESTIGATION SECRETARY OF THE TREASURY DEPUTY CHIEF COMPLIANCE OFFICER DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION UNITED STATES MINT ASSOCIATE DIRECTOR, ENVIRONMENT, SAFETY AND HEALTH CHIEF ADMINISTRATIVE OFFICER DIRECTOR, OFFICE OF COIN STUDIES ASSOCIATE DIRECTOR FOR SALES AND MARKETING ASSOCIATE DIRECTOR FOR FINANCIAL MANAGEMENT/CHIEF FINANCIAL OFFICER ASSOCIATE DIRECTOR FOR MANUFACTURING PLANT MANAGER, PHILADELPHIA ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER) FISCAL ASSISTANT SECRETARY BUREAU OF THE FISCAL SERVICE DEPUTY ASSISTANT COMMISSIONER (DEBT MANAGEMENT SERVICES) DIRECTOR, REGIONAL FINANCIAL CENTER (PHILADELPHIA) DIRECTOR, REGIONAL FINANCIAL CENTER (KANSAS CITY) ASSISTANT COMMISSIONER (PUBLIC DEBT ACCOUNTING) DEPUTY ASSISTANT COMMISSIONER FOR INFRASTRUCTURE AND OPERATIONS (OFFICE OF INFORMATION AND SECURITY SERVICES) DEPUTY ASSISTANT COMMISSIONER, PAYMENT MANAGEMENT ASSISTANT COMMISSIONER, PAYMENT MANAGEMENT DEPUTY ASSISTANT COMMISSIONER FOR PROGRAM SOLUTIONS AND SUPPORT (TREASURY SECURITIES SERVICES)

Agency name	Organization name	Position title
INTERNAL REVENUE SERVICE	INTERNAL REVENUE SERVICE CHIEF COUNSEL	ASSISTANT COMMISSIONER (OFFICE OF MANAGEMENT SERVICES) DEPUTY CHIEF INFORMATION OFFICER ASSISTANT COMMISSIONER, FEDERAL FINANCE DIRECTOR, REGIONAL FINANCIAL CENTER (SAN FRANCISCO) EXECUTIVE DIRECTOR, GOVERNMENT SECURITIES REGULATIONS ASSISTANT COMMISSIONER, DEBT MANAGEMENT SERVICES DIRECTOR, REVENUE COLLECTION GROUP ASSISTANT COMMISSIONER, MANAGEMENT (CHIEF FINANCIAL OFFICER) ASSISTANT COMMISSIONER (SHARED SERVICES) DEPUTY ASSISTANT COMMISSIONER (RETAIL SECURITIES SERVICES) EXECUTIVE DIRECTOR (KANSAS CITY) DEPUTY ASSISTANT COMMISSIONER (ACCOUNTING SUPPORT AND OUTREACH) ASSISTANT COMMISSIONER (RETAIL SECURITIES SERVICES) DEPUTY ASSISTANT COMMISSIONER (WHOLESALE SECURITIES SERVICES) DEPUTY ASSISTANT COMMISSIONER (DATA TRANSPARENCY) SENIOR ADVISOR (SERVICES AND PROGRAMS) ASSISTANT COMMISSIONER, WHOLESALE SECURITIES SERVICES DEPUTY ASSISTANT COMMISSIONER, COMPLIANCE AND REPORTING GROUP DEPUTY ASSISTANT COMMISSIONER (SHARED SERVICES) ASSISTANT COMMISSIONER, INFORMATION AND SECURITY SERVICES (CHIEF INFORMATION OFFICER) DEPUTY ASSISTANT COMMISSIONER (MANAGEMENT) EXECUTIVE DIRECTOR (DO NOT PAY BUSINESS CENTER STAFF) DIRECTOR, DEBT MANAGEMENT SERVICES OPERATIONS, EAST DEPUTY ASSISTANT COMMISSIONER FOR SECURITIES MANAGEMENT (TREASURY SECURITIES SERVICES) DIRECTOR, DEBT MANAGEMENT SERVICES OPERATIONS, WEST DEPUTY COMMISSIONER, ACCOUNTING AND SHARED SERVICES DEPUTY COMMISSIONER, FINANCE AND ADMINISTRATION DEPUTY COMMISSIONER, FINANCIAL SERVICES AND OPERATIONS COMMISSIONER, BUREAU OF THE FISCAL SERVICE DEPUTY ASSISTANT COMMISSIONER (FISCAL ACCOUNTING OPERATIONS) DEPUTY ASSISTANT COMMISSIONER FOR INFORMATION SERVICES SPECIAL COUNSEL TO THE NATIONAL TAXPAYER ADVOCATE DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL TECHNICAL) DEPUTY CHIEF COUNSEL (OPERATIONS) DEPUTY CHIEF COUNSEL (TECHNICAL) ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL DEPUTY DIVISION COUNSEL AND DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT) AREA COUNSEL (LARGE AND MID SIZE BUSINESS)(AREA 2)(HEAVY MANUFACTURING, CONSTRUCTION AND TRANSPORTATION) AREA COUNSEL (LARGE AND MID SIZE BUSINESS)(AREA 4)(NATURAL RESOURCES) AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL) DEPUTY DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)

Agency name	Organization name	Position title
		AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—PHILADELPHIA AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—JACKSONVILLE AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—CHICAGO AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—DENVER AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—LOS ANGELES DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) AREA COUNSEL, LARGE AND MID SIZE BUSINESS (AREA 3) (FOOD, MASS RETAILERS, AND PHARMACEUTICALS) DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (CRIMINAL TAX) AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL)(AREA 1) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) (AREA 7) DEPUTY ASSOCIATE CHIEF COUNSEL #2 (INCOME TAX AND ACCOUNTING) ASSOCIATE CHIEF COUNSEL (CORPORATE) DEPUTY DIVISION COUNSEL (LARGE AND MID-SIZE BUSINESS) DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) ASSOCIATE CHIEF COUNSEL (INCOME TAX AND ACCOUNTING) DEPUTY DIVISION COUNSEL/DEPUTY ASSISTANT CHIEF COUNSEL (CRIMINAL TAX) ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL FIELD SERVICE AND LITIGATION) AREA COUNSEL, SMALL BUSINESS AND SELF EMPLOYED, AREA 9 DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS) DIVISION COUNSEL (WAGE AND INVESTMENT) DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) (LABOR AND PERSONNEL LAW) SPECIAL COUNSEL TO THE CHIEF COUNSEL DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS) ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT) HEALTHCARE COUNSEL (OFFICE OF HEALTHCARE) DEPUTY TO THE SPECIAL COUNSEL TO THE CHIEF COUNSEL DIVISION COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DC ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) ASSOCIATE CHIEF COUNSEL (PASSTHROUGHS AND SPECIAL INDUSTRIES) DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) DEPUTY ASSOCIATE CHIEF COUNSEL, (PASSTHROUGHS AND SPECIAL INDUSTRIES) DIVISION COUNSEL, LARGE BUSINESS AND INTERNATIONAL DEPUTY ASSOCIATE CHIEF COUNSEL, OPERATIONS AND INTERNATIONAL PROGRAMS DEPUTY ASSOCIATE CHIEF COUNSEL (CORPORATE) ASSOCIATE CHIEF COUNSEL, (INTERNATIONAL) DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) DEPUTY DIVISION COUNSEL, INTERNATIONAL (LARGE BUSINESS AND INTERNATIONAL) AREA COUNSEL, SMALL BUSINESS AND SELF EMPLOYED (AREA 1)

Agency name	Organization name	Position title
		ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS) DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (NATIONAL TAXPAYER ADVOCATE PROGRAM) DEPUTY ASSOCIATE CHIEF COUNSEL (INFORMATION TECHNOLOGY) DEPUTY ASSOCIATE CHIEF COUNSEL, CONTROVERSY AND LITIGATION (INTERNATIONAL) ASSOCIATE CHIEF COUNSEL (INCOME TAX AND ACCOUNTING) DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL PROGRAMS AND OPERATIONS) DEPUTY ASSOCIATE CHIEF COUNSEL (EEE/EOET) DEPUTY ASSOCIATE CHIEF COUNSEL (EMPLOYEE BENEFITS) AREA COUNSEL—AREA 3—LARGE BUSINESS AND INTERNATIONAL AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL) AREA 1 DEPUTY ASSOCIATE CHIEF COUNSEL, LITIGATION (INTERNATIONAL) DEPUTY DIVISION COUNSEL (OPERATIONS), SMALL BUSINESS/SELF EMPLOYED DIVISION NATIONAL STRATEGIC LITIGATION COUNSEL, DIVISION COUNSEL (LARGE BUSINESS AND INTERNATIONAL) DIRECTOR, FEDERAL INSURANCE OFFICE
UNDER SECRETARY FOR DOMESTIC FINANCE	ASSISTANT SECRETARY FOR FINANCIAL INSTITUTIONS.	DEPUTY DIRECTOR, FEDERAL INSURANCE OFFICE DEPUTY ASSISTANT SECRETARY FOR FISCAL OPERATIONS AND POLICY DEPUTY ASSISTANT SECRETARY, OFFICE OF ACCOUNTING POLICY AND FINANCIAL TRANSPARENCY FISCAL ASSISTANT SECRETARY DEPUTY ASSISTANT SECRETARY FOR SECURITY AND COUNTERINTELLIGENCE DIRECTOR, EXECUTIVE OFFICE FOR ASSET FORFEITURE ASSOCIATE DIRECTOR, INTELLIGENCE DIVISION ASSOCIATE DIRECTOR, ENFORCEMENT DIVISION ASSOCIATE DIRECTOR, POLICY DIVISION DIRECTOR, FINANCIAL CRIMES ENFORCEMENT NETWORK ASSOCIATE DIRECTOR, TECHNOLOGY SOLUTIONS AND SERVICES DIVISION/CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR, MANAGEMENT PROGRAMS DIVISION ASSOCIATE DIRECTOR, LIAISON DIVISION DEPUTY DIRECTOR DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL MANAGEMENT) DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDITS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL SECTOR AUDITS) ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCE MANAGEMENT AND TRANSPARENCY AUDIT) ASSISTANT INSPECTOR GENERAL FOR AUDIT COUNSEL TO THE INSPECTOR GENERAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT ASSISTANT DEPUTY SPECIAL INSPECTOR GENERAL FOR INVESTIGATIONS
UNDER SECRETARY FOR TERRORISM AND FINANCIAL INTELLIGENCE.	ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS. ASSISTANT SECRETARY FOR TERRORIST FINANCING. FINANCIAL CRIMES ENFORCEMENT NETWORK ..	
DEPARTMENT OF THE TREASURY OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF AUDIT	GENERAL COUNSEL FOR SIGTARP DEPUTY SPECIAL INSPECTOR GENERAL AUDIT DEPUTY SPECIAL INSPECTOR GENERAL, INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR AUDIT, COMPLIANCE AND ENFORCEMENT OPERATIONS
	OFFICE OF COUNSEL	
	OFFICE OF INVESTIGATIONS	
	OFFICE OF MANAGEMENT	
DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.	DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.	
DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	

Agency name	Organization name	Position title
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT. OFFICE OF THE ADMINISTRATOR	BUREAU FOR MANAGEMENT	CHIEF INFORMATION OFFICER ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, INVESTIGATIVE OPERATIONS CHIEF COUNSEL DEPUTY INSPECTOR GENERAL FOR MISSION SUPPORT AND CHIEF FINANCIAL OFFICER DEPUTY INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS DEPUTY INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT SERVICES AND EXEMPT ORGANIZATIONS ASSISTANT INSPECTOR GENERAL FOR AUDIT, SECURITY AND INFORMATION TECHNOLOGY SERVICES ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT, PLANNING AND WORKFORCE DEVELOPMENT ASSISTANT INSPECTOR GENERAL FOR AUDIT, RETURNS PROCESSING AND ACCOUNTING SERVICES DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, THREAT, AGENT SAFETY AND SENSITIVE INVESTIGATIONS DIRECTORATE ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, INVESTIGATIVE OPERATIONS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—INVESTIGATIVE OPERATIONS DEPUTY CHIEF COUNSEL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—OPERATIONAL SUPPORT
		CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF INFORMATION OFFICER DEPUTY DIRECTOR, ACCOUNTABILITY, COMPLIANCE, TRANSPARENCY AND SYSTEM SUPPORT DIRECTOR, OFFICE OF MANAGEMENT POLICY, BUDGET AND PERFORMANCE DIRECTOR, OFFICE OF ACQUISITION AND ASSISTANCE CHIEF TECHNOLOGY OFFICER DIRECTOR, BUDGET AND RESOURCE MANAGEMENT CHIEF HUMAN CAPITAL OFFICER
		DEPUTY CHIEF HUMAN CAPITAL OFFICER DEPUTY DIRECTOR, OFFICE OF SECURITY DIRECTOR, OFFICE OF SECURITY DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION ASSISTANT GENERAL COUNSEL, ETHICS AND ADMINISTRATION CHIEF INNOVATION COUNSEL ASSISTANT GENERAL COUNSEL FOR GH DEPUTY GENERAL COUNSEL
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT COUNSELOR TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS
		DIRECTOR OFFICE OF ECONOMICS DIRECTOR OFFICE OF INDUSTRIES
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	
UNITED STATES INTERNATIONAL TRADE COMMISSION. OFFICE OF OPERATIONS	OFFICE OF ECONOMICS	
	OFFICE OF INDUSTRIES	

Agency name	Organization name	Position title
UNITED STATES INTERNATIONAL TRADE COMMISSION.	OFFICE OF INVESTIGATIONS	DIRECTOR, OFFICE OF INVESTIGATIONS
	OFFICE OF TARIFF AFFAIRS AND TRADE AGREEMENTS.	DIRECTOR, OFFICE TARIFF AFFAIRS AND TRADE AGREEMENTS
	OFFICE OF UNFAIR IMPORT INVESTIGATIONS	DIRECTOR, OFFICE OF UNFAIR IMPORT INVESTIGATIONS
	OFFICE OF ADMINISTRATIVE SERVICES	CHIEF ADMINISTRATIVE OFFICER
	OFFICE OF OPERATIONS	DIRECTOR OFFICE OF OPERATIONS
	OFFICE OF THE CHAIRMAN	CHIEF OF STAFF
	OFFICE OF THE CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	CHIEF INFORMATION OFFICER
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL
	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL
DEPARTMENT OF VETERANS AFFAIRS	BOARD OF VETERANS' APPEALS	VICE CHAIRMAN
		CHIEF COUNSEL, BOARD OF VETERANS APPEALS
		DEPUTY VICE CHAIRMAN, BOARD OF VETERANS APPEALS
		DEPUTY VICE CHAIRMAN (3)
	NATIONAL CEMETERY ADMINISTRATION	DEPUTY UNDER SECRETARY FOR FINANCE AND PLANNING
	OFFICE OF ACQUISITION, LOGISTICS AND CONSTRUCTION.	ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL HEALTHCARE ACQUISITION
		ASSOCIATE EXECUTIVE DIRECTOR, ACQUISITION PROGRAM SUPPORT
		EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION AND LOGISTICS
		ASSOCIATE EXECUTIVE DIRECTOR, RESOURCE MANAGEMENT
		ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES PLANNING
		ASSOCIATE EXECUTIVE DIRECTOR, OFFICE OF DESIGN AND CONSTRUCTION
		ASSOCIATE EXECUTIVE DIRECTOR, PROCUREMENT POLICY, SYSTEMS AND OVERSIGHT
		EXECUTIVE DIRECTOR, CONSTRUCTION AND FACILITIES MANAGEMENT
		ASSOCIATE EXECUTIVE DIRECTOR, TECHNOLOGY ACQUISITION CENTER
		ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES ACQUISITIONS
		ASSOCIATE EXECUTIVE DIRECTOR, STRATEGIC ACQUISITION CENTER
		ASSOCIATE EXECUTIVE DIRECTOR, PROGRAMS AND PLANS
	OFFICE OF THE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.	EXECUTIVE DIRECTOR, COMPLIANCE AND OVERSIGHT
		EXECUTIVE DIRECTOR, INVESTIGATIONS
		DEPUTY ASSISTANT SECRETARY, ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION
		CHIEF SECURITY OFFICER
	OFFICE OF THE ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION/ OPERATIONS, SECURITY, AND PREPAREDNESS.	
		EXECUTIVE DIRECTOR, LABOR MANAGEMENT RELATIONS
		EXECUTIVE DIRECTOR, INFRASTRUCTURE OPERATIONS
	OFFICE OF THE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY.	EXECUTIVE DIRECTOR, INFORMATION SECURITY OPERATIONS
		CHIEF FINANCIAL OFFICER, INFORMATION TECHNOLOGY BUDGET AND FINANCE
		DEPUTY CHIEF INFORMATION OFFICER, QUALITY, PERFORMANCE, AND RISK/CHIEF RISK OFFICER
		DEPUTY ASSISTANT SECRETARY, CHIEF INFORMATION SECURITY OFFICER
		EXECUTIVE DIRECTOR, FIELD SECURITY SERVICE
		EXECUTIVE DIRECTOR, ACQUISITION STRATEGY AND CATEGORY MANAGEMENT
		EXECUTIVE DIRECTOR, INFORMATION SECURITY POLICY AND STRATEGY
		DEPUTY CHIEF INFORMATION OFFICER STRATEGIC SOURCING
	OFFICE OF THE ASSISTANT SECRETARY FOR MANAGEMENT.	DEPUTY ASSISTANT SECRETARY FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION, OFFICE OF FINANCE
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION SERVICE SYSTEMS

Agency name	Organization name	Position title
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL MANAGEMENT BUSINESS TRANS- FORMATION OPERATIONS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE EXECUTIVE DIRECTOR, DEBT MANAGEMENT CENTER ASSOCIATE DEPUTY ASSISTANT SECRETARY, BUDGET OPERATIONS ASSOCIATE DEPUTY ASSISTANT SECRETARY, PROGRAM BUDGETS DEPUTY EXECUTIVE DIRECTOR ASSET ENTER- PRISE MANAGEMENT ADAS FOR FINANCIAL PROCESS IMPROVEMENT AND AUDIT READINESS, OFFICE OF FINANCE EXECUTIVE DIRECTOR, OFFICE OF BUSINESS OVERSIGHT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL POLICY, OFFICE OF FINANCE EXECUTIVE DIRECTOR, FINANCIAL SERVICES CENTER, OFFICE OF FINANCE EXECUTIVE DIRECTOR, ASSET ENTERPRISE MANAGEMENT DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE DEPUTY ASSISTANT SECRETARY FOR BUDGET PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANAGEMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL BUSINESS OPERATIONS, OF- FICE OF FINANCE EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION OPERATIONS OFFICE OF THE GENERAL COUNSEL CHIEF COUNSEL ETHICS LAW GROUP DEPUTY GENERAL COUNSEL GENERAL LAW PRINCIPAL DEPUTY GENERAL COUNSEL CHIEF COUNSEL, INFORMATION AND ADMINIS- TRATIVE LAW GROUP DEPUTY GENERAL COUNSEL, GENERAL LAW CHIEF COUNSEL, BENEFITS LAW GROUP CHIEF COUNSEL, SOUTHEAST DISTRICT-NORTH CHIEF COUNSEL, DISTRICT CONTRACTING CHIEF COUNSEL, LOAN GUARANTY CHIEF COUNSEL, TORTS AND ADMINISTRATIVE LAW SENIOR COUNSEL TO THE GENERAL COUNSEL ASSISTANT CHIEF COUNSEL, COURT OF AP- PEALS FOR VETERANS CLAIMS LITIGATION GROUP CHIEF COUNSEL COURT OF APPEALS FOR VET- ERANS CLAIMS LITIGATION GROUP CHIEF COUNSEL COLLECTIONS NATIONAL PRACTICE GROUP CHIEF COUNSEL, PERSONNEL LAW GROUP CHIEF COUNSEL (2) CHIEF COUNSEL MIDWEST DISTRICT EAST CHIEF COUNSEL MIDWEST DISTRICT WEST CHIEF COUNSEL NORTH ATLANTIC DISTRICT SOUTH CHIEF COUNSEL PACIFIC DISTRICT SOUTH CHIEF COUNSEL CONTINENTAL DISTRICT-WEST DEPUTY GENERAL COUNSEL, LEGAL OPER- ATIONS CHIEF COUNSEL REAL PROPERTY LAW GROUP DEPUTY GENERAL COUNSEL VETERANS PRO- GRAMS EXECUTIVE DIRECTOR, MANAGEMENT PLAN- NING AND ANALYSIS CHIEF COUNSEL HEALTH LAW GROUP CHIEF COUNSEL, PROCUREMENT LAW GROUP OFFICE OF THE SECRETARY AND DEPUTY EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION DIRECTOR OFFICE OF EMPLOYMENT DISCRIMI- NATION COMPLAINT ADJUDICATION DEPUTY EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION DEPUTY EXECUTIVE DIRECTOR, ACCOUNT- ABILITY AND WHISTLEBLOWER PROTECTION VETERANS BENEFITS ADMINISTRATION CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER DEPUTY EXECUTIVE DIRECTOR FOR POLICY AND PROCEDURES

Agency name	Organization name	Position title
OFFICE OF THE ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION/ OPERATIONS, SECURITY, AND PREPAREDNESS.	VETERANS HEALTH ADMINISTRATION	EXECUTIVE DIRECTOR, LOAN GUARANTY SERVICE EXECUTIVE DIRECTOR, PERFORMANCE ANALYSIS AND INTEGRITY DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS EXECUTIVE DIRECTOR SERVICE AREA (CENTRAL) EXECUTIVE DIRECTOR, SERVICE AREA (WEST) ASSOCIATE CHIEF FINANCIAL OFFICER FINANCE OPERATIONS AND SUPPORT EXECUTIVE DIRECTOR, SERVICE AREA (EAST) CHIEF OPERATING OFFICER VETERANS CANTEN SERVICE DEPUTY CHIEF FINANCIAL OFFICER VETERANS HEALTH ADMINISTRATION DEPUTY CHIEF PROCUREMENT OFFICER, VETERANS HEALTH ADMINISTRATION ASSOCIATE CHIEF FINANCIAL OFFICER FOR MANAGERIAL COST ACCOUNTING ASSOCIATE CHIEF FINANCIAL OFFICER FINANCIAL MANAGEMENT AND ACCOUNTING EXECUTIVE DIRECTOR VETERANS CANTEEN SERVICE CHIEF FINANCIAL OFFICER VETERANS HEALTH ADMINISTRATION EXECUTIVE DIRECTOR
	OFFICE OF CORPORATE SENIOR EXECUTIVE MANAGEMENT.	
	OFFICE OF EMERGENCY MANAGEMENT	EXECUTIVE DIRECTOR EMERGENCY MANAGEMENT AND RESILIENCE
	OFFICE OF OPERATIONS, SECURITY AND PREPAREDNESS.	EXECUTIVE DIRECTOR FOR SECURITY AND LAW ENFORCEMENT CHIEF OF POLICE EXECUTIVE DIRECTOR, IDENTITY, CREDENTIAL AND ACCESS MANAGEMENT
	OFFICE OF RESOLUTION MANAGEMENT	DEPUTY ASSISTANT SECRETARY FOR RESOLUTION MANAGEMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR RESOLUTION MANAGEMENT
	OFFICE OF FINANCE	ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL REPORTING EXECUTIVE DIRECTOR, OFFICE OF ACTUARY SERVICES
	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL.	PRINCIPAL DEPUTY COUNSELOR TO THE INSPECTOR GENERAL CHIEF RESEARCH AND ANALYTICS OFFICER DEPUTY INSPECTOR GENERAL COUNSELOR TO THE INSPECTOR GENERAL
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS.	ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (FIELD OPERATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (HEADQUARTERS MANAGEMENT AND INSPECTIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (FIELD OPERATIONS)
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.	PRINCIPLE DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (HEADQUARTERS OPERATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION—CHIEF TECHNOLOGY OFFICER
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION
		ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS

Authority: 5 U.S.C. 3132.

U.S. Office of Personnel Management.
Kiran A. Ahuja,

Director.
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Part III

Office of Personnel Management

Senior Executive Service Positions That Were Career Reserved During
Calendar Year 2023; Notice

**OFFICE OF PERSONNEL
MANAGEMENT****Senior Executive Service Positions
That Were Career Reserved During
Calendar Year 2023****AGENCY:** Office of Personnel
Management (OPM).**ACTION:** Notice.**SUMMARY:** This notice publishes a
consolidated list of all positions in theSenior Executive Service (SES) that
were career reserved during calendar
year 2023.**FOR FURTHER INFORMATION CONTACT:** Julia
Alford, Agency Operations and
Services, Executive Services Workforce
Development, Workforce Policy and
Innovation, 202–936–3085.**SUPPLEMENTARY INFORMATION:** Below is a
list of titles of SES positions that were
career reserved at any time duringcalendar year 2023, regardless of
whether those positions were still career
reserved as of December 31, 2023.
Section 3132(b) (4) of title 5, United
States Code, requires that the head of
each agency publish such lists the
following year. OPM is publishing a
consolidated list for all agencies.

Office of Personnel Management.

Kayyonne Marston,
Federal Register Liaison.

Agency name	Organization name	Position title
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	CHIEF FINANCIAL AND OPERATIONS OFFICER GENERAL COUNSEL EXECUTIVE DIRECTOR RESEARCH DIRECTOR EXECUTIVE DIRECTOR
ADVISORY COUNCIL ON HISTORIC PRESERVATION. DEPARTMENT OF AGRICULTURE. AGRICULTURAL RESEARCH SERVICE	ADVISORY COUNCIL ON HISTORIC PRESERVATION. MIDWEST AREA OFFICE NORTHEAST AREA OFFICE OFFICE OF NATIONAL PROGRAMS PACIFIC WEST AREA OFFICE PLAINS AREA OFFICE SOUTHEAST AREA OFFICE	ASSOCIATE DIRECTOR, MIDWEST AREA (2) DIRECTOR, MIDWEST AREA DIRECTOR, NATIONAL CENTER FOR AGRICULTURE UTILIZATION DIRECTOR, BELTSVILLE AGRICULTURAL RESEARCH CENTER DIRECTOR NORTHEAST AREA OFFICE DIRECTOR, EASTERN REGIONAL RESEARCH CENTER ASSOCIATE DIRECTOR, NORTHEAST AREA (2) ASSOCIATE ADMINISTRATOR, NATIONAL PROGRAMS DEPUTY ADMINISTRATOR FOR NATURAL RESOURCES AND SUSTAINABLE AGRICULTURE SYSTEMS DEPUTY ADMINISTRATOR, CROP PRODUCTION AND PROTECTION DEPUTY ADMINISTRATOR, ANIMAL PRODUCTION AND PROTECTION DEPUTY ADMINISTRATOR, NUTRITION, FOOD SAFETY AND QUALITY ASSOCIATE DIRECTOR, PACIFIC WEST AREA DIRECTOR, WESTERN REGIONAL RESEARCH CENTER ASSOCIATE DIRECTOR, PACIFIC WEST AREA OFFICE DIRECTOR, PACIFIC WEST AREA OFFICE DIRECTOR, PLAINS AREA ASSOCIATE DIRECTOR, PLAINS AREA OFFICE (2) DIRECTOR, SOUTHEAST AREA DIRECTOR, SOUTHERN REGIONAL RESEARCH CENTER ASSOCIATE DIRECTOR, SOUTHEAST AREA (2) EXECUTIVE DIRECTOR, POLICY MANAGEMENT
ANIMAL AND PLANT HEALTH INSPECTION SERVICE.	PLANT PROTECTION AND QUARANTINE SERVICE. VETERINARY SERVICES	EXECUTIVE DIRECTOR, EASTERN REGION, PLANT PROTECTION AND QUARANTINE EXECUTIVE DIRECTOR, FIELD OPERATIONS ASSOCIATE DEPUTY ADMINISTRATOR, OPERATIONS ASSOCIATE DEPUTY ADMINISTRATOR, VS EXECUTIVE DIRECTOR (DOMESTIC PROGRAMS) ASSOCIATE DEPUTY ADMINISTRATOR, DIAGNOSTICS AND BIOLOGICS DIRECTOR, WESTERN REGION, VETERINARY SERVICES EXECUTIVE DIRECTOR (STRATEGY AND POLICY) UNITED STATES MANAGER FOR CODEX SENIOR ADVISOR
DEPARTMENT OF AGRICULTURE	OFFICE OF THE SECRETARY	DIRECTOR, OFFICE OF ADVOCACY AND OUTREACH
DEPARTMENTAL ADMINISTRATION	OFFICE OF ADVOCACY AND OUTREACH OFFICE OF OPERATIONS	DEPUTY DIRECTOR OF OPERATIONS DIRECTOR OFFICE OF OPERATIONS
FOREST SERVICE	PROCUREMENT AND PROPERTY MANAGEMENT FIELD UNITS	DIRECTOR, CONTRACTING AND PROCUREMENT DIRECTOR, NORTHERN RESEARCH STATION DIRECTOR, PACIFIC NORTHWEST RESEARCH STATION DIRECTOR, PACIFIC SOUTHWEST FOREST AND RANGE EXPERIMENT STATION (VALLEJO)

Agency name	Organization name	Position title
NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.	INTERNATIONAL FOREST SYSTEM	DIRECTOR, ROCKY MOUNTAIN FOREST AND RANGE EXPERIMENT STATION (FORT COLLINS) DIRECTOR, SOUTHERN RESEARCH STATION (ASHEVILLE) DIRECTOR INTERNATIONAL INSTITUTE OF TROPICAL FOREST (RIO PIEDRAS)
	NATIONAL FOREST SYSTEM	DIRECTOR, RANGELAND MANAGEMENT DIRECTOR, FOREST MANAGEMENT STAFF DIRECTOR, LANDS MANAGEMENT STAFF DIRECTOR, ECOSYSTEM MANAGEMENT COORDINATION DIRECTOR, WATER, FISH, WASTELAND, AIR AND RARE PLANTS DIRECTOR, MINERALS AND GEOLOGY MANAGEMENT STAFF ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM
	RESEARCH	DIRECTOR, INVENTORY, MONITORING AND ASSESSMENT DIRECTOR, SUSTAINABLE FOREST MANAGEMENT
	STATE AND PRIVATE FORESTRY	DIRECTOR COOPERATIVE FORESTRY DIRECTOR, FOREST HEALTH PROTECTION ASSOCIATE DEPUTY CHIEF, WILDLAND FIRE MANAGEMENT
	ECONOMIC RESEARCH SERVICE	DIRECTOR, INFORMATION SERVICES DIVISION
	NATIONAL AGRICULTURAL STATISTICS SERVICE	DIRECTOR, FOOD ECONOMICS DIVISION ASSOCIATE ADMINISTRATOR, ECONOMIC RESEARCH SERVICE ADMINISTRATOR, NATIONAL AGRICULTURAL STATISTICS SERVICE DIRECTOR, WESTERN FIELD OPERATIONS ASSOCIATE ADMINISTRATOR DIRECTOR EASTERN FIELD OPERATIONS DIRECTOR, INFORMATION TECHNOLOGY DIVISION DIRECTOR, CENSUS AND SURVEY DIVISION DIRECTOR, STATISTICS DIVISION DIRECTOR, NATIONAL OPERATIONS CENTER DIRECTOR, METHODOLOGY DIVISION
	DEPARTMENTAL ADMINISTRATION	DIRECTOR, OFFICE OF SAFETY, SECURITY AND PROTECTION
	NATIONAL FINANCE CENTER	DIRECTOR, FINANCIAL SERVICES DIVISION DEPUTY DIRECTOR, NATIONAL FINANCE CENTER
	NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.	DEPUTY DIRECTOR, OFFICE OF GRANTS AND FINANCIAL MANAGEMENT DEPUTY DIRECTOR, INSTITUTE OF BIOENERGY, CLIMATE, AND ENVIRONMENT DEPUTY DIRECTOR, INSTITUTE OF FOOD SAFETY AND NUTRITION DEPUTY DIRECTOR, CREATIVE DEVELOPMENT PEST MANAGEMENT OFFICER
	OFFICE OF COMMUNICATIONS	CHAIRPERSON
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION. OFFICE OF THE SECRETARY	OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS DEPUTY CHIEF ECONOMIST ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL POLICY AND PLANNING DIRECTOR, CUSTOMER AND EMPLOYEE EXPERIENCE DEPUTY CHIEF FINANCIAL
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	ASSOCIATE CHIEF INFORMATION OFFICER, INTERNATIONAL TECHNOLOGY SERVICES DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS AND INFRASTRUCTURE PROGRAM MANAGER, GEOSPATIAL PROGRAM ASSOCIATE GENERAL COUNSEL, GENERAL LAW AND RESEARCH DIVISION
	OFFICE OF THE GENERAL COUNSEL	DIRECTOR, OFFICE OF INFORMATION AFFAIRS DIRECTOR, OFFICE OF GRANTS AND AGREEMENTS DIRECTOR, CUSTOMER AND EMPLOYEE EXPERIENCE
	OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION.	DIRECTOR OFFICE OF THE USDA CHIEF SCIENTIST DIRECTOR, CIVIL RIGHTS
OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION.	OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS. FARM PRODUCTION AND CONSERVATION—BUSINESS CENTER.	PROGRAM INTEGRITY OFFICER CHIEF CUSTOMER NEEDS MANAGEMENT DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC HEALTH SCIENCE
OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY.	FOOD SAFETY AND INSPECTION SERVICE	

Agency name	Organization name	Position title
		INTERNATIONAL AFFAIRS LIAISON OFFICER ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC HEALTH SERVICE EXECUTIVE ASSOCIATE FOR STAFFING AND BUDGET TALENT MANAGEMENT OFFICER ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROTECTION DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROGRAM ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS DEPUTY ASSISTANT ADMINISTRATOR, OIEA ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC AFFAIRS AND CONSUMER EDUCATION ASSISTANT CHIEF INFORMATION OFFICER CHIEF FINANCIAL OFFICER DEPUTY ADMINISTRATOR ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM DEVELOPMENT CHIEF OPERATING OFFICER DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC HEALTH SCIENCE DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS ASSISTANT ADMINISTRATOR, OOEET DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS EXECUTIVE ASSOCIATE FOR EMPLOYEE EXPERIENCE EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS EXECUTIVE ASSOCIATE FOR LABORATORY SERVICES, OFFICE OF PUBLIC HEALTH SCIENCE ASSISTANT ADMINISTRATOR, OFFICE OF INVESTIGATION, ENFORCEMENT AND AUDITING FINANCIAL MANAGER
OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES.	FOOD AND NUTRITION SERVICE	CHIEF OPERATING OFFICER PROGRAM MANAGER (ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND SUPPORT)
OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS.	AGRICULTURAL MARKETING SERVICE	DEPUTY ADMINISTRATOR FOR NATIONAL ORGANIC PROGRAMS DEPUTY ADMINISTRATOR, SPECIALTY CROPS DEPUTY ADMINISTRATOR, DAIRY PROGRAMS DEPUTY ADMINISTRATOR, LIVESTOCK AND SEED PROGRAMS DEPUTY ADMINISTRATOR, SCIENCE AND TECHNOLOGY DEPUTY ADMINISTRATOR, TRANSPORTATION AND MARKETING PROGRAMS DEPUTY ADMINISTRATOR, COTTON AND TOBACCO DEPUTY ADMINISTRATOR, FAIR TRADE PRACTICES PROGRAM ASSOCIATE ADMINISTRATOR CHIEF FINANCIAL OFFICER
	ANIMAL AND PLANT HEALTH INSPECTION SERVICE.	ASSOCIATE DEPUTY ADMINISTRATOR, SPRS ASSOCIATE DEPUTY ADMINISTRATOR, VS DEPUTY ADMINISTRATOR, EMERGENCY AND REGULATORY COMPLIANCE SERVICES EXECUTIVE DIRECTOR, DIAGNOSTICS AND BIOLOGICS ASSISTANT DEPUTY ADMINISTRATOR, PLANT PROTECTION AND QUARANTINE EXECUTIVE DIRECTOR, CENTER FOR PLANT HEALTH SCIENCE AND TECHNOLOGY DIRECTOR, NATIONAL WILDLIFE RESEARCH CENTER

Agency name	Organization name	Position title
OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS.	AGRICULTURAL RESEARCH SERVICE	ASSOCIATE DEPUTY ADMINISTRATOR FOR ANIMAL CARE HUMAN RESOURCES OFFICER DIRECTOR, INVESTIGATIVE AND ENFORCEMENT SERVICES ASSISTANT CHIEF INFORMATION OFFICER ASSOCIATE DEPUTY ADMINISTRATOR, WILDLIFE SERVICES EXECUTIVE DIRECTOR, WESTERN REGION, WILDLIFE SERVICES EXECUTIVE DIRECTOR (TRADE) DIRECTOR, EASTERN REGION, WILDLIFE SERVICES DEPUTY ADMINISTRATOR, BIOTECHNOLOGY REGULATORY PROGRAMS DEPUTY ADMINISTRATOR, LEGISLATIVE AND PUBLIC AFFAIRS DEPUTY ADMINISTRATOR FOR INTERNATIONAL SERVICES DIRECTOR, NATIONAL IMPORT EXPORT SERVICE ASSOCIATE DEPUTY ADMINISTRATOR, EMERGING AND INTERNATIONAL PROGRAMS DEPUTY ADMINISTRATOR, WILDLIFE SERVICES DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS—BUSINESS SERVICES ASSOCIATE DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS—BUSINESS SERVICES DEPUTY ADMINISTRATOR, ANIMAL CARE LIAISON, NATIONAL BIO AND AGRO-DEFENSE FACILITY ASSISTANT ADMINISTRATOR FOR TECHNOLOGY TRANSFER DEPUTY ADMINISTRATOR FOR ADMINISTRATIVE AND FINANCIAL MANAGEMENT ASSISTANT CHIEF INFORMATION OFFICER CHIEF FINANCIAL OFFICER DEPUTY ADMINISTRATOR, ENERGY PROGRAMS
OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT.	RURAL BUSINESS SERVICE	ASSOCIATE DIRECTOR, CUSTOMER LOAN SERVICING
	RURAL DEVELOPMENT	DIRECTOR, HUMAN RESOURCES
	RURAL HOUSING SERVICE	DEPUTY ADMINISTRATOR, MULTI-FAMILY HOUSING
OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS.	FARM SERVICE AGENCY	CHIEF FINANCIAL OFFICER DEPUTY ADMINISTRATOR FOR FARM LOAN PROGRAMS ASSISTANT DEPUTY ADMINISTRATOR FARM PROGRAMS DIRECTOR, BUSINESS AND PROGRAM INTEGRATION DEPUTY ADMINISTRATOR, OFFICE OF GLOBAL ANALYSIS CHIEF OPERATING OFFICER DEPUTY ADMINISTRATOR FOR INSURANCE SERVICES DIVISION DEPUTY ADMINISTRATOR FOR PRODUCT MANAGEMENT CHIEF FINANCIAL OFFICER
	FOREIGN AGRICULTURAL SERVICE	DEPUTY ADMINISTRATOR, OFFICE OF GLOBAL ANALYSIS
	RISK MANAGEMENT AGENCY	DEPUTY ADMINISTRATOR FOR INSURANCE SERVICES DIVISION
OFFICE OF UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT.	FOREST SERVICE	DEPUTY ADMINISTRATOR FOR PRODUCT MANAGEMENT CHIEF FINANCIAL OFFICER DIRECTOR, FIRE AND AVIATION MANAGEMENT ASSOCIATE DEPUTY CHIEF FOR BUSINESS OPERATIONS (3) DIRECTOR PROCUREMENT AND PROPERTY SERVICES DIRECTOR, LAW ENFORCEMENT AND INVESTIGATIONS DEPUTY CHIEF, BUSINESS OPERATIONS ASSOCIATE DEPUTY CHIEF, RESEARCH AND DEVELOPMENT DIRECTOR
	NATURAL RESOURCES CONSERVATION SERVICE.	DEPUTY CHIEF FOR PROGRAMS DIRECTOR, FINANCIAL ASSISTANCE PROGRAMS DIVISION REGIONAL CONSERVATIONIST (NORTHEAST) DEPUTY CHIEF FOR STRATEGIC PLANNING AND ACCOUNTABILITY DIRECTOR, CONSERVATION ENGINEERING DIVISION DIRECTOR ECOLOGICAL SCIENCES DIVISION

Agency name	Organization name	Position title
DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL. DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL.		DIRECTOR, SOIL SCIENCE DIVISION DIRECTOR, EASEMENT PROGRAMS DIVISION
IMMEDIATE OFFICE	IMMEDIATE OFFICE	DEPUTY INSPECTOR GENERAL
	OFFICE OF ANALYTICS AND INNOVATION	COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR OFFICE OF ANALYTICS AND INNOVATION
	OFFICE OF AUDIT	ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (2)
	OFFICE OF INVESTIGATIONS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT
AMERICAN BATTLE MONUMENTS COMMISSION. AMERICAN BATTLE MONUMENTS COMMISSION ..	DIRECTOR, OVERSEAS OPERATIONS	CHIEF OPERATING OFFICER
UNITED STATES ABILITYONE COMMISSION OFFICE OF INSPECTOR GENERAL.	EXECUTIVE DIRECTOR	DEPUTY SECRETARY
	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED OFFICE OF INSPECTOR GENERAL.	INSPECTOR GENERAL
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).		
ARCHITECTURAL AND TRANSPORTATION BARRIERS.	ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).	DIRECTOR OFFICE OF TECHNICAL AND INFORMATION SERVICES
		EXECUTIVE DIRECTOR
ARCTIC RESEARCH COMMISSION.	ARCTIC RESEARCH COMMISSION	EXECUTIVE DIRECTOR
UNITED STATES AGENCY FOR GLOBAL MEDIA. UNITED STATES AGENCY FOR GLOBAL MEDIA ...	UNITED STATES AGENCY FOR GLOBAL MEDIA ...	CHIEF FINANCIAL OFFICER CHIEF MANAGEMENT OFFICER EXECUTIVE DIRECTOR CHIEF INFORMATION OFFICER/DIRECTOR OF INFORMATION TECHNOLOGY OPERATIONS CHIEF LEGAL OFFICER CHIEF RISK OFFICER FINANCIAL OPERATIONS DIRECTOR DEPUTY DIRECTOR, OFFICE OF TECHNOLOGY, SERVICES AND INNOVATION GENERAL COUNSEL
DEPARTMENT OF COMMERCE.		
ALASKA REGION	DEPARTMENT OF COMMERCE	DIRECTOR, GRANTS
	CLIMATE PREDICTION CENTER	DIRECTOR, CLIMATE PREDICTION CENTER
	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION CENTRAL OPERATIONS.	DIRECTOR, CENTRAL OPERATIONS
	STORM PREDICTION CENTER	DIRECTOR, STORM PREDICTION CENTER
	TROPICAL PREDICTION CENTER	DIRECTOR, NATIONAL HURRICANE CENTER
ASSISTANT SECRETARY FOR ENFORCEMENT AND COMPLIANCE.	DEPUTY ASSISTANT SECRETARY FOR AD/CVD OPERATIONS.	SENIOR DIRECTOR
		SENIOR DIRECTOR, AD/CVD ENFORCEMENT OFFICE VII
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR AD/CVD OPERATIONS
ASSISTANT SECRETARY FOR INDUSTRY AND ANALYSIS.	DEPUTY ASSISTANT SECRETARY FOR TRADE, POLICY AND ANALYSIS.	DEPUTY ASSISTANT SECRETARY FOR TEXTILES, CONSUMER GOODS AND MATERIALS
BUREAU OF ECONOMIC ANALYSIS	BUREAU OF ECONOMIC ANALYSIS	CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR FOR INDUSTRY ACCOUNTS ASSOCIATE DIRECTOR FOR NATIONAL ECONOMIC ACCOUNTS DIRECTOR, BUREAU OF ECONOMIC ANALYSIS CHIEF, EXPENDITURE AND INCOME DIVISION ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS CHIEF ECONOMIST CHIEF, BALANCE OF PAYMENTS DIVISION CHIEF ADMINISTRATIVE OFFICER CHIEF DIRECT INVESTMENT DIVISION CHIEF FINANCIAL OFFICER AND CHIEF OF ADMINISTRATIVE SERVICES DEPUTY CHIEF ECONOMIST DEPUTY DIRECTOR, BUREAU OF ECONOMIC ANALYSIS DIRECTOR, OFFICE OF STRATEGIC INDUSTRIES AND ECONOMIC SECURITY
BUREAU OF INDUSTRY AND SECURITY	OFFICE OF THE DIRECTOR	
	OFFICE OF THE ASSISTANT SECRETARY FOR EXPORT ADMINISTRATION.	

Agency name	Organization name	Position title
BUREAU OF THE CENSUS	OFFICE OF THE ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT.	DIRECTOR, OFFICE OF ENFORCEMENT ANALYSIS DEPUTY ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT DIRECTOR OFFICE OF EXPORT ENFORCEMENT DEPUTY DIRECTOR, OFFICE OF EXPORT ENFORCEMENT CHIEF, HUMAN RESOURCES DIVISION
	ASSOCIATE DIRECTOR FOR ADMINISTRATION AND CHIEF FINANCIAL OFFICER.	CHIEF, ACQUISITION DIVISION CHIEF FINANCIAL OFFICER CHIEF, BUDGET DIVISION CHIEF ADMINISTRATIVE OFFICER DEPUTY CHIEF FINANCIAL CHIEF, ECONOMIC APPLICATIONS DIVISION
	ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS.	CHIEF, ECONOMIC STATISTICAL METHODS, AND RESEARCH DIVISION ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS ASSISTANT DIRECTOR FOR ECONOMIC PROGRAMS CHIEF, ECONOMY-WIDE STATISTICS DIVISION CHIEF, ECONOMIC MANAGEMENT DIVISION CHIEF, ECONOMIC REIMBURSABLE SURVEYS DIVISION CHIEF, ECONOMIC INDICATORS DIVISION CHIEF, OFFICE OF SURVEY AND CENSUS ANALYTICS
	ASSOCIATE DIRECTOR FOR FIELD OPERATIONS	ASSISTANT DIRECTOR FOR FIELD OPERATIONS ASSOCIATE DIRECTOR FOR FIELD OPERATIONS CHIEF NATIONAL PROCESSING CENTER CHIEF, FIELD DIVISION CHIEF TECHNOLOGY OFFICER
	ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.	CHIEF INFORMATION OFFICER CHIEF INFORMATION SECURITY OFFICER CHIEF, APPLICATION DEVELOPMENT AND SERVICES DEPUTY CHIEF INFORMATION OFFICER (DCIO) CHIEF, OFFICE OF PROGRAM, PERFORMANCE, AND STAKEHOLDER INTEGRATION DEPUTY CHIEF, OFFICE OF PROGRAM, PERFORMANCE, AND STAKEHOLDER INTEGRATION
	OFFICE OF THE DIRECTOR	CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION CHIEF INFORMATION OFFICER EXECUTIVE DIRECTOR DEPUTY CHIEF OPERATING OFFICER DIRECTOR OF HUMAN CAPITAL CHIEF FINANCIAL OFFICER AND DIRECTOR OF MANAGEMENT CHIEF OPERATING OFFICER DEPUTY DIRECTOR FOR PROGRAMS
	BUREAU OF INDUSTRY AND SECURITY	CHIEF METROLOGIST DIRECTOR, TECHNOLOGY PARTNERSHIPS OFFICE DIRECTOR FOR ACQUISITIONS AND AGREEMENTS PROGRAM MANAGEMENT DIRECTOR OFFICE OF HUMAN RESOURCES MANAGEMENT REGIONAL, PACIFIC REGION
	ECONOMIC DEVELOPMENT ADMINISTRATION INTERNATIONAL TRADE ADMINISTRATION MINORITY BUSINESS DEVELOPMENT AGENCY ...	DIRECTOR, PACIFIC REGION DIRECTOR GLOBAL OCEAN MONITORING AND OBSERVING PROGRAM DIRECTOR, AIR RESOURCES LABORATORY SENIOR ADVISOR TO THE ASSOCIATE DIRECTOR DIRECTOR, CONSULTING SERVICES DEPUTY DIRECTOR, NATIONAL TECHNICAL INFORMATION SERVICE DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND ADMINISTRATION DIRECTOR OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION CHIEF FINANCIAL OFFICER AND CHIEF ADMINISTRATIVE OFFICER
	NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.	ASSISTANT DIRECTOR FOR DECENNIAL CENSUS PROGRAMS (OPERATIONS AND SCHEDULE MANAGEMENT)
	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.	
DEPARTMENT OF COMMERCE	NATIONAL TECHNICAL INFORMATION SERVICE ..	
	NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION. OFFICE OF THE SECRETARY	
ECONOMIC DEVELOPMENT ADMINISTRATION	OFFICE OF THE DEPUTY ASSISTANT SECRETARY.	
ECONOMICS AND STATISTICS ADMINISTRATION	ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS.	

Agency name	Organization name	Position title
		CHIEF, AMERICAN COMMUNITY SURVEY OFFICE ASSOCIATE DIRECTOR FOR DECENNIAL CEN- SUS CHIEF DECENNIAL MANAGEMENT DIVISION CHIEF, DECENNIAL STATISTICAL STUDIES DIVI- SION CHIEF, GEOGRAPHY DIVISION CHIEF, DECENNIAL COMMUNICATIONS AND STAKEHOLDER RELATIONSHIPS CHIEF, DECENNIAL CONTRACTS EXECUTION OFFICE SENIOR ADVOCATE FOR RESPONSE SECURITY AND DATA INTEGRITY CHIEF, DECENNIAL INFORMATION TECHNOLOGY DIVISION CHIEF, POPULATION DIVISION
	ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS.	ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS CHIEF, DEMOGRAPHIC STATISTICAL METHODS DIVISION CHIEF DEMOGRAPHIC SYSTEM DIVISION CHIEF, SOCIAL, ECONOMIC, AND HOUSING STA- TISTICS DIVISION ASSISTANT DIRECTOR FOR DEMOGRAPHIC PROGRAMS
	ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY.	CHIEF, CENTER FOR ENTERPRISE DISSEMINA- TION CHIEF, CENTER FOR ECONOMIC STUDIES AND CHIEF ECONOMIST CHIEF, CENTER FOR STATISTICAL RESEARCH AND METHODOLOGY CHIEF, CENTER FOR BEHAVIORAL SCIENCE METHODS ASSISTANT DIRECTOR FOR RESEARCH AND METHODOLOGY
	BUREAU OF THE CENSUS	ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY CHIEF, CENTER FOR OPTIMIZATION AND DATA CHIEF, SYSTEMS, DATA ANALYSIS, AND BUSI- NESS SOLUTIONS CHIEF, POLICY COORDINATION OFFICE DIRECTOR, ATLANTIC OCEANOGRAPHIC AND METEOROLOGICAL
ENVIRONMENTAL RESEARCH LABORATORIES	ATLANTIC OCEAN AND METEOROLOGY LABORA- TORY. GEOPHYSICAL FLUID DYNAMICS LABORATORY ..	DIRECTOR, OFFICE OF GEOPHYSICAL FLUID DY- NAMICS LABORATORY DIRECTOR, OFFICE OF GREAT LAKES ENVIRON- MENTAL RESEARCH LABORATORY
	GREAT LAKE ENVIRONMENTAL RESEARCH LAB- ORATORY. PACIFIC MARINE ENVIRONMENTAL RESEARCH LABORATORY.	DIRECTOR, OFFICE OF PACIFIC MARINE ENVI- RONMENTAL LABORATORY
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.	ENGINEERING LABORATORY	DIRECTOR, ENGINEERING LABORATORY
	HOLLINGS MANUFACTURING EXTENSION PART- NERSHIP PROGRAM.	DEPUTY DIRECTOR ENGINEERING LABORA- TORY DIRECTOR, MANUFACTURING EXTENSION PART- NERSHIP PROGRAMS DEPUTY DIRECTOR, MANUFACTURING EXTEN- SION PARTNERSHIP PROGRAM
	INFORMATION TECHNOLOGY LABORATORY	DEPUTY DIRECTOR, INFORMATION TECH- NOLOGY LABORATORY DIRECTOR, INFORMATION TECHNOLOGY LAB- ORATORY
	MATERIAL MEASUREMENT LABORATORY	DIRECTOR, MATERIAL MEASUREMENT LABORA- TORY
	NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RE- SEARCH.	DEPUTY DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH DIRECTOR, NIST CENTER FOR NEUTRON RE- SEARCH CHIEF FACILITIES MANAGEMENT OFFICER
	OFFICE OF FACILITIES AND PROPERTY MAN- AGEMENT. OFFICE OF FINANCIAL RESOURCE MANAGE- MENT. OFFICE OF INFORMATION SYSTEMS MANAGE- MENT.	CHIEF FINANCIAL OFFICER FOR NIST AND NTIS CHIEF INFORMATION OFFICER FOR NATIONAL INSTITUTE OF STANDARDS AND TECH- NOLOGY
	OFFICE OF SAFETY, HEALTH AND ENVIRON- MENT. OFFICE OF THE UNDER SECRETARY OF COM- MERCE FOR STANDARDS AND TECHNOLOGY.	CHIEF SAFETY OFFICER ASSOCIATE DIRECTOR FOR INNOVATION AND INDUSTRY SERVICES ASSOCIATE DIRECTOR FOR MANAGEMENT RE- SOURCES

Agency name	Organization name	Position title
		ASSOCIATE DIRECTOR FOR LABORATORY PROGRAMS CHIEF OF STAFF FOR NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY DEPUTY ASSOCIATE DIRECTOR FOR LABORATORY PROGRAMS SENIOR ADVISOR FOR PROGRAM INTEGRATION DEPUTY ASSOCIATE DIRECTOR FOR MANAGEMENT RESOURCES SENIOR ADVISOR ON SEMICONDUCTOR ENGAGEMENT DIRECTOR, COMMUNICATIONS TECHNOLOGY LABORATORY SENIOR ADVISOR FOR CONNECTED SYSTEMS DIRECTOR, ADVANCED MANUFACTURING PROGRAM OFFICE CHIEF SCIENTIST DIRECTOR, PHYSICAL MEASUREMENT LABORATORY DEPUTY DIRECTOR, PHYSICAL MEASUREMENT LABORATORY
	PHYSICAL MEASUREMENT LABORATORY	DIRECTOR, SPECIAL PROGRAMS OFFICE DIRECTOR, STANDARDS COORDINATION OFFICE
	SPECIAL PROGRAMS OFFICE	
	STANDARDS COORDINATION OFFICE	
NATIONAL MARINE FISHERIES SERVICE	OFFICE OF SCIENCE AND TECHNOLOGY	DIRECTOR OFFICE OF SCIENCE AND TECHNOLOGY SCIENCE AND RESEARCH DIRECTOR, ALASKA REGION SCIENCE AND RESEARCH DIRECTOR NORTH-EAST REGION SCIENCE AND RESEARCH DIRECTOR, SOUTH-EAST REGION SCIENCE AND RESEARCH DIRECTOR SOUTH-WEST REGION SCIENCE AND RESEARCH DIRECTOR, NORTH-WEST REGION SCIENCE AND RESEARCH DIRECTOR, PACIFIC ISLAND REGION
	REGIONAL OFFICES	
NATIONAL OCEAN SERVICE	CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COASTAL SERVICES CENTER. OFFICE OF NATIONAL GEODETIC SURVEY	DIRECTOR, CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES DIRECTOR, NATIONAL CENTERS FOR COASTAL OCEAN SCIENCE DIRECTOR, OFFICE OF NATIONAL GEODTIC SURVEY
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION.	DIRECTOR, AVIATION WEATHER CENTER DIRECTOR, SPACE WEATHER PREDICTION CENTER DIRECTOR, WEATHER PREDICTION CENTER DIRECTOR, NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION DIRECTOR, OCEAN PREDICTION CENTER DIRECTOR, ENVIRONMENTAL MODELING CENTER DIRECTOR SATELLITE GROUND SERVICES
	OFFICE OF ASSISTANT ADMINISTRATOR SATELLITE, DATA INFORMATION SERVICE.	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER SYSTEM PROGRAM DIRECTOR FOR GOES-R PROGRAM DEPUTY ASSISTANT ADMINISTRATOR FOR SYSTEMS DIRECTOR, OFFICE OF SYSTEMS ARCHITECTURE AND ADVANCED PLANNING ASSISTANT CHIEF INFORMATION OFFICER FOR NESDIS DIRECTOR, JOINT POLAR SATELLITE SYSTEMS DEPUTY DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION DIRECTOR, OFFICE OF PROJECTS, PARTNERSHIPS AND ANALYSIS
	OFFICE OF ASSISTANT ADMINISTRATOR, OCEAN AND ATMOSPHERIC RESEARCH.	DEPUTY ASSISTANT ADMINISTRATOR FOR SCIENCE DIRECTOR, OFFICE OF WEATHER PROGRAMS CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER DIRECTOR, OFFICE OF EDUCATION
	OFFICE OF EDUCATION AND SUSTAINABLE DEVELOPMENT. OFFICE OF HABITAT CONSERVATION	DIRECTOR FOR HABITAT CONSERVATION
	OFFICE OF HIGH-PERFORMANCE COMPUTING AND COMMUNICATIONS.	DEPUTY CHIEF INFORMATION OFFICER

Agency name	Organization name	Position title
	OFFICE OF MARINE AND AVIATION OPERATIONS	CHIEF INFORMATION OFFICER AND DIRECTOR FOR HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS CHIEF DATA OFFICER
	OFFICE OF OCEANIC EXPLORATION AND RESEARCH.	DEPUTY ASSISTANT ADMINISTRATOR FOR PROGRAMS AND ADMINISTRATION
	OFFICE OF RESEARCH AND APPLICATIONS	DIRECTOR, OFFICE OF OCEAN EXPLORATION AND RESEARCH
	OFFICE OF SATELLITE AND PRODUCT OPERATIONS.	DIRECTOR, CENTER FOR SATELLITE APPLICATIONS AND RESEARCH
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES.	DEPUTY DIRECTOR, OFFICE OF SATELLITE AND PRODUCT OPERATIONS CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATOR OFFICER DEPUTY DIRECTOR, OFFICE OF WATER PREDICTION OFFICE OF ORGANIZATIONAL EXCELLENCE DIRECTOR, OFFICE OF DISSEMINATION CHIEF ENGINEER CHIEF OPERATING OFFICER DIRECTOR, OFFICE OF OBSERVATIONS DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY INTEGRATION DIRECTOR, OFFICE OF FACILITIES DIRECTOR, ANALYZE, FORECAST AND SUPPORT OFFICE DIRECTOR, OFFICE OF CENTRAL PROCESSING DIRECTOR, OFFICE OF WATER PREDICTION DIRECTOR, OFFICE OF PLANNING AND PROGRAMMING FOR SERVICE DELIVERY DIRECTOR, OFFICE OF ORGANIZATIONAL EXCELLENCE DIRECTOR, PROGRAM INTEGRATION OFFICE DIRECTOR, PROGRAM EVALUATION, PLANNING AND RISK MANAGEMENT OFFICE CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR, ACQUISITION AND GRANTS OFFICE DIRECTOR, BUDGET OFFICE DIRECTOR, ACQUISITION AND GRANTS OFFICE DEPUTY DIRECTOR, OFFICE OF HUMAN CAPITAL SERVICES CHIEF ADMINISTRATIVE OFFICER DIRECTOR, FINANCE OFFICE/COMPTROLLER DIRECTOR FOR WORKFORCE MANAGEMENT CHIEF PROCUREMENT OFFICER
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.	OFFICE OF UNDER SECRETARY	CHIEF NETWORK AND TECHNOLOGY OFFICER, FIRST RESPONDER NETWORK AUTHORITY CHIEF INFORMATION OFFICER, FIRST RESPONDER NETWORK AUTHORITY CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER, FIRST RESPONDER NETWORK AUTHORITY CHIEF MARKET ENGAGEMENT OFFICER CHIEF INFORMATION OFFICER AND DIRECTOR OF ADMINISTRATION CHIEF FINANCIAL OFFICER DIRECTOR, ALASKA REGION
	FIRST RESPONDER NETWORK AUTHORITY	
	OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNICATIONS AND INFORMATION.	
OFFICE—FEDERAL COORDINATOR—METEOROLOGY.	ALASKA REGION	
	CENTRAL REGION	DIRECTOR CENTRAL REGION
	EASTERN REGION	DIRECTOR EASTERN REGION
	SOUTHERN REGION	DIRECTOR, SOUTHERN REGION
	WESTERN REGION	DIRECTOR, WESTERN REGION
OFFICE OF ASSISTANT ADMINISTRATOR FOR FISHERIES.	NATIONAL MARINE FISHERIES SERVICE	DEPUTY ASSISTANT ADMINISTRATOR FOR OPERATIONS DIRECTOR, SCIENTIFIC PROGRAMS AND CHIEF SCIENCE ADVISOR DIRECTOR OFFICE OF SUSTAINABLE FISHERIES CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER DIRECTOR, OFFICE OF ENFORCEMENT ASSISTANT CHIEF INFORMATION OFFICER DEPUTY ASSISTANT ADMINISTRATOR FOR NAVIGATION, OBSERVATION AND POSITIONING DIRECTOR, OFFICE OF COASTAL MANAGEMENT DIRECTOR, INTEGRATED OCEAN OBSERVING SYSTEM CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER DEPUTY ASSISTANT ADMINISTRATOR FOR OCEAN SERVICE AND COASTAL ZONE MANAGEMENT
OFFICE OF ASSISTANT ADMINISTRATOR OCEAN SERVICES AND COASTAL ZONE MANAGEMENT.	NATIONAL OCEAN SERVICE	

Agency name	Organization name	Position title
OFFICE OF ASSISTANT ADMINISTRATOR, OCEAN AND ATMOSPHERIC RESEARCH.	EARTH SYSTEM RESEARCH LABORATORY	DIRECTOR, GLOBAL MONITORING LABORATORY
		DIRECTOR, GLOBAL SYSTEMS LABORATORY
		DIRECTOR, PHYSICAL SCIENCES LABORATORY
		DIRECTOR, CHEMICAL SCIENCES LABORATORY
		DIRECTOR NATIONAL SEVERE STORMS LABORATORY
OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH.	OFFICE OF NATIONAL SEVERE STORMS LABORATORY.	
OFFICE OF OCEANIC EXPLORATION AND RESEARCH.	CLIMATE PROGRAM OFFICE	DIRECTOR, CLIMATE PROGRAM OFFICE
OFFICE OF OPERATIONAL SYSTEMS	NATIONAL SEA GRANT COLLEGE PROGRAM	DIRECTOR, NATIONAL SEA GRANT COLLEGE PROGRAM
OFFICE OF REGIONAL AFFAIRS	NATIONAL DATA BUOY CENTER	DIRECTOR, NATIONAL DATA BUOY CENTER
	RADAR OPERATIONS CENTER	DIRECTOR, RADAR OPERATIONS CENTER
	ATLANTA REGIONAL OFFICE	ATLANTA REGIONAL DIRECTOR
	AUSTIN REGIONAL OFFICE	AUSTIN REGIONAL DIRECTOR
	CHICAGO REGIONAL OFFICE	CHICAGO REGIONAL DIRECTOR
	DENVER REGIONAL OFFICE	DENVER REGIONAL DIRECTOR
	PHILADELPHIA REGIONAL OFFICE	PHILADELPHIA REGIONAL DIRECTOR
	SEATTLE REGIONAL OFFICE	REGIONAL DIRECTOR
OFFICE OF SCIENCE AND TECHNOLOGY	METEOROLOGICAL DEVELOPMENT LABORATORY.	DIRECTOR, METEOROLOGICAL DEVELOPMENT LABORATORY
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES.	OFFICE OF THE CHIEF INFORMATION OFFICER ..	ASSISTANT CHIEF INFORMATION OFFICER FOR WEATHER SERVICE
OFFICE OF THE CHIEF FINANCIAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF THE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.	DIRECTOR, OS FINANCIAL MANAGEMENT
		DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT SYSTEMS
		DIRECTOR FOR FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER
		DIRECTOR, FINANCIAL REPORTING AND INTERNAL CONTROLS
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF ACQUISITION MANAGEMENT	DEPUTY FOR ACQUISITION PROGRAM MANAGEMENT
		EXECUTIVE DIRECTOR, ACQUISITION POLICY OVERSIGHT AND WORKFORCE
		SENIOR PROCUREMENT EXECUTIVE AND DIRECTOR FOR ACQUISITION MANAGEMENT
		DEPUTY SENIOR PROCUREMENT EXECUTIVE AND DEPUTY FOR PROCUREMENT MANAGEMENT
		SENIOR ADVISOR TO THE DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY
	OFFICE OF FACILITIES AND ENVIRONMENTAL QUALITY.	DIRECT, OFFICE OF SPACE AND BUILDING MANAGEMENT
		DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY
		DEPUTY DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY
	OFFICE OF HUMAN RESOURCES MANAGEMENT	DEPUTY DIRECTOR FOR STRATEGY
		DIRECTOR FOR HUMAN RESOURCES MANAGEMENT AND CHIEF HUMAN CAPITAL OFFICER
	OFFICE OF SECURITY	DIRECTOR FOR CLIENT SECURITY SERVICES
		DEPUTY DIRECTOR, OFFICE OF SECURITY
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT.	OFFICE OF BUDGET	DIRECTOR, OFFICE OF SECURITY
OFFICE OF THE DEPUTY SECRETARY	OFFICE OF THE CHIEF INFORMATION OFFICER ..	DIRECTOR OF THE OFFICE OF BUDGET
		DEPUTY CHIEF INFORMATION OFFICER FOR POLICY AND BUSINESS MANAGEMENT
		DEPUTY CHIEF INFORMATION OFFICER FOR CYBERSECURITY AND INFORMATION TECHNOLOGY RISK MANAGEMENT/CHIEF INFORMATION SECURITY OFFICER
OFFICE OF THE SECRETARY	DEPUTY CHIEF INFORMATION OFFICER FOR SOLUTIONS AND SERVICE DELIVERY.	
	OFFICE OF THE CHIEF FINANCIAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION.	CHIEF DIVERSITY, EQUITY, AND INCLUSION OFFICER
		EXECUTIVE DIRECTOR
	OFFICE OF THE DEPUTY SECRETARY	DEPUTY DIRECTOR, OFFICE OF BUDGET
		DIRECTOR OF ACQUISITION SERVICES
		DEPUTY DIRECTOR FOR PLANNING, IMPLEMENTATION, AND STAKEHOLDER RELATIONS
		DIRECTOR, HUMAN RESOURCES SERVICES, ENTERPRISE SERVICES
	OFFICE OF THE GENERAL COUNSEL	CHIEF, ETHICS LAW AND PROGRAMS DIVISION
		CHIEF, CONTRACT LAW DIVISION
OFFICE OF THE UNDER SECRETARY	OFFICE OF THE DEPUTY UNDER SECRETARY	CHIEF ADMINISTRATIVE OFFICER
		CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER
OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.	BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM.	DEPUTY CHIEF INFORMATION OFFICER
		DIRECTOR, BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM

Agency name	Organization name	Position title
PATENT AND TRADEMARK OFFICE	OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER. OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR, SENIOR ADVISOR AND COMMERCE INFRASTRUCTURE COORDINATOR
DEPARTMENT OF COMMERCE OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR SYSTEMS ACQUISITIONS, INFORMATION TECHNOLOGY SECURITY, AND PROCUREMENT DEPUTY INSPECTOR GENERAL CHIEF OF STAFF ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND SPECIAL PROGRAM AUDITS PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE OF INSPECTOR GENERAL	IMMEDIATE OFFICE	
	OFFICE OF AUDIT AND EVALUATION	
	OFFICE OF COUNSEL	
	OFFICE OF INVESTIGATIONS	
UNITED STATES ABILITYONE COMMISSION.	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.	EXECUTIVE DIRECTOR
CONSUMER PRODUCT SAFETY COMMISSION. CONSUMER PRODUCT SAFETY COMMISSION	OFFICE OF EXECUTIVE DIRECTOR	DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS SUPPORT CHIEF INFORMATION OFFICER DEPUTY EXECUTIVE DIRECTOR FOR OUTREACH (3) ASSISTANT EXECUTIVE DIRECTOR FOR INFORMATION AND TECHNOLOGY SERVICES DIRECTOR, ENFORCEMENT AND LITIGATION ASSISTANT EXECUTIVE DIRECTOR FOR COMPLIANCE AND FIELD OPERATIONS ASSOCIATE EXECUTIVE DIRECTOR FOR ECONOMIC ANALYSIS ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION
OFFICE OF EXECUTIVE DIRECTOR	OFFICE OF COMPLIANCE	
	OFFICE OF HAZARD IDENTIFICATION AND REDUCTION.	
	ASSOCIATE EXECUTIVE DIRECTOR FOR ENGINEERING SCIENCES (2).	DEPUTY ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION (2) ASSOCIATE EXECUTIVE DIRECTOR FOR EPIDEMIOLOGY DIRECTOR, OFFICE OF IMPORT SURVEILLANCE (2)
	OFFICE OF IMPORT SURVEILLANCE	
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	MANAGEMENT AND PROGRAM ANALYSIS OFFICER CHIEF OF STAFF CHIEF FINANCIAL OFFICER ASSOCIATE DIRECTOR, LEGISLATIVE, INTERGOVERNMENTAL AND PUBLIC AFFAIRS DEPUTY DIRECTOR ASSOCIATE DIRECTOR FOR HUMAN RESOURCES ASSOCIATE DIRECTOR FOR ADMINISTRATION CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR FOR COMMUNITY SUPERVISION ASSOCIATE DIRECTOR FOR OFFICE OF BEHAVIORAL INTERVENTIONS CHIEF TECHNOLOGY OFFICER ASSOCIATE DIRECTOR FOR RESEARCH AND EVALUATION DIRECTOR
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	PRETRIAL SERVICES AGENCY	
	ASSISTANT DIRECTOR FOR DEFENDANT ENGAGEMENT AND SYSTEMS SUPPORT.	ASSISTANT DIRECTOR FOR MANAGEMENT AND ADMINISTRATION
OFFICE OF THE SECRETARY OF DEFENSE. OFFICE OF THE DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER.	DEFENSE INFORMATION SYSTEMS AGENCY	PROCUREMENT SERVICES EXECUTIVE AND HEAD OF CONTRACTING ACTIVITY DIRECTOR, DEFENSE SPECTRUM ORGANIZATION DIRECTOR, ENTERPRISE OPERATIONS AND INFRASTRUCTURE CENTER

Agency name	Organization name	Position title
OFFICE OF THE DIRECTOR OF ADMINISTRATION AND MANAGEMENT.	PENTAGON FORCE PROTECTION AGENCY	DIRECTOR, COMPUTE OPERATIONS DIRECTOR, GLOBAL SERVICES DIRECTOR, CENTER FOR OPERATIONS EXECUTIVE DEPUTY DIRECTOR DEPUTY CHIEF FINANCIAL OFFICER/DEPUTY COMPTROLLER WORKFORCE MANAGEMENT EXECUTIVE VICE PROCUREMENT SERVICES EXECUTIVE/ DEPUTY CHIEF, DEFENSE INFORMATION TECHNOLOGY CONTRACTING ORGANIZATION ENDPOINT AND CUSTOMER SERVICE EXECUTIVE CYBER SECURITY AND ANALYTICS DIRECTOR TRANSPORT SERVICES EXECUTIVE DIRECTOR, DIGITAL CAPABILITIES AND SECURITY CENTER—COMPONENT ACQUISITION EXECUTIVE HOSTING AND COMPUTE CENTER EXECUTIVE DIRECTOR, ENTERPRISE INTEGRATION AND INNOVATION CENTER/CIO CHIEF FINANCIAL OFFICER/COMPTROLLER JFHQ—DODIN EXECUTIVE OPERATIONS EXECUTIVE JOINT ENTERPRISE SERVICES DIRECTOR EXECUTIVE DIRECTOR, LAW ENFORCEMENT
		DEPUTY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY EXECUTIVE DIRECTOR, SECURITY INTEGRATION AND TECHNOLOGY
	WASHINGTON HEADQUARTERS SERVICES	DIRECTOR, POLICY, PLANS, AND REQUIREMENTS—WHMO DIRECTOR, ACQUISITION DIRECTORATE DIRECTOR, FACILITIES SERVICES DIRECTORATE DEPUTY DIRECTOR, FACILITIES SERVICES DIRECTORATE CHIEF HUMAN RESOURCES OFFICER EXECUTIVE DIRECTOR, ACQUISITION/HCA—NGB INSPECTOR GENERAL—NGB
		DEPUTY CHIEF HUMAN RESOURCES OFFICER DIRECTOR, DEFENSE OFFICE OF HEARINGS AND APPEALS
OFFICE OF THE GENERAL COUNSEL	DEFENSE LEGAL SERVICES AGENCY	DIRECTOR, OFFICE OF LITIGATION ASSISTANT INSPECTOR GENERAL FOR DEFENSE FINANCIAL AUDITING SERVICE
		DEPUTY DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE
OFFICE OF THE SECRETARY OF DEFENSE	OFFICE OF INSPECTOR GENERAL	DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE—ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS PRINCIPAL DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR READINESS AND OPERATIONS SUPPORT DIRECTOR FOR BUSINESS INTEGRATION
		PRINCIPAL DEPUTY TO THE ASSISTANT TO THE SECRETARY OF DEFENSE FOR PRIVACY, CIVIL LIBERTIES AND TRANSPARENCY AND SENIOR INTELLIGENCE OVERSIGHT OFFICIAL DIRECTOR, BUSINESS OPERATIONS
		DIRECTOR FOR ACQUISITIONS
		DIRECTOR, SUPPLY CHAIN RISK MANAGEMENT
		DIRECTOR, PLANNING, PERFORMANCE AND ASSESSMENT DIRECTORATE DIRECTOR, ORGANIZATIONAL AND MANAGEMENT POLICY DEPUTY PERFORMANCE IMPROVEMENT OFFICER AND DIRECTOR PERFORMANCE IMPROVEMENT DIRECTORATE
		DIRECTOR, INFORMATION MANAGEMENT AND TECHNOLOGY
		DEPUTY DIRECTOR, PERFORMANCE IMPROVEMENT DIRECTORATE
		DEPUTY DIRECTOR, LIVE FIRE TEST AND EVALUATION
		DEPUTY DIRECTOR, LAND AND EXPEDITIONARY WARFARE
		DEPUTY DIRECTOR, NAVAL WARFARE
	OFFICE OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION.	

Agency name	Organization name	Position title
OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION AND SUSTAINMENT).	OFFICE OF THE JOINT CHIEFS OF STAFF	DEPUTY DIRECTOR FOR JOINT FORCE INTEGRATION VICE DIRECTOR FOR C4 CYBER VICE DIRECTOR FOR MANPOWER AND PERSONNEL VICE DEPUTY DIRECTOR FOR REGIONAL OPERATIONS AND FORCE MANAGEMENT VICE DIRECTOR FOR JOINT FORCE DEVELOPMENT AND DESIGN INTEGRATION DIRECTOR, STRATEGIC RESOURCES AND ANALYSIS
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION AND SUSTAINMENT). OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER).	DEPUTY COMPTROLLER FOR ENTERPRISE FINANCIAL TRANSFORMATION DIRECTOR FOR DIGITAL TRANSFORMATION DIRECTOR FOR FINANCIAL MANAGEMENT OPERATIONS AND ANALYSIS DEPUTY CHIEF FINANCIAL OFFICER DEPUTY GENERAL COUNSEL
	DEFENSE CONTRACT MANAGEMENT AGENCY ...	EXECUTIVE DIRECTOR, TOTAL FORCE DIRECTORATE EXECUTIVE DIRECTOR, PORTFOLIO MANAGEMENT AND BUSINESS INTEGRATION EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER EXECUTIVE DIRECTOR, TECHNICAL DIRECTORATE EXECUTIVE DIRECTOR, COST AND PRICING REGIONAL COMMAND DEPUTY DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY EXECUTIVE DIRECTOR, QUALITY ASSURANCE EXECUTIVE DIRECTOR, CONTRACTS EXECUTIVE DIRECTOR, FINANCIAL AND BUSINESS OPERATIONS AND COMPTROLLER GENERAL COUNSEL
	DEFENSE LOGISTICS AGENCY	DEPUTY DIRECTOR J8 AND DIRECTOR, FIAR DIRECTOR, HUMAN RESOURCES EXECUTIVE DIRECTOR, AVIATION CONTRACTING AND ACQUISITION MANAGEMENT DIRECTOR, DLA INFORMATION OPERATIONS DEPUTY GENERAL COUNSEL, DLA DEPUTY COMMANDER, DLA DISTRIBUTION DEPUTY COMMANDER, DLA LAND AND MARITIME DEPUTY COMMANDER, DLA AVIATION DEPUTY COMMANDER, DLA TROOP SUPPORT GENERAL COUNSEL EXECUTIVE DIRECTOR, LOGISTICS POLICY AND PROGRAMS DIRECTOR, DLA FINANCE DIRECTOR, DLA DISPOSITION SERVICES EXECUTIVE DIRECTOR, TROOP SUPPORT CONTRACTING AND ACQUISITION MANAGEMENT EXECUTIVE DIRECTOR, CONTRACTING AND ACQUISITION MANAGEMENT DEPUTY COMMANDER, DLA ENERGY DEPUTY DIRECTOR, DLA ACQUISITION DIRECTOR, DLA ACQUISITION (J-7) DEPUTY DIRECTOR, DLA INFORMATION OPERATIONS VICE DIRECTOR, DEFENSE LOGISTICS AGENCY CHIEF OF STAFF PROGRAM EXECUTIVE OFFICER, DLA INFORMATION OPERATIONS DEPUTY DIRECTOR, DLA LOGISTICS OPERATIONS EXECUTIVE DIRECTOR, STRATEGIC PROGRAMS AND INTEGRATION DIRECTORATE EXECUTIVE DIRECTOR, OPERATIONS AND SUSTAINMENT
OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION AND SUSTAINMENT).	DEFENSE THREAT REDUCTION AGENCY	DIRECTOR, COOPERATIVE THREAT REDUCTION DEPARTMENT DIRECTOR, COMBATANT COMMAND SUPPORT EXECUTIVE DIRECTOR, DEFENSE THREAT REDUCTION AGENCY DIRECTOR, OPERATIONS AND INTEGRATION DIRECTORATE DIRECTOR, ACQUISITION, CONTRACTS AND LOGISTICS DIRECTOR, CHEMICAL AND BIOLOGICAL TECHNOLOGIES DEPARTMENT GENERAL COUNSEL

Agency name	Organization name	Position title
OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER).	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (ACQUISITION).	DIRECTOR, INFORMATION INTEGRATION AND TECHNOLOGY SERVICES/CIO DIRECTOR, NUCLEAR TECHNOLOGIES DEPARTMENT DIRECTOR, RESEARCH AND DEVELOPMENT DIRECTORATE DIRECTOR, INTELLIGENCE, PLANS AND RESOURCE INTEGRATION DIRECTORATE DIRECTOR, COUNTER WEAPONS OF MASS DESTRUCTION TECHNOLOGIES DEPARTMENT DIRECTOR, BASIC AND APPLIED SCIENCES DEPARTMENT DIRECTOR, CONTRACT POLICY DEPUTY DIRECTOR, DEFENSE ACQUISITION REGULATIONS SYSTEM PRINCIPAL DEPUTY DIRECTOR, ENTERPRISE INFORMATION DIRECTOR, AIR PLATFORMS AND WEAPONS DIRECTOR, NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS/ISR DIRECTOR, CONTRACTING EBUSINESS PRINCIPAL DIRECTOR, DEFENSE PRICING AND CONTRACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE (PLATFORM AND WEAPON PORTFOLIO MANAGEMENT) DIRECTOR, PRICING AND CONTRACTING INITIATIVES DIRECTOR, SPACE AND MISSILE DEFENSE DIRECTOR, STRATEGIC DETERRENCE AND CAPABILITY DEPUTY ASSISTANT SECRETARY OF DEFENSE (ACQUISITION INTEGRATION AND INTEROPERABILITY)
	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (NUCLEAR, CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS).	DEPUTY ASSISTANT SECRETARY OF DEFENSE (NUCLEAR MATTERS)
OFFICE OF THE UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS).	DEFENSE CONTRACT AUDIT AGENCY	PRINCIPAL DIRECTOR, NUCLEAR MATTERS DIRECTOR, DEFENSE CONTRACT AUDIT AGENCY DEPUTY REGIONAL DIRECTOR, CENTRAL DEPUTY REGIONAL DIRECTOR, WESTERN ASSISTANT DIRECTOR, OPERATIONS GENERAL COUNSEL REGIONAL DIRECTOR, EASTERN REGIONAL DIRECTOR, CENTRAL REGIONAL DIRECTOR, WESTERN DEPUTY DIRECTOR, DCAA CORPORATE AUDIT DIRECTOR (A) CORPORATE AUDIT DIRECTOR (B) DEPUTY REGIONAL DIRECTOR, EASTERN ASSISTANT DIRECTOR, POLICY AND QUALITY DIRECTOR, FIELD DETACHMENT CORPORATE AUDIT DIRECTOR (D) CORPORATE AUDIT DIRECTOR (C) ASSISTANT DIRECTOR, HUMAN CAPITAL AND RESOURCE MANAGEMENT
	DEFENSE HEALTH AGENCY	GENERAL COUNSEL FOR DEFENSE HEALTH AGENCY
OFFICE OF THE UNDER SECRETARY OF DEFENSE (POLICY).	DEFENSE SECURITY COOPERATION AGENCY	ASSISTANT DIRECTOR FOR INTERNATIONAL OPERATIONS
OFFICE OF THE UNDER SECRETARY OF DEFENSE (RESEARCH AND ENGINEERING).	DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.	DIRECTOR, CONTRACTS MANAGEMENT OFFICE
	MISSILE DEFENSE AGENCY	GENERAL COUNSEL DIRECTOR, MISSION SERVICES OFFICE DIRECTOR, CONTRACTING DIRECTOR FOR SYSTEMS ENGINEERING AND INTEGRATION DIRECTOR FOR INTERNATIONAL AFFAIRS PROGRAM DIRECTOR, TARGETS AND COUNTERMEASURES EXECUTIVE DIRECTOR CHIEF ENGINEER DIRECTOR FOR ADVANCED TECHNOLOGY DIRECTOR FOR OPERATIONS DIRECTOR FOR ENGINEERING DEPUTY PROGRAM EXECUTIVE FOR SBWS PROGRAM DIRECTOR, COMMAND AND CONTROL, BATTLEMENT MANAGEMENT AND COMMUNICATIONS

Agency name	Organization name	Position title
DEPARTMENT OF THE AIR FORCE.	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (CRITICAL TECHNOLOGIES). OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (SCIENCE AND TECHNOLOGY). DEPARTMENT OF THE AIR FORCE	PROGRAM DIRECTOR, MISSILE DEFENSE SYSTEM GROUND SENSORS DEPUTY DIRECTOR FOR TEST PROGRAM DIRECTOR, GROUND- BASED MID-COURSE DEFENSE PROGRAM EXECUTIVE, C4ISR COMPTROLLER/CHIEF FINANCIAL OFFICER DIRECTOR FOR ACQUISITION PROGRAM EXECUTIVE FOR SBWS DEPUTY PROGRAM EXECUTIVE FOR SEA- BASED WEAPON SYSTEMS DIRECTOR, ENABLING TECHNOLOGY DIRECTOR, SCIENCE AND TECHNOLOGY DEPUTY DIRECTOR LEGISLATIVE LIAISON DIRECTOR OF COMMUNICATIONS DIRECTOR, INSTALLATION, LOGISTICS AND MISSION SUPPORT DEPUTY DIRECTOR, CIVILIAN FORCE MANAGEMENT, HUMAN RESOURCE SPECIALIST DEPUTY DIRECTOR, TRAINING AND READINESS DEPUTY DIRECTOR, SPACE WARFIGHTING ANALYSIS CENTER CHIEF INFORMATION SECURITY OFFICER (CISO) DEPUTY DIRECTOR, SECURITY FORCES DIRECTOR, DIVERSITY AND INCLUSION DEPUTY DIRECTOR, STRATEGY, CONCEPTS AND ASSESSMENTS EXECUTIVE DIRECTOR, AIR NATIONAL GUARD DIRECTOR, DIVERSITY AND INCLUSION EXECUTIVE DIRECTOR DIRECTOR, CIVILIAN FORCE MANAGEMENT DEPUTY DIRECTOR OF LOGISTICS CHIEF INFORMATION OFFICER AND DEPUTY DIRECTOR, PLANS AND INTEGRATION DEPUTY ASSISTANT SECRETARY (LOGISTICS) DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PROGRAMS DEPUTY DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS DIRECTOR, HEADQUARTERS AIR FORCE INFORMATION MANAGEMENT DIRECTOR, LOGISTICS, ENGINEERING AND FORCE PROTECTION DEPUTY DIRECTOR, STRATEGIC PLANNING DEPUTY DIRECTOR, SECURITY, SPECIAL PROGRAM OVERSIGHT, AND INFORMATION PROTECTION DIRECTOR, SPACE SECURITY AND DEFENSE PROGRAM DIRECTOR, CYBER CAPABILITIES AND COMPLIANCE AIR FORCE PROGRAM EXECUTIVE OFFICER FOR COMBAT AND MISSION SUPPORT DEPUTY DIRECTOR OF LOGISTICS DEPUTY DIRECTOR, INFORMATION DOMINANCE DEPUTY DIRECTOR OF OPERATIONS DIRECTOR ACQUISITION AND TECHNOLOGY ASSOCIATE DEPUTY SURGEON GENERAL DIRECTOR FORCE DEVELOPMENT DEPUTY DIRECTOR OF PROGRAMS ASSISTANT DEPUTY CHIEF OF STAFF, STRATEGY, INTEGRATION AND REQUIREMENTS DEPUTY CHIEF OF SPACE OPERATIONS FOR PERSONNEL CHIEF INFORMATION OFFICER
AIR FORCE MATERIEL COMMAND	AERONAUTICAL SYSTEMS CENTER AIR FORCE FLIGHT TEST CENTER AIR FORCE MATERIEL COMMAND LAW OFFICE .. AIR FORCE OFFICE OF SCIENTIFIC RESEARCH ..	EXECUTIVE DIRECTOR, AIR FORCE LIFE CYCLE MANAGEMENT CENTER PROGRAM EXECUTIVE OFFICER, MOBILITY AIRCRAFT PROGRAM EXECUTIVE OFFICER FOR AGILE COMBAT SUPPORT EXECUTIVE DIRECTOR, AIR FORCE TEST CENTER COMMAND COUNSEL DIRECTOR, AIR FORCE MATERIEL COMMAND LAW OFFICE DIRECTOR AIR FORCE OFFICE OF SCIENTIFIC RESEARCH

Agency name	Organization name	Position title
	AIR FORCE RESEARCH LABORATORY AIR LOGISTICS CENTER, OGDEN AIR LOGISTICS CENTER, OKLAHOMA CITY AIR LOGISTICS CENTER, WARNER ROBINS CONTRACTING ELECTRONIC SYSTEMS CENTER ENGINEERING AND TECHNICAL MANAGEMENT .. FINANCIAL MANAGEMENT AND COMPTROLLER .. LOGISTICS	DIRECTOR, MATERIALS AND MANUFACTURING DIRECTOR, AEROSPACE SYSTEMS DIRECTOR, PLANS AND PROGRAMS DIRECTOR, STRATEGIC DEVELOPMENT AND PLANNING EXECUTIVE DIRECTOR, AIR FORCE RESEARCH LABORATORY DIRECTOR OF CONTRACTING DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT DIRECTOR OF CONTRACTING DIRECTOR, 448TH SUPPLY CHAIN MANAGEMENT WING DIRECTOR OF LOGISTICS, AIR FORCE SUSTAINMENT CENTER DIRECTOR OF CONTRACTING DIRECTOR, MILSATCOM DIRECTORATE DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT PROGRAM EXECUTIVE OFFICER, BATTLE MAN- AGEMENT DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT DEPUTY DIRECTOR, FINANCIAL MANAGEMENT DEPUTY DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT
AIR FORCE RESEARCH LABORATORY	DIRECTED ENERGY DIRECTORATE HUMAN EFFECTIVENESS DIRECTORATE	DIRECTOR, DIRECTED ENERGY DIRECTOR, HUMAN EFFECTIVENESS DIREC- TORATE
AIR FORCE SPACE COMMAND	SPACE AND MISSILE SYSTEMS CENTER	DIRECTOR, MILITARY SATELLITE COMMUNICA- TIONS DIRECTORATE DIRECTOR, RAPID CAPABILITY OFFICE DIRECTOR OF CONTRACTING, SPACE AND MIS- SILE SYSTEMS CENTER (SMC)
AUDITOR GENERAL	AIR FORCE AUDIT AGENCY (FIELD OPERATING AGENCY).	ASSISTANT AUDITOR GENERAL, OPERATIONS AND SUPPORT AUDITS ASSISTANT AUDITOR GENERAL, ACQUISITION, LOGISTICS AND FINANCIAL AUDITS
DEPARTMENT OF THE AIR FORCE	AIR COMBAT COMMAND AIR EDUCATION AND TRAINING COMMAND AIR FORCE MATERIEL COMMAND	DEPUTY DIRECTOR OF LOGISTICS, ENGINEER- ING, AND FORCE PROTECTION DIRECTOR, ACQUISITION MANAGEMENT AND IN- TEGRATION CENTER DEPUTY DIRECTOR, REQUIREMENTS DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT DIRECTOR, INTERNATIONAL TRAINING AND EDUCATION DIRECTOR, NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE DIRECTOR, MANPOWER, PERSONNEL AND SERVICES EXECUTIVE DIRECTOR, AIR FORCE NUCLEAR WEAPONS CENTER DIRECTOR OF CONTRACTING DIRECTOR, INSTALLATION SUPPORT PROGRAM EXECUTIVE OFFICER FOR BUSINESS ENTERPRISE SYSTEMS DIRECTOR, FINANCIAL MANAGEMENT DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT DIRECTOR INSTALLATIONS DEPUTY DIRECTOR, STRATEGIC PLANS, PRO- GRAMS, REQUIREMENTS AND ANALYSES DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT, F-35 LIGHTNING II JOINT PRO- GRAM OFFICE DIRECTOR FINANCIAL MANAGEMENT AND COMPTROLLER DIRECTOR, AIR FORCE CIVIL ENGINEER CEN- TER DIRECTOR OF LOGISTICS AND LOGISTICS SERVICES EXECUTIVE DIRECTOR, AIR FORCE INSTALLA- TION AND MISSION SUPPORT CENTER EXECUTIVE DIRECTOR, AIR FORCE SUSTAINMENT CENTER DIRECTOR, RESOURCES DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT (4) DIRECTOR OF PROPULSION

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, AIR FORCE MATERIEL COMMAND DIRECTOR OF CONTRACTING (4) DEPUTY DIRECTOR, AIR, SPACE AND CYBERSPACE OPERATIONS EXECUTIVE DIRECTOR DIRECTOR, HYBRID PRODUCT SUPPORT INTEGRATOR PROGRAM EXECUTIVE OFFICER, NC3 SYSTEMS AND DIRECTOR DIRECTOR, 448TH SUPPLY CHAIN MANAGEMENT WING DIRECTOR, FINANCE AND RESOURCES DIRECTOR OF STAFF EXECUTIVE DIRECTOR, AIR FORCE SPACE COMMAND DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, AND COMPUTER (C4) SYSTEMS DEPUTY DIRECTOR, RESOURCE AND INTEGRATION DIRECTORATE DEPUTY TO THE COMMANDING GENERAL FOR SUPPORT EXECUTIVE DIRECTOR AIR FORCE SPECIAL OPERATIONS COMMAND DEPUTY CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR OF LOGISTICS DIRECTOR OF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE INNOVATIONS AND UNMANNED AERIAL SYSTEMS TASK FORCE DIRECTOR, JOINT INFORMATION OPERATIONS WARFARE CENTER DEPUTY ASSISTANT SECRETARY (SCIENCE, TECHNOLOGY AND ENGINEERING) DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION) DIRECTOR, INFORMATION DOMINANCE PROGRAMS ASSOC DEP ASST SEC OF THE AIR FORCE FOR SCIENCE, TECHNOLOGY AND ENGINEERING ASSOCIATE DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION) DIRECTOR OF CONTRACTING, AIR FORCE RAPID CAPABILITIES OFFICE DIRECTOR OF CONTRACTING (SPECIAL ACCESS PROGRAMS) ASSOCIATE DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS) CHIEF INFORMATION OFFICER DEPUTY ASSISTANT SECRETARY FOR RESERVE AFFAIRS DEPUTY DIRECTOR OF STAFF, HEADQUARTERS UNITED STATES AIR FORCE EXECUTIVE DIRECTOR, OFFICE OF SPECIAL INVESTIGATIONS DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE DEPUTY CHIEF MANAGEMENT OFFICER DEPUTY DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE DEPUTY DIRECTOR, AIR FORCE REVIEW BOARDS AGENCY DIRECTOR, OFFICE OF DIVERSITY AND INCLUSION (2) DEPUTY DIRECTOR OF OPERATIONS INTER-AGENCY ACTION GROUP DIRECTOR OF RESOURCES, REQUIREMENTS, BUDGET AND ASSESSMENT DEPUTY DIRECTOR OF LOGISTICS AND ENGINEERING DIRECTOR, PROGRAMS AND RESOURCES NORTHCOM, DEPUTY DIRECTOR OF OPERATIONS FOR SPECIAL ACTIVITIES DEPUTY DIRECTOR OF STRATEGY, POLICY AND PLANS DEPUTY TO THE COMMANDING GENERAL, JTF-NCR/USAMDW DEPUTY DIRECTOR OF OPERATIONS DIRECTOR OF INTERAGENCY DIRECTOR, JOINT EXERCISES AND TRAINING DEPUTY COMMANDER, JOINT FORCES HEADQUARTERS—NATIONAL CAPITAL REGION
	AIR FORCE RESERVE COMMAND	
	AIR FORCE SPACE COMMAND	
	AIR FORCE SPECIAL OPERATIONS COMMAND	
	AIR MOBILITY COMMAND	
	DEPUTY CHIEF OF STAFF FOR INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE.	
	JOINT STAFF	
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION.	
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR FINANCIAL MANAGEMENT AND CONTROLLER.	
	OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS.	
	OFFICE OF THE CHIEF OF STAFF	
	OFFICE OF THE INSPECTOR GENERAL	
	OFFICE OF THE SECRETARY	
	UNITED STATES CENTRAL COMMAND	
	UNITED STATES NORTHERN COMMAND	

Agency name	Organization name	Position title
	UNITED STATES SPECIAL OPERATIONS COMMAND.	DEPUTY DIRECTOR, CENTER FOR SPECIAL OPERATIONS ACQUISITION AND LOGISTICS DIRECTOR FOR ACQUISITION PRESIDENT, JOINT SPECIAL OPERATIONS UNIVERSITY DIRECTOR, PLANS, POLICY AND STRATEGY DIRECTOR AND CHIEF INFORMATION OFFICER FOR SPECIAL OPERATIONS NETWORKS AND COMMUNICATIONS CENTER CHIEF FINANCIAL OFFICER DEPUTY CHIEF OF STAFF
	DIRECTOR COMMUNICATIONS SYSTEMS/CIO (J6).	DIRECTOR, COMMAND SUPPORT DIRECTOR, PLANS, POLICY, STRATEGY AND CONCEPTS
	UNITED STATES STRATEGIC COMMAND	DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS AND COMPUTER SYSTEMS TECHNICAL DIRECTOR, JOINT WARFARE ANALYSIS CENTER DEPUTY DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION DEPUTY DIRECTOR, PLANS AND POLICY DIRECTOR, JOINT EXERCISES, TRAINING, AND ASSESSMENTS ASSOCIATE DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION DEPUTY DIRECTOR, CAPABILITY DEVELOPMENTAL GROUP COMMAND ACQUISITION EXEC DIRECTOR, GLOBAL INNOVATION STRATEGY CENTER DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION, USSTRATCOM C2 FACILITY MANAGEMENT PMO ASSOCIATE DIRECTOR CAPABILITY AND RESOURCE DEPUTY DIRECTOR, PLANS AND POLICY, USSTRATCOM DIRECTOR, JOINT EXERCISES AND TRAINING DEPUTY DIRECTOR, ACQUISITION DIRECTOR, ACQUISITION DIRECTOR, PROGRAM ANALYSIS AND FINANCIAL MANAGEMENT DEPUTY DIRECTOR, STRATEGY, CAPABILITIES, POLICY AND LOGISTICS DIRECTOR, DEFENSE PERSONAL PROPERTY MANAGEMENT OFFICE DEPUTY DIRECTOR, OPERATIONS EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR AND DEPUTY CHIEF INFORMATION OFFICER DEPUTY DIRECTOR OF CIVIL ENGINEERS
DEPUTY CHIEF OF STAFF, INSTALLATIONS AND LOGISTICS.	CIVIL ENGINEER	
DEPUTY CHIEF OF STAFF, PERSONNEL	RESOURCES	DIRECTOR OF RESOURCE INTEGRATION EXECUTIVE DIRECTOR, AIR FORCE PERSONNEL CENTER DIRECTOR OF PERSONNEL OPERATIONS
OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION.	DIRECTORATE OF SPACE AND NUCLEAR DETERRENCE.	DEPUTY ASSISTANT CHIEF OF STAFF, STRATEGIC DETERRENCE AND NUCLEAR INTEGRATION ASSOCIATE ASSISTANT CHIEF OF STAFF STRATEGIC DETERRENCE AND NUCLEAR INTEGRATION ASSOCIATE DEPUTY ASSISTANT SECRETARY (CONTRACTING) SPECIAL ASSISTANT TO THE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR BUDGET
OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR FINANCIAL MANAGEMENT AND COMPTROLLER.	OFFICE DEPUTY ASSISTANT SECRETARY CONTRACTING. OFFICE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING. OFFICE DEPUTY ASSISTANT SECRETARY BUDGET. OFFICE DEPUTY ASSISTANT SECRETARY COST AND ECONOMICS. OFFICE DEPUTY ASSISTANT SECRETARY FINANCIAL OPERATIONS.	DIRECTOR, BUDGET INVESTMENT DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS) ASSOCIATE DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS) ASSOCIATE DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS) DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS)

Agency name	Organization name	Position title
OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS.	AIR FORCE REVIEW BOARDS AGENCY (AIR FORCE REVIEW BOARDS AGENCY)—FIELD OPERATING AGENCY.	DEPUTY FOR AIR FORCE REVIEW BOARDS
OFFICE OF THE CHIEF OF STAFF	AIR FORCE OFFICE OF SAFETY AND AIR FORCE SAFETY CENTER (FIELD OPERATING AGENCY). AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER (DIRECT REPORTING UNIT). AIR FORCE STUDIES AND ANALYSES AGENCY (DIRECT REPORTING UNIT (DRU)).	DEPUTY CHIEF OF SAFETY EXECUTIVE DIRECTOR, AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER PRINCIPLE DEPUTY DIRECTOR, STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED DIRECTOR, AIR FORCE STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED ASSOCIATE DEPUTY CHIEF OF STAFF OPERATIONS, PLANS AND REQUIREMENTS DIRECTOR OF WEATHER DEPUTY DIRECTOR OF OPERATIONAL REQUIREMENTS DEPUTY DIRECTOR, OPERATIONS AND READINESS DIRECTOR, PLANS AND INTEGRATION DEPUTY DIRECTOR OF SERVICES ASSISTANT DEPUTY CHIEF OF STAFF MANPOWER AND PERSONNEL DIRECTOR FORCE DEVELOPMENT DEPUTY DIRECTOR, MILITARY FORCE MANAGEMENT DEPUTY DIRECTOR, MANPOWER, ORGANIZATION AND RESOURCES ASSOCIATE DEPUTY DIRECTOR FOR PROGRAMS DEPUTY DIRECTOR OF STRATEGIC PLANNING ASSISTANT DEPUTY CHIEF OF STAFF, STRATEGIC PLANS AND REQUIREMENTS DIRECTOR, ADMINISTRATIVE LAW DEPUTY DIRECTOR, TEST AND EVALUATION DIRECTOR, TEST AND EVALUATION DEPUTY DIRECTOR SECURITY, SPECIAL PROGRAM OVERSIGHT AND INFORMATION PROTECTION EXECUTIVE DIRECTOR, DEFENSE CYBER CRIME CENTER
OFFICE OF THE INSPECTOR GENERAL	AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS (FIELD OPERATING AGENCY).	AUDITOR GENERAL OF THE AIR FORCE ASSISTANT AUDITOR GENERAL, FIELD OFFICES DIRECTORATE DIRECTOR, RESOURCES MANAGEMENT ADMINISTRATIVE ASSISTANT DEPUTY ADMINISTRATIVE ASSISTANT DIRECTOR SECURITY, SPECIAL PROGRAM OVERSIGHT AND INFORMATION PROTECTION DIRECTOR, HEADQUARTERS AIR FORCE INFORMATION MANAGEMENT DEPUTY DIRECTOR, PUBLIC AFFAIRS DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION DEPUTY DIRECTOR FOR BUSINESS TRANSFORMATION ASSOCIATE DEPUTY UNDER SECRETARY OF THE AIR FORCE (SPACE) AND DEPUTY DIRECTOR PRINCIPAL DEPARTMENT OF DEFENSE SPACE ADVISOR STAFF
OFFICE OF THE SECRETARY	AUDITOR GENERAL	
	OFFICE OF ADMINISTRATIVE ASSISTANT TO THE SECRETARY.	
	OFFICE OF PUBLIC AFFAIRS	
	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.	
	OFFICE OF THE UNDER SECRETARY	
DEPARTMENT OF THE ARMY.	DEPARTMENT OF THE ARMY	DIRECTOR, RESEARCH BUSINESS DIRECTORATE, ARL DIRECTOR, INTRAMURAL RESEARCH DIRECTORATE DIRECTOR, EXTRAMURAL RESEARCH OFFICE, ARL CCDC DIRECTOR, ARMY ANALYTICS DIRECTORATE PRINCIPAL DEPUTY CHIEF OF PUBLIC AFFAIRS THE AUDITOR GENERAL PRINCIPAL DEPUTY AUDITOR GENERAL DEPUTY AUDITOR GENERAL, ACQUISITION AND LOGISTICS AUDITS DEPUTY AUDITOR GENERAL, MANPOWER AND TRAINING AUDITS DEPUTY AUDITOR GENERAL, FINANCIAL MANAGEMENT AUDITS DEPUTY CIO, ARMY CHIEF DATA AND ANALYTICS OFFICER
CHIEF INFORMATION OFFICER	OFFICE, CHIEF OF PUBLIC AFFAIRS	
DEPARTMENT OF THE ARMY	ARMY AUDIT AGENCY	
	CHIEF INFORMATION OFFICER	

Agency name	Organization name	Position title
		PRINCIPAL DIRECTOR, POLICY, RESOURCES AND ANALYSIS/CHIEF FINANCIAL OFFICER, CIO
		EXECUTIVE DIRECTOR UNITED STATES ARMY HQ SERVICES
		DEPUTY CHIEF OF STAFF G-8
	HEADQUARTERS, UNITED STATES ARMY, EUROPE.	
	HEADQUARTERS, UNITED STATES ARMY, PACIFIC.	ASSISTANT CHIEF OF STAFF, G8
	JOINT SPECIAL OPERATIONS COMMAND	EXECUTIVE DIRECTOR FOR RESOURCES, SUPPORT, AND INTEGRATION
	NATIONAL GUARD BUREAU	CHIEF FINANCIAL OFFICER
	OFFICE ADMINSTRATIVE ASSISTANT TO THE SECRETARY OF ARMY.	ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY
		DEPUTY ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY/DIRECTOR FOR SHARED SERVICES
	OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).	DIRECTOR FOR RESEARCH AND TECHNOLOGY
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ACQUISITION POLICY AND LOGISTICS)
		DEPUTY DIRECTOR, RAPID CAPABILITIES AND CRITICAL TECNOLOGIES OFFICE
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (DASA-DES)
		DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR PLANS, PROGRAMS AND RESOURCES
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (POLICY AND PROCUREMENT)
		DEPUTY ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY/CHIEF SCIENTIST
		DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR DEFENSE EXPORTS AND COOPERATION
	OFFICE ASSISTANT SECRETARY ARMY (CIVIL WORKS).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (MANAGEMENT AND BUDGET)
	OFFICE ASSISTANT SECRETARY ARMY (FINANCIAL MANAGEMENT AND COMPTROLLER).	DIRECTOR, FINANCIAL OPERATIONS AND ACCOUNTING, ASA
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (FINANCIAL OPERATIONS AND INFORMATION)
		DIRECTOR OF INVESTMENT
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (COST AND ECONOMICS)
		DIRECTOR OF MANAGEMENT AND CONTROL
		DEPUTY DIRECTOR AND SENIOR ADVISOR FOR ARMY BUDGET (DDSA (BUDGET))
		DIRECTOR, FINANCIAL INFORMATION MANAGEMENT
	OFFICE ASSISTANT SECRETARY ARMY (INSTALLATIONS, ENERGY AND ENVIRONMENT).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (ENERGY AND SUSTAINABILITY)
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH)
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS AND HOUSING)
	OFFICE ASSISTANT SECRETARY ARMY (MANPOWER AND RESERVE AFFAIRS).	DEPUTY TO THE ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS)
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (MILITARY PERSONNEL)
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (CIVILIAN PERSONNEL)
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ARMY REVIEW BOARDS AGENCY)
	OFFICE OF THE SURGEON GENERAL	DEPUTY CHIEF OF STAFF, RESOURCES, INFRASTRUCTURE AND STRATEGY (G8/9)
	OFFICE, DEPUTY CHIEF OF STAFF , G-4	DIRECTOR FOR MAINTENANCE POLICY, PROGRAMS AND PROCESSES
		ASSISTANT DEPUTY CHIEF OF STAFF, G-4
		DIRECTOR FOR SUPPLY POLICY
		DIRECTOR, LOGISTICS INFORMATION MANAGEMENT
	OFFICE, DEPUTY CHIEF OF STAFF , G-9	DIRECTOR OF RESOURCE MANAGEMENT
		DIRECTOR OF RESOURCE INTEGRATION
		DEPUTY DIRECTOR, PREVENTION, RESILIENCE, AND READINESS DIRECTORATE
		ASSISTANT DEPUTY CHIEF OF STAFF, G-9
		DIRECTOR INSTALLATION SERVICES
	OFFICE, DEPUTY CHIEF OF STAFF, G-1	ASSISTANT DEPUTY CHIEF OF STAFF, G-1
		DIRECTOR, PLANS AND RESOURCES
		DIRECTOR, TECHNOLOGY AND BUSINESS ARCHITECTURE INTEGRATION
		DIRECTOR, CIVILIAN HUMAN RESOURCE AGENCY

Agency name	Organization name	Position title
	OFFICE, DEPUTY CHIEF OF STAFF, G-3/5/7	DEPUTY DIRECTOR, CIVILIAN HUMAN RESOURCES AGENCY DEPUTY DIRECTOR OF TRAINING AND TTEP CO-CHAIR DEPUTY DIRECTOR FOR STRATEGY PLANS AND POLICY DIRECTOR OF CIVILIAN PROTECTION CENTER OF EXCELLENCE DEPUTY DIRECTOR OF FORCE MANAGEMENT ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS (G-3/5/7)
	OFFICE, DEPUTY CHIEF OF STAFF, G-8	DEPUTY DIRECTOR, FORCE DEVELOPMENT ASSISTANT DEPUTY CHIEF OF STAFF, G-8
	UNITED STATES ARMY FUTURES COMMAND	CHIEF, HUMAN CAPITAL OFFICER DEPUTY CHIEF EXECUTIVE OFFICER DIRECTOR, SYSTEMS INTEGRATION, AFC DEPUTY TO THE COMMANDING GENERAL
	UNITED STATES ARMY SPECIAL OPERATIONS COMMAND.	
	UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND (TRADOC).	DEPUTY CHIEF OF STAFF, G-3/5/7, TRADOC DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS SUPPORT COMMAND DIRECTOR, UNITED STATES ARMY CENTER OF MILITARY HISTORY/CHIEF OF MILITARY HISTORY DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS CENTER DEPUTY CHIEF OF STAFF G8, TRADOC DEPUTY TO THE COMMANDING GENERAL DEPUTY CHIEF OF STAFF G-1/4 (PERSONNEL AND LOGISTICS) DEPUTY TO THE COMMANDING GENERAL, CYBER CENTER OF EXCELLENCE (CYBERCOE) DEPUTY TO THE COMMANDING GENERAL FIRES/DIRECTOR, CAPABILITIES, DEVELOPMENT AND INTEGRATION PRESIDENT, ARMY LOGISTICS UNIVERSITY DEPUTY CHIEF OF STAFF, G6 (TRADOC) DEPUTY TO THE CG ARMY AVIATION CENTER OF EXCELLENCE/DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION EXECUTIVE DEPUTY TO THE COMMANDING GENERAL, TRADOC DEPUTY TO THE COMMANDING GENERAL (MSCOE)
	UNITED STATES AFRICA COMMAND	DIRECTOR OF RESOURCES (J8), USAFRICOM FOREIGN POLICY ADVISOR FOR US AFRICA COMMAND
	UNITED STATES ARMY CORPS OF ENGINEERS ..	DIRECTOR OF RESOURCE MANAGEMENT DIRECTOR, REAL ESTATE DIRECTOR OF HUMAN RESOURCES DIRECTOR, INFORMATION TECHNOLOGY LABORATORY CHIEF MILITARY PROGRAMS INTEGRATION DIVISION DIRECTOR, RESEARCH AND DEVELOPMENT AND DIRECTOR, ENGINEERING RESEARCH AND DEVELOPMENT CENTER DIRECTOR CONTINGENCY OPERATIONS/CHIEF, HOMELAND SECURITY OFFICE DIRECTOR OF CONTRACTING DIRECTOR FOR CORPORATE INFORMATION DEPUTY TO COMMANDER, ARMY CYBER COMMAND/2ND ARMY DIRECTOR, TECHNICAL WARFARE CENTER, ARCYBER, ARCYBER DEPUTY TO COMMANDER/SENIOR TECHNICAL DIRECTOR/CHIEF ENGINEER
	UNITED STATES ARMY CYBER COMMAND/SECOND ARMY.	ASSISTANT DEPUTY CHIEF OF STAFF FOR LOGISTICS DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT ASSISTANT DEPUTY CHIEF OF STAFF, G-6 ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS, G-3/5/7 DEPUTY CHIEF OF STAFF, G-1
	UNITED STATES ARMY FORCES COMMAND	DIRECTOR, OPERATION AND READINESS DIRECTORATE, G-3 ADCS, SUPPLY CHAIN MANAGEMENT, G3 DEPUTY CHIEF OF STAFF FOR CORPORATE INFORMATION/CHIEF INFORMATION OFFICER
	UNITED STATES ARMY MATERIEL COMMAND	

Agency name	Organization name	Position title
OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).	UNITED STATES ARMY NORTH	DEPUTY TO THE COMMANDING GENERAL, ARNORTH
	UNITED STATES ARMY SPACE AND MISSILE DEFENSE COMMAND.	DEPUTY TO THE COMMANDER, UNITED STATES ARMY SPACE AND MISSILE DEFENSE COMMAND/ARMY FORCES STRATCOM
		DIRECTOR, FUTURE WARFARE CENTER
	UNITED STATES EUROPEAN COMMAND	DIRECTOR, SPACE AND MISSILE DEFENSE TECHNICAL CENTER
	UNITED STATES FORCES KOREA	DIRECTOR OF CAPABILITIES AND RESOURCE INTEGRATION
		DIRECTOR FOR FORCES, RESOURCES AND ASSESSMENTS (J8)
	UNITED STATES SOUTHERN COMMAND	DEPUTY ASSISTANT CHIEF OF STAFF, J3
		DIRECTOR, J8 (RESOURCES AND ASSESSMENTS DIRECTORATE)
		DEPUTY DIRECTOR OF OPERATIONS, J3
		DIRECTOR, EXERCISES AND COALITION AFFAIRS
OFFICE ASSISTANT SECRETARY ARMY (MANPOWER AND RESERVE AFFAIRS).	ARMY ACQUISITION EXECUTIVE	DEPUTY DIRECTOR STRATEGY AND POLICY
		PROGRAM EXECUTIVE OFFICER ENTERPRISE INFORMATION SYSTEMS
		DEPUTY PROGRAM EXECUTIVE OFFICER FOR AVIATION
		DEPUTY PROGRAM EXECUTIVE OFFICER, MISSILES AND SPACE
		DEPUTY JOINT PROGRAM EXECUTIVE OFFICER FOR CHEMICAL AND BIOLOGICAL DEFENSE
		DEPUTY PROGRAM EXECUTIVE OFFICER (SIMULATION, TRAINING AND INSTRUMENTATION)
		DEPUTY PROGRAM EXECUTIVE OFFICER, COMBAT SUPPORT AND COMBAT SERVICE SUPPORT
		DEPUTY PROGRAM EXECUTIVE OFFICER, INTELLIGENCE, ELECTRONIC WARFARE AND SENSORS
		PROGRAM EXECUTIVE OFFICER SIMULATION, TRAINING AND INSTRUMENTATION
		DEPUTY PROGRAM EXECUTIVE OFFICER FOR SOLDIER
OFFICE OF THE SECRETARY	ARMY ENTERPRISE MARKETING OFFICE (FIELD OPERATING AGENCY).	DEPUTY JOINT PROGRAM EXECUTIVE OFFICER (ARMAMENT AND AMMUNITION)
	OFFICE OF THE INSPECTOR GENERAL	JOINT PEO FOR CHEMICAL AND BIOLOGICAL DEFENSE
		DEPUTY PROGRAM EXECUTIVE OFFICER GROUND COMBAT SYSTEMS
		PROGRAM EXECUTIVE OFFICER - COMMAND CONTROL AND COMMUNICATIONS (TACTICAL)
		DEPUTY CHIEF MARKETING OFFICER, ARMY ENTERPRISE MARKETING OFFICE
		PRINCIPAL DIRECTOR TO THE INSPECTOR GENERAL (INSPECTIONS)
	UNITED STATES ARMY NATIONAL MILITARY CEMETERIES.	EXECUTIVE DIRECTOR OF THE ARMY NATIONAL CEMETERIES PROGRAM
		SUPERINTENDENT, ARLINGTON NATIONAL CEMETERY
	OFFICE DEPUTY UNDER SECRETARY OF ARMY	DIRECTOR CIVILIAN SENIOR LEADER MANAGEMENT OFFICE
		ASSISTANT TO THE DUSA/DIRECTOR OF TEST AND EVALUATION
OFFICE OF THE UNDER SECRETARY	OFFICE OF ENTERPRISE MANAGEMENT	DEPUTY DIRECTOR, CIVILIAN SENIOR LEADER MANAGEMENT OFFICE
		DIRECTOR, OFFICE OF BUSINESS TRANSFORMATION, OBT
		DEPUTY DIRECTOR, OFFICE OF BUSINESS TRANSFORMATION
	CRIMINAL INVESTIGATION DIVISION	DIRECTOR, ARMY CRIMINAL INVESTIGATIONS DIVISION
		DEPUTY DIRECTOR, CRIMINAL INVESTIGATION DIVISION
	OFFICE, CHIEF ARMY RESERVE	DIRECTOR OF RESOURCE MANAGEMENT AND MATERIAL
		ASSISTANT CHIEF OF THE ARMY RESERVE
	OFFICE, DEPUTY CHIEF OF STAFF, G-6	DIRECTOR, CYBERSECURITY INTEGRATION AND SYNCHRONIZATION (CIS)
	UNITED STATES ARMY TEST AND EVALUATION ..	DIRECTOR, ARMY EVALUATION CENTER
	COMMAND	EXECUTIVE DIRECTOR, OPERATIONAL TEST COMMAND
OFFICE, DEPUTY CHIEF OF STAFF, G-1	ARMY RESEARCH INSTITUTE (DEPUTY CHIEF OF STAFF FOR PERSONNEL, FIELD OPERATING AGENCY).	DIRECTOR, UNITED STATES ARMY RESEARCH INSTITUTE AND CHIEF PSYCHOLOGIST
UNITED STATES ARMY FUTURES COMMAND	AFC, CROSS FUNCTIONAL TEAMS	DIRECTOR, ASSURED PNT CROSS- FUNCTIONAL TEAM, SA

Agency name	Organization name	Position title
UNITED STATES ARMY CORPS OF ENGINEERS ...	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD—US ARMY AVIATION AND MISSILE CENTER.	DIRECTOR FOR SYSTEMS READINESS
		DIRECTOR FOR SOFTWARE, SIMULATIONS, SYSTEMS ENGINEERING AND INTEGRATION
		DIRECTOR FOR TECHNOLOGY DEVELOPMENT, CCDC
		DIRECTOR FOR AVIATION AND MISSILE RESEARCH, DEVELOPMENT AND ENGINEERING CENTER
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMAMENTS CENTER.	EXECUTIVE DIRECTOR, ENTERPRISE AND SYSTEMS INTEGRATION CENTER
		DIRECTOR, MUNITIONS ENGINEERING TECHNOLOGY CENTER, CCDC
		DIRECTOR FOR ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING
		EXECUTIVE DIRECTOR, WEAPONS AND SOFTWARE ENGINEER CENTER
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMY RESEARCH LABORATORY.	DIRECTOR, CCDC ARMY RESEARCH LABORATORY, CCDC
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, C5ISR CENTER.	DIRECTOR, RESEARCH AND TECHNOLOGY INTEGRATION DIRECTORATE
		DIRECTOR, ENGINEERING AND SYSTEMS INTEGRATION DIRECTORATE
		DIRECTOR, COMMUNICATIONS- ELECTRONICS RESEARCH, DEVELOPMENT AND ENGINEERING CENTER
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, CHEMICAL AND BIOLOGICAL CENTER.	DIRECTOR, CHEMICAL AND BIOLOGICAL CENTER, CCDC
		DIRECTOR, ENGINEERING DIRECTORATE, CBC, CCDC
		DIRECTOR, RESEARCH AND TECHNOLOGY DIRECTORATE, CBC, CCDC
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, DATA ANALYSIS CENTER.	DIRECTOR, CCDC DATA AND ANALYSIS CENTER, CCDC
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, GROUND VEHICLE SYSTEMS CENTER.	DIRECTOR, RESEARCH, TECHNOLOGY DEVELOPMENT AND INTEGRATION
		DIRECTOR, CCDC GROUND VEHICLE SYSTEMS CENTER
		DIRECTOR FOR SYSTEMS INTEGRATION AND ENGINEERING
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, SOLDIERS CENTER.	DIRECTOR, RESEARCH AND TECHNOLOGY INTERGRATION, CCDC
		DIRECTOR, CCDC SOLDIER CENTER
	AFC, COMBAT CAPABILITIES DEVELOPMENT COMMAND.	DIRECTOR, SCIENCE AND TECHNOLOGY INTEGRATION
		DEPUTY TO COMMANDING GENERAL, CCDC
	AFC, FUTURES AND CONCEPTS CENTER, THE RESEARCH AND ANALYSIS CENTER.	DIRECTOR OF OPERATIONS, TRAC, WSMR
		DIRECTOR OF OPERATIONS, TRAC ANALYSIS CENTER FORT LEAVENWORTH
		DIRECTOR, THE TRAINING AND ANALYSIS CENTER, AFC
	AFC, UNITED STATES ARMY MEDICAL RESEARCH AND MATERIEL COMMAND.	DIRECTOR OF FUTURES INTEGRATION, FCC
		DEPUTY TO THE COMMANDING GENERAL, MRDC
		PRINCIPAL ASSISTANT FOR ACQUISITION
	COLD REGIONS RESEARCH AND ENGINEERING LABORATORY HANOVER, NEW HAMSHIRE.	DIRECTOR, COLD REGIONS RESEARCH AND ENGINEERING LABORATORY
	DIRECTORATE OF CIVIL WORKS	CHIEF, PROGRAMS INTEGRATION DIVISION
		DIRECTOR OF CIVIL WORKS
		CHIEF, OPERATIONS DIVISION AND REGULATORY COMMUNITY OF PRACTICE
		CHIEF, ENGINEERING AND CONSTRUCTION DIVISION
		CHIEF, PLANNING AND POLICY DIVISION/COMMUNITY OF PRACTICE
	DIRECTORATE OF MILITARY PROGRAMS	CHIEF, INTERAGENCY AND INTERNATIONAL SERVICES DIVISION
		CHIEF INSTALLATION READINESS DIVISION
		CHIEF, ENVIRONMENTAL COMMUNITY OF PRACTICE
		DIRECTOR OF MILITARY PROGRAMS
	DIRECTORS OF ENGINEERING AND TECHNICAL SERVICES.	REGIONAL BUSINESS DIRECTOR (SOUTH ATLANTIC DIVISION)
		REGIONAL BUSINESS DIRECTOR (NORTHWESTERN DIVISION)
		REGIONAL BUSINESS DIRECTOR (GREAT LAKES, OHIO RIVER DIVISION)
		REGIONAL BUSINESS DIRECTOR (NORTH ATLANTIC DIVISION)
		REGIONAL BUSINESS DIRECTOR (PACIFIC OCEAN DIVISION)

Agency name	Organization name	Position title
UNITED STATES ARMY MATERIEL COMMAND	DIRECTORS OF PROGRAMS MANAGEMENT	REGIONAL BUSINESS DIRECTOR (SOUTH-WESTERN DIVISION) REGIONAL BUSINESS DIRECTOR (SOUTH PACIFIC DIVISION) REGIONAL BUSINESS DIRECTOR, (MISSISSIPPI VALLEY DIVISION) DIVISION PROGRAMS DIRECTOR, TRANS-ATLANTIC DIVISION DIVISION PROGRAMS DIRECTOR (SOUTH PACIFIC DIVISION) DIVISION PROGRAMS DIRECTOR (NORTH-WESTERN DIVISION) DIVISION PROGRAMS DIRECTOR (NORTH ATLANTIC DIVISION) DIVISION PROGRAMS DIRECTOR (SOUTH ATLANTIC DIVISION) DIVISION PROGRAMS DIRECTOR (MISSISSIPPI VALLEY DIV) DIVISION PROGRAMS DIRECTOR (PACIFIC OCEAN DIVISION) DIVISION PROGRAMS DIRECTOR (SOUTH-WESTERN DIVISION) DIVISION PROGRAMS DIRECTOR (GREAT LAKE AND OHIO RIVER DIVISION)
	ENGINEER RESEARCH AND DEVELOPMENT CENTER.	DIRECTOR GEOTECHNICAL AND STRUCTURES LABORATORY DIRECTOR, COASTAL AND HYDRAULICS LABORATORY DIRECTOR, ENVIRONMENTAL LABORATORY DIRECTOR, ARMY GEOSPATIAL CENTER
	ENGINEER TOPOGRAPHIC LABORATORIES, CENTER OF ENGINEERS.	DIRECTOR, TRANSPORTATION ENGINEERING AGENCY/DIRECTOR JOINT DISTRIBUTION PROCESS ANALYSIS CENTER
	MILITARY SURFACE DEPLOYMENT DISTRIBUTION COMMAND.	DEPUTY TO THE COMMANDER, SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND EXECUTIVE DEPUTY TO THE COMMANDING GENERAL
	OFFICE DEPUTY COMMANDING GENERAL	DEPUTY CHIEF OF STAFF FOR LOGISTICS, FACILITIES, AND ENVIRONMENT PRINCIPAL DEPUTY CHIEF OF STAFF, G-3 FOR OPERATIONS DEPUTY CHIEF OF STAFF FOR PERSONNEL
	OFFICE OF DEPUTY CHIEF OF STAFF FOR LOGISTICS AND OPERATIONS.	ASSISTANT DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT, G-8/EXECUTIVE DIRECTOR FOR BUSINESS DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT
	OFFICE OF DEPUTY CHIEF OF STAFF FOR PERSONNEL.	DEPUTY TO THE COMMANDER
	OFFICE OF THE DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.	DIRECTOR INTEGRATED LOGISTICS SUPPORT CENTER DIRECTOR, SOFTWARE ENGINEERING DIRECTORATE DEPUTY TO THE COMMANDING GENERAL, CECOM, LCMC DIRECTOR, COMMUNICATIONS- ELECTRONICS LIFE CYCLE MANAGEMENT CMD LOGISTICS AND READINESS CENTER
	TANK-AUTOMOTIVE AND ARMAMENTS COMMAND (TANK-AUTOMOTIVE AND ARMAMENTS COMMAND).	DEPUTY TO THE COMMANDER (AMMUNITION MANAGEMENT) ARMY AVIATION AND MISSILE COMMAND DIRECTOR, SPECIAL PROGRAMS (AVIATION) DEPUTY TO THE COMMANDER EXECUTIVE DIRECTOR, AVIATION AND MISSILE COMMAND LOGISTICS CENTER
	UNITED STATES ARMY COMMUNICATIONS ELECTRONICS COMMAND.	EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND – REDSTONE, AL DEPUTY TO THE COMMANDER, MISSION INSTALLATION CONTRACTING COMMAND EXECUTIVE DIRECTOR, ACC- WARREN EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND—ROCK ISLAND DEPUTY TO THE COMMANDING GENERAL, ARMY CONTRACTING COMMAND EXECUTIVE DIRECTOR, ARMY CONTRACTING COMMAND - ABERDEEN
	UNITED STATES ARMY JOINT MUNITIONS COMMAND.	DEPUTY TO THE COMMANDER FOR FINANCIAL MANAGEMENT OPERATIONS
	UNITED STATES ARMY AVIATION AND MISSILE COMMAND (ARMY MATERIEL COMMAND).	DEPUTY TO THE COMMANDING GENERAL
	UNITED STATES ARMY CONTRACTING COMMAND.	
	UNITED STATES ARMY FINANCIAL MANAGEMENT COMMAND.	
	UNITED STATES ARMY SECURITY ASSISTANCE COMMAND.	

Agency name	Organization name	Position title
DEPARTMENT OF THE NAVY. CHIEF OF NAVAL OPERATIONS	UNITED STATES ARMY SUSTAINMENT COMMAND.	DEPUTY TO THE COMMANDER
	UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND.	EXECUTIVE DIRECTOR, SUPPORT OPERATIONS REGIONAL DIRECTOR (PACIFIC) REGIONAL DIRECTOR (EUROPE) DIRECTOR IMCOM SUPPORT (SUSTAINMENT) DIRECTOR IMCOM SUPPORT (TRAINING) DIRECTOR IMCOM SUPPORT (READINESS) DIRECTOR OF FACILITIES AND LOGISTICS EXECUTIVE DPUTY TO COMMANDING GENERAL, IMCOM
	DEPARTMENT OF THE NAVY	PROGRAM EXECUTIVE OFFICER INDUSTRIAL INFRASTRUCTURE COMPTROLLER
	BUREAU OF MEDICINE AND SURGERY	DIRECTOR, BUSINESS OPERATIONS/COMPTROLLER EXECUTIVE DIRECTOR, BUREAU OF MEDICINE AND SURGERY
	COMMANDER, NAVY INSTALLATIONS COMMAND	DIRECTOR OF OPERATIONS DIRECTOR STRATEGY AND FUTURE REQUIREMENTS DIRECTOR, TOTAL FORCE MANPOWER COMPTROLLER COUNSEL, COMMANDER NAVY INSTALLATIONS COMMAND EXECUTIVE DIRECTOR, COMMANDER NAVY INSTALLATIONS COMMAND
	COMMANDER, SUBMARINE FORCES	EXECUTIVE DIRECTOR, SUBMARINE FORCES
	MILITARY SEALIFT COMMAND	DIRECTOR, MARITIME OPERATIONS DIRECTOR, SHIP MANAGEMENT EXECUTIVE DIRECTOR DIRECTOR, MILITARY SEALIFT COMMAND MANPOWER AND PERSONNEL DIRECTOR, PROCUREMENT FOR PEO(A)
	NAVAL AIR SYSTEMS COMMAND HEAD-QUARTERS.	DEPUTY COUNSEL, OFFICE OF COUNSEL FLEET SUPPORT TEAM EXECUTIVE/CHIEF ENGINEER, FLEET READINESS CENTERS DIRECTOR, PROCUREMENT FOR PEO DEPUTY COMMANDER, NAVAL AIR SYSTEMS COMMAND ASSISTANT COMMANDER FOR CONTRACTS DIRECTOR, PRODUCT SUPPORT MANAGEMENT INTEGRATION DIRECTOR, PROCUREMENT FOR PEO(T) DEPUTY ASSISTANT COMMANDER FOR RESEARCH AND ENGINEERING DIRECTOR, SUSTAINMENT GROUP DIRECTOR, ENGINEERING GROUP DIRECTOR COMMAND OPERATIONS GROUP COUNSEL, NAVAL AIR SYSTEMS COMMAND DIRECTOR, COST AND SCHEDULE ANALYSIS DEPARTMENT DIRECTOR OF CONTRACTS, F-35 JSF F-35 PRODUCT SUPPORT MANAGER EXECUTIVE DIRECTOR, SYSTEMS ACQUISITION GROUP EXECUTIVE DIRECTOR, FLEET READINESS CENTERS EXECUTIVE DIRECTOR, AIR SYSTEMS GROUP COMPTROLLER (2) PROGRAM EXECUTIVE OFFICER, AIR ANTI-SUBMARINE WARFARE, ASSAULT AND SPECIAL MISSION PROGRAMS TECHNICAL/DEPUTY DIRECTOR
	NAVAL METEOROLOGY AND OCEANOGRAPHY COMMUNICATIONS, STENNIS SPACE CENTER, MISSISSIPPI.	
	NAVY CYBER FORCES	DEPUTY COMMANDER
	OFFICE OF COMMANDER, UNITED STATES FLEET FORCES COMMAND.	DIRECTOR, FLEET INSTALLATION AND ENVIRONMENT DIRECTOR FLEET PERSONNEL DEVELOPMENT AND ALLOCATION EXECUTIVE DIRECTOR/CHIEF OF STAFF DEPUTY DIRECTOR, MARITIME OPERATIONS EXECUTIVE DIRECTOR, NAVY WARFARE DEVELOPMENT COMMAND DIRECTOR, NAVY WARFARE DEVELOPMENT CENTER
	DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTER COMBAT SYSTEMS, INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE.	

Agency name	Organization name	Position title
DEPARTMENT OF THE NAVY	OFFICE OF THE COMMANDER, UNITED STATES PACIFIC COMMAND.	DIRECTOR, JOINT TRAINING AND EXERCISES
	OFFICE OF THE COMMANDER, UNITED STATES PACIFIC FLEET.	CHIEF INFORMATION OFFICER DEPUTY DIRECTOR OF MARITIME OPERATIONS/ DIRECTOR PLANS AND POLICY DEPUTY FOR NAVAL MINE AND ANTI-SUB- MARINE WARFARE COMMAND EXECUTIVE DIRECTOR, NAVAL SURFACE FORCES EXECUTIVE DIRECTOR, TOTAL FORCE MANAGE- MENT CHIEF OF STAFF EXECUTIVE DIRECTOR FOR COMMUNICATIONS AND INFORMATION SYSTEMS AND CHIEF IN- FORMATION OFFICER EXECUTIVE DIRECTOR, NAVAL AIR FORCES EXECUTIVE DIRECTOR AND CHIEF INFORMA- TION OFFICER
	UNITED STATES FLEET CYBER COMMAND/ UNITED STATES TENTH FLEET. CHIEF OF NAVAL OPERATIONS	ASSISTANT DEPUTY CHIEF OF NAVAL OPER- ATIONS, FLEET READINESS AND LOGISTICS DIRECTOR, ENTERPRISE SUPPORT DIRECTOR NAVAL HISTORY AND HERITAGE COMMAND ASSISTANT DEPUTY CHIEF OF NAVAL OPER- ATIONS (MANPOWER, PERSONNEL, TRAINING AND EDUCATION) DEPUTY DIRECTOR, AIR WARFARE DEPUTY DIRECTOR, PROGRAM DIVISION (N80B) ASSISTANT DEPUTY CHIEF OF NAVAL OPER- ATIONS, WARFARE SYSTEMS DEPUTY DIRECTOR SURFACE WARFARE DIVI- SION DEPUTY DIRECTOR, EXPEDITIONARY WARFARE DIVISION DEPUTY DIRECTOR, UNDERSEA WARFARE DIVI- SION DEPUTY CHIEF OF NAVY RESERVE DIRECTOR, SPECIAL PROGRAMS DIVISION (N89) DIRECTOR, FLEET READINESS DIRECTOR NAVY STAFF SPECIAL ASSISTANT (KNOWLEDGE TRANSFER) DIRECTOR, PROBLEM SOLVING AND PROCESS IMPROVEMENT EXECUTIVE DIRECTOR, OPERATIONAL TEST AND EVALUATION FORCE (OPTEVFOR)(2) DEPUTY DIRECTOR, NAVY CYBERSECURITY DEPUTY COMMANDER DIRECTOR, DIGITAL WARFARE OFFICE EXECUTIVE DIRECTOR, NAVAL SPECIAL WAR- FARE COMMAND DIRECTOR, STRATEGIC MOBILITY AND COMBAT LOGISTICS DIVISION DIRECTOR OF STRATEGY PROGRAM EXECUTIVE OFFICER C4I HEAD, CAMPAIGN ANALYSIS BRANCH DIRECTOR ASSESSMENT DIVISION (N8 1B) ASSISTANT DCNO, INTEGRATION OF CAPABILI- TIES AND RESOURCES FINANCIAL MANAGER AND CHIEF RESOURCES OFFICER FOR MANPOWER, PERSONNEL, TRAINING AND EDUCATION DEPUTY DIRECTOR, WARFARE INTEGRATION ASSISTANT DEPUTY CHIEF OF NAVAL OPER- ATIONS FOR INFORMATION DOMINANCE (N2/ N6) DIRECTOR, COMMUNICATIONS AND NETWORK DIVISION (N2/N6F1)
	MARINE CORPS SYSTEMS COMMAND	CHIEF ENGINEER, MARINE CORPS SYSTEMS COMMAND EXECUTIVE DIRECTOR ASSISTANT DEPUTY COMMANDANT FOR INFOR- MATION DEPUTY TO THE COMMANDER FOR RESOURCE MANAGEMENT
	NAVAL FACILITIES ENGINEERING COMMAND	DEPUTY COMMANDER, ACQUISITION DIRECTOR, NAVY CRANE CENTER DIRECTOR OF PUBLIC WORKS EXECUTIVE DIRECTOR COUNSEL, NAVAL FACILITIES ENGINEERING COMMAND ASSISTANT COMMANDER/CHIEF MANAGEMENT OFFICER COMPTROLLER

Agency name	Organization name	Position title
	NAVAL INFORMATION AND WARFARE SYSTEMS COMMAND.	PROGRAM EXECUTIVE OFFICER INDUSTRIAL INFRASTRUCTURE CHIEF ENGINEER DIRECTOR OF ASSET MANAGEMENT DIRECTOR, CONTRACTS DIRECTOR, READINESS/LOGISTICS DIRECTORATE DEPUTY CHIEF ENGINEER PEO MANPOWER, LOGISTICS AND BUSINESS SOLUTIONS DEPUTY DIRECTOR, PROJECT OVERMATCH EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR, FLEET READINESS DIRECTORATE DIRECTOR CORPORATE OPERATIONS ASSISTANT CHIEF ENGINEER FOR MISSION CAPABILITY ASSISTANT CHIEF ENGINEER FOR MISSION ARCHITECTURE
	NAVAL SEA SYSTEMS COMMAND	DEPUTY DIRECTOR, REACTOR REFUELING DIVISION DIRECTOR FOR AIRCRAFT CARRIER DESIGN AND SYSTEMS ENGINEERING DIRECTOR, SURFACE SYSTEMS CONTRACTS DIVISION EXECUTIVE DIRECTOR, SHIP DESIGN, AND ENGINEERING DIRECTORATE HEAD, ADVANCED REACTOR BRANCH COUNSEL, NAVAL SEA SYSTEMS COMMAND DIRECTOR FOR CONTRACTS DIRECTOR, REACTOR MATERIALS DIVISION DIRECTOR FOR SURFACE SHIP DESIGN AND SYSTEMS ENGINEERING DIRECTOR, COST ENGINEERING AND INDUSTRIAL ANALYSIS DIRECTOR, SHIPBUILDING CONTRACTS DIVISION ASSISTANT DEPUTY COMMANDER FOR INDUSTRIAL OPERATIONS DEPUTY FOR WEAPONS SAFETY DEPUTY COMMANDER, CORPORATE OPERATIONS DIRECTORATE EXECUTIVE DIRECTOR FOR LOGISTICS MAINTENANCE AND INDUSTRIAL OPERATIONS DIRECTORATE DEPUTY COMMANDER/COMPTROLLER DIRECTOR, REACTOR REFUELING DIVISION EXECUTIVE DIRECTOR, IN-SERVICE SUBMARINES DIRECTOR, REACTOR PLANT COMPONENTS AND AUXILIARY EQUIPMENT DIVISION DIRECTOR, SURFACE SHIP SYSTEMS DIVISION DIRECTOR, REACTOR SAFETY AND ANALYSIS DIVISION DIRECTOR FOR SUBMARINE/SUBMERSIBLE DESIGN AND SYSTEMS ENGINEERING PROGRAM MANAGER FOR COMMISSIONED SUBMARINES DIRECTOR RESOURCES MANAGEMENT DIVISION EXECUTIVE DIRECTOR DIRECTOR, NUCLEAR COMPONENTS DIVISION DIRECTOR OF RADIOLOGICAL CONTROLS EXECUTIVE DIRECTOR, UNDERSEA INTEGRATION (PEO SUB C) DEPUTY DIRECTOR, ADVANCED AIRCRAFT CARRIER SYSTEM DIVISION DIRECTOR, FLEET READINESS DIVISION DIVISION TECHNICAL DIRECTOR, NSWCCORONA DIVISION EXECUTIVE DIRECTOR FOR COMMANDER, NAVY REGIONAL MAINTENANCE CENTERS (CNRMC) DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, PHILADELPHIA DIVISION EXECUTIVE DIRECTOR NAVAL SURFACE AND UNDERSEA WARFARE CENTERS NUCLEAR ENGINEERING AND PLANNING MANAGER DIRECTOR, INTEGRATED WARFARE SYSTEMS ENGINEERING GROUP

Agency name	Organization name	Position title
	NAVAL SUPPLY SYSTEMS COMMAND HEAD- QUARTERS. OFFICE OF NAVAL RESEARCH DIRECTOR, OCEAN, ATMOSPHERE AND SPACE RESEARCH DIVISION. OFFICE OF THE SECRETARY OF THE NAVY UNITED STATES MARINE CORPS HEAD- QUARTERS OFFICE.	DIVISION TECHNICAL DIRECTOR, NAVAL SUR- FACE WARFARE CENTER PORT HUENEME DI- VISION DIRECTOR FOR SHIP INTEGRITY AND PER- FORMANCE ENGINEERING EXECUTIVE DIRECTOR, SURFACE SHIP MAINTENANCE AND MODERNIZATION DIRECTORATE DIRECTOR, FLEET SUPPORT CONTRACTS DIVI- SION ASSISTANT COMMANDER, SUPPLY CHAIN TECH- NOLOGY AND SYSTEM INTEGRATION DIRECTOR FOR MARINE ENGINEERING DIRECTOR, SHIPBUILDING CONTRACTS DIVI- SION EXECUTIVE DIRECTOR, AUKUS CHIEF LOGISTICIAN—AVIATION EXECUTIVE STRATEGIC INITIATIVES DIRECTOR, NAVY SYSTEMS MANAGEMENT AC- TIVITY ASSISTANT COMMANDER FOR CONTRACTING MANAGEMENT ASSISTANT CDR FOR FINANCIAL MANAGEMENT/ COMPTROLLER COUNSEL, NAVAL SUPPLY SYSTEMS COMMAND ASSISTANT COMMANDER FOR CORPORATE OP- ERATIONS VICE COMMANDER DIRECTOR, ELECTRONICS, SENSORS, AND NET- WORKS RESEARCH DIVISION DIRECTOR FOR AEROSPACE SCIENCE RE- SEARCH DIVISION NAVAL ACCELERATOR EXECUTIVE PATENT COUNSEL OF THE NAVY COUNSEL, OFFICE OF NAVAL RESEARCH HEAD, WARFIGHTER PERFORMANCE SCIENCE AND TECHNOLOGY DEPARTMENT HEAD, OCEAN, BATTLESPACE SENSING SCIENCE AND TECHNOLOGY DEPARTMENT HEAD MISSION CAPABLE PERSISTENT AND SURVIVABLE NAVAL PLATFORM DEPARTMENT COMPTROLLER DIRECTOR, CONTRACTS, GRANTS AND ACQUISI- TIONS HEAD, COMMAND, CONTROL, COMMUNICA- TIONS, INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE (C4ISR) SCIENCE AND TECHNOLOGY DEPARTMENT DIRECTOR, MATHEMATICS COMPUTER AND IN- FORMATION SCIENCES (MCIS) DIVISION HEAD, AIR WARFARE AND WEAPONS SCIENCE AND TECHNOLOGY DEPARTMENT DIRECTOR, MISSION SUPPORT DIRECTOR, HUMAN AND BIOENGINEERED SYS- TEMS DIVISION EXECUTIVE DIRECTOR DEPUTY ASSISTANT FOR ADMINISTRATION DEPUTY DIRECTOR, MANPOWER PLANS AND POLICY DIVISION ASSISTANT DEPUTY COMMANDANT, RE- SOURCES (PERSONNEL AND READINESS) EXECUTIVE DEPUTY, MARINE CORPS LOGIS- TICS COMMAND ASSISTANT DEPUTY COMMANDANT FOR MAN- POWER AND RESERVE AFFAIRS ASSISTANT DEPUTY COMMANDANT FOR PLANS POLICIES AND OPERATIONS (SECURITY) DIRECTOR PACIFIC DIVISION, PLANS, POLICIES AND OPERATIONS DEPUTY COUNSEL FOR THE COMMANDANT OF THE MARINE CORPS ASSISTANT DEPUTY COMMANDANT FOR EVAL- UATION ASSISTANT DEPUTY COMMANDANT INSTALLA- TIONS AND LOGISTICS (CONTRACTING AND E-BUSINESS) DIRECTOR, COMMUNICATION DIRECTORATE ASSISTANT DEPUTY COMMANDANT FOR AVIA- TION (SUSTAINMENT) DEPUTY ASSISTANT DEPUTY COMMANDANT, IN- STALLATIONS AND LOGISTICS (FACILITIES)

Agency name	Organization name	Position title
MARINE CORPS SYSTEMS COMMAND	MARINE CORPS COMBAT DEVELOPMENT COMMAND; QUANTICO, VIRGINIA.	ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS (E-BUSINESS AND CONTRACTS) COUNSEL FOR THE COMMANDANT ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS ASSISTANT DEPUTY COMMANDANT FOR PROGRAMS AND RESOURCES/FISCAL DIRECTOR OF THE MARINE CORPS EXECUTIVE DIRECTOR, MARINE FORCES COMMAND EXECUTIVE DEPUTY MARINE CORPS COMBAT DEVELOPMENT COMMAND EXECUTIVE DEPUTY TRAINING AND EDUCATION COMMAND
NAVAL AIR SYSTEMS COMMAND HEAD-QUARTERS.	MARINE FORCES RESERVE, NEW ORLEANS, LA NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION.	EXECUTIVE DIRECTOR, MARINE FORCES RESERVE EXEC DIR, NAWCAD MISSION SYSTEMS AND DIGITAL ANALYTICS INFORMATION AND TECHNOLOGY ADVANCE DIRECTOR, FLIGHT TEST ENGINEERING DEPUTY ASSISTANT COMMANDER FOR TEST AND EVALUATION/EXECUTIVE DIRECTOR NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION/DIRECTOR, TEST AND EVALUATION NAWCAD EXECUTIVE DIRECTOR, NAWCAD LAKEHURST EXECUTIVE DIRECTOR, NAWCTSD
NAVAL INFORMATION AND WARFARE SYSTEMS COMMAND.	NAVAL AIR WARFARE CENTER TRAINING SYSTEMS DIVISION. NAVAL AIR WARFARE CENTER WEAPONS DIVISION, CHINA LAKE, CALIFORNIA. NAVAL INFORMATION AND WARFARE SYSTEMS CENTER.	DIRECTOR, RANGE/TEST OPERATIONS AND INFRASTRUCTURE GROUP DIRECTOR, RESEARCH AND DEVELOPMENT GROUP PRODUCT DIRECTOR, TARGETING AND KINETIC EFFECTS EXECUTIVE DIRECTOR, NAVAL AIR WARFARE CENTER WEAPONS DIVISION/DIRECTOR, RESEARCH ENGINEERING PRODUCT DIRECTOR, AIR WING INTEGRATION AND INTEROPERABILITY/ELECTRONIC WARFARE EFFECTS DIRECTOR, LONG RANGE FIRES OFFICE COUNSEL, SPACE AND NAVAL WARFARE SYSTEMS COMMAND DIRECTOR, SCIENCE AND TECHNOLOGY COMPTROLLER/BUSINESS RESOURCE MANAGER EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR
NAVAL SEA SYSTEMS COMMAND	NAVAL INFORMATION AND WARFARE SYSTEMS CENTER, CHARLESTON. NAVAL SHIPYARDS	NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER, NORFOLK NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER, PUGET SOUND NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER; PORTSMOUTH NAVAL SHIPYARD DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER DAHLGREN DIVISION DIVISION TECNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION DIVISION TECHNICAL DIRECTOR, NSWC CRANE DIVISION DIVISION TECHNICAL DIRECTOR NAVAL SURFACE WARFARE CENTER PANAMA CITY DIVISION DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER INDIAN HEAD EXPLOSIVE ORDNANCE DISPOSAL TECHNOLOGY DIVISION DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION KEYPORT DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION NEWPORT DIRECTOR OF FINANCE/COMPTROLLER
NAVAL SUPPLY SYSTEMS COMMAND HEAD-QUARTERS.	NAVAL SURFACE WARFARE CENTER	
	NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION.	
	NAVAL SURFACE WARFARE CENTER, CRANE DIVISION.	
	NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION.	
	NAVAL SURFACE WARFARE CENTER, INDIAN HEAD DIVISION.	
	NAVAL UNDERSEA WARFARE CENTER DIVISION, KEYPORT, WASHINGTON.	
	NAVAL UNDERSEA WARFARE CENTER DIVISION, NEWPORT, RHODE ISLAND.	
	NAVY SUPPLY INFORMATION SYSTEMS ACTIVITY.	
	WEAPON SYSTEMS SUPPORT	VICE COMMANDER, NAVSUP WEAPON SYSTEMS SUPPORT
OFFICE OF NAVAL RESEARCH	NAVAL RESEARCH LABORATORY	SUPERINTENDENT, SPACE SCIENCES DIVISION SUPERINTENDENT, PLASMA PHYSICS DIVISION SUPERINTENDENT, ELECTRONICS SCIENCE AND TECHNOLOGY DIVISION

Agency name	Organization name	Position title
		SUPERINTENDENT, REMOTE SENSING DIVISION SUPERINTENDENT, ACOUSTICS DIVISION DIRECTOR OF RESEARCH ASSOCIATE DIRECTOR OF RESEARCH FOR MATERIAL SCIENCE AND COMPONENT TECHNOLOGY SUPERINTENDENT, TACTICAL ELECTRONIC WARFARE DIVISION ASSOCIATE DIRECTOR OF RESEARCH FOR BUSINESS OPERATIONS ASSOCIATE DIRECTOR OF RESEARCH FOR OCEAN AND ATMOSPHERIC SCIENCE AND TECHNOLOGY ASSOCIATE DIRECTOR OF RESEARCH FOR SYSTEMS SUPERINTENDENT, SPACE SYSTEMS DEVELOPMENT DEPARTMENT SUPERINTENDENT, RADAR DIVISION SUPERINTENDENT, OCEAN SCIENCES DIVISION SUPERINTENDENT, MATERIAL SCIENCE AND TECHNOLOGY DIVISION SUPERINTENDANT, INFORMATION TECHNOLOGY DIVISION SUPERINTENDENT, MARINE METEOROLOGY DIVISION DIRECTOR, NAVAL CENTER FOR SPACE TECHNOLOGY SUPERINTENDENT, OPTICAL SCIENCES DIVISION SUPERINTENDENT CHEMISTRY DIVISION
OFFICE OF THE ASSISTANT SECRETARY OF NAVY (MANPOWER AND RESERVE AFFAIRS).	OFFICE OF CIVILIAN HUMAN RESOURCES	DIRECTOR, OFFICE OF CIVILIAN HUMAN RESOURCES DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS DEPARTMENT
OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION).	PROGRAM EXECUTIVE OFFICERS	DIRECTOR, HUMAN RESOURCES OPERATIONS DIRECTOR, PRODUCTION DEPLOYMENT AND FLEET READINESS DEPUTY PROGRAM EXECUTIVE OFFICER FOR UNMANNED AVIATION PROGRAMS DEPUTY PROGRAM EXECUTIVE OFFICERS AIR ASSAULT AND SPECIAL MISSION EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR INTEGRATED WARFARE SYSTEMS EXECUTIVE DIRECTOR, COMBATANTS, PROGRAM EXECUTIVE OFFICERS SHIPS EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR AIRCRAFT CARRIERS DEPUTY PROGRAM EXECUTIVE OFFICERS FOR STRIKE WEAPONS DEPUTY PROGRAM EXECUTIVE OFFICERS FOR TACTICAL AIR PROGRAMS EXECUTIVE DIRECTOR, AMPHIBIOUS, AUXILIARY AND SEALIFT SHIPS, PROGRAM EXECUTIVE OFFICERS SHIPS EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE SUBMARINES EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, LITTORAL COMBAT SHIPS EXECUTIVE DIRECTOR FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INTELLIGENCE (C4I) DIRECTOR, DEVELOPMENT AND INTEGRATION PROGRAM EXECUTIVE OFFICER DIGITAL AND ENTERPRISE SERVICES EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, COLUMBIA
	STRATEGIC SYSTEMS PROGRAMS	TECHNICAL PLANS OFFICER DIRECTOR, INTEGRATED NUCLEAR WEAPONS SAFETY AND SECURITY CHIEF DETERRENCE TECHNOLOGY OFFICER SSP DIRECTOR, MISSION SUPPORT STRATEGIC DETERRENCE WEAPONS CAPABILITIES AND INFRASTRUCTURE OFFICER ASSISTANT FOR MISSILE PRODUCTION, ASSEMBLY AND OPERATIONS BRANCH HEAD REENTRY SYSTEMS BRANCH DIRECTOR, PLANS AND PROGRAMS DIVISION CHIEF ENGINEER ASSISTANT FOR SHIPBOARD SYSTEMS

Agency name	Organization name	Position title
OFFICE OF THE SECRETARY OF THE NAVY	NAVAL CRIMINAL INVESTIGATIVE SERVICE	HEAD, RESOURCES BRANCH (COMPTROLLER) AND DEPUTY DIRECTOR, PLANS AND PROGRAM DIVISION ASSISTANT FOR MISSILE ENGINEERING SYSTEMS ASSISTANT FOR SYSTEMS INTEGRATION AND COMPATIBILITY CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR CRIMINAL OPERATIONS DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR ATLANTIC OPERATIONS CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR PACIFIC OPERATIONS CRIMINAL INVESTIGATOR, DEPUTY DIRECTOR OPERATIONAL SUPPORT CRIMINAL INVESTIGATOR, DEPUTY DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR GLOBAL OPERATIONS DEPUTY ASSISTANT SECRETARY OF THE NAVY (INFRASTRUCTURE AND FACILITIES) DEPUTY ASSISTANT SECRETARY OF THE NAVY (ENVIRONMENT) EXECUTIVE DIRECTOR PUBLIC PRIVATE PARTNERSHIP REVIEWS PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT) DEPUTY DASN FINANCIAL MANAGEMENT SYSTEMS (SYSTEMS TRANSFORMATION) ASSOCIATE DIRECTOR, OFFICE OF BUDGET/FISCAL MANAGEMENT DIVISION ASSISTANT GENERAL COUNSEL (FINANCIAL MANAGEMENT AND COMPTROLLER) DIRECTOR, INVESTMENT AND DEVELOPMENT DIVISION DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR FINANCIAL OPERATIONS DASN FINANCIAL MANAGEMENT SYSTEMS DIRECTOR, DATA AND DIGITAL TRANSFORMATION DEPUTY DIRECTOR, FINANCIAL SYSTEMS PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE NAVY FINANCIAL MANAGEMENT AND COMPTROLLER DIRECTOR, PROGRAM/BUDGET COORDINATION DIVISION DIRECTOR, POLICY AND PROCEDURES PRINCIPAL DEPUTY MANPOWER AND RESERVE AFFAIRS ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DIRECTOR, MANPOWER, ANALYTICS AND HUMAN RESOURCE SYSTEM DIRECTOR, FORCE RESILIENCY DEPUTY ASSISTANT SECRETARY OF THE NAVY (MILITARY MANPOWER AND PERSONNEL) DEPUTY ASSISTANT SECRETARY OF THE NAVY (CIVILIAN PERSONNEL) DIRECTOR, TECHNOLOGY SECURITY AND CO-OPERATIVE PROGRAMS DIRECTORATE CHIEF SYSTEMS ENGINEER DIRECTOR, CONTRACTS SPECIAL ASSISTANT (ADMINISTRATION) ASSISTANT GENERAL COUNSEL (RESEARCH, DEVELOPMENT AND ACQUISITION) EXECUTIVE DIRECTOR, DEPUTY ASSISTANT SECRETARY OF THE NAVY (ACQUISITION AND PROCUREMENT) EXECUTIVE DIRECTOR, NAVY INTERNATIONAL PROGRAMS OFFICE DEPUTY ASSISTANT SECRETARY OF THE NAVY (SHIPS) DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR INFORMATION WARFARE AND ENTERPRISE SERVICES DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR ACQUISITION PROGRAMS AND BUDGET
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT).	
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (FINANCIAL MANAGEMENT AND COMPTROLLER).	
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (MANPOWER AND RESERVE AFFAIRS).	
	OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION).	

Agency name	Organization name	Position title
		DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR AIR/GROUND PROGRAMS DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR SUSTAINMENT DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR PROCUREMENT DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, TEST AND ENGINEERING TEST AND EVALUATION EXECUTIVE PRINCIPAL CIVILIAN DEPUTY ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION) PEO FOR AVIATION COMMON SYSTEMS AND COMMERCIAL SERVICES PROGRAM EXECUTIVE OFFICER, LAND SYSTEMS MARINE CORPS EXECUTIVE DIRECTOR, F-35, JOINT PROGRAM OFFICE
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL COUNSEL, MILITARY SEALIFT COMMAND ASSISTANT GENERAL COUNSEL (ENERGY, INSTALLATIONS, AND ENVIRONMENT) DEPUTY COUNSEL NAVAL SEA SYSTEMS COMMAND ASSISTANT GENERAL COUNSEL (INTELLIGENCE) COUNSEL, STRATEGIC SYSTEMS PROGRAM PRINCIPAL DEPUTY GENERAL COUNSEL ASSOCIATE GENERAL COUNSEL (LITIGATION)/ DIRECTOR, NAVY LITIGATION OFFICE ASSISTANT GENERAL COUNSEL (ACQUISITION INTEGRITY) SPECIAL COUNSEL FOR LITIGATION
	OFFICE OF THE NAVAL INSPECTOR GENERAL	DEPUTY NAVAL INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL OF THE MARINE CORPS
	OFFICE OF THE UNDER SECRETARY OF THE NAVY.	SENIOR DIRECTOR FOR SECURITY AND INTELLIGENCE SENIOR DIRECTOR, INTEGRATION SUPPORT DIRECTORATE PRINCIPAL DIRECTOR DEPUTY UNDER SECRETARY OF THE NAVY (POLICY) DIRECTOR FOR BUSINESS REFORM AND DIRECTOR, OFFICE OF THE CHIEF MANAGEMENT OFFICE
OFFICE OF THE UNDER SECRETARY OF THE NAVY.	OFFICE OF THE AUDITOR GENERAL	AUDITOR GENERAL OF THE NAVY
UNITED STATES MARINE CORPS HEAD-QUARTERS OFFICE.	MARINE FORCES PACIFIC, HAWAII	EXECUTIVE DIRECTOR, MARINE FORCES PACIFIC
OFFICE OF THE SECRETARY OF DEFENSE OFFICE OF THE INSPECTOR GENERAL.		
DEPUTY INSPECTOR GENERAL FOR AUDITING ...	OFFICE OF THE PRINCIPAL DEPUTY INSPECTOR GENERAL FOR AUDITING.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING
OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL FOR MISSION SUPPORT.	DEPUTY INSPECTOR GENERAL FOR MISSION SUPPORT ASSISTANT INSPECTOR GENERAL FOR MISSION SUPPORT
	DIVERSITY AND INCLUSION AND EXTREMISM IN THE MILITARY (DIEM).	DEPUTY INSPECTOR GENERAL FOR DIVERSITY AND INCLUSION AND EXTREMISM IN THE MILITARY
OFFICE OF THE SECRETARY OF DEFENSE OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL FOR ADMINISTRATIVE INVESTIGATIONS.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATIVE INVESTIGATIONS DEPUTY INSPECTOR GENERAL ADMINISTRATIVE INVESTIGATIONS
	DEPUTY INSPECTOR GENERAL FOR AUDITING ...	ASSISTANT INSPECTOR GENERAL FOR ACQUISITION, CONTRACTING, AND SUSTAINMENT ASSISTANT INSPECTOR GENERAL FOR FINANCIAL MANAGEMENT AND REPORTING ASSISTANT INSPECTOR GENERAL FOR READINESS AND CYBER OPERATIONS DEPUTY INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR READINESS AND GLOBAL OPERATIONS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, INTERNAL OPERATIONS DEPUTY INSPECTOR GENERAL FOR EVALUATIONS
	DEPUTY INSPECTOR GENERAL FOR EVALUATIONS.	ASSISTANT INSPECTOR GENERAL FOR PROGRAM, COMBATANT COMMAND (COCOM), AND OVERSEAS CONTINGENCY OPERATIONS (OCO)

Agency name	Organization name	Position title
DEFENSE NUCLEAR FACILITIES SAFETY BOARD.	ASSISTANT INSPECTOR GENERAL FOR SPACE, INTELLIGENCE, ENGINEERING, AND OVERSIGHT. DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY DIRECTOR DEFENSE CRIMINAL INVESTIGATIVE SERVICE ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS/DEPUTY DIRECTOR
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL PRINCIPAL DEPUTY GENERAL COUNSEL
	OFFICE OF THE INSPECTOR GENERAL	CHIEF INFORMATION OFFICER ASSISTANT INSPECTOR GENERAL FOR LEGISLATIVE AFFAIRS AND COMMUNICATIONS ASSISTANT INSPECTOR GENERAL FOR STRATEGIC PLANNING AND PERFORMANCE ASSISTANT INSPECTOR GENERAL FOR DATA ANALYTICS DEPUTY INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS PRINCIPAL DEPUTY INSPECTOR GENERAL
DEFENSE NUCLEAR FACILITIES SAFETY BOARD.	DEFENSE NUCLEAR FACILITIES SAFETY BOARD	DEPUTY EXECUTIVE DIRECTOR OF OPERATIONS ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR MATERIALS PROCESSING AND STABILIZATION ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR PROGRAMS AND ANALYSIS ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR WEAPON PROGRAMS TECHNICAL DIRECTOR GENERAL MANAGER DEPUTY TECHNICAL DIRECTOR ASSOCIATE TECHNICAL DIRECTOR FOR FIELD OPERATIONS ASSOCIATE TECHNICAL DIRECTOR, NUCLEAR FACILITY INFRASTRUCTURE AND PROJECTS
	FEDERAL STUDENT AID	DIRECTOR, FINANCIAL MANAGEMENT SYSTEMS GROUP CHIEF FINANCIAL OFFICER
	INSTITUTE OF EDUCATION SCIENCES	ASSOCIATE COMMISSIONER, ASSESSMENTS DIVISION
DEPARTMENT OF EDUCATION. OFFICE OF THE SECRETARY	OFFICE FOR CIVIL RIGHTS	DEPUTY ASSISTANT SECRETARY FOR ENFORCEMENT ENFORCEMENT DIRECTOR (4)
	OFFICE OF FINANCIAL OPERATIONS	DEPUTY ASSISTANT SECRETARY FOR ACQUISITION, GRANTS, AND RISK MANAGEMENT DEPUTY ASSISTANT SECRETARY, SECURITY, FACILITIES AND LOGISTICAL SERVICES DEPUTY CHIEF HUMAN CAPITAL OFFICER DIRECTOR, CONTRACTS AND ACQUISITIONS MANAGEMENT DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, CONTRACTS AND ACQUISITIONS MANAGEMENT
DEPARTMENT OF EDUCATION OFFICE OF THE INSPECTOR GENERAL. DEPARTMENT OF EDUCATION OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE CHIEF INFORMATION OFFICER ..	DIRECTOR, INFORMATION ASSURANCE SERVICES AND CHIEF INFORMATION SECURITY OFFICER CHIEF INFORMATION OFFICER
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL FOR BUSINESS AND ADMINISTRATION LAW ASSISTANT GENERAL COUNSEL FOR EDUCATIONAL EQUITY
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR TECHNOLOGY SERVICES DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES ASSISTANT INSPECTOR GENERAL FOR LEGAL SERVICES AND COUNSEL TO THE INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES

Agency name	Organization name	Position title
DEPARTMENT OF ENERGY. ASSISTANT SECRETARY FOR ELECTRICITY	BONNEVILLE POWER ADMINISTRATION	ASSISTANT INSPECTOR GENERAL FOR TECHNOLOGY SERVICES ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT SERVICES DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES VICE PRESIDENT FOR ENVIRONMENT, FISH AND WILDLIFE VICE PRESIDENT FOR NORTHWEST REQUIREMENTS MARKETING VICE PRESIDENT FOR TRANSMISSION FIELD SERVICES VICE PRESIDENT FOR PLANNING AND ASSET MANAGEMENT VICE PRESIDENT, ENGINEERING AND TECHNICAL SERVICES SENIOR VICE PRESIDENT FOR POWER SERVICES VICE PRESIDENT FOR TRANSMISSION MARKETING AND SALES CHIEF WORKFORCE AND STRATEGY OFFICER SENIOR VICE PRESIDENT FOR TRANSMISSION SERVICES CHIEF OPERATING OFFICER VICE PRESIDENT, BULK MARKETING EXECUTIVE VICE PRESIDENT INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER EXECUTIVE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER VICE PRESIDENT FOR GENERATION ASSET MANAGEMENT VICE PRESIDENT, ENERGY EFFICIENCY GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT VICE PRESIDENT OF TRANSMISSION SYSTEM OPERATIONS CHIEF ADMINISTRATIVE OFFICER EXECUTIVE VICE PRESIDENT, COMPLIANCE AND RISK MANAGEMENT
	SOUTHWESTERN POWER ADMINISTRATION	DEPUTY ADMINISTRATOR, OFFICE OF POWER DELIVERY
ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT. DEPARTMENT OF ENERGY	WESTERN AREA POWER ADMINISTRATION	TRANSMISSION INFRASTRUCTURE PROGRAM MANAGER DESERT SOUTHWEST REGIONAL MANAGER CHIEF INFORMATION OFFICER CHIEF ADMINISTRATIVE OFFICER CHIEF OPERATING OFFICER CHIEF FINANCIAL OFFICER GENERAL COUNSEL AND SENIOR VICE PRESIDENT REGIONAL MANAGER, UPPER GREAT PLAINS REGION REGIONAL MANAGER, ROCKY MOUNTAIN REGION REGIONAL MANAGER, SIERRA NEVADA REGION CHIEF COUNSEL
	ENVIRONMENTAL MANAGEMENT CONSOLIDATED BUSINESS CENTER. RICHLAND OPERATIONS OFFICE	CHIEF COUNSEL CHIEF COUNSEL
DEPARTMENT OF ENERGY	ADVANCED RESEARCH PROJECTS AGENCY—ENERGY. ASSISTANT SECRETARY FOR ELECTRICITY	CHIEF OPERATING OFFICER SENIOR ADVISOR
	ASSISTANT SECRETARY FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY. ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT.	DIRECTOR, OFFICE OF BUSINESS SERVICES MANAGEMENT CHIEF COUNSEL, GOLDEN FIELD OFFICE ASSOCIATE PRINCIPAL DEPUTY ASSISTANT SECRETARY DIRECTOR INTEGRATED STRATEGIES MANAGER, IDAHO CLEANUP PROJECT DIRECTOR FOR REGULATORY, INTERGOVERNMENTAL AND STAKEHOLDER ENGAGEMENT SENIOR PROJECT MANAGEMENT ADVISOR FOR CORPORATE SERVICES SENIOR ADVISOR SENIOR ADVISOR FOR ENVIRONMENTAL MANAGEMENT SITE MANAGER, OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT DEPUTY MANAGER, IDAHO CLEANUP PROJECT

Agency name	Organization name	Position title
	ASSISTANT SECRETARY FOR FOSSIL ENERGY AND CARBON MANAGEMENT. ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS. ASSISTANT SECRETARY FOR NUCLEAR ENERGY. ASSOCIATE UNDER SECRETARY FOR ENVIRONMENT, HEALTH, SAFETY AND SECURITY. IDAHO OPERATIONS OFFICE LOAN PROGRAMS OFFICE NATIONAL NUCLEAR SECURITY ADMINISTRATION.	ASSOCIATE LABORATORY DIRECTOR FOR RESEARCH AND INNOVATION DEPUTY DIRECTOR AND CHIEF TECHNOLOGY OFFICER DIRECTOR FOR ARTIFICIAL INTELLIGENCE AND SPECIAL PROJECTS DEPUTY DIRECTOR AND CHIEF RESEARCH OFFICER DIRECTOR, CARBON MANAGEMENT TECHNOLOGIES CHIEF OPERATING OFFICER AND DIRECTOR FOR LABORATORY OPERATIONS EXECUTIVE DIRECTOR, FINANCE, ACQUISITION AND CHIEF FINANCIAL OFFICER CHIEF COUNSEL DEPUTY ASSISTANT SECRETARY FOR ASIA AND THE AMERICAS DEPUTY ASSISTANT SECRETARY FOR EUROPE, EURASIA, AFRICA AND THE MIDDLE EAST ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR INFRASTRUCTURE PROGRAMS DEPUTY ASSISTANT SECRETARY, SPENT FUEL AND WASTE DISPOSITION ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR REACTOR FLEET AND ADVANCED REACTOR DEPLOYMENT PROGRAM DIRECTOR, VERSATILE TEST REACTOR PROJECT DEPUTY MANAGER FOR NUCLEAR ENERGY FACILITIES AND OPERATIONS AND SECURITY CHIEF OPERATING OFFICER DIRECTOR OFF OF USED NUCLEAR FUEL DISPOSITION RESEARCH AND DEVELOPMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR FUEL CYCLE AND SUPPLY CHAIN SENIOR ADVISOR TO THE MANAGER, IDAHO OPERATIONS OFFICE SENIOR ADVISOR DIRECTOR, OFFICE OF NUCLEAR SAFETY DIRECTOR, OFFICE OF ENVIRONMENTAL PROTECTION SUSTAINABILITY DEPUTY DIRECTOR FOR SECURITY MANAGER, IDAHO OPERATIONS OFFICE DEPUTY MANAGER FOR NUCLEAR ENERGY PROGRAM SUPPORT AND EXECUTION DIRECTOR, LOAN ORIGINATION DIVISION DIRECTOR, RISK MANAGEMENT CHIEF COUNSEL DIRECTOR, PORTFOLIO MANAGEMENT DIVISION DEPUTY DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION DIRECTOR OF STRATEGIC PARTNERSHIPS AND ENGAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR FOR IM AND DEPUTY CIO DEPUTY ASSOCIATE ADMINISTRATOR FOR INFRASTRUCTURE LIFECYCLE MANAGEMENT DIRECTOR, OFFICE OF STOCKPILE PRODUCTION INTEGRATION ASSISTANT DEPUTY ADMINISTRATOR FOR PIT PRODUCTION MODERNIZATION PRINCIPAL DEPUTY ASSOCIATE ADMINISTRATOR, ENVIRONMENT, SAFETY AND HEALTH ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR, FOR GLOBAL MATERIAL SECURITY ASSISTANT DEPUTY ADMINISTRATOR, FOR GLOBAL MATERIAL SECURITY MANAGER, SANDIA FIELD OFFICE MANAGER, LIVERMORE FIELD OFFICE FEDERAL PROJECT DIRECTOR, CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT FACILITY DEPUTY ASSOCIATE ADMINISTRATOR FOR ENTERPRISE STEWARDSHIP ASSOCIATE DEPUTY ADMINISTRATOR FOR SECURE TRANSPORTATION ASSOCIATE PRINCIPAL DEPUTY ADMINISTRATOR DIRECTOR, OFFICE OF COST ESTIMATING AND PROGRAM EVALUATION

Agency name	Organization name	Position title
		ASSISTANT DEPUTY ADMINISTRATOR FOR STRATEGIC PARTNERSHIP PROGRAMS DEPUTY MANAGER, Y-12 ADA (OFFICE OF MATERIAL MANAGEMENT AND MINIMIZATION) ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR FOR MATERIAL MANAGEMENT AND MINIMIZATION DIRECTOR, REGULATORY, INFRASTRUCTURE, AND SECURITY DIVISION DIRECTOR, MANAGEMENT AND ADMINISTRATION DADA FOR PRODUCTION MODERNIZATION DEPUTY ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE MANAGEMENT ADA FOR NONPROLIFERATION AND ARMS CONTROL DADA FOR RESEARCH, TEST AND EVALUATION ASSOCIATE ADMINISTRATOR, ENVIRONMENT, SAFETY AND HEALTH PROJECT MANAGER, STRATEGIC PETROLEUM RESERVE DIRECTOR, OFFICE OF CYBERSECURITY, ENERGY SECURITY AND EMERGENCY RESPONSE DEPUTY DIRECTOR FOR RESPONSE AND RESTORATION DEPUTY DIRECTOR PREPAREDNESS, POLICY, AND RISK ANALYSIS DEPUTY DIRECTOR FOR RESPONSE AND RESTORATION (2) CHIEF OPERATING OFFICER DEPUTY DIRECTOR RISK MANAGEMENT TOOLS AND TECHNOLOGIES DEPUTY DIRECTOR, MINORITY PROGRAMS DEPUTY DIRECTOR, OFFICE OF ENTERPRISE ASSESSMENTS ASSISTANT GENERAL COUNSEL FOR PROCUREMENT AND FINANCIAL ASSISTANCE ASSISTANT GENERAL COUNSEL FOR TECHNOLOGY TRANSFER AND INTELLECTUAL PROPERTY DEPUTY GENERAL COUNSEL FOR TRANSACTIONS, TECHNOLOGY, AND CONTRACTOR HUMAN RESOURCES ASSISTANT GENERAL COUNSEL FOR ENFORCEMENT ASSISTANT GENERAL COUNSEL FOR CLEAN ENERGY DEMONSTRATIONS ASSISTANT GENERAL COUNSEL FOR ETHICS AND PERSONNEL LAW ASSOCIATE GENERAL COUNSEL DIRECTOR, HEARINGS AND APPEALS (CHIEF ADMINISTRATIVE JUDGE) DEPUTY DIRECTOR, HEARINGS AND APPEALS (DEPUTY CHIEF ADMINISTRATIVE JUDGE) DEPUTY DIRECTOR FOR CYBER INTELLIGENCE DEPUTY DIRECTOR FOR COUNTERINTELLIGENCE DIRECTOR OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE PRINCIPAL DEPUTY DIRECTOR, OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE DEPUTY DIRECTOR FOR INTELLIGENCE ANALYSIS DIRECTOR, OFFICE OF ADMINISTRATION DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT DIRECTOR, OFFICE OF THE OMBUDSMAN DIRECTOR, OFFICE OF POLICY DIRECTOR, OFFICE OF HEADQUARTERS PROCUREMENT SERVICES PRINCIPAL DEPUTY DIRECTOR DEPUTY DIRECTOR, OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS SITE OFFICE MANAGER, BROOKHAVEN DIRECTOR, OFFICE OF SCIENTIFIC AND TECHNICAL INFORMATION SITE OFFICE MANAGER, FERMI SITE OFFICE MANAGER, ARGONNE SITE OFFICE MANAGER, PRINCETON SITE OFFICE MANAGER, PACIFIC NORTHWEST
	OFFICE OF CYBERSECURITY, ENERGY SECURITY AND EMERGENCY RESPONSE.	
	OFFICE OF ENERGY JUSTICE AND EQUITY	
	OFFICE OF ENTERPRISE ASSESSMENTS	
	OFFICE OF GENERAL COUNSEL	
	OFFICE OF HEARINGS AND APPEALS	
	OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.	
	OFFICE OF MANAGEMENT	
	OFFICE OF POLICY	
	OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS.	
	OFFICE OF SCIENCE	

Agency name	Organization name	Position title
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER. OFFICE OF THE DEPUTY SECRETARY UNITED STATES ENERGY INFORMATION ADMINISTRATION. UNDER SECRETARY OF ENERGY	SITE MANAGER, ORNL SITE OFFICE SITE OFFICE MANAGER, THOMAS JEFFERSON NATIONAL ACCELERATOR FACILITY ASSISTANT MANAGER FOR RESERVATION MANAGEMENT BERKELEY SITE OFFICE MANAGER DIRECTOR, OFFICE OF INFORMATION MANAGEMENT SENIOR TECHNICAL ADVISOR DIRECTOR OFFICE OF INFORMATION MANAGEMENT SLAC SITE OFFICE MANAGER CHIEF COUNSEL DEPUTY DIRECTOR, OFFICE OF FIELD SAFETY, SECURITY AND INFRASTRUCTURE DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT ASSISTANT MANAGER, OFFICE OF GRANTS AND COOPERATIVE AGREEMENTS DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES OPERATIONS AND COMPENSATION DIRECTOR, OFFICE OF POLICY, LABOR AND EMPLOYEE RELATIONS DEPUTY CHIEF HUMAN CAPITAL OFFICER DIRECTOR, OFFICE OF CORPORATE EXECUTIVE MANAGEMENT DIRECTOR, OFFICE OF RECRUITMENT AND ADVISORY SERVICES PROGRAM DIRECTOR FOR HUMAN CAPITAL AND ENERGY HIRING INITIATIVES DEPUTY DIRECTOR FOR TALENT MANAGEMENT DIRECTOR, OFFICE OF HUMAN RESOURCES OPERATIONS AND COMPENSATION DIRECTOR, HUMAN RESOURCES SERVICE CENTER DIRECTOR, OFFICE OF TALENT MANAGEMENT DIRECTOR, OFFICE OF BUSINESS OPERATIONS SENIOR ADVISOR DEPUTY ADMINISTRATOR ENERGY INFORMATION ADMINISTRATION DIRECTOR, OFFICE OF ENERGY CONSUMPTION AND EFFICIENCY STATISTICS ASSISTANT ADMINISTRATOR FOR ENERGY STATISTICS SENIOR ADVISOR FOR CONSUMPTION ANALYSIS DIRECTOR, OFFICE OF ENERGY PRODUCTION, CONVERSION AND DELIVERY ASSISTANT ADMINISTRATOR FOR RESOURCES AND TECHNOLOGY MANAGEMENT ASSISTANT ADMINISTRATOR FOR ENERGY ANALYSIS DIRECTOR, OFFICE OF SURVEY OPERATIONS DIRECTOR, OFFICE OF STATISTICAL METHODS AND RESEARCH DIRECTOR, OFFICE OF LONG-TERM ENERGY MODELING DIRECTOR, OFFICE OF ENERGY PRODUCTION AND MARKETS ANALYSIS DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY (CIO) DIRECTOR, OFFICE OF INTEGRATED AND INTERNATIONAL ENERGY ANALYSIS DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER) PRINCIPAL DEPUTY UNDER SECRETARY OF ENERGY
NATIONAL NUCLEAR SECURITY ADMINISTRATION.	ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY. ASSOCIATE ADMINISTRATOR FOR EMERGENCY OPERATIONS. ASSOCIATE ADMINISTRATOR FOR INFRASTRUCTURE.	BUSINESS OPERATIONS MANAGER DEPUTY ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY AND CHIEF OF DEFENSE NUCLEAR SECURITY ASSOCIATE ADMINISTRATOR FOR EMERGENCY OPERATIONS DEPUTY ASSOCIATE ADMINISTRATOR, DESIGN AND CONSTRUCTION ASSOCIATE ADMINISTRATOR FOR INFRASTRUCTURE FEDERAL PROJECT DIRECTOR (URANIUM PROCESSING FACILITY) FEDERAL PROJECT DIRECTOR (SAVANNAH RIVER PLUTONIUM PROCESSING FACILITY))

Agency name	Organization name	Position title
	ASSOCIATE ADMINISTRATOR FOR PARTNERSHIP AND ACQUISITION SERVICES.	DEPUTY ASSOCIATE ADMINISTRATOR, INFRA-STRUCTURE FOR PROGRAM INNOVATION ASSOCIATE ADMINISTRATOR FOR PARTNERSHIP AND ACQUISITION SERVICES DEPUTY ASSOCIATE ADMINISTRATOR FOR PARTNERSHIP AND ACQUISITION SERVICES DIRECTOR OFFICE OF ACQUISITION MANAGEMENT
	DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION.	ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR, OFFICE OF NONPROLIFERATION AND ARMS CONTROL ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION RESEARCH AND DEVELOPMENT ASSISTANT DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION RESEARCH AND DEVELOPMENT PRINCIPAL ASSISTANT DEPUTY ADMINISTRATOR
	DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.	MANAGER, KANSAS CITY FIELD OFFICE MANAGER, NEVADA FIELD OFFICE PRINCIPAL DEPUTY ASSISTANT DEPUTY ADMINISTRATOR FOR SECURE TRANSPORTATION ADA FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE MANAGEMENT ADA FOR PRODUCTION MODERNIZATION PROGRAMS ASSISTANT DEPUTY ADMINISTRATOR FOR SYSTEMS ENGINEERING AND INTEGRATION DIRECTOR, OFFICE OF STOCKPILE MODERNIZATION CHIEF SCIENTIST DIRECTOR, OFFICE OF EXPERIMENTAL SCIENCES DIRECTOR, ACQUISITION DIVISION
	DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.	PROGRAM MANAGER, VA CLASS SUBS AND US/UK TECHNOLOGY EXCHANGE SENIOR NAVAL REACTORS REPRESENTATIVE (PUGET SOUND NAVAL SHIP) PROGRAM MANAGER, ADVANCED TECHNOLOGY DEVELOPMENT PROGRAM MANAGER, NEW SHIP DESIGN PROGRAM MANAGER FOR SURFACE SHIP NUCLEAR PROPULSION MANAGER, NAVAL REACTORS LABORATORY FIELD OFFICE DIRECTOR, REACTOR ENGINEERING DIVISION ASSISTANT MANAGER FOR OPERATIONS DIRECTOR, INFORMATION TECHNOLOGY MANAGEMENT DIVISION DEPUTY DIRECTOR, NUCLEAR TECHNOLOGY DIVISION SENIOR NAVAL REACTORS REPRESENTATIVE (NEWPORT NEWS, VA) DIRECTOR NUCLEAR TECHNOLOGY DIVISION DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION ASSISTANT MANAGER FOR OPERATIONS DIRECTOR, COMMISSIONED SUBMARINE SYSTEMS DIVISION DEPUTY DIRECTOR, ADVANCED SUBMARINE SYSTEMS DIVISION PROGRAM MANAGER, PROTOTYPE AND MOORED TRAINING SHIP OPERATIONS AND INACTIVATION PROGRAM DEPUTY DIRECTOR FOR NAVAL REACTORS DIRECTOR ADVANCED SUBMARINE SYSTEMS DIVISION DEPUTY ASSOCIATE ADMINISTRATOR FOR COUNTERTERRORISM AND COUNTERPROLIFERATION DEPUTY MANAGER SANDIA FIELD OFFICE
	DEPUTY UNDER SECRETARY FOR COUNTERTERRORISM AND COUNTERPROLIFERATION.	DEPUTY MANAGER, NNSA PRODUCTION OFFICE-PANTEX
	NATIONAL NUCLEAR SECURITY ADMINISTRATION FIELD SITE OFFICES.	MANAGER, SAVANNAH RIVER FIELD OFFICE

Agency name	Organization name	Position title
		DEPUTY MANAGER SAVANNAH RIVER FIELD OFFICE DEPUTY MANAGER, LOS ALAMOS FIELD OFFICE MANAGER NNSA PRODUCTION OFFICE MANAGER, LOS ALAMOS FIELD OFFICE PANTEX MANAGER DEPUTY MANAGER, LIVERMORE FIELD OFFICE DEPUTY MANAGER, NEVADA FIELD OFFICE ASSOCIATE ADMINISTRATOR FOR MANAGEMENT AND BUDGET DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCIAL MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR MANAGEMENT DIRECTOR, OFFICE OF HUMAN RESOURCES DIRECTOR, FINANCIAL INTEGRATION AND BUDGET DEPUTY DEPUTY GENERAL COUNSEL FOR PROCUREMENT, IP AND TECHNOLOGY TRANSFER DEPUTY GENERAL COUNSEL FOR GENERAL LAW SENIOR COUNSEL GENERAL COUNSEL
OFFICE OF THE DEPUTY SECRETARY	OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, OFFICE OF BUDGET DEPUTY DIRECTOR, BUDGET OPERATIONS DEPUTY DIRECTOR, FINANCIAL REPORTING AND BUSINESS ANALYSIS DEPUTY DIRECTOR, FINANCIAL OPERATIONS DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING DEPUTY DIRECTOR, BUDGET FORMULATION DEPUTY CHIEF FINANCIAL OFFICER DEPUTY FOR CORPORATE BUSINESS SYSTEMS DIRECTOR OF CORPORATE BUSINESS SYSTEMS SENIOR ADVISOR FOR ENVIRONMENTAL MANAGEMENT TO THE UNDER SECRETARY FOR SCIENCE
OFFICE OF THE SECRETARY	UNDER SECRETARY FOR SCIENCE	DIRECTOR, FEDERAL EMERGENCY MANAGEMENT PROGRAM DEPUTY DIRECTOR, GRID MODERNIZATION CHIEF OPERATING OFFICER PRINCIPAL DEPUTY DIRECTOR, GRID DEPLOYMENT OFFICE DEPUTY DIRECTOR, GENERATION CREDITS DIVISION
UNDER SECRETARY OF ENERGY	FEDERAL ENERGY MANAGEMENT PROGRAM	ASSOCIATE DIRECTOR OF PROJECT MANAGEMENT (INDUSTRIAL DECARBONIZATION) DEPUTY DIRECTOR OF PROJECT MANAGEMENT DEPUTY DIRECTOR FOR TECHNICAL AND ENGINEERING SUPPORT DEPUTY DIRECTOR OF CONTRACTS AND AWARDS DEPUTY DIRECTOR FOR OPERATIONS AND MANAGEMENT PRINCIPAL DEPUTY DIRECTOR, OFFICE OF CLEAN ENERGY DEMONSTRATIONS CHIEF OPERATING OFFICER DEPUTY DIRECTOR OF PORTFOLIO STRATEGY ASSOCIATE DIRECTOR OF PROJECT MANAGEMENT (HYDROGEN) ASSOCIATE DIRECTOR OF PROJECT MANAGEMENT (NUCLEAR TECHNOLOGIES) ASSOCIATE DIRECTOR OF PROJECT MANAGEMENT (RENEWABLES) ASSOCIATE DIRECTOR OF PROJECT MANAGEMENT (CARBON CAPTURE AND REMOVAL)
	GRID DEPLOYMENT OFFICE	PRINCIPAL DEPUTY DIRECTOR, OFFICE OF MANUFACTURING AND ENERGY SUPPLY CHAINS DEPUTY DIRECTOR, MANUFACTURING AND WORKFORCE DEPLOYMENT DEPUTY DIRECTOR, BUSINESS OPERATIONS DEPUTY DIRECTOR, BATTERIES AND CRITICAL MATERIALS DEPUTY DIRECTOR, ENERGY SECTOR INDUSTRIAL BASE
	OFFICE OF CLEAN ENERGY DEMONSTRATIONS	DEPUTY DIRECTOR FOR BUSINESS OPERATIONS ASSOCIATE DIRECTOR OF STATE AND COMMUNITY ENERGY PROGRAMS (SCEP) DEPUTY DIRECTOR, STATE ENERGY PROGRAMS
	OFFICE OF MANUFACTURING AND ENERGY SUPPLY CHAINS.	
	STATE AND COMMUNITY ENERGY PROGRAMS ...	

Agency name	Organization name	Position title
DEPARTMENT OF ENERGY OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF ENERGY OFFICE OF THE INSPECTOR GENERAL.	DEPUTY DIRECTOR, WEATHERIZATION DEPUTY DIRECTOR, PARTNERSHIPS DEPUTY DIRECTOR FOR COMMUNITY ENERGY PROGRAMS
ENVIRONMENTAL PROTECTION AGENCY. ENVIRONMENTAL PROTECTION AGENCY	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS, INTELLIGENCE OVERSIGHT, AND SPECIAL PROJECTS DEPUTY ASSISTANT INSPECTOR GENERAL FOR CYBER ASSESSMENTS AND DATA ANALYTICS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS CHIEF COUNSEL TO THE INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS, INTELLIGENCE OVERSIGHT, AND SPECIAL PROJECTS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (WESTERN REGION) ASSISTANT INSPECTOR GENERAL FOR CYBER ASSESSMENTS AND DATA ANALYTICS ASSISTANT INSPECTOR GENERAL FOR AUDITS
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR CHEMICAL SAFETY AND POLLUTION PREVENTION.	DIRECTOR, INDOOR ENVIRONMENTS DIVISION DIRECTOR, TRANSPORTATION AND CLIMATE DIVISION DIRECTOR, TESTING AND ADVANCED TECHNOLOGY DIVISION DIRECTOR, CLEAN AIR MARKETS DIVISION DIRECTOR, OUTREACH AND INFORMATION DIVISION DIRECTOR, AIR QUALITY ASSESSMENT DIVISION DIRECTOR, CLIMATE CHANGE DIVISION DIRECTOR, RADIATION PROTECTION DIVISION DIRECTOR, ASSESSMENT AND STANDARDS DIVISION DIRECTOR, CLIMATE PROTECTION PARTNERSHIP DIVISION DIRECTOR, AIR QUALITY POLICY DIVISION DIRECTOR, HEALTH AND ENVIRONMENTAL IMPACTS DIVISION DIRECTOR, SECTOR POLICIES AND PROGRAMS DIVISION DIRECTOR, COMPLIANCE DIVISION DIRECTOR, STRATOSPHERIC PROTECTION DIVISION DIRECTOR, MISSION SUPPORT DIVISION
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE.	DIRECTOR, EXISTING CHEMICAL RISK MANAGEMENT DIVISION DIRECTOR, PROJECT MANAGEMENT AND OPERATIONS DIVISION DIRECTOR, OFFICE OF PROGRAM SUPPORT DIRECTOR, DATA GATHERING AND ANALYSIS DIVISION DEPUTY DIRECTOR, OFFICE OF PROGRAM SUPPORT DIRECTOR, NEW CHEMICALS DIVISION DIRECTOR, EXISTING CHEMICALS RISK ASSESSMENT DIVISION DIRECTOR, BIOPESTICIDES AND POLLUTION PREVENTION DIVISION DIRECTOR, ANTIMICROBIALS DIVISION DIRECTOR, INFORMATION TECHNOLOGY AND RESOURCES MANAGEMENT DIVISION DIRECTOR, HEALTH EFFECTS DIVISION DIRECTOR, BIOLOGICAL AND ECONOMIC ANALYSIS DIVISION DIRECTOR, REGISTRATION DIVISION DIRECTOR, ENVIRONMENTAL FATE AND EFFECTS DIVISION DIRECTOR, PESTICIDE RE-EVALUATION DIVISION DEPUTY DIRECTOR, OFFICE OF COMPLIANCE

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR LAND AND EMERGENCY MANAGEMENT. OFFICE OF THE ASSISTANT ADMINISTRATOR FOR MISSION SUPPORT. OFFICE OF THE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.	DEPUTY DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT DIRECTOR, AIR ENFORCEMENT DIVISION DIRECTOR, OFFICE OF COMPLIANCE DIRECTOR, MONITORING ASSISTANCE AND MEDIA PROGRAMS DIVISION DIRECTOR, OFFICE OF CIVIL ENFORCEMENT DEPUTY DIRECTOR, OFFICE OF CIVIL ENFORCEMENT DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING DIRECTOR, CRIMINAL INVESTIGATION DIVISION DEPUTY DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING DIRECTOR, NATIONAL ENFORCEMENT INVESTIGATIONS CENTER DIRECTOR, WATER ENFORCEMENT DIVISION DIRECTOR, ENFORCEMENT PLANNING, TARGETING, AND DATA DIVISION DIRECTOR, MONITORING ASSISTANCE AND MEDIA PROGRAMS DIVISION DIRECTOR, MATERIALS RECOVERY AND WASTE MANAGEMENT DIVISION DIRECTOR, TECHNOLOGY INNOVATION AND FIELD SERVICES DIVISION DIRECTOR, PROGRAM IMPLEMENTATION AND INFORMATION DIVISION DIRECTOR, RESOURCES MANAGEMENT DIVISION DIRECTOR, ASSESSMENT AND REMEDIATION DIVISION DIRECTOR, RESOURCE CONSERVATION AND SUSTAINABILITY DIVISION DIRECTOR, OFFICE OF ACQUISITION SOLUTIONS DIRECTOR, OFFICE OF DIGITAL SERVICES AND TECHNICAL ARCHITECTURE ENVIRONMENTAL APPEALS JUDGE DIRECTOR, OFFICE OF SITE MANAGEMENT AND OPERATIONS SENIOR ADVISOR DIRECTOR, OFFICE OF HUMAN CAPITAL OPERATIONS DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES STRATEGY DIRECTOR, OFFICE OF HUMAN RESOURCES STRATEGY DIRECTOR, OFFICE OF ENGAGEMENT AND PROGRAM MANAGEMENT DEPUTY DIRECTOR, OFFICE OF REAL PROPERTY, SAFETY AND SECURITY DIRECTOR, OFFICE OF REAL PROPERTY, SAFETY AND SECURITY DIRECTOR, OFFICE OF INCLUSIVE EXCELLENCE DIRECTOR, OFFICE OF RESOURCES AND BUSINESS OPERATIONS ENVIRONMENTAL APPEALS JUDGE DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT ENVIRONMENTAL APPEALS JUDGE DEPUTY DIRECTOR, OFFICE OF ACQUISITION SOLUTIONS DIRECTOR, OFFICE OF GRANTS AND DEBARMENT ENVIRONMENTAL APPEALS JUDGE DEPUTY DIRECTOR, OFFICE OF GRANTS AND DEBARMENT DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES DIRECTOR, OFFICE OF HUMAN RESOURCES DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT DIRECTOR, OFFICE OF ADMINISTRATION DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION DEPUTY DIRECTOR FOR MANAGEMENT DIRECTOR, PACIFIC ECOLOGICAL SYSTEMS DIVISION DIRECTOR, GULF ECOSYSTEM MEASUREMENT AND MODELING DIVISION

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WATER. OFFICE OF THE CHIEF FINANCIAL OFFICER OFFICE OF THE GENERAL COUNSEL REGION 1- BOSTON, MASSACHUSETTS REGION 10—SEATTLE, WASHINGTON REGION 2—NEW YORK, NEW YORK	DIRECTOR, CENTER FOR ENVIRONMENTAL MEASUREMENT AND MODELING DEPUTY DIRECTOR FOR MANAGEMENT DIRECTOR, OFFICE OF SCIENCE INFORMATION MANAGEMENT DIRECTOR, GREAT LAKES TOXICOLOGY AND ECOLOGY DIVISION DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DEPUTY DIRECTOR FOR MANAGEMENT DIRECTOR, CENTER FOR ENVIRONMENTAL SOLUTIONS AND EMERGENCY RESPONSE DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DIRECTOR, GROUNDWATER CHARACTERIZATION AND REMEDIATION DIVISION DEPUTY DIRECTOR FOR MANAGEMENT DIRECTOR, ATLANTIC COASTAL ENVIRONMENTAL SCIENCES DIVISION DEPUTY DIRECTOR, OFFICE OF RESOURCE MANAGEMENT SENIOR ADVISOR DIRECTOR, WATER INFRASTRUCTURE DIVISION DIRECTOR, OCEANS, WETLANDS AND COMMUNITIES DIVISION DIRECTOR, WATERSHED RESTORATION, ASSESSMENT AND PROTECTION DIVISION DIRECTOR, DRINKING WATER CAPACITY AND COMPLIANCE ASSISTANCE DIVISION DIRECTOR, WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT MANAGEMENT DIVISION DIRECTOR, WATER INFRASTRUCTURE AND CYBER RESILIENCE DIVISION DIRECTOR, ENGINEERING AND ANALYSIS DIVISION DIRECTOR, WATER PERMITS DIVISION DIRECTOR, DRINKING WATER PROTECTION DIVISION DIRECTOR, HEALTH AND ECOLOGICAL CRITERIA DIVISION DIRECTOR, STANDARDS AND HEALTH PROTECTION DIVISION DIRECTOR, STANDARDS AND RISK MANAGEMENT DIVISION ASSOCIATE CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF TECHNOLOGY SOLUTIONS DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF BUDGET DIRECTOR, OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY CONTROLLER DEPUTY CONTROLLER DIRECTOR, RESOURCES MANAGEMENT OFFICE DIRECTOR, OFFICE OF ENVIRONMENTAL STEWARDSHIP DIRECTOR, MISSION SUPPORT DIVISION REGIONAL COUNSEL DIRECTOR, WATER DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, WATER DIVISION (2) REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSISTANCE DIVISION DIRECTOR, CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

Agency name	Organization name	Position title
	REGION 3—PHILADELPHIA, PENNSYLVANIA REGION 4—ATLANTA, GEORGIA REGION 5—CHICAGO, ILLINOIS REGION 6—DALLAS, TEXAS REGION 7—LENEXA, KANSAS REGION 8—DENVER, COLORADO REGION 9—SAN FRANCISCO, CALIFORNIA	DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION REGIONAL COUNSEL (2) DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, WATER DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, WATER DIVISION DIRECTOR, CHESAPEAKE BAY PROGRAM OFFICE REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, GULF OF MEXICO PROGRAM DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, SUPERFUND AND EMERGENCY, MANAGEMENT DIVISION DIRECTOR, WATER DIVISION (2) REGIONAL COUNSEL DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, WATER DIVISION DIRECTOR, GREAT LAKES NATIONAL PROGRAM OFFICE DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, MISSION SUPPORT DIVISION REGIONAL COUNSEL DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, WATER DIVISION (2) DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, LAND, CHEMICAL AND REDEVELOPMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, LAND, CHEMICAL AND REDEVELOPMENT DIVISION DIRECTOR, WATER DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION REGIONAL COUNSEL DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION (2) DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, WATER DIVISION DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION

Agency name	Organization name	Position title
OFFICE OF THE ADMINISTRATOR	OFFICE OF ADMINISTRATIVE AND EXECUTIVE SERVICES.	DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION DIRECTOR, TRIBAL, INTERGOVERNMENTAL AND POLICY DIVISION DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, WATER DIVISION REGIONAL COUNSEL DIRECTOR, MISSION SUPPORT DIVISION DIRECTOR, OFFICE OF EXECUTIVE SERVICES
ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL.	ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR CONGRESSIONAL AND PUBLIC AFFAIRS COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSOCIATE DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR OFFICE OF SPECIAL REVIEW AND EVALUATION ASSISTANT INSPECTOR GENERAL FOR MISSION SUPPORT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (2) DEPUTY ASSOCIATE INSPECTOR GENERAL FOR OFFICE OF SPECIAL REVIEW AND EVALUATION ADMINISTRATIVE INVESTIGATIONS DIRECTORATE PRINCIPLE DEPUTY ASSISTANT INSPECTOR GENERAL OF SPECIAL REVIEW AND EVALUATIONS PRINCIPLE DEPUTY ASSISTANT INSPECTOR GENERAL OF INVESTIGATIONS
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.	OFFICE OF INFORMATION TECHNOLOGY OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS. OFFICE OF ENTERPRISE DATA AND ANALYTICS OFFICE OF FIELD PROGRAMS	DEPUTY CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR, OCLA DEPUTY CHIEF DATA OFFICER DISTRICT DIRECTOR (PHILADELPHIA) DISTRICT DIRECTOR (NEW YORK) DISTRICT DIRECTOR (ATLANTA) DISTRICT DIRECTOR (HOUSTON) DISTRICT DIRECTOR (SAN FRANCISCO) DISTRICT DIRECTOR (DALLAS) DISTRICT DIRECTOR (CHICAGO) DISTRICT DIRECTOR (ST LOUIS) DISTRICT DIRECTOR (MIAMI) DISTRICT DIRECTOR (INDIANAPOLIS) DISTRICT DIRECTOR (MEMPHIS) DISTRICT DIRECTOR (LOS ANGELES) DISTRICT DIRECTOR (PHOENIX) DISTRICT DIRECTOR (CHARLOTTE) DIRECTOR, INFORMATION INTAKE GROUP DISTRICT DIRECTOR (BIRMINGHAM) DEPUTY CHIEF HUMAN CAPITAL OFFICER PROGRAM MANAGER DEPUTY CHIEF OPERATING OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF HUMAN CAPITAL OFFICER
OFFICE OF FIELD PROGRAMS	OFFICE OF THE CHAIR OFFICE OF THE CHIEF FINANCIAL OFFICER OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER. OFFICE OF THE INSPECTOR GENERAL FIELD COORDINATION PROGRAMS FIELD MANAGEMENT PROGRAMS	INSPECTOR GENERAL DIRECTOR, FIELD COORDINATION PROGRAMS DIRECTOR FIELD MANAGEMENT PROGRAMS
FEDERAL COMMUNICATIONS COMMISSION. FEDERAL COMMUNICATIONS COMMISSION FEDERAL ENERGY REGULATORY COMMISSION. OFFICE OF THE CHAIRMAN	MEDIA BUREAU	CHIEF, VIDEO DIVISION
FEDERAL LABOR RELATIONS AUTHORITY. OFFICE OF THE CHAIRMAN OFFICE OF THE EXECUTIVE DIRECTOR	OFFICE OF ADMINISTRATIVE LITIGATION OFFICE OF ENERGY PROJECTS OFFICE OF ENFORCEMENT	DIRECTOR, LEGAL DIVISION DIRECTOR OF DAM SAFETY AND INSPECTION CHIEF ACCOUNTANT AND DIRECTOR, DIVISION OF AUDITS AND ACCOUNTING
	OFFICE OF THE CHAIRMAN OFFICE OF THE EXECUTIVE DIRECTOR	CHIEF COUNSEL EXECUTIVE DIRECTOR

Agency name	Organization name	Position title
OFFICE OF THE GENERAL COUNSEL	OFFICE OF THE GENERAL COUNSEL OGC REGIONAL OFFICES	DEPUTY GENERAL COUNSEL REGIONAL DIRECTOR, SAN FRANCISCO, CA REGIONAL DIRECTOR-ATLANTA, GA REGIONAL DIRECTOR, CHICAGO, IL REGIONAL DIRECTOR, DENVER, CO REGIONAL DIRECTOR- WASHINGTON, DC
OFFICE OF THE INSPECTOR GENERAL	OFFICE OF THE INSPECTOR GENERAL FEDERAL SERVICE IMPASSES PANEL	INSPECTOR GENERAL EXECUTIVE DIRECTOR, FEDERAL SERVICE IM- PASSES PANEL
FEDERAL LABOR RELATIONS AUTHORITY OF- FICE OF THE INSPECTOR GENERAL.	OFFICE OF THE SOLICITOR	SOLICITOR
FEDERAL MARITIME COMMISSION. FEDERAL MARITIME COMMISSION	FEDERAL LABOR RELATIONS AUTHORITY OF- FICE OF INSPECTOR GENERAL.	INSPECTOR GENERAL
OFFICE OF THE MANAGING DIRECTOR	OFFICE OF THE MANAGING DIRECTOR	DEPUTY MANAGING DIRECTOR CHIEF INFORMATION OFFICER (CIO)
FEDERAL MARITIME COMMISSION OFFICE OF THE INSPECTOR GENERAL.	BUREAU OF ENFORCEMENT, INVESTIGATIONS, AND COMPLIANCE. BUREAU OF TRADE ANALYSIS	DIRECTOR BUREAU OF ENFORCEMENT, INVES- TIGATIONS, AND COMPLIANCE INDUSTRY ECONOMIST
FEDERAL MEDIATION AND CONCILIATION SERV- ICE.	FEDERAL MARITIME COMMISSION OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.	FEDERAL MEDIATION AND CONCILIATION SERV- ICE.	CHIEF OPERATING OFFICER
FEDERAL TRADE COMMISSION. FEDERAL TRADE COMMISSION	FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.	DIRECTOR OF PARTICIPANT SERVICES CHIEF FINANCIAL OFFICER DIRECTOR OF ENTERPRISE RISK MANAGEMENT CHIEF INFORMATION OFFICER DIRECTOR OF PARTICIPANT EXPERIENCE DIRECTOR OF RESOURCE MANAGEMENT CHIEF OPERATING OFFICER
FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL.	BUREAU OF COMPETITION BUREAU OF CONSUMER PROTECTION	DEPUTY DIRECTOR, BUREAU OF COMPETITION DEPUTY DIRECTOR, BUREAU OF CONSUMER PROTECTION
GENERAL SERVICES ADMINISTRATION. FEDERAL ACQUISITION SERVICE	BUREAU OF ECONOMICS OFFICE OF EXECUTIVE DIRECTOR	DEPUTY DIRECTOR FOR RESEARCH AND MAN- AGEMENT CHIEF INFORMATION OFFICER DEPUTY EXECUTIVE DIRECTOR PRINCIPAL DEPUTY GENERAL COUNSEL
GENERAL SERVICES ADMINISTRATION	OFFICE OF THE GENERAL COUNSEL	INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL
GENERAL SERVICES ADMINISTRATION	FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL
GENERAL SERVICES ADMINISTRATION	TECHNOLOGY TRANSFORMATION SERVICES	ASSISTANT COMMISSIONER FOR INTEGRATED AWARD ENVIRONMENT ASSISTANT COMMISSIONER FOR REGULATORY AND OVERSIGHT SYSTEMS ASSISTANT COMMISSIONER FOR TECHNOLOGY TRANSFORMATION SERVICES (TTS) CON- SULTING
GENERAL SERVICES ADMINISTRATION	FEDERAL ACQUISITION SERVICE	ASSISTANT COMMISSIONER FOR PROFES- SIONAL SERVICES AND HUMAN CAPITAL CAT- EGORIES DEPUTY ASSISTANT COMMISSIONER FOR AC- QUISITION DEPUTY ASSISTANT COMMISSIONER FOR CAT- EGORY MANAGEMENT EXECUTIVE DIRECTOR, CATALOG AND SOLICI- TATION MANAGEMENT PROGRAM MANAGE- MENT OFFICE DIRECTOR, OFFICE OF CONTRACT OPERATIONS DIRECTOR, OFFICE OF PROGRAM OPERATIONS DEPUTY ASSISTANT COMMISSIONER, OFFICE OF PROFESSIONAL SERVICES AND HUMAN CAPITAL CATEGORIES EXECUTIVE DIRECTOR, OFFICE OF CONTRACT OPERATIONS CLIENT EXECUTIVE, OFFICE OF ACQUISITION AND PROCUREMENT CENTER OF EXCEL- LENCE (APEX 1) CLIENT EXECUTIVE, OFFICE OF ACQUISITION AND PROCUREMENT CENTER OF EXCEL- LENCE (APEX 2)

Agency name	Organization name	Position title
		CLIENT EXECUTIVE, OFFICE OF ACQUISITION AND PROCUREMENT CENTER OF EXCELLENCE (APEX 3) CLIENT EXECUTIVE, OFFICE OF ACQUISITION AND PROCUREMENT CENTER OF EXCELLENCE (APEX 4) CLIENT EXECUTIVE, OFFICE OF ACQUISITION AND PROCUREMENT CENTER OF EXCELLENCE (APEX 5) DIRECTOR, OFFICE OF ACCOUNT MANAGEMENT ASSISTANT COMMISSIONER FOR POLICY AND COMPLIANCE ASSISTANT COMMISSIONER FOR ASSISTED ACQUISITION SERVICES ASSISTANT COMMISSIONER FOR CUSTOMER AND STAKEHOLDER ENGAGEMENT ASSISTANT COMMISSIONER FOR TRAVEL, TRANSPORTATION AND LOGISTICS CATEGORIES ASSISTANT COMMISSIONER FOR GENERAL SUPPLIES AND SERVICES CATEGORIES ASSISTANT COMMISSIONER FOR ENTERPRISE STRATEGY MANAGEMENT DIRECTOR, ACQUISITION OPERATIONS DIRECTOR OF TRAVEL, EMPLOYEE RELOCATION, AND TRANSPORTATION DEPUTY ASSISTANT COMMISSIONER FOR GENERAL SUPPLIES AND SERVICES CATEGORIES DIRECTOR OF FLEET MANAGEMENT DIRECTOR, ENTERPRISE TECHNOLOGY SOLUTIONS ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY CATEGORY DEPUTY ASSOCIATE ADMINISTRATOR, SHARED SOLUTIONS AND PERFORMANCE IMPROVEMENT OFFICE DIRECTOR OF THE FEDERAL ACQUISITION INSTITUTE DIRECTOR OF GOVERNMENTWIDE ACQUISITION POLICY DEPUTY CHIEF ACQUISITION OFFICER AND SENIOR PROCUREMENT EXECUTIVE DEPUTY ASSOCIATE ADMINISTRATOR FOR ASSET AND TRANSPORTATION MANAGEMENT DIRECTOR OF FEDERAL HIGH-PERFORMANCE GREEN BUILDINGS DEPUTY ASSOCIATE ADMINISTRATOR FOR INFORMATION, INTEGRITY AND ACCESS ASSOCIATE CHIEF INFORMATION OFFICER FOR DIGITAL INFRASTRUCTURE TECHNOLOGIES ASSOCIATE CHIEF INFORMATION OFFICER OF DIGITAL MANAGEMENT CHIEF INFORMATION SECURITY OFFICER ASSOCIATE CHIEF INFORMATION OFFICER FOR ACQUISITION INFORMATION TECHNOLOGY SERVICES ASSOCIATE CHIEF INFORMATION OFFICER FOR PUBLIC BUILDINGS INFORMATION TECHNOLOGY SERVICES DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER ASSOCIATE CHIEF INFORMATION OFFICER FOR CORPORATE INFORMATION TECHNOLOGY SERVICES DEPUTY CHIEF HUMAN CAPITAL OFFICER DIRECTOR, HUMAN RESOURCES SERVICES CHIEF HUMAN CAPITAL OFFICER PRINCIPAL DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE DEPUTY EXECUTIVE DIRECTOR, TECHNOLOGY MODERNIZATION FUND DIRECTOR OF REGIONAL FINANCIAL SERVICES CHIEF FINANCIAL OFFICER DIRECTOR OF FINANCIAL MANAGEMENT DIRECTOR OF BUDGET DIRECTOR, OFFICE OF AUDIT MANAGEMENT AND ACCOUNTABILITY DIRECTOR, OFFICE OF ANALYTICS, PERFORMANCE AND IMPROVEMENT DEPUTY CHIEF FINANCIAL OFFICER
	OFFICE OF GOVERNMENTWIDE POLICY	
	OFFICE OF GENERAL SERVICES ADMINISTRATION INFORMATION TECHNOLOGY.	
	OFFICE OF HUMAN RESOURCES MANAGEMENT	
	OFFICE OF MISSION ASSURANCE	
	OFFICE OF THE ADMINISTRATOR	
	OFFICE OF THE CHIEF FINANCIAL OFFICER	

Agency name	Organization name	Position title
	PUBLIC BUILDINGS SERVICE	ASSISTANT COMMISSIONER FOR REAL PROPERTY DISPOSITION ASSISTANT COMMISSIONER FOR FACILITIES MANAGEMENT ASSISTANT COMMISSIONER FOR LEASING ASSISTANT COMMISSIONER FOR ACQUISITION MANAGEMENT ASSISTANT COMMISSIONER FOR PROJECT DELIVERY ASSISTANT COMMISSIONER FOR PORTFOLIO MANAGEMENT AND CUSTOMER ENGAGEMENT DEPUTY COMMISSIONER FOR ENTERPRISE STRATEGY CHIEF ARCHITECT
REGIONAL ADMINISTRATORS	GREAT LAKES REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	GREATER SOUTHWEST REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	MID-ATLANTIC REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	NATIONAL CAPITAL REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE DIRECTOR FOR DESIGN AND CONSTRUCTION DIRECTOR OF FACILITIES MANAGEMENT AND SERVICES PROGRAMS DEPUTY DIRECTOR OF PORTFOLIO MANAGEMENT AND LEASING DIRECTOR OF PORTFOLIO MANAGEMENT AND REAL ESTATE
	NEW ENGLAND REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	NORTHEAST AND CARIBBEAN REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	NORTHWEST/ARCTIC REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	PACIFIC RIM REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	ROCKY MOUNTAIN REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	SOUTHEAST SUNBELT REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
	THE HEARTLAND REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE
GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR REAL PROPERTY AUDITS DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDITING DEPUTY ASSISTANT INSPECTOR GENERAL FOR ACQUISITION PROGRAMS AUDITS COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION ASSOCIATE INSPECTOR GENERAL
GULF COAST ECOSYSTEM RESTORATION COUNCIL.	GULF COAST ECOSYSTEM RESTORATION COUNCIL.	DEPUTY EXECUTIVE DIRECTOR AND DIRECTOR OF PROGRAMS
DEPARTMENT OF HEALTH AND HUMAN SERVICES. CENTERS FOR MEDICARE AND MEDICAID SERVICES.	CENTER FOR CLINICAL STANDARDS AND QUALITY.	DIRECTOR, QUALITY, SAFETY, AND OVERSIGHT GROUP DIRECTOR, INFORMATION SYSTEMS GROUP DIRECTOR, SURVEY AND OPERATIONS GROUP DEPUTY CENTER DIRECTOR (2) DIRECTOR, EQUALITY IMPROVEMENT AND INNOVATION GROUP DEPUTY DIRECTOR FOR OPERATIONS
	CENTER FOR CONSUMER INFORMATION AND INSURANCE OVERSIGHT.	DIRECTOR, MARKETPLACE INFORMATION TECHNOLOGY GROUP DEPUTY DIRECTOR FOR POLICY DIRECTOR, PAYMENT POLICY AND FINANCIAL MANAGEMENT GROUP

Agency name	Organization name	Position title
	CENTER FOR MEDICAID AND CHIP SERVICES CENTER FOR MEDICARE CENTER FOR MEDICARE AND MEDICAID INNOVATION. CENTER FOR PROGRAM INTEGRITY FEDERAL COORDINATED HEALTH CARE OFFICE OFFICE OF COMMUNICATIONS OFFICE OF ENTERPRISE DATA AND ANALYTICS OFFICE OF HUMAN CAPITAL OFFICE OF PROGRAM OPERATIONS AND LOCAL ENGAGEMENT. OFFICE OF STRATEGIC OPERATIONS AND REGULATORY AFFAIRS. OFFICE OF THE ACTUARY OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT.	DIRECTOR, MARKETPLACE ELIGIBILITY AND ENROLLMENT GROUP DEPUTY CENTER DIRECTOR (2) DIRECTOR, CHILDREN AND ADULTS HEALTH PROGRAMS GROUP DIRECTOR, MANAGED CARE GROUP DIRECTOR, FINANCIAL MANAGEMENT GROUP DIRECTOR, DATA AND SYSTEMS GROUP DIRECTOR, MEDICAID BENEFITS AND HEALTH PROGRAMS GROUP DIRECTOR, MEDICAID AND CHIP OPERATIONS GROUP DIRECTOR, STATE DEMONSTRATIONS GROUP DIRECTOR, PERFORMANCE BASED PAYMENT POLICY GROUP DIRECTOR, COVERAGE AND ANALYSIS DIRECTOR, TECHNOLOGY, CODING AND PRICING GROUP DIRECTOR, MEDICARE DRUG REBATE AND NEGOTIATIONS GROUP DIRECTOR, CHRONIC CARE POLICY GROUP DIRECTOR, HOSPITAL AND AMBULATORY POLICY GROUP DEPUTY CENTER DIRECTOR, CENTER FOR MEDICARE DIRECTOR, MEDICARE DRUG AND HEALTH PLAN CONTRACT ADMINISTRATION GROUP DIRECTOR, MEDICARE CONTRACTOR MANAGEMENT GROUP DIRECTOR PROVIDER BILLING GROUP DIRECTOR, MEDICARE PARTS C AND D OVERSIGHT AND ENFORCEMENT GROUP DIRECTOR, MEDICARE DRUG BENEFIT AND C AND D DATA GROUP DIRECTOR, MEDICARE ENROLLMENT AND APPEALS GROUP DIRECTOR, MEDICARE PLAN PAYMENT GROUP DEPUTY CENTER DIRECTOR, CENTER FOR MEDICARE DIRECTOR, RESEARCH AND RAPID CYCLE EVALUATION GROUP DIRECTOR, PATIENT CARE MODELS GROUP DEPUTY DIRECTOR (2) DIRECTOR, POLICY AND PROGRAMS GROUP DEPUTY CENTER DIRECTOR (2) DIRECTOR, PROVIDER ENROLLMENT AND OVERSIGHT GROUP DIRECTOR, INVESTIGATIONS AND FRAUD PREVENTION PARTNERSHIPS GROUP DIRECTOR, DATA ANALYTICS AND SYSTEMS GROUP DEPUTY ADMINISTRATOR AND DIRECTOR DIRECTOR, AUDITS AND VULNERABILITIES GROUP DIRECTOR, PROVIDER COMPLIANCE GROUP DIRECTOR, FEDERAL COORDINATED HEALTH CARE OFFICE DIRECTOR, WEB AND EMERGING TECHNOLOGIES GROUP DIRECTOR, OFFICE OF ENTERPRISE DATA AND ANALYTICS/CHIEF DATA OFFICER DIRECTOR, OFFICE OF HUMAN CAPITAL DEPUTY DIRECTOR FOR LOCAL ENGAGEMENT AND ADMINISTRATION DEPUTY DIRECTOR FOR STRATEGY AND BUSINESS OPERATIONS DIRECTOR, OFFICE OF PROGRAM OPERATIONS AND LOCAL ENGAGEMENT DEPUTY DIRECTOR FOR INNOVATION AND FINANCIAL MANAGEMENT DIRECTOR, OFFICE OF STRATEGIC OPERATIONS AND REGULATORY AFFAIRS DIRECTOR, NATIONAL HEALTH STATISTICS GROUP DIRECTOR, PARTS C AND D ACTUARIAL GROUP DIRECTOR, OFFICE OF THE ACTUARY (CHIEF ACTUARY) DIRECTOR, MEDICARE AND MEDICAID COST ESTIMATES GROUP DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT DEPUTY DIRECTOR, OFFICE OF ACQUISITION AND GRANTS MANAGEMENT

Agency name	Organization name	Position title
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	OFFICE OF FINANCIAL MANAGEMENT	DIRECTOR, ACCOUNTING MANAGEMENT GROUP DIRECTOR, FINANCIAL SERVICES GROUP DEPUTY DIRECTOR OFFICE OF FINANCIAL MANAGEMENT DIRECTOR, FINANCIAL MANAGEMENT SYSTEMS GROUP DIRECTOR OFFICE OF FINANCIAL MANAGEMENT DIRECTOR, BUDGET AND ANALYSIS GROUP
	OFFICE OF INFORMATION TECHNOLOGY	DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY/CMS CHIEF INFORMATION OFFICER DIRECTOR, INFORMATION SECURITY AND PRIVACY GROUP/CHIEF INFORMATION SECURITY OFFICER DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY DIRECTOR, ENTERPRISE ARCHITECTURE AND DATA GROUP DIRECTOR, INFRASTRUCTURE AND USER SERVICES GROUP DIRECTOR, ENTERPRISE SYSTEMS SOLUTIONS GROUP DIRECTOR, APPLICATIONS MANAGEMENT GROUP DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY DIRECTOR, OFFICE OF SECURITY, FACILITIES AND LOGISTICS OPERATIONS ADMINISTRATION FOR CHILDREN AND FAMILIES CHIEF INFORMATION OFFICER
	OFFICE OF SECURITY, FACILITIES AND LOGISTICS OPERATIONS. ADMINISTRATION FOR CHILDREN AND FAMILIES	CHIEF TECHNOLOGY OFFICER CHIEF OPERATIONS OFFICER ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR GRANTS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION PRINCIPAL DEPUTY DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT DIRECTOR, ACQUISITION SERVICES DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR EARLY CHILDHOOD DEVELOPMENT DEPUTY DIRECTOR, NATIONAL INSTITUTE FOR DISABILITY, INDEPENDENT LIVING AND REHABILITATION RESEARCH DEPUTY ASSISTANT SECRETARY FOR AGING DEPUTY ADMINISTRATOR FOR MANAGEMENT AND BUDGET DEPUTY ADMINISTRATOR FOR THE CENTER FOR INTEGRATED PROGRAMS DEPUTY ASSISTANT SECRETARY, OFFICE OF OPERATIONS AND RESOURCES DEPUTY ASSISTANT SECRETARY, INDUSTRIAL BASE MANAGEMENT AND SUPPLY CHAIN DEPUTY CHIEF OPERATING OFFICER, H-CORE DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT AND MEDICAL OPERATIONS DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DIRECTOR, STRATEGIC NATIONAL STOCKPILE DEPUTY HEAD OF CONTRACTING ACTIVITY HEAD OF CONTRACTING ACTIVITY DIRECTOR, OFFICE OF SECURITY, INTEL, INFORMATION MANAGEMENT DIRECTOR OF SUPPLY, PRODUCTION, DISTRIBUTION AND ADMINISTRATION DIRECTOR, OFFICE OF EXTRAMURAL RESEARCH, EDUCATION AND PRIORITY POPULATIONS EXECUTIVE OFFICER PRINCIPAL DEPUTY FOR PROGRAMS DIRECTOR, HUMAN RESOURCES OFFICE
	ADMINISTRATION FOR COMMUNITY LIVING	DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR EARLY CHILDHOOD DEVELOPMENT DEPUTY DIRECTOR, NATIONAL INSTITUTE FOR DISABILITY, INDEPENDENT LIVING AND REHABILITATION RESEARCH DEPUTY ASSISTANT SECRETARY FOR AGING DEPUTY ADMINISTRATOR FOR MANAGEMENT AND BUDGET DEPUTY ADMINISTRATOR FOR THE CENTER FOR INTEGRATED PROGRAMS DEPUTY ASSISTANT SECRETARY, OFFICE OF OPERATIONS AND RESOURCES DEPUTY ASSISTANT SECRETARY, INDUSTRIAL BASE MANAGEMENT AND SUPPLY CHAIN DEPUTY CHIEF OPERATING OFFICER, H-CORE DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT AND MEDICAL OPERATIONS DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DIRECTOR, STRATEGIC NATIONAL STOCKPILE DEPUTY HEAD OF CONTRACTING ACTIVITY HEAD OF CONTRACTING ACTIVITY DIRECTOR, OFFICE OF SECURITY, INTEL, INFORMATION MANAGEMENT DIRECTOR OF SUPPLY, PRODUCTION, DISTRIBUTION AND ADMINISTRATION DIRECTOR, OFFICE OF EXTRAMURAL RESEARCH, EDUCATION AND PRIORITY POPULATIONS EXECUTIVE OFFICER PRINCIPAL DEPUTY FOR PROGRAMS DIRECTOR, HUMAN RESOURCES OFFICE
	ADMINISTRATION FOR STRATEGIC PREPAREDNESS AND RESPONSE.	DEPUTY ASSISTANT SECRETARY, OFFICE OF OPERATIONS AND RESOURCES DEPUTY ASSISTANT SECRETARY, INDUSTRIAL BASE MANAGEMENT AND SUPPLY CHAIN DEPUTY CHIEF OPERATING OFFICER, H-CORE DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT AND MEDICAL OPERATIONS DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DIRECTOR, STRATEGIC NATIONAL STOCKPILE DEPUTY HEAD OF CONTRACTING ACTIVITY HEAD OF CONTRACTING ACTIVITY DIRECTOR, OFFICE OF SECURITY, INTEL, INFORMATION MANAGEMENT DIRECTOR OF SUPPLY, PRODUCTION, DISTRIBUTION AND ADMINISTRATION DIRECTOR, OFFICE OF EXTRAMURAL RESEARCH, EDUCATION AND PRIORITY POPULATIONS EXECUTIVE OFFICER PRINCIPAL DEPUTY FOR PROGRAMS DIRECTOR, HUMAN RESOURCES OFFICE
	AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.	DEPUTY ASSISTANT SECRETARY, OFFICE OF OPERATIONS AND RESOURCES DEPUTY ASSISTANT SECRETARY, INDUSTRIAL BASE MANAGEMENT AND SUPPLY CHAIN DEPUTY CHIEF OPERATING OFFICER, H-CORE DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT AND MEDICAL OPERATIONS DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DIRECTOR, STRATEGIC NATIONAL STOCKPILE DEPUTY HEAD OF CONTRACTING ACTIVITY HEAD OF CONTRACTING ACTIVITY DIRECTOR, OFFICE OF SECURITY, INTEL, INFORMATION MANAGEMENT DIRECTOR OF SUPPLY, PRODUCTION, DISTRIBUTION AND ADMINISTRATION DIRECTOR, OFFICE OF EXTRAMURAL RESEARCH, EDUCATION AND PRIORITY POPULATIONS EXECUTIVE OFFICER PRINCIPAL DEPUTY FOR PROGRAMS DIRECTOR, HUMAN RESOURCES OFFICE
	CENTERS FOR DISEASE CONTROL AND PREVENTION.	DEPUTY ASSISTANT SECRETARY, OFFICE OF OPERATIONS AND RESOURCES DEPUTY ASSISTANT SECRETARY, INDUSTRIAL BASE MANAGEMENT AND SUPPLY CHAIN DEPUTY CHIEF OPERATING OFFICER, H-CORE DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT AND MEDICAL OPERATIONS DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DIRECTOR, STRATEGIC NATIONAL STOCKPILE DEPUTY HEAD OF CONTRACTING ACTIVITY HEAD OF CONTRACTING ACTIVITY DIRECTOR, OFFICE OF SECURITY, INTEL, INFORMATION MANAGEMENT DIRECTOR OF SUPPLY, PRODUCTION, DISTRIBUTION AND ADMINISTRATION DIRECTOR, OFFICE OF EXTRAMURAL RESEARCH, EDUCATION AND PRIORITY POPULATIONS EXECUTIVE OFFICER PRINCIPAL DEPUTY FOR PROGRAMS DIRECTOR, HUMAN RESOURCES OFFICE
		DEPUTY DIRECTOR FOR MANAGEMENT DEPUTY CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR FOR MANAGEMENT, OPERATIONS, COMMUNICATIONS AND POLICY PRINCIPAL DEPUTY DIRECTOR, OFFICE OF SAFETY, SECURITY, AND ASSET MANAGEMENT PRINCIPAL DEPUTY DIRECTOR, HUMAN RESOURCES OFFICE

Agency name	Organization name	Position title
	CENTERS FOR MEDICARE AND MEDICAID SERVICES. FOOD AND DRUG ADMINISTRATION	DEPUTY DIRECTOR, NATIONAL CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION CHIEF INFORMATION OFFICER DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS DEPUTY CHIEF INFORMATION OFFICER DIRECTOR, DIGITAL SERVICES OFFICE CHIEF INFORMATION SECURITY OFFICER CHIEF FINANCIAL OFFICER BUDGET DIRECTOR DIRECTOR, OFFICE OF FINANCE AND ACCOUNT- ING DIRECTOR OFFICE OF GRANTS SERVICES CHIEF OPERATING OFFICER DIRECTOR, OFFICE OF DIVERSITY MANAGE- MENT AND EQUAL EMPLOYMENT OPPOR- TUNITY DIRECTOR, OFFICE OF SAFETY, SECURITY AND ASSET MANAGEMENT SUPERVISORY PUBLIC HEALTH ADVISOR DIRECTOR, OFFICE OF POLICY PERFORMANCE AND EVALUATION ASSOCIATE DIRECTOR FOR ENTERPRISE AND INTEGRATION TIER MANAGEMENT DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS (2) DEPUTY DIRECTOR FOR MANAGEMENT, OPER- ATIONS, COMMUNICATIONS, AND POLICY DIRECTOR, OFFICE OF ACQUISITION SERVICES DEPUTY DIRECTOR FOR MANAGEMENT, OPER- ATIONS, COMMUNICATIONS AND POLICY (2) DEPUTY DIRECTOR NATIONAL CENTER FOR EN- VIRONMENTAL HEALTH/AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY DEPUTY CHIEF OPERATING OFFICER DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS, NATIONAL CENTER FOR INJURY PREVENTION AND CONTROL DIRECTOR, ASSET MANAGEMENT SERVICES OF- FICE DIRECTOR FOR STRATEGIC BUSINESS MAN- AGEMENT DIRECTOR, DIVISION OF GLOBAL MIGRATION AND QUARANTINE DEPUTY DIRECTOR, OFFICE OF HUMAN CAP- ITAL DIRECTOR, OFFICES OF HEARINGS AND INQUIR- IES DIRECTOR, OFFICE EQUAL OPPORTUNITY AND CIVIL RIGHTS/CMS CHIEF DIVERSITY OFFICER DEPUTY DIRECTOR, OFFICE OF PARTNERSHIPS AND OPERATIONAL POLICY DEPUTY ASSOCIATE GENERAL COUNSEL FOR LITIGATION 2 (2) SENIOR POLICY ADVISOR TO THE CHIEF SCI- ENTIST PRINCIPAL DEPUTY ASSOCIATE GENERAL COUNSEL, FOOD AND DRUG DIVISION DIRECTOR OFFICE OF REGULATIONS AND POL- ICY DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS SERVICES ASSOCIATE DIRECTOR FOR MANAGEMENT DIRECTOR, OFFICE OF REGULATIONS DEPUTY DIRECTOR, CENTER FOR VETERINARY MEDICINE DIRECTOR, OFFICE OF COMPLIANCE DIRECTOR, OFFICE OF BUDGET DEPUTY DIRECTOR, CENTER FOR TOBACCO PRODUCTS DIRECTOR, OFFICE OF FACILITIES ENGINEER- ING AND MISSION SUPPORT SERVICES DIRECTOR, OFFICE OF HEALTH COMMUNICA- TION AND EDUCATION DEPUTY CHIEF FINANCIAL OFFICER/DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT DIRECTOR, OFFICE OF MANAGEMENT DIRECTOR, OFFICE OF SECURITY AND EMER- GENCY MANAGEMENT PROGRAM DIRECTOR, OFFICE OF HUMAN AND ANIMAL FOOD OPERATIONS—WEST DIRECTOR, DIVISION OF ETHICS AND INTEGRITY

Agency name	Organization name	Position title
	HEALTH RESOURCES AND SERVICES ADMINISTRATION.	DIRECTOR, OFFICE OF PARTNERSHIPS ASSISTANT COMMISSIONER FOR HUMAN AND ANIMAL FOOD OPERATIONS CHIEF INFORMATION SECURITY OFFICER DEPUTY DIRECTOR, OFFICE OF LABORATORY SCIENCE AND SAFETY DIRECTOR, OFFICE OF HUMAN CAPITAL MANAGEMENT DIRECTOR OF STAKEHOLDER ENGAGEMENT DEPUTY DIRECTOR FOR COMPLIANCE OPERATIONS PROGRAM DIRECTOR, OFFICE OF HUMAN AND ANIMAL FOOD OPERATIONS—EAST ASSISTANT COMMISSIONER FOR PARTNERSHIPS AND POLICY DEPUTY DIRECTOR FOR REGULATORY AFFAIRS SENIOR DEPUTY ASSOCIATE GENERAL COUNSEL ASSOCIATE ADMINISTRATOR, PROVIDER RELIEF BUREAU DEPUTY ASSOCIATE ADMINISTRATOR, BUREAU OF HEALTH WORKFORCE DIRECTOR, OFFICE OF BUDGET AND FINANCE DIRECTOR, OFFICE OF HUMAN RESOURCES ASSOCIATE ADMINISTRATOR, BUREAU OF HEALTH WORKFORCE DEPUTY ASSOCIATE ADMINISTRATOR, OFFICE OF FEDERAL ASSISTANCE MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR, OFFICE OF OPERATIONS DEPUTY ASSOCIATE ADMINISTRATOR, BUREAU OF PRIMARY HEALTH CARE (2) ASSOCIATE ADMINISTRATOR, FEDERAL OFFICE OF RURAL HEALTH POLICY DEPUTY ASSOCIATE ADMINISTRATOR, HIV/AIDS BUREAU ASSOCIATE ADMINISTRATOR, MATERNAL AND CHILD HEALTH BUREAU DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER ASSOCIATE ADMINISTRATOR, OFFICE OF INTER-GOVERNMENTAL AND EXTERNAL AFFAIRS ASSOCIATE ADMINISTRATOR, HIV/AIDS BUREAU DEPUTY ASSOCIATE ADMINISTRATOR AND CHIEF MEDICAL OFFICER ASSOCIATE ADMINISTRATOR, HEALTH SYSTEMS BUREAU ASSOCIATE ADMINSTRATOR, OFFICE OF OPERATIONS DEPUTY ASSOCIATE ADMINISTRATOR, FEDERAL OFFICE OF RURAL HEALTH POLICY ASSOCIATE ADMINISTRATOR, BUREAU OF PRIMARY HEALTH CARE ASSOCIATE ADMINISTRATOR, OFFICE OF FEDERAL ASSISTANCE MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR, HEALTHCARE SYSTEMS BUREAU PRINCIPAL DEPUTY ADMINISTRATOR, HEALTH RESOURCES AND SERVICES ADMINISTRATION DIRECTOR, OFFICE OF CIVIL RIGHTS, DIVERSITY AND INCLUSION DEPUTY ASSOCIATE ADMINISTRATOR, MATERNAL AND CHILD HEALTH BUREAU DIRECTOR, OFFICE OF ACQUISITIONS MANAGEMENT AND POLICY
	INDIAN HEALTH SERVICE	DIRECTOR, ALASKA AREA DIRECTOR, NAVAJO AREA DIRECTOR, CALIFORNIA AREA DIRECTOR, BEMIDJI AREA DIRECTOR, NASHVILLE AREA DEPUTY DIRECTOR DIRECTOR, GREAT PLAINS AREA DIRECTOR, OFFICE OF FINANACE AND ACCOUNTING DEPUTY DIRECTOR FOR MANAGEMENT OPERATIONS DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY DIRECTOR, BILLINGS AREA DIRECTOR, TUCSON AREA DIRECTOR, OFFICE OF TRIBAL SELF-GOVERNANCE

Agency name	Organization name	Position title
	NATIONAL INSTITUTES OF HEALTH	DEPUTY DIRECTOR FOR FIELD OPERATIONS (REGION B) DIRECTOR, OFFICE OF MANAGEMENT SERVICES DIRECTOR, PORTLAND AREA DIRECTOR, OFFICE OF URBAN INDIAN HEALTH PROGRAMS DIRECTOR, OFFICE OF ENVIRONMENTAL HEALTH AND ENGINEERING DIRECTOR, OFFICE OF QUALITY HEALTH SYSTEM ADMINISTRATOR (10) DIRECTOR, OFFICE OF DIRECT SERVICE AND CONTRACTING TRIBES DIRECTOR, OFFICE OF HUMAN RESOURCES DEPUTY DIRECTOR FOR QUALITY HEALTH CARE AND RISK MANAGEMENT DEPUTY DIRECTOR FOR INTERGOVERNMENTAL AFFAIRS DIRECTOR, DIVERSITY MANAGEMENT AND EEO DIRECTOR, NIH ETHICS OFFICE DIRECTOR, OFFICE OF STRATEGIC PLANNING AND MANAGEMENT OPERATIONS DIRECTOR, OFFICE OF HEALTH EDUCATION, COMMUNICATIONS, AND SCIENCE POLICY DIRECTOR FOR EXTERNAL AFFAIRS DIRECTOR, CENTER FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER DIRECTOR OF CYBERSECURITY/CHIEF INFORMATION SECURITY OFFICER NIH CHIEF INFORMATION OFFICER/DIRECTOR, OFFICE OF THE CHIEF INFORMATION OFFICER CHIEF INFORMATION OFFICER DEPUTY DIRECTOR, DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES DIRECTOR, OFFICE OF ACQUISITION AND LOGISTICS MANAGEMENT ASSOCIATE DIRECTOR FOR SECURITY AND EMERGENCY RESPONSE ASSOCIATE DIRECTOR FOR MANAGEMENT ASSOCIATE DIRECTOR FOR BUDGET DIRECTOR, OFFICE OF HUMAN RESOURCES ELECTRONIC RESEARCH ADMINISTRATION PROGRAM MANAGER DIRECTOR, OFFICE OF MANAGEMENT ASSESSMENT ASSOCIATE DIRECTOR FOR MANAGEMENT DIRECTOR, OFFICE OF POLICY FOR EXTRAMURAL RESEARCH ADMINISTRATION DEPUTY DIRECTOR FOR MANAGEMENT DIRECTOR, OFFICE OF EQUITY, DIVERSITY, AND INCLUSION DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT DIRECTOR, OFFICE OF RESEARCH SERVICES ASSISTANT DEPUTY SECRETARY FOR NATIONAL SECURITY DIRECTOR, OFFICE OF RECOVERY DIRECTOR, CENTER FOR SUBSTANCE ABUSE TREATMENT DIRECTOR, OFFICE OF FINANCIAL RESOURCES DIRECTOR, NATIONAL MENTAL HEALTH AND SUBSTANCE USE POLICY LABORATORY EXECUTIVE OFFICER DEPUTY DIRECTOR, CENTER FOR BEHAVIORAL HEALTH STATISTICS AND QUALITY DEPUTY DIRECTOR, CENTER FOR MENTAL HEALTH SERVICES DEPUTY DIRECTOR, OFFICE OF FINANCIAL RESOURCES DEPUTY DIRECTOR FOR ANIMAL- DERIVED FOODS DIRECTOR, OFFICE OF DIETARY SUPPLEMENT PROGRAMS ASSOCIATE DIRECTOR FOR OPERATIONS
FOOD AND DRUG ADMINISTRATION	CENTER FOR FOOD SAFETY AND APPLIED NUTRITION. NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH. OFFICE OF POLICY AND PLANNING	DEPUTY DIRECTOR FOR ANIMAL- DERIVED FOODS DIRECTOR, OFFICE OF DIETARY SUPPLEMENT PROGRAMS ASSOCIATE DIRECTOR FOR OPERATIONS DIRECTOR, OFFICE OF PLANNING AND EVALUATION

Agency name	Organization name	Position title
NATIONAL INSTITUTES OF HEALTH	OFFICE OF REGULATORY AFFAIRS	DEPUTY DIRECTOR, OFFICE OF HUMAN AND ANIMAL FOOD OPERATIONS DEPUTY DIRECTOR FOR TARGETING, ANALYSIS AND SUPPORT DIRECTOR, STRATEGIC RESOURCES OFFICE
	ADVANCED RESEARCH PROJECTS AGENCY FOR HEALTH.	DIRECTOR, ACQUISITIONS AND CONTRACTING OFFICE COMPTROLLER
	CENTER FOR INFORMATION TECHNOLOGY	DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY SERVICES MANAGEMENT DEPUTY DIRECTOR
	NATIONAL CANCER INSTITUTE	DEPUTY DIRECTOR FOR MANAGEMENT
	NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.	ASSOCIATE DIRECTOR FOR ADMINISTRATION
	NATIONAL EYE INSTITUTE	DEPUTY DIRECTOR FOR MANAGEMENT
	NATIONAL HUMAN GENOME RESEARCH INSTITUTE.	ASSOCIATE DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES.	DIRECTOR, OFFICE OF POPULATION GENOMICS
	NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH.	ASSOCIATE DIRECTOR FOR MANAGEMENT AND OPERATIONS
	NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES.	ASSOCIATE DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTE OF MENTAL HEALTH	ASSOCIATE DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTE ON AGING	DIRECTOR OF MANAGEMENT
	NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM.	ASSOCIATE DIRECTOR FOR ADMINISTRATION
	NATIONAL INSTITUTE ON DRUG ABUSE	DEPUTY DIRECTOR FOR MANAGEMENT
	NATIONAL INSTITUTES OF ALLERGY AND INFECTIOUS DISEASES.	DIRECTOR, OFFICE OF MISSION INTEGRATION AND FINANCIAL MANAGEMENT
NATIONAL INSTITUTES OF HEALTH CLINICAL CENTER	NATIONAL INSTITUTES OF CHILD HEALTH AND HUMAN DEVELOPMENT.	ASSOCIATE DIRECTOR FOR ADMINISTRATION
	NATIONAL INSTITUTES OF ENVIRONMENTAL HEALTH SCIENCES.	ASSOCIATE DIRECTOR OF MANAGEMENT
	NATIONAL INSTITUTES OF GENERAL MEDICAL SCIENCES.	ASSOCIATE DIRECTOR FOR MANAGEMENT
	CHIEF OPERATING OFFICER.	
	NATIONAL INSTITUTES ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.	CHIEF FINANCIAL OFFICER ASSOCIATE DIRECTOR FOR ADMINISTRATION
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	NATIONAL LIBRARY OF MEDICINE	ASSOCIATE DIRECTOR FOR EXTRAMURAL PROGRAMS ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT DIRECTOR, INFORMATION SYSTEMS ASSOCIATE DIRECTOR FOR LIBRARY OPERATIONS DEPUTY DIRECTOR, POLICY AND EXTERNAL AFFAIRS
	OFFICE OF THE DIRECTOR	DIRECTOR, OFFICE OF RESEARCH FACILITIES DEVELOPMENT AND OPERATIONS
	PROGRAM SUPPORT CENTER	DIRECTOR, FACILITIES AND LOGISTICS
		DEPUTY ASSISTANT SECRETARY, PROGRAM SUPPORT CENTER DIRECTOR, FINANCIAL MANAGEMENT PORTFOLIO
		DIRECTOR, DIVISION OF HEALTH BENEFITS AND INCOME SUPPORT
OFFICE OF THE ASSISTANT SECRETARY FOR FINANCIAL RESOURCES.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR BUDGET.	DEPUTY ASSISTANT SECRETARY, BUDGET DIRECTOR, DIVISION OF BUDGET POLICY, EXECUTION AND REVIEW ASSOCIATE DEPUTY ASSISTANT SECRETARY, BUDGET
		DIRECTOR, OFFICE OF PROGRAM INTEGRITY COORDINATION
	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCE
		DEPUTY ASSISTANT SECRETARY, FINANCE
		DEPUTY DIRECTOR FOR REGULATORY AFFAIRS
OFFICE OF THE COMMISSIONER	CENTER FOR TOBACCO PRODUCTS	DIRECTOR, OFFICE OF COMPLIANCE AND ENFORCEMENT
	OFFICE OF OPERATIONS	CHIEF FINANCIAL OFFICER DIRECTOR OF FISCAL SERVICES AND OPERATIONS
		DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
OFFICE OF THE SECRETARY	OFFICE FOR CIVIL RIGHTS	DEPUTY DIRECTOR FOR CONSCIENCE
		DEPUTY DIRECTOR, PLANNING AND BUSINESS ADMINISTRATION MANAGEMENT

Agency name	Organization name	Position title
		DEPUTY DIRECTOR FOR HEALTH INFORMATION PRIVACY DEPUTY DIRECTOR FOR POLICY PRINCIPAL DEPUTY DIRECTOR DEPUTY DIRECTOR FOR STRATEGIC PLANNING (2) DEPUTY DIRECTOR FOR ENFORCEMENT DEPUTY DIRECTOR FOR OPERATIONS AND RE- SOURCES DEPUTY ASSISTANT SECRETARY FOR GLOBAL AFFAIRS EXECUTIVE DIRECTOR, OFFICE OF MANAGE- MENT EXECUTIVE DIRECTOR, PROGRAM INTEGRITY AND ETHICS EXECUTIVE DIRECTOR, OFFICE OF APPLICA- TION AND PLATFORM SOLUTIONS EXECUTIVE DIRECTOR, NATIONAL LABOR EM- PLOYEE RELATIONS OFFICE EXECUTIVE OFFICER DEPUTY DIRECTOR, PROGRAM SUPPORT CEN- TER DEPUTY DIRECTOR FOR DRUG AND HEALTH PLAN OPERATIONS CHIEF INFORMATION SECURITY OFFICER CHIEF LEARNING AND ENGAGEMENT OFFICER EXECUTIVE DIRECTOR, EXECUTIVE RE- SOURCES EXECUTIVE DIRECTOR, OFFICE OF ENTERPRISE SERVICES EXECUTIVE DIRECTOR, HUMAN RESOURCES OPERATIONS DEPUTY ASSISTANT SECRETARY FOR EQUITY, DIVERSITY, AND INCLUSION EXECUTIVE DIRECTOR, OFFICE OF INFORMA- TION TECHNOLOGY OPERATIONS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES DEPUTY CHIEF INFORMATION OFFICER EXECUTIVE DIRECTOR, FINANCIAL MANAGE- MENT AND BUDGET DEPUTY ASSISTANT SECRETARY FOR ACQUISI- TIONS DEPUTY ASSISTANT SECRETARY, CHIEF INFOR- MATION OFFICER DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES OFFICE OF THE ASSISTANT SECRETARY FOR FI- NANCIAL RESOURCES. DIRECTOR OF POLICY, OVERSIGHT, EVALUA- TION AND TRAINING EXECUTIVE DIRECTOR, ACQUISITION POLICY, LEGISLATION, OVERSIGHT AND WORKFORCE EXECUTIVE DIRECTOR, STRATEGIC PROGRAMS AND BUSINESS SYSTEMS DIRECTOR, NATIONAL GRANTS OF EXCELLENCE DIRECTOR, OFFICE OF SMALL AND DISADVAN- TAGED BUSINESS UTILIZATION DIRECTOR, DIVISION OF THE OFFICE OF THE SECRETARY BUDGET DIRECTOR, OFFICE OF FINANCIAL POLICY AND REPORTING ASSOCIATE DEPUTY ASSISTANT SECRETARY, ACQUISITION DEPUTY ASSISTANT SECRETARY, OFFICE OF GRANTS DIRECTOR, OFFICE OF FINANCIAL SYSTEMS, POLICY AND OVERSIGHT DEPUTY ASSISTANT SECRETARY FOR OPER- ATIONS AND MANAGEMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY, GRANTS EXECUTIVE DIRECTOR, GRANTS QUALITY SERV- ICE MANAGEMENT OFFICE DEPUTY ASSISTANT SECRETARY, OFFICE OF ACQUISITIONS OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH. CHIEF INFORMATION OFFICER, EXECUTIVE DI- RECTOR FOR INFORMATION TECHNOLOGY PRINCIPAL DEPUTY DIRECTOR, OFFICE OF MI- NORITY HEALTH DIRECTOR, OFFICE OF HUMAN RESEARCH PRO- TECTIONS ASSOCIATE PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR HEALTH

Agency name	Organization name	Position title
DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION.	DEPUTY DIRECTOR, OFFICE OF RESEARCH INTEGRITY DEPUTY ASSISTANT SECRETARY FOR CLIMATE CHANGE AND HEALTH EQUITY DEPUTY ASSISTANT SECRETARY FOR HEALTH (REGIONAL OPERATIONS) DIRECTOR, OFFICE OF RESEARCH INTEGRITY EXECUTIVE OFFICER ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PLANNING AND EVALUATION (HEALTH SERVICES POLICY) DEPUTY AGENCY CHIEF FOIA OFFICER
	OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.	EXECUTIVE OFFICER/DEPUTY AGENCY CHIEF FOIA
	OFFICE OF THE DEPUTY SECRETARY	EXECUTIVE OFFICER/EXECUTIVE DIRECTOR OF ADMINISTRATION
	OFFICE OF THE GENERAL COUNSEL	CHAIR, DEPARTMENTAL APPEALS BOARD ASSOCIATE GENERAL COUNSEL, ETHICS DIV AND DESIGNATED AGENCY ETHICS OFFICIAL DEPUTY GENERAL COUNSEL (LITIGATION) DEPUTY ASSOCIATE GENERAL COUNSEL FOR ETHICS ADVICE AND POLICY
	OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.	DEPUTY NATIONAL COORDINATOR FOR OPERATIONS CHIEF MEDICAL OFFICER EXECUTIVE DIRECTOR, OFFICE OF TECHNOLOGY EXECUTIVE DIRECTOR, OFFICE OF POLICY DEPUTY NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY
	DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	PRINCIPAL DEPUTY INSPECTOR GENERAL
	DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	CHIEF OF STAFF DEPUTY CHIEF OF STAFF
	OFFICE OF AUDIT SERVICES	ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES (CYBERSECURITY AND INFORMATION TECHNOLOGY AUDITS) ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES (4) DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	CHIEF COUNSEL TO THE INSPECTOR GENERAL
	OFFICE OF EVALUATION AND INSPECTIONS	ASSISTANT INSPECTOR GENERAL FOR LEGAL AFFAIRS (3) ASSISTANT INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS (3) DEPUTY INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF INVESTIGATIONS	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (4)
	OFFICE OF MANAGEMENT AND POLICY	ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER) ASSISTANT INSPECTOR GENERAL (CHIEF DATA OFFICER) DEPUTY INSPECTOR GENERAL FOR MANAGEMENT AND POLICY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY (DEPUTY CHIEF FINANCIAL OFFICER)
	DEPARTMENT OF HOMELAND SECURITY.	DEPUTY ASSISTANT SECRETARY, INFORMATION ANALYSIS
	DEPARTMENT OF HOMELAND SECURITY	EXECUTIVE DIRECTOR FOR TECHNOLOGY AND CAPABILITY READINESS DEPUTY ASSISTANT DIRECTOR FOR INTEGRATED OPERATIONS EXECUTIVE DIRECTOR, JOINT CYBER COORDINATION GROUP REGIONAL DIRECTOR, REGION I, BOSTON, MA REGIONAL DIRECTOR, REGION 10, SEATTLE, WA EXECUTIVE DIRECTOR, CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY CHIEF, STRATEGY, POLICY, AND PLANS DEPUTY ASST. DIRECTOR FOR STAKEHOLDER ENGAGEMENT SENIOR TECHNICAL DIRECTOR
	COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.	
	CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.	

Agency name	Organization name	Position title
	FEDERAL EMERGENCY MANAGEMENT AGENCY	ASSOCIATE DIRECTOR FOR CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA) CENTRAL ASSOCIATE DIRECTOR FOR READINESS AND CONTINUITY ASSOCIATE DIRECTOR, PLANNING AND INNOVATION CHIEF PEOPLE OFFICER CHIEF ACQUISITION EXECUTIVE DEPUTY CHIEF ACQUISITION EXECUTIVE FOR PROCUREMENT ASSOCIATE DIRECTOR FOR THREAT HUNTING REGIONAL DIRECTOR (3) ASSOCIATE DIRECTOR FOR CAPACITY BUILDING CHIEF FINANCIAL OFFICER ASSISTANT DIRECTOR FOR INTEGRATED OPERATIONS DIRECTOR, NETWORK SECURITY DEPLOYMENT DIRECTOR, OFFICE OF COMPLIANCE AND SECURITY COMPONENT CHIEF HUMAN CAPITAL OFFICER DEPUTY EXECUTIVE ASSISTANT DIRECTOR FOR INFRASTRUCTURE SECURITY DIRECTOR MISSION INTEGRATION CHIEF TECHNOLOGY OFFICER, CYBER SECURITY AND COMMUNICATIONS REGIONAL DIRECTOR, REGION 7, KANSAS CITY, MO DEPUTY ASSISTANT DIRECTOR, NATIONAL RISK MANAGEMENT CENTER CHIEF OPERATING OFFICER ASSOCIATE DIRECTOR, RISK SERVICES CHIEF OF STAFF TO THE DEPUTY DIRECTOR SENIOR ADVISOR, OFFICE OF INFRASTRUCTURE SECURITY DIRECTOR, PROTECTIVE SECURITY COORDINATION EXECUTIVE ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS DEPUTY EXECUTIVE ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS SENIOR COUNSELOR TO THE DIRECTOR FOR CISA ASSOCIATE DIRECTOR FOR CHEMICAL SECURITY COMPONENT CHIEF INFORMATION OFFICER DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER (NCCIC) ASSISTANT DIRECTOR FOR STAKEHOLDER ENGAGEMENT ASSISTANT DIRECTOR, NATIONAL RISK MANAGEMENT CENTER DIRECTOR OF MANAGEMENT REGIONAL DIRECTOR, REGION 6, DALLAS, TX REGIONAL DIRECTOR, REGION 3, PHILADELPHIA, PA DEPUTY EXECUTIVE ASSISTANT DIRECTOR FOR CYBERSECURITY DEPUTY CHIEF COUNSEL FOR GENERAL LAW DIRECTOR, GRANTS MANAGEMENT DIVISION ASSISTANT ADMINISTRATOR FOR RISK MANAGEMENT ASSISTANT ADMINISTRATOR FOR FEDERAL INSURANCE ASSOCIATE ADMINISTRATOR, MISSION SUPPORT ASSISTANT ADMINISTRATOR FOR BUDGET DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR STRATEGIC SOLUTIONS DIRECTOR, PLANNING AND EXERCISE DIVISION, OFFICE OF RESPONSE AND RECOVERY DIRECTOR, INDIVIDUAL ASSISTANCE DIVISION DIRECTOR, PUBLIC ASSISTANCE DIVISION CHIEF FINANCIAL OFFICER DIVISION DIRECTOR, HAZARD MITIGATION ASSISTANCE DEPUTY CHIEF INFORMATION OFFICER FOR MANAGEMENT DEPUTY CHIEF FINANCIAL OFFICER CHIEF COMPONENT PROCUREMENT OFFICER

Agency name	Organization name	Position title
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MIS- SION SUPPORT ASSISTANT ADMINISTRATOR FOR NATIONAL PREPAREDNESS SUPERINTENDENT, EMERGENCY MANAGEMENT INSTITUTE ASSISTANT ADMINISTRATOR FOR FINANCIAL SYSTEMS DIVISION DEPUTY ASSISTANT ADMINISTRATOR FOR MITI- GATION ASSISTANT ADMINISTRATOR, FIELD OPER- ATIONS DIRECTORATE DEPUTY CHIEF COMPONENT PROCUREMENT OFFICER CHIEF ADMINISTRATIVE OFFICER DIRECTOR, OPERATIONS DIVISION (RESPONSE AND RECOVERY) DEPUTY DIRECTOR, EXTERNAL AFFAIRS SUPERINTENDENT, CENTER FOR DOMESTIC PREPAREDNESS DEPUTY CHIEF COUNSEL FOR OPERATIONS DEPUTY ASSISTANT ADMINISTRATOR, GRANTS PROGRAM ASSISTANT ADMINISTRATOR FOR FINANCIAL MANAGEMENT DIRECTOR, NATIONAL EXERCISES AND TECH- NOLOGICAL HAZARDS DEPUTY ASSOCIATE ADMINISTRATOR FOR POL- ICY, PROGRAM ANALYSIS AND INTER- NATIONAL AFFAIRS DEPUTY ASSISTANT ADMINISTRATOR FOR RE- SPONSE DEPUTY CHIEF INFORMATION OFFICER FOR INSTRASTRUCTURE AND OPERATIONS DIRECTOR, DISASTER EMERGENCY COMMU- NICATIONS DIVISION DEPUTY ASSISTANT ADMINISTRATOR FOR FED- ERAL INSURANCE ASSISTANT ADMINISTRATOR FOR MITIGATION DEPUTY ASSISTANT ADMINISTRATOR FOR RISK MANAGEMENT DEPUTY CHIEF ADMINISTRATIVE OFFICER ASSISTANT ADMINISTRATOR, RESILIENCE BUSI- NESS OPERATIONS DEPUTY REGIONAL ADMINISTRATOR (REGION VI, DALLAS) DEPUTY REGIONAL ADMINISTRATOR (REGION II NEW YORK) DEPUTY REGIONAL ADMINISTRATOR (REGION III PHILADELPHIA) DEPUTY REGIONAL ADMINISTRATOR (REGION V CHICAGO) DEPUTY REGIONAL ADMINISTRATOR (REGION VII KANSAS) DEPUTY REGIONAL ADMINISTRATOR (REGION VIII DENVER) DEPUTY REGIONAL ADMINISTRATOR (REGION IX OAKLAND) DEPUTY REGIONAL ADMINISTRATOR (REGION X SEATTLE) DEPUTY REGIONAL ADMINISTRATOR (REGION 1 BOSTON) DEPUTY DIRECTOR, PUBLIC ASSISTANCE DIVI- SION DEPUTY ASSISTANT ADMINISTRATOR, FIELD OPERATIONS DIRECTORATE CHIEF TECHNOLOGY OFFICER CHIEF SECURITY OFFICER PRINCIPAL DEPUTY CHIEF COUNSEL DEPUTY ASSISTANT ADMINISTRATOR, NA- TIONAL PREPAREDNESS DIRECTORATE DEPUTY REGIONAL ADMINISTRATOR, REGION IV, ATLANTA DIRECTOR, NATIONAL ASSESSMENT AND INTE- GRATION CHIEF INFORMATION SECURITY OFFICER DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR HUMAN RESOURCE OPERATIONS DIRECTOR, OFFICE OF PROFESSIONAL RE- SPONSIBILITY DEPUTY ASSISTANT ADMINISTRATOR, GRANTS SYSTEMS AND POLICY INTEGRATION DIRECTOR, OFFICE OF EQUAL RIGHTS

Agency name	Organization name	Position title
		DEPUTY CHIEF SECURITY OFFICER ASSISTANT ADMINISTRATOR FOR FIELD LEADERSHIP DEPUTY ASSOCIATE ADMINISTRATOR FOR RESILIENCE DIRECTOR, INTERAGENCY COORDINATION DIVISION ASSISTANT ADMINISTRATOR FOR RESILIENCE STRATEGY DIRECTOR OF HERMIT'S PEAK CLAIMS OFFICE DEPUTY DIRECTOR, INDIVIDUAL ASSISTANCE DIVISION FEDERAL LAW ENFORCEMENT TRAINING ASSISTANT DIRECTOR (CHIEF FINANCIAL OFFICER) ASSISTANT DIRECTOR (MISSION AND READINESS SUPPORT DIRECTORATE) ASSISTANT DIRECTOR OF TRAINING (CORE TRAINING OPERATIONS DIRECTORATE) ASSISTANT DIRECTOR OF TRAINING (NATIONAL CAPITAL REGION TRAINING OPERATIONS DIRECTORATE) ASSISTANT DIRECTOR OF TRAINING (TECHNICAL TRAINING OPERATIONS DIRECTORATE) ASSISTANT DIRECTOR (CHIEF INFORMATION OFFICER DIRECTORATE) CHIEF COUNSEL ASSOCIATE DIRECTOR FOR TRAINING OPERATIONS DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER DEPUTY DIRECTOR MANAGEMENT DIRECTORATE ASSISTANT DIRECTOR OF TRAINING (TRAINING MANAGEMENT OPERATIONS DIRECTORATE) DIRECTOR, FINANCIAL MANAGEMENT EXECUTIVE DIRECTOR, ENTERPRISE SECURITY OPERATIONS AND SUPPORT ASSISTANT DIRECTOR, FUTURES IDENTITY DIRECTOR, FEDERAL PROTECTIVE SERVICE EXECUTIVE DIRECTOR, THREAT MANAGEMENT OPERATIONS EXECUTIVE DIRECTOR, CHIEF TECHNOLOGY OFFICER ASSISTANT DIRECTOR PROTECTIVE SECURITY OFFICER OVERSIGHT EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY OPERATIONS DIRECTORATE EXECUTIVE DIRECTOR, BUSINESS MANAGEMENT DIRECTORATE DEPUTY CHIEF PROCUREMENT OFFICER DEPUTY DIRECTOR, OFFICE OF BIOMETRIC IDENTITY MANAGEMENT EXECUTIVE DIRECTOR, CHIEF INFORMATION SECURITY OFFICER DEPUTY DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS PRINCIPAL DEPUTY EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY OPERATIONS EXECUTIVE DIRECTOR, HUMAN RESOURCES MANAGEMENT AND SERVICES EXECUTIVE DIRECTOR, SUSTAINABILITY AND ENVIRONMENTAL PROGRAMS DEPUTY CHIEF INFORMATION SECURITY OFFICER—CYBERSECURITY (CIO) DEPUTY DIRECTOR, TECHNOLOGY AND INNOVATION (CHIEF TECHNOLOGY OFFICER) EXECUTIVE DIRECTOR, STRATEGIC OPERATIONS CHIEF PROCUREMENT OFFICER EXECUTIVE DIRECTOR, SOLUTIONS DEVELOPMENT DIRECTORATE DIRECTOR, OFFICE OF BUDGET EXECUTIVE DIRECTOR, FACILITIES AND OPERATIONAL SUPPORT DEPUTY CHIEF READINESS SUPPORT OFFICER EXECUTIVE DIRECTOR, HUMAN CAPITAL POLICY AND PROGRAMS DEPUTY CHIEF INFORMATION OFFICER EXECUTIVE DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS EXECUTIVE DIRECTOR, ACQUISITION, POLICY AND OVERSIGHT CHIEF SECURITY OFFICER

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, POLICY, INTERGOVERNMENTAL PROGRAMS AND COMMUNICATIONS DEPUTY CHIEF SECURITY OFFICER ASSISTANT DIRECTOR FOR FIELD OPERATIONS (EAST), FEDERAL PROTECTIVE SERVICE EXECUTIVE DIRECTOR, ACQUISITION WORKFORCE AND SYSTEMS SUPPORT DEPUTY CHIEF HUMAN CAPITAL OFFICER, STRATEGIC OPERATIONS EXECUTIVE DIRECTOR, HUMAN CAPITAL BUSINESS SYSTEMS EXECUTIVE DIRECTOR, FUTURE OF WORK PROGRAM DEPUTY EXECUTIVE DIRECTOR, PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT DEPUTY BUDGET DIRECTOR, OFFICE OF BUDGET EXECUTIVE DIRECTOR, STRATEGIC PROGRAMS DIVISION PRINCIPAL DEPUTY DIRECTOR, FEDERAL PROTECTIVE SERVICE DEPUTY EXECUTIVE DIRECTOR, SOLUTIONS DEVELOPMENT DIRECTORATE CHIEF DATA OFFICER ASSISTANT DIRECTOR OF FIELD OPERATIONS (WEST), FEDERAL PROTECTIVE SERVICES ASSISTANT DIRECTOR OF FIELD OPERATIONS (CENTRAL), FEDERAL PROTECTIVE SERVICES DIRECTOR, DEPARTMENTAL GENERAL ACCOUNTING OFFICE/INPSECTOR GENERAL (GAO/IG) LIAISON OFFICE ASSISTANT DIRECTOR, OFFICE OF TRAINING AND CAREER DEVELOPMENT, FEDERAL PROTECTIVE SERVICE EXECUTIVE DIRECTOR, PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT OFFICE EXECUTIVE DIRECTOR, DIVERSITY AND INCLUSION DIRECTOR, RISK MANAGEMENT AND ASSURANCE EXECUTIVE DIRECTOR, REGIONAL MISSION SUPPORT ASSISTANT DIRECTOR FOR RESOURCE MANAGEMENT (FINANCIAL OPERATIONS) EXECUTIVE DIRECTOR, STRATEGIC SOLUTIONS OFFICE DEPUTY CHIEF INFORMATION OFFICER EXECUTIVE DIRECTOR, ACQUISITION POLICY AND LEGISLATION BRANCH EXECUTIVE DIRECTOR, ASSETS AND LOGISTICS EXECUTIVE DIRECTOR, HEADQUARTERS SUPPORT OFFICE OF INTELLIGENCE AND ANALYSIS DIRECTOR, FIELD INTELLIGENCE DIRECTORATE DEPUTY UNDER SECRETARY FOR INTELLIGENCE PARTNERSHIPS DIRECTOR, TRANSBORDER SECURITY CENTER PRINCIPAL DEPUTY UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS DIRECTOR, TRANSPARENCY AND OVERSIGHT PROGRAM OFFICE DEPUTY UNDER SECRETARY FOR COLLECTIONS DEPUTY UNDER SECRETARY OF INTELLIGENCE AND ANALYSIS FOR MANAGEMENT DIRECTOR NATIONAL STATE THREATS CENTER DIRECTOR, CYBER INTELLIGENCE CENTER CHIEF OF STAFF DEPUTY UNDER SECRETARY FOR INTELLIGENCE ENTERPRISE READINESS OFFICE OF STRATEGY, POLICY, AND PLANS DEPUTY ASSISTANT SECRETARY FOR CYBER PRINCIPAL DEPUTY DIRECTOR, TERRORIST SCREENING CENTER DEPARTMENT OF HOMELAND SECURITY (DHS) ATTACHE TO CENTRAL AMERICA DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION STATISTICS DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS (WESTERN HEMISPHERE) DHS ATTACHE TO MEXICO DEPUTY ASSISTANT SECRETARY FOR COUNTERTERRORISM AND THREAT PREVENTION POLICY

Agency name	Organization name	Position title
	OFFICE OF THE GENERAL COUNSEL OFFICE OF THE SECRETARY SCIENCE AND TECHNOLOGY DIRECTORATE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.	DEPUTY ASSISTANT SECRETARY FOR ECONOMIC SECURITY DEPUTY ASSOCIATE GENERAL COUNSEL FOR ACQUISITION AND PROCUREMENT LEGAL ADVISOR AND ALTERNATE DESIGNATED AGENCY ETHICS OFFICIAL CHIEF OF STAFF/MANAGING COUNSEL DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW DEPUTY MILITARY ADVISOR DEPARTMENT OF HOMELAND SECURITY ADVISOR TO THE DEPARTMENT OF DEFENSE (DOD) SENIOR ADVISOR TO THE DEPUTY UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY DIRECTOR, OPERATIONS AND REQUIREMENTS ANALYSIS DIRECTOR, TECHNOLOGY TRANSITION PRINCIPAL DIRECTOR, OFFICE OF INNOVATION AND COLLABORATION PRINCIPAL DIRECTOR, OFFICE OF ENTERPRISE SERVICES SENIOR ADVISOR, OFFICE OF SCIENCE AND ENGINEERING DIRECTOR, SYSTEMS ENGINEERING AND STANDARDS PRINCIPAL DIRECTOR, OFFICE OF SCIENCE AND ENGINEERING DIRECTOR, TEST AND EVALUATION DIVISION DIRECTOR, COMMUNITY ENGAGEMENT AND TECHNOLOGY OPPORTUNITIES DIRECTOR, OFFICE FOR STRATEGY AND POLICY DIRECTOR, TECHNOLOGY CENTERS DIRECTOR, FINANCE AND BUDGET DIVISION DIRECTOR, INDUSTRY ENGAGEMENT AND TECHNOLOGY TRANSITION CHIEF, ASYLUM DIVISION DEPUTY ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY DEPUTY GENERAL COUNSEL FOR HEAD-QUARTERS MANAGEMENT ASSOCIATE DIRECTOR, REFUGEE, ASYLUM AND INTERNATIONAL OPERATIONS DEPUTY ASSOCIATE DIRECTOR, OFFICE OF FIELD OPERATIONS DEPUTY CHIEF INFORMATION OFFICER FOR DELIVERY DISTRICT DIRECTOR, FIELD SERVICES, NEW YORK CITY, NEW YORK DEPUTY ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION CHIEF, INTAKE AND DOCUMENT PRODUCTION ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY CHIEF, HUMAN CAPITAL AND TRAINING CHIEF FINANCIAL OFFICER DISTRICT DIRECTOR, FIELD SERVICES, MIAMI, FLORIDA DIRECTOR, SERVICE CENTER, LINCOLN, NEBRASKA DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA DIRECTOR, SERVICE CENTER, DALLAS, TEXAS DIRECTOR, VERMONT SERVICE CENTER, SAINT ALBANS, VERMONT CENTRAL REGIONAL DIRECTOR (DALLAS, TEXAS) WESTERN REGIONAL DIRECTOR (LAGUNA NIGUEL, CALIFORNIA) NORTHEAST REGIONAL DIRECTOR (BURLINGTON, VERMONT) ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT CHIEF, INTERNATIONAL AND REFUGEE AFFAIRS DIVISION CHIEF, PERFORMANCE AND QUALITY CHIEF INFORMATION OFFICER REGIONAL DIRECTOR, SOUTHEAST REGION CHIEF, OFFICE OF ADMINISTRATION DIRECTOR, NATIONAL BENEFITS CENTER

Agency name	Organization name	Position title
		DISTRICT DIRECTOR, FIELD SERVICES, LOS ANGELES CALIFORNIA DISTRICT DIRECTOR, FIELD SERVICES, SAN FRANCISCO CALIFORNIA DISTRICT DIRECTOR, FIELD SERVICES, TAMPA, FLORIDA DISTRICT DIRECTOR, FIELD SERVICES, NEWARK, NEW JERSEY DISTRICT DIRECTOR, FIELD SERVICES, ATLANTA, GEORGIA DIRECTOR, NATIONAL RECORDS CENTER DEPUTY DIRECTOR, NATIONAL BENEFITS CENTER ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION DEPUTY ASSOCIATE DIRECTOR, REFUGEE, ASYLUM, AND INTERNATIONAL OPERATIONS ASSOCIATE DIRECTOR, SERVICE CENTER OPERATIONS CHIEF, OFFICE OF SECURITY AND INTEGRITY DEPUTY DIRECTOR, SERVICE CENTER, SAINT ALBANS, VERMONT DEPUTY DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA DEPUTY DIRECTOR, SERVICE CENTER, DALLAS, TEXAS DEPUTY DIRECTOR, SERVICE CENTER, LINCOLN, NEBRASKA ASSOCIATE DIRECTOR, FIELD OPERATIONS CHIEF, VERIFICATION DIVISION DISTRICT DIRECTOR, FIELD SERVICES, BOSTON, MASSACHUSETTS DISTRICT DIRECTOR, FIELD SERVICES, CHICAGO, ILLINOIS DEPUTY ASSOCIATE DIRECTOR, EXTERNAL AFFAIRS DIRECTORATE DEPUTY ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT DISTRICT DIRECTOR, FIELD SERVICES (CLEVELAND, OH) DISTRICT DIRECTOR, FIELD SERVICES (SAN ANTONIO, TX) CHIEF, IDENTITY AND INFORMATION MANAGEMENT DIVISION DISTRICT DIRECTOR, FIELD OPERATIONS (SEATTLE, WA) DISTRICT DIRECTOR, FIELD SERVICES (SAN DIEGO, CA) DISTRICT DIRECTOR, FIELD SERVICES (KANSAS CITY, MO) CHIEF REGULATORY OFFICER BUDGET OFFICER DEPUTY CHIEF, OFFICE OF SECURITY AND INTEGRITY DISTRICT DIRECTOR, ASYLUM DIVISION (DISTRICT 1) DISTRICT DIRECTOR, ASYLUM DIVISION (DISTRICT 2) DISTRICT DIRECTOR, ASYLUM DIVISION (DISTRICT 3) DISTRICT DIRECTOR, ASYLUM DIVISION (DISTRICT 4)- DISTRICT DIRECTOR, INTERNATIONAL AND REFUGEE AFFAIRS DIVISION DEPUTY CHIEF, ASYLUM DIVISION DEPUTY CHIEF, INTERNATIONAL AND REFUGEE AFFAIRS DIVISION SENIOR COUNSELOR TO THE DIRECTOR (HUMANITARIAN PROGRAMS) SENIOR COUNSELOR TO THE DIRECTOR (OPERATIONAL EFFICIENCY) CHIEF STRATEGY OFFICER/CHIEF EVALUATION OFFICER SENIOR COUNSELOR TO THE DIRECTOR AT USCIS CHIEF, OFFICE OF CONTRACTING DEPUTY CHIEF INFORMATION OFFICE FOR OPERATIONS DISTRICT DIRECTOR, WASHINGTON, DC DEPUTY DIRECTOR, POTOMAC SERVICE CENTER DIRECTOR, POTOMAC SERVICE CENTER

Agency name	Organization name	Position title
	UNITED STATES CUSTOMS AND BORDER PROTECTION.	DISTRICT DIRECTOR, FIELD SERVICES, DALLAS, TEXAS CHIEF DATA OFFICER DEPUTY CHIEF FINANCIAL OFFICER DEPUTY ASSOCIATE DIRECTOR, SERVICE CENTER OPERATIONS DEPUTY CHIEF COUNSEL FOR FIELD MANAGEMENT SENIOR ADVISOR EXECUTIVE DIRECTOR, AUTOMATED COMMERCIAL ENVIRONMENT (ACE) BUSINESS OFFICE ASSISTANT COMMISSIONER, INTELLIGENCE CHIEF PATROL AGENT (DETROIT) CHIEF PATROL AGENT (BIG BEND) ASSISTANT COMMISSIONER, INTERNATIONAL AFFAIRS DIRECTOR, NATIONAL TARGETING CENTER (PASSENGER) DIRECTOR, JOINT TASK FORCE (JTF)—WEST, SAN ANTONIO, TX EXECUTIVE DIRECTOR, SOFTWARE DEVELOPMENT (BORDER ENFORCEMENT AND MANAGEMENT SYSTEMS) EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT EXECUTIVE DIRECTOR, PRIVACY AND DIVERSITY DIRECTOR, FIELD OPERATIONS (BALTIMORE) PORT DIRECTOR, BUFFALO, NY PORT DIRECTOR, CALEXICO, CA PORT DIRECTOR, NOGALES, AZ CHIEF, U.S. BORDER PATROL ACADEMY DIRECTOR, LEADERSHIP DEVELOPMENT CENTER DIRECTOR, NATIONAL TARGETING CENTER (CARGO) DIRECTOR, COUNTER NETWORK EXECUTIVE DIRECTOR, PROGRAMMING EXECUTIVE DIRECTOR, INVESTIGATIVE OPERATIONS ASSOCIATE CHIEF COUNSEL (TUCSON) EXECUTIVE DIRECTOR, INTELLIGENCE OPERATIONS EXECUTIVE DIRECTOR, FIELD OPERATIONS ACADEMY DEPUTY EXECUTIVE DIRECTOR, OPERATIONS EXECUTIVE DIRECTOR, MISSION SUPPORT SENIOR POLICY ADVISOR PORTFOLIO ACQUISITION EXECUTIVE DEPUTY CHIEF, STRATEGIC PLANNING AND ANALYSIS DIRECTOR, NATIONAL VETTING CENTER PORT DIRECTOR, DETROIT EXECUTIVE DIRECTOR, LAW ENFORCEMENT SAFETY AND COMPLIANCE EXECUTIVE DIRECTOR, OPERATIONS EXECUTIVE DIRECTOR, SECURITY OPERATIONS DEPUTY CHIEF PATROL AGENT (LAREDO) CHIEF PATROL AGENT, BUFFALO EXECUTIVE DIRECTOR, ENTERPRISE INFRASTRUCTURE AND OPERATIONS SENIOR ADVISOR FOR INTELLIGENCE CHIEF MANAGEMENT AND GOVERNANCE OFFICER DEPUTY ASSISTANT COMMISSIONER, SOFTWARE APPLICATIONS AND SERVICES DEPUTY ASSISTANT COMMISSIONER, INFRASTRUCTURE AND SUPPORT SERVICES EXECUTIVE DIRECTOR, WORKFORCE CARE CHIEF PATROL AGENT POSITION IN SWANTON, VT DIRECTOR, STRATEGY AND CAPACITY BUILDING EXECUTIVE DIRECTOR, SOUTHWEST BORDER INTELLIGENCE COORDINATION CENTER EXECUTIVE DIRECTOR, INTERGOVERNMENTAL PUBLIC LIAISON PORT DIRECTOR (OTAY MESA) CHIEF PATROL AGENT, GRAND FORKS CHIEF PATROL AGENT, BLAINE CHIEF PATROL AGENT, MIAMI EXECUTIVE DIRECTOR, INTELLIGENCE ENTERPRISE

Agency name	Organization name	Position title
		DEPUTY EXECUTIVE ASSISTANT COMMIS- SIONER, ENTERPRISE SERVICES EXECUTIVE DIRECTOR, ACQUISITION GOVERN- ANCE AND OVERSIGHT DIRECTOR, FIELD OPERATIONS (PRECLEARANCE) DEPUTY ASSISTANT COMMISSIONER, INTER- NATIONAL AFFAIRS DEPUTY CHIEF PATROL AGENT, TUCSON DEPUTY CHIEF PATROL AGENT, SAN DIEGO CHIEF PATROL AGENT, EL CENTRO, CALI- FORNIA DEPUTY ASSISTANT COMMISSIONER, ACQUI- SITION PORT DIRECTOR, SAN YSIDRO DIRECTOR OF OPERATIONS, NORTHERN RE- GION, WDC, (CBP) AMO DIRECTOR OF OPERATIONS, SOUTHEASTERN REGION EXECUTIVE DIRECTOR, OPERATIONS, SOUTH- WEST REGION EXECUTIVE DIRECTOR, PROGRAM MANAGE- MENT OFFICE EXECUTIVE DIRECTOR, TRAINING, SAFETY AND STANDARDS EXECUTIVE DIRECTOR, TALENT MANAGEMENT EXECUTIVE DIRECTOR, NATIONAL AIR SECU- RITY OPERATIONS, AIR AND MARINE EXECUTIVE DIRECTOR, PASSENGER SYSTEMS PROGRAM OFFICE EXECUTIVE DIRECTOR, STRATEGIC PLANNING AND ANALYSIS DEPUTY ASSISTANT COMMISSIONER, INTEL- LIGENCE PORT DIRECTOR, LAREDO EXECUTIVE DIRECTOR, FINANCIAL OPERATIONS EXECUTIVE DIRECTOR, TRADE REMEDY LAW ENFORCEMENT EXECUTIVE DIRECTOR, TRADE POLICY AND PROGRAMS EXECUTIVE ASSISTANT COMMISSIONER, EN- TERPRISE SERVICES EXECUTIVE DIRECTOR OF OPERATIONS, AIR AND MARINE OPERATIONS DEPUTY ASSISTANT COMMISSIONER, PROFES- SIONAL RESPONSIBILITY DEPUTY CHIEF, LAW ENFORCEMENT OPER- ATIONS, OFFICE OF BORDER PATROL EXECUTIVE DIRECTOR, MISSION SUPPORT, AIR AND MARINE EXECUTIVE DIRECTOR, TARGETING AND ANAL- YSIS SYSTEMS DEPUTY EXECUTIVE DIRECTOR, LAW ENFORCE- MENT OPERATIONAL PROGRAMS, OFFICE OF BORDER PATROL EXECUTIVE DIRECTOR, CARGO SYSTEMS EXECUTIVE DIRECTOR, FIELD SUPPORT CHIEF PATROL AGENT (DEL RIO) EXECUTIVE DIRECTOR, ADMISSIBILITY AND PASSENGER PROGRAMS EXECUTIVE DIRECTOR, MISSION SUPPORT CHIEF, LAW ENFORCEMENT OPERATIONS, OF- FICE OF BORDER PATROL DIRECTOR, FIELD OPERATIONS (ATLANTA) EXECUTIVE DIRECTOR, CARGO AND CONVEY- ANCE SECURITY EXECUTIVE DIRECTOR, PLANNING, ANALYSIS AND REQUIREMENTS EVALUATION (PARE) EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE CHIEF PATROL AGENT, YUMA, ARIZONA EXECUTIVE DIRECTOR, REGLUATIONS AND RULINGS ASSISTANT COMMISSIONER, FINANCE, CHIEF FI- NANCIAL OFFICER EXECUTIVE DIRECTOR, BUDGET ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY EXECUTIVE ASSISTANT COMMISSIONER, TRADE EXECUTIVE DIRECTOR, REGULATORY AUDIT AND AGENCY ADVISORY SERVICES ASSISTANT COMMISSIONER, LABORATORIES AND SCIENTIFIC SERVICES

Agency name	Organization name	Position title
		EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS DEPUTY COMMISSIONER ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT DEPUTY ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT EXECUTIVE DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS ASSISTANT COMMISSIONER, FACILITIES AND ASSET MANAGEMENT, CHIEF READINESS SUPPORT OFFICER ASSISTANT COMMISSIONER, TRAINING AND DEVELOPMENT EXECUTIVE DIRECTOR, INTELLIGENCE AND ANALYSIS DEPUTY CHIEF COUNSEL PORT DIRECTOR, JFK INTERNATIONAL AIRPORT EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS AND EVALUATION DEPUTY CHIEF PATROL AGENT, EL PASO ASSISTANT COMMISSIONER, ACQUISITION, CHIEF ACQUISITION OFFICER DEPUTY CHIEF PATROL AGENT, RIO GRANDE VALLEY CHIEF PATROL AGENT, RIO GRANDE VALLEY DEPUTY ASSISTANT COMMISSIONER, FACILITIES AND ASSET MANAGEMENT CHIEF PATROL AGENT (TUCSON) PORT DIRECTOR, LOS ANGELES/LONG BEACH SEAPORT PORT DIRECTOR (EL PASO) EXECUTIVE DIRECTOR, PROCUREMENT DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT EXECUTIVE DIRECTOR, MISSION SUPPORT EXECUTIVE DIRECTOR, AGRICULTURE PROGRAMS AND TRADE LIAISON PORT DIRECTOR, LOS ANGELES INTERNATIONAL AIRPORT EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS, AND EVALUATION DIRECTOR, FIELD OPERATIONS (SAN JUAN) EXECUTIVE DIRECTOR, CYBERSECURITY OPERATIONS AND POLICY DEPUTY ASSISTANT COMMISSIONER, FINANCE CHIEF (EXECUTIVE ASSISTANT COMMISSIONER), UNITED STATES BORDER PATROL CHIEF PATROL AGENT, LAREDO DIRECTOR, FIELD OPERATIONS—SAN FRANCISCO CHIEF PATROL AGENT—EL PASO CHIEF PATROL AGENT—SAN DIEGO ASSOCIATE CHIEF COUNSEL FOR ETHICS, LABOR, AND EMPLOYMENT ASSOCIATE CHIEF COUNSEL - SOUTHEAST ASSOCIATE CHIEF COUNSEL—NEW YORK ASSOCIATE CHIEF COUNSEL - CHICAGO ASSOCIATE CHIEF COUNSEL - HOUSTON ASSOCIATE CHIEF COUNSEL—LOS ANGELES DIRECTOR, FIELD OPERATIONS - CHICAGO DIRECTOR, FIELD OPERATIONS - LOS ANGELES DIRECTOR, FIELD OPERATIONS - HOUSTON DIRECTOR, FIELD OPERATIONS - LAREDO DIRECTOR, FIELD OPERATIONS - SAN DIEGO DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE DEPUTY EXECUTIVE DIRECTOR, PROGRAM MANAGEMENT DIRECTOR, FIELD OPERATIONS—EL PASO ASSOCIATE CHIEF COUNSEL - ENFORCEMENT ASSOCIATE CHIEF COUNSEL - TRADE AND FINANCE DEPUTY ASSISTANT COMMISSIONER, OFFICE OF TRAINING AND DEVELOPMENT DEPUTY CHIEF (DEPUTY EXECUTIVE ASSISTANT COMMISSIONER), BORDER PATROL EXECUTIVE DIRECTOR, OPERATIONS DIRECTOR, FIELD OPERATIONS (SEATTLE) DIRECTOR, FIELD OPERATIONS (DETROIT) DIRECTOR, FIELD OPERATIONS (BUFFALO)

Agency name	Organization name	Position title
	UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.	CHIEF ACCOUNTABILITY OFFICER PORT DIRECTOR, NEWARK PORT DIRECTOR, MIAMI INTERNATIONAL AIR- PORT DIRECTOR, FIELD OPERATIONS (MIAMI) DIRECTOR, FIELD OPERATIONS (NEW YORK) DEPUTY EXECUTIVE ASSISTANT COMMIS- SIONER, TRADE ASSISTANT COMMISSIONER, PROFESSIONAL RESPONSIBILITY PORT DIRECTOR, SAN FRANCISCO EXECUTIVE DIRECTOR, NATIONAL TARGETING CENTER DIRECTOR, FIELD OPERATIONS (TUCSON) DIRECTOR, FIELD OPERATIONS (BOSTON) SPECIAL AGENT IN CHARGE, MIAMI ASSISTANT DIRECTOR, NATIONAL SECURITY SPECIAL AGENT IN CHARGE, NEW YORK DEPUTY EXECUTIVE ASSOCIATE DIRECTOR, HOMELAND SECURITY INVESTIGATIONS ASSOCIATE DIRECTOR, OPERATIONS SPECIAL AGENT IN CHARGE, CHICAGO SPECIAL AGENT IN CHARGE, HOUSTON SPECIAL AGENT IN CHARGE, LOS ANGELES SPECIAL AGENT IN CHARGE, NEW ORLEANS SPECIAL AGENT IN CHARGE, SAN ANTONIO SPECIAL AGENT IN CHARGE, SAN DIEGO SPECIAL AGENT IN CHARGE, DALLAS SPECIAL AGENT IN CHARGE, SAN FRANCISCO FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL, SAN FRANCISCO, CA ASSISTANT DIRECTOR, INTELLIGENCE, HOME- LAND SECURITY INVESTIGATIONS DEPUTY PRINCIPAL LEGAL ADVISOR FOR EN- FORCEMENT AND LITIGATION EXECUTIVE ASSOCIATE DIRECTOR, ENFORCE- MENT AND REMOVAL OPERATIONS SPECIAL AGENT IN CHARGE, SEATTLE DEPUTY ASSISTANT DIRECTOR, FINANCIAL AND FRAUD ASSISTANT DIRECTOR, INTERNATIONAL OPER- ATIONS ASSISTANT DIRECTOR, ADMINISTRATIVE OPER- ATIONS DEPUTY ASSISTANT DIRECTOR, ADMINISTRA- TIVE OPETATIONS SPECIAL AGENT IN CHARGE, BALTIMORE FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL OPERATIONS, PHILA- DELPHIA, PENNSYLVANIA SPECIAL AGENT IN CHARGE (SAC), NASHVILLE, TN FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL, DALLAS, TEXAS EXECUTIVE ASSOCIATE DIRECTOR, HOMELAND SECURITY INVESTIGATIONS DEPUTY EXECUTIVE ASSOCIATE DIRECTOR, MANAGEMENT AND ADMINISTRATION EXECUTIVE DEPUTY PRINCIPAL LEGAL ADVISOR DEPUTY ASSISTANT SECRETARY FOR IMMIGRA- TION AND CUSTOMS ENFORCEMENT CHIEF HUMAN CAPITAL OFFICER DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR STRATEGY AND SERVICES SPECIAL AGENT IN CHARGE, LAS VEGAS, NV ASSISTANT DIRECTOR, DIVERSITY AND CIVIL RIGHTS CHIEF INFORMATION OFFICER BUDGET DIRECTOR DEPUTY ASSISTANT DIRECTOR, INVESTIGATIVE SERVICES SPECIAL AGENT IN CHARGE, EL PASO SPECIAL AGENT IN CHARGE, PHOENIX FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL, ST. PAUL, MN DEPUTY ASSISTANT DIRECTOR, FIELD OPER- ATIONS (INTERNATIONAL), ERO FIELD OFFICE DIRECTOR, OFFICE OF ENFORCE- MENT AND REMOVAL, SEATTLE, ERO DEPUTY ASSISTANT DIRECTOR, INTER- NATIONAL OPERATIONS SPECIAL AGENT IN CHARGE, WASHINGTON, DC

Agency name	Organization name	Position title
		SPECIAL AGENT IN CHARGE, ATLANTA ASSISTANT DIRECTOR, REMOVALS DIVISION, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS COMPTROLLER EXECUTIVE ASSOCIATE DIRECTOR, MANAGEMENT AND ADMINISTRATION ASSISTANT DIRECTOR, ENFORCEMENT DIVISION, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS HEAD OF CONTRACTING ACTIVITY CHIEF FINANCIAL OFFICER ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, FIELD OPERATIONS ASSISTANT DIRECTOR, INFORMATION GOVERNANCE AND PRIVACY DEPUTY CHIEF FINANCIAL OFFICER DEPUTY ASSOCIATE DIRECTOR, OPERATIONS ASSISTANT DIRECTOR, OPR INVESTIGATIONS ASSISTANT DIRECTOR, CUSTODY MANAGEMENT DIVISION, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS ASSISTANT DIRECTOR, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT SERVICES HEALTH CORPORATIONS ASSISTANT DIRECTOR, OPERATIONS SUPPORT, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, SAN DIEGO, CALIFORNIA FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, SAN ANTONIO, TEXAS ASSISTANT DIRECTOR, OFFICE OF LEADERSHIP AND CAREER DEVELOPMENT DEPUTY EXECUTIVE ASSOCIATE DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS DEPUTY ASSISTANT DIRECTOR, CYBER CHIEF COUNSEL, NEW YORK DEPUTY PRINCIPAL LEGAL ADVISOR FOR FIELD LEGAL OPERATIONS DEPUTY PRINCIPAL LEGAL ADVISOR FOR GENERAL AND ADMINISTRATIVE LAW DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (DOMESTIC OPERATIONS—WEST), OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (DOMESTIC OPERATIONS) DEPUTY ASSISTANT DIRECTOR, TARGETING OPERATIONS DIVISION, ENFORCEMENT AND REMOVAL OPERATIONS DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR OPERATIONS SPECIAL AGENT IN CHARGE, DETROIT DEPUTY CHIEF INFORMATION OFFICER ASSISTANT DIRECTOR, CYBER AND OPERATIONAL TECHNOLOGY FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, EL PASO, TEXAS FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, ATLANTA, GEORGIA FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, CHICAGO, ILLINOIS FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, HOUSTON, TEXAS ASSISTANT DIRECTOR, GLOBAL TRADE SPECIAL AGENT IN CHARGE, DENVER ASSISTANT DIRECTOR, SECURITY DIVISION DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (DOMESTIC OPERATIONS—EAST) DEPUTY ASSISTANT DIRECTOR NATIONAL SECURITY PROGRAMS DEPUTY ASSISTANT DIRECTOR, INTELLIGENCE, HOMELAND SECURITY INVESTIGATIONS DEPUTY ASSISTANT DIRECTOR, PUBLIC SAFETY AND BORDER SECURITY ASSISTANT DIRECTOR, OFFICE OF FIREARMS AND TACTICAL PROGRAMS DEPUTY ASSISTANT DIRECTOR, CUSTODY PROGRAMS, POLICY AND OUTREACH SENIOR ADVISOR, GLOBAL TRADE

Agency name	Organization name	Position title
		SENIOR BUDGET ADVISOR DEPUTY ASSISTANT DIRECTOR, DOMESTIC OPERATIONS DEPUTY ASSISTANT DIRECTOR, OPERATIONAL TECHNOLOGY DIVISION DEPUTY ASSISTANT DIRECTOR, REGULATORY AFFAIRS, OFFICE OF REGULATORY AFFAIRS AND POLICY DEPUTY ASSISTANT DIRECTOR, POLICY, OFFICE OF REGULATORY AFFAIRS AND POLICY ASSISTANT DIRECTOR, NON- DETAINED MANAGEMENT DIVISION CHIEF INFORMATION SECURITY OFFICER FIELD OFFICE DIRECTOR, WASHINGTON, DC DEPUTY ASSISTANT DIRECTOR, JOINT TASK FORCE-EAST SPECIAL AGENT IN CHARGE (KANSAS CITY) CHIEF COUNSEL, NEW ORLEANS DEPUTY ASST. DIRECTOR, OVERSIGHT, COMPLIANCE AND ACQUISITION DIVISION ASSOCIATE DEPUTY PRINCIPAL LEGAL ADVISOR FIELD OFFICE DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, HARLINGEN, TX SPECIAL AGENT IN CHARGE, HSI, CHARLOTTE, NC ASSISTANT DIRECTOR, CENTER FOR COUNTERING HUMAN TRAFFICKING DEPUTY HEAD OF CONTRACTING ACTIVITY ASSISTANT DIRECTOR, LAW ENFORCEMENT SYSTEMS AND ANALYSIS (LESA), ERO FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, DENVER, CO FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BUFFALO, NY FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BOSTON, MA CHIEF COUNSEL, CHICAGO CHIEF COUNSEL, SAN ANTONIO CHIEF COUNSEL, PHOENIX CHIEF, FACILITIES AND ASSET ADMINISTRATION ASSISTANT DIRECTOR OFFICE OF INVESTMENT AND PROGRAM ACCOUNTABILITY SPECIAL AGENT IN CHARGE, HONOLULU, HI DEPUTY ASSISTANT DIRECTOR, COUNTERPROLIFERATION SPECIAL AGENT IN CHARGE, SAN JUAN, PUERTO RICO FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, PHOENIX, ARIZONA FIELD OFFICE DIRECTOR, OERO, LOS ANGELES, CALIFORNIA FIELD OFFICE DIRECTOR, OFFICE OF ERO, NEW YORK SPECIAL AGENT IN CHARGE, SAINT PAUL, MINNESOTA SPECIAL AGENT IN CHARGE, TAMPA, FLORIDA SPECIAL AGENT IN CHARGE, NEWARK, NEW JERSEY SPECIAL AGENT IN CHARGE, BOSTON, MASSACHUSETTS SPECIAL AGENT IN CHARGE, PHILADELPHIA, PENNSYLVANIA SPECIAL AGENT IN CHARGE, BUFFALO, NEW YORK DEPUTY ASSISTANT DIRECTOR, DOMESTIC OPERATIONS FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, NEW ORLEANS, LOUISIANA DEPUTY ASSISTANT DIRECTOR, STUDENT AND EXCHANGE VISITOR PROGRAM FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, MIAMI, FLORIDA ASSISTANT DIRECTOR, COUNTERING—TRANSNATIONAL ORGANIZED CRIME CHIEF COUNSEL, MIAMI CHIEF COUNSEL FOR LOS ANGELES ASSISTANT DIRECTOR, INSPECTIONS AND DETENTION OVERSIGHT DIVISION

Agency name	Organization name	Position title
	UNITED STATES COAST GUARD	DIRECTOR, INCIDENT MANAGEMENT AND PRE-PAREDNESS POLICY DEPUTY ASSISTANT COMMANDANT FOR CAPABILITY DIRECTOR OF FINANCIAL OPERATIONS/CONTROLLER ASSISTANT COMMANDANT FOR RESOURCES AND CHIEF FINANCIAL OFFICER DEPUTY COMMANDANT FOR MISSION SUPPORT—MATERIEL READINESS DEPUTY ASSISTANT COMMANDANT FOR HUMAN RESOURCES/SENIOR ADVISOR FOR DIVERSITY AND INCLUSION DIRECTOR, ASSISTANT COMMANDANT FOR HUMAN RESOURCES DEPUTY DIRECTOR OF ACQUISITION PROGRAMS DEPUTY ASSISTANT COMMANDANT FOR HUMAN RESOURCES DIRECTOR, NATIONAL POLLUTION FUNDS CENTER HEAD OF CONTRACTING ACTIVITY DEPUTY ASSISTANT COMMANDANT FOR ACQUISITION/DIRECTOR OF ACQUISITION SERVICES DIRECTOR, MARINE TRANSPORTATION SYSTEM MANAGEMENT DIRECTOR, COAST GUARD INVESTIGATIVE SERVICE ASSISTANT JUDGE ADVOCATE GENERAL FOR ACQUISITION AND LITIGATION DEPUTY ASSISTANT COMMANDANT FOR INTELLIGENCE DEPUTY ASSISTANT COMMANDANT FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INFORMATION TECHNOLOGY/ DEPUTY CHIEF INFORMATION OFFICER DEPUTY ASSISTANT COMMANDANT FOR RESOURCES AND DEPUTY CHIEF FINANCIAL OFFICER
	UNITED STATES SECRET SERVICE	DEPUTY DIRECTOR, UNITED STATES SECRET SERVICE ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS ASSISTANT DIRECTOR, TECHNICAL DEVELOPMENT AND MISSION SUPPORT CHIEF COUNSEL SPECIAL AGENT IN CHARGE—SAN FRANCISCO FIELD OFFICE SPECIAL AGENT IN CHARGE - DALLAS FIELD OFFICE CHIEF SECURITY OFFICER SPECIAL AGENT IN CHARGE (DIGNITARY PROTECTIVE DIVISION) DEPUTY CHIEF STRATEGY OFFICER, STRATEGIC PLANNING AND POLICY DEPUTY SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION CHIEF STRATEGY OFFICER, STRATEGIC PLANNING AND POLICY DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION SPECIAL AGENT IN CHARGE - TECHNICAL SECURITY DIVISION SPECIAL AGENT IN CHARGE - PHILADELPHIA FIELD OFFICE ASSISTANT DIRECTOR, PROFESSIONAL RESPONSIBILITY DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION SPECIAL AGENT IN CHARGE—NEW YORK CHIEF HUMAN CAPITAL OFFICER CHIEF, NATIONAL THREAT ASSESSMENT CENTER CHIEF INFORMATION OFFICER DEPUTY SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION

Agency name	Organization name	Position title
		SPECIAL AGENT IN CHARGE - ATLANTA FIELD OFFICE SPECIAL AGENT IN CHARGE - HONOLULU FIELD OFFICE SPECIAL AGENT IN CHARGE - HOUSTON FIELD OFFICE DEPUTY ASSISTANT DIRECTOR, TRAINING DEPUTY ASSISTANT DIRECTOR, TECHNICAL DEVELOPMENT AND MISSION SUPPORT DEPUTY SPECIAL AGENT IN CHARGE (PRESIDENTIAL PROTECTIVE DIVISION) DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS DEPUTY CHIEF, PROFESSIONAL RESPONSIBILITY SPECIAL AGENT IN CHARGE - WASHINGTON FIELD OFFICE DEPUTY CHIEF FINANCIAL OFFICER SPECIAL AGENT IN CHARGE—LOS ANGELES FIELD OFFICE DEPUTY ASSISTANT DIRECTOR - OFFICE OF INVESTIGATIONS SPECIAL AGENT IN CHARGE, CHICAGO FIELD OFFICE CHIEF FINANCIAL OFFICER DEPUTY ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS DEPUTY ASSISTANT DIRECTOR, INTEGRITY DIRECTOR, UNITED STATES SECRET SERVICE SPECIAL AGENT IN CHARGE, SPECIAL OPERATIONS DIVISION DEPUTY ASSISTANT DIRECTOR, INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS SPECIAL AGENT IN CHARGE—CRIMINAL INVESTIGATIVE DIVISION SPECIAL AGENT IN CHARGE (ROWLEY TRAINING CENTER) SPECIAL AGENT IN CHARGE - ROME CHIEF, EQUITY AND EMPLOYEE SUPPORT SERVICES SPECIAL AGENT IN CHARGE, PROTECTIVE INTELLIGENCE AND ASSESSMENT DIVISION ASSISTANT DIRECTOR, INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS COMPONENT ACQUISITION EXECUTIVE CHIEF OF STAFF DEPUTY ASSISTANT DIRECTOR, ENTERPRISE READINESS DEPUTY CHIEF HUMAN CAPITAL OFFICER (BUSINESS SOLUTIONS) DEPUTY CHIEF INFORMATION OFFICER DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS CHIEF OF COMMUNICATIONS ASSISTANT DIRECTOR, OFFICE OF TRAINING CHIEF OPERATING OFFICER DEPUTY CHIEF, PROTECTIVE OPERATIONS DEPUTY CHIEF COUNSEL/PRINCIPAL ETHICS OFFICIAL SPECIAL AGENT IN CHARGE, PARIS FIELD OFFICE SPECIAL AGENT IN CHARGE - MIAMI FIELD OFFICE DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES DEPUTY ASSISTANT DIRECTOR, STRATEGIC INTELLIGENCE AND INFORMATION ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION DEPUTY ASSISTANT DIRECTOR, ENTERPRISE ASSISTANT DIRECTOR, OPERATIONAL PROGRAMS AND POLICIES DEPUTY DIRECTOR OF OPERATIONS ASSISTANT DIRECTOR, HUMAN CAPITAL OPERATIONS DEPUTY CHIEF HUMAN CAPITAL OFFICER, POLICIES, PROGRAMS AND OVERSIGHT DEPUTY ASSISTANT SECRETARY FOR STRATEGY, PLANS AND POLICY CHIEF OF STAFF
MANAGEMENT DIRECTORATE	MANAGEMENT DIRECTORATE	
OFFICE OF THE SECRETARY	COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.	

Agency name	Organization name	Position title
DEPARTMENT OF HOMELAND SECURITY OFFICE OF THE INSPECTOR GENERAL.	OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES	ASSISTANT DIRECTOR, OPERATIONS SUPPORT DIRECTORATE CHIEF FINANCIAL MANAGER DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OF- FICER, PROGRAMS AND COMPLIANCE DIRECTOR CIVIL RIGHTS AND CIVIL LIBERTIES PROGRAMS BRANCH DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OF- FICER, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY DIRECTOR DIRECTOR, COMPLIANCE BRANCH DIRECTOR, WORKFORCE HEALTH AND MEDICAL SUPPORT/DEPUTY CHIEF MEDICAL OFFICER DEPUTY DIRECTOR AND DEPUTY CHIEF MED- ICAL OFFICER, OFFICE OF HEALTH SECURITY EXECUTIVE DIRECTOR, SOCIAL IMPACT DEPUTY EXECUTIVE SECRETARY
	OFFICE OF HEALTH SECURITY	
	OFFICE OF PARTNERSHIP AND ENGAGEMENT ... OFFICE OF THE SECRETARY	
	DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL FOR MANAGE- MENT DEPUTY INSPECTOR GENERAL FOR AUDITS COUNSEL TO THE INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL FOR INVESTIGA- TIONS ASSISTANT INSPECTOR GENERAL FOR INFOR- MATION TECHNOLOGY AUDITS DEPUTY INSPECTOR GENERAL FOR INSPEC- TIONS AND EVALUATIONS DEPUTY COUNSEL ASSISTANT INSPECTOR GENERAL FOR AUDITS (DISASTER AND INFRASTRUCTURE) ASSISTANT INSPECTOR GENERAL FOR AUDITS (FACETS) PRINCIPAL DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INSPEC- TIONS AND EVALUATIONS ASSISTANT INSPECTOR GENERAL FOR AUDITS (LAW ENFORCEMENT AND TERRORISM) ASSISTANT INSPECTOR GENERAL FOR INVE- STIGATIONS (FIELD) ASSISTANT INSPECTOR GENERAL FOR INTEG- RITY ASSISTANT INSPECTOR GENERAL FOR INNOVA- TION DEPUTY INSPECTOR GENERAL FOR INNOVA- TION CHIEF OF STAFF DEPUTY INSPECTOR GENERAL FOR INTEGRITY ASSISTANT INSPECTOR GENERAL FOR MAN- AGEMENT ASSISTANT INSPECTOR GENERAL FOR INVE- STIGATIONS (HEADQUARTERS) DEPUTY INSPECTOR GENERAL FOR THE IMME- DIATE OFFICE DEPUTY INSPECTOR GENERAL FOR EXTERNAL AFFAIRS
DEPARTMENT OF HOUSING AND URBAN. OFFICE OF THE SECRETARY	GOVERNMENT NATIONAL MORTGAGE ASSOCIA- TION.	SENIOR VICE PRESIDENT OF THE OFFICE OF SECURITIES OPERATIONS SENIOR VICE PRESIDENT AND CHIEF FINANCIAL OFFICER SENIOR VICE PRESIDENT, OFFICE OF ENTER- PRISE DATA AND TECHNOLOGY SOLUTIONS SENIOR VICE PRESIDENT OFFICE OF CAPITAL MARKETS SENIOR VICE PRESIDENT AND CHIEF RISK OFFI- CER SENIOR VICE PRESIDENT FOR MORTGAGE- BACKED SECURITIES
	OFFICE OF COMMUNITY PLANNING AND DEVEL- OPMENT.	GENERAL DEPUTY ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT DEPUTY ASSISTANT SECRETARY FOR SPECIAL NEEDS PROGRAMS DEPUTY ASSISTANT SECRETARY FOR OPER- ATIONS
	OFFICE OF CONGRESSIONAL AND INTERGOV- ERNMENTAL RELATIONS.	DIRECTOR OF STRATEGIC PLANNING AND MAN- AGEMENT OF HUMAN CAPITAL GENERAL DEPUTY ASSISTANT SECRETARY FOR CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS
	OFFICE OF DEPARTMENTAL EQUAL EMPLOY- MENT OPPORTUNITY.	DIRECTOR, OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY

Agency name	Organization name	Position title
	OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND MANAGEMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR ENFORCEMENT COMPLIANCE EXECUTIVE DIRECTOR FOR FIELD OPERATIONS DIRECTOR
	OFFICE OF FIELD POLICY AND MANAGEMENT	DIRECTOR, PROGRAM SYSTEMS MANAGEMENT OFFICE
	OFFICE OF HOUSING	DEPUTY ASSISTANT SECRETARY FOR FINANCE AND BUDGET DEPUTY ASSISTANT SECRETARY FOR OPERATIONS DEPUTY ASSISTANT SECRETARY FOR HEALTHCARE PROGRAMS DEPUTY ASSISTANT SECRETARY FOR MULTIFAMILY HOUSING HOUSING FEDERAL HOUSING ADMINISTRATION—COMPTROLLER FEDERAL HOUSING ADMINISTRATION COMPTROLLER ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCE AND BUDGET DEPUTY ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH GENERAL DEPUTY ASSISTANT SECRETARY FOR PUBLIC AFFAIRS
	OFFICE OF POLICY DEVELOPMENT AND RESEARCH.	
	OFFICE OF PUBLIC AFFAIRS	
	OFFICE OF PUBLIC AND INDIAN HOUSING	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR THE REAL ESTATE ASSESSMENT CENTER DEPUTY ASSISTANT SECRETARY FOR POLICY PROGRAM AND LEGISLATIVE INITIATIVES DEPUTY ASSISTANT SECRETARY FOR NATIVE AMERICAN PROGRAMS EXECUTIVE DIRECTOR FOR STRATEGIC INITIATIVES DEPUTY ASSISTANT SECRETARY FOR THE REAL ESTATE ASSESSMENT CENTER DIRECTOR FOR BUDGET AND FINANCIAL MANAGEMENT DEPUTY ASSISTANT SECRETARY FOR PUBLIC HOUSING INVESTMENTS
	OFFICE OF THE ADMINISTRATION	CHIEF DISASTER AND NATIONAL SECURITY OFFICER CHIEF FOIA AND PRIVACY OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF RISK OFFICER DIRECTOR, PERFORMANCE MANAGEMENT AND CUSTOMER EXPERIENCE ASSISTANT CHIEF FINANCIAL OFFICER FOR BUDGET ASSISTANT CHIEF FINANCIAL OFFICER FOR SYSTEMS ASSISTANT CHIEF FINANCIAL OFFICER FOR ACCOUNTING ASSISTANT CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT DIRECTOR, HUMAN CAPITAL SERVICES
	OFFICE OF THE CHIEF FINANCIAL OFFICER	
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER.	CHIEF LEARNING OFFICER CHIEF HUMAN CAPITAL OFFICER
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	CHIEF INFORMATION SECURITY OFFICER DEPUTY CHIEF INFORMATION OFFICER FOR INFRASTRUCTURE AND OPERATIONS PRINCIPAL DEPUTY CHIEF INFORMATION OFFICER CHIEF INFORMATION SECURITY OFFICER CHIEF DIGITAL SERVICES OFFICER CHIEF TECHNOLOGY OFFICER DEPUTY CHIEF INFORMATION SECURITY OFFICER CHIEF INFORMATION OFFICER PRINCIPAL DEPUTY CHIEF INFORMATION OFFICER DEPUTY CHIEF INFORMATION OFFICER FOR BUSINESS AND INFORMATION TECHNOLOGY RESOURCE MANAGEMENT OFFICER DEPUTY CHIEF INFORMATION OFFICER—OFFICE OF CUSTOMER RELATIONSHIP AND PERFORMANCE MANAGEMENT
	OFFICE OF THE DEPUTY SECRETARY	NATIONAL DISASTER COORDINATOR
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL FOR PROGRAM ENFORCEMENT

Agency name	Organization name	Position title
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR.	DIRECTOR, DEPARTMENTAL ENFORCEMENT CENTER.	
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	CHIEF STRATEGY OFFICER
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION
		ASSISTANT INSPECTOR GENERAL FOR AUDIT
		DEPUTY INSPECTOR GENERAL
		CHIEF OF STAFF
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION (HEADQUARTERS OPERATIONS)
		ASSISTANT INSPECTOR GENERAL FOR OFFICE OF EVALUATION (OE)
		CHIEF INFORMATION OFFICER
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FIELD OPERATIONS)
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FIELD OPERATIONS)
		COUNSEL TO THE INSPECTOR GENERAL
		SENIOR ADVISOR FOR EXTERNAL AFFAIRS
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS- FIELD OPERATIONS
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT—FINANCIAL MANAGEMENT, INFORMATION TECHNOLOGY, AND OPERATIONS
DEPARTMENT OF THE INTERIOR. ASSISTANT SECRETARY—FISH AND WILDLIFE AND PARKS.		ASSISTANT INSPECTOR GENERAL FOR—OFFICE OF SPECIAL INQUIRY
		ASSISTANT INSPECTOR GENERAL FOR OFFICE OF MANAGEMENT AND TECHNOLOGY
	NATIONAL PARK SERVICE	ASSOCIATE DIRECTOR, INTERPRETATION AND EDUCATION
		COMPTROLLER
		CHIEF FINANCIAL OFFICER
	UNITED STATES FISH AND WILDLIFE SERVICE ...	CHIEF, OFFICE OF LAW ENFORCEMENT
	BUREAU OF INDIAN AFFAIRS	DIRECTORATE OF ENVIRONMENTAL AND NATURAL RESOURCES MANAGEMENT
		DEPUTY DIRECTOR—JUSTICE SERVICES
	BUREAU OF INDIAN EDUCATION	PRESIDENT, SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE
	BUREAU OF TRUST FUNDS ADMINISTRATION	REGIONAL TRUST DIRECTOR
		SENIOR ADVISOR
	BUREAU OF LAND MANAGEMENT	DIRECTOR, LAW ENFORCEMENT AND SECURITY
	BUREAU OF OCEAN ENERGY MANAGEMENT	STRATEGIC RESOURCES CHIEF
	BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT.	PROGRAM DIRECTOR, RENEWABLE ENERGY AND REGULATORY COMPLIANCE
	OFFICE OF HEARINGS AND APPEALS	DIRECTOR, OFFICE OF HEARINGS AND APPEALS
ASSISTANT SECRETARY—POLICY, MANAGEMENT AND BUDGET.	OFFICE OF NATURAL RESOURCES REVENUE MANAGEMENT.	DEPUTY DIRECTOR, OFFICE OF NATURAL RESOURCES REVENUE MANAGEMENT
		PROGRAM DIRECTOR FOR COORDINATION, ENFORCEMENT, VALUATION AND APPEALS
		PROGRAM DIRECTOR FOR AUDIT AND COMPLIANCE MANAGEMENT
		PROGRAM DIRECTOR FOR REVENUE, REPORTING AND COMPLIANCE MANAGEMENT
	BUREAU OF RECLAMATION	DIRECTOR, MISSION SUPPORT ORGANIZATION
		DIRECTOR, DAM SAFETY AND INFRASTRUCTURE
	UNITED STATES GEOLOGICAL SURVEY	DEPUTY DIRECTOR FOR OPERATIONS
		DEPUTY DIRECTOR FOR ADMINISTRATION AND POLICY
		ASSOCIATE DIRECTOR FOR NATURAL HAZARDS
		ASSOCIATE DIRECTOR FOR WATER
		ASSOCIATE DIRECTOR FOR CORE SCIENCE SYSTEMS
		ASSOCIATE DIRECTOR FOR ECOSYSTEMS
		ASSOCIATE DIRECTOR FOR ENERGY AND MINERALS
		DIRECTOR, NATIONAL GEOSPATIAL DIRECTORATE
		ASSOCIATE DIRECTOR FOR ADMINISTRATION
BUREAU OF LAND MANAGEMENT	FIELD OFFICES—BLM	ASSOCIATE DIRECTOR FOR BUDGET, PLANNING, AND INTEGRATION
	BUREAU OF OCEAN ENERGY MANAGEMENT	ASSOCIATE DIRECTOR FOR COMMUNICATIONS AND PUBLISHING
	FIELD OFFICES—BOEM	DIRECTOR, NATIONAL OPERATIONS CENTER
		REGIONAL DIRECTOR, PACIFIC REGION

Agency name	Organization name	Position title
DEPARTMENT OF THE INTERIOR	ASSISTANT SECRETARY - INDIAN AFFAIRS ASSISTANT SECRETARY—POLICY, MANAGEMENT AND BUDGET.	DIRECTOR OF HUMAN CAPITAL MANAGEMENT CHIEF, BUDGET ADMINISTRATION AND DEPARTMENTAL MANAGEMENT CHIEF DIVERSITY OFFICER/DIRECTOR, OFFICE OF CIVIL RIGHTS DIRECTOR, OFFICE OF GRANTS MANAGEMENT DEPUTY DIRECTOR, OFFICE OF CIVIL RIGHTS/ DEPUTY CHIEF DIVERSITY OFFICER DEPUTY DIRECTOR, AUDIT AND INTERNAL CONTROLS DEPUTY ASSISTANT SECRETARY—BUDGET, FINANCE, GRANTS AND ACQUISITION CHIEF DIVISION OF BUDGET AND PROGRAM REVIEW DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER DEPUTY CHIEF HUMAN CAPITAL OFFICER/DIRECTOR, OFFICE OF HUMAN CAPITAL DEPUTY ASSISTANT SECRETARY—PUBLIC SAFETY, RESOURCE PROTECTION AND EMERGENCY SERVICES DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT DIRECTOR, OFFICE OF LAW ENFORCEMENT AND SECURITY DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT DEPUTY ASSISTANT SECRETARY—HUMAN CAPITAL AND DIVERSITY/CHIEF HUMAN CAPITAL OFFICER
	OFFICE OF THE SOLICITOR	DESIGNATED AGENCY ETHICS OFFICIAL DEPUTY CHIEF FOIA OFFICER ASSOCIATE SOLICITOR FOR ADMINISTRATION
NATIONAL PARK SERVICE	FIELD OFFICES—NPS	PARK MANAGER, GRAND CANYON NATIONAL PARK PARK MANAGER, YELLOWSTONE NATIONAL PARK
OFFICE OF SURFACE MINING	FIELD OFFICES—OSM	REGIONAL DIRECTOR, APPALACHIAN REGION REGIONAL DIRECTOR, MIDCONTINENT REGION
UNITED STATES GEOLOGICAL SURVEY	FIELD OFFICES—USGS	REGIONAL DIRECTOR - MIDCONTINENT REGION REGIONAL DIRECTOR - SOUTHWEST REGION REGIONAL DIRECTOR—ALASKA REGION REGIONAL DIRECTOR—NORTHWEST—PACIFIC ISLANDS REGION REGIONAL DIRECTOR - SOUTHEAST REGION REGIONAL DIRECTOR—ROCKY MOUNTAIN REGION REGIONAL DIRECTOR - NORTHEAST REGION
DEPARTMENT OF THE INTERIOR OFFICE OF THE INSPECTOR GENERAL. DEPARTMENT OF THE INTERIOR OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL
OFFICE OF THE INSPECTOR GENERAL	OFFICE OF AUDITS, INSPECTIONS, AND EVALUATIONS.	CHIEF OF STAFF ASSISTANT INSPECTOR GENERAL FOR STRATEGY, DATA, AND INNOVATION DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS ASSISTANT INSPECTOR GENERAL FOR AUDITS, INSPECTIONS, AND EVALUATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS
	OFFICE OF GENERAL COUNSEL	GENERAL COUNSEL
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL
	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT
DEPARTMENT OF JUSTICE. DEPARTMENT OF JUSTICE	OFFICE OF THE DEPUTY ATTORNEY GENERAL ..	CHIEF AND COUNSELOR TO THE DAG, PROFESSIONAL MISCONDUCT REVIEW UNIT
OFFICE OF THE ASSOCIATE ATTORNEY GENERAL.	ANTITRUST DIVISION	DIRECTOR, ECONOMIC ENFORCEMENT
		EXECUTIVE OFFICER CHIEF, TELECOMMUNICATIONS AND MEDIA SECTION
	CIVIL DIVISION	DIRECTOR, BUDGET STAFF CHIEF INFORMATION OFFICER CHIEF, ENFORCEMENT UNIT, OIL-DCS DEPUTY DIRECTOR DEPUTY DIRECTOR (OPERATIONS), OFFICE OF IMMIGRATION LITIGATION, DISTRICT COURT SECTION

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION, FRAUD SECTION DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION DEPUTY DIRECTOR (SENIOR), CRIMINAL LITIGATION DEPUTY DIRECTOR, CONSTITUTIONAL AND SPECIALIZED TORT LITIGATION SPECIAL COUNSEL TO THE AAG DEPUTY DIRECTOR, TORTS BRANCH—FEDERAL TORTS CLAIMS ACT LITIGATION DEPUTY DIRECTOR (SENIOR), CIVIL LITIGATION DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION DEPUTY DIRECTOR, APPELLATE STAFF DEPUTY BRANCH DIRECTOR DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH DIRECTOR, OFFICE OF MANAGEMENT PROGRAMS DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH (INTELLECTUAL PROPERTY) APPELLATE LITIGATION COUNSEL DIRECTOR, CONSUMER PROTECTION BRANCH DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS DEPUTY DIRECTOR APPELLATE BRANCH DIRECTOR, CONSUMER LITIGATION BRANCH, FOREIGN LITIGATION SECTION SPECIAL LITIGATION COUNSEL, AVIATION AND ADMIRALTY SECTION CIVIL RIGHTS DIVISION CHIEF, EMPLOYMENT LITIGATION SECTION CHIEF APPELLATE SECTION CHIEF CRIMINAL SECTION CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION CHIEF, VOTING SECTION CHIEF, EDUCATIONAL OPPORTUNITIES SECTION CHIEF—SPECIAL LITIGATION SECTION CHIEF FEDERAL COORDINATION AND COMPLIANCE SECTION DEPUTY SPECIAL COUNSEL FOR IMMIGRATION—RELATED UNFAIR EMPLOYMENT PRACTICES EXECUTIVE OFFICER CHIEF, DISABILITY RIGHTS SECTION DEPUTY ASSISTANT ATTORNEY GENERAL (2) COUNSEL TO THE ASSISTANT ATTORNEY GENERAL CHIEF, POLICY STRATEGY SECTION PRINCIPAL DEPUTY CHIEF, CRIMINAL SECTION PRINCIPAL DEPUTY CHIEF, VOTING SECTION PRINCIPAL DEPUTY CHIEF, EMPLOYMENT LITIGATION SECTION PRINCIPAL DEPUTY CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION PRINCIPAL DEPUTY CHIEF, DISABILITY RIGHTS SECTION PRINCIPAL DEPUTY CHIEF, SPECIAL LITIGATION SECTION PRINCIPAL DEPUTY CHIEF (EDUCATIONAL OPPORTUNITIES SECTION) DIRECTOR OF OPERATIONAL MANAGEMENT CHIEF COUNSEL ENVIRONMENT AND NATURAL RESOURCES DIVISION. DIRECTOR, OEJ DEPUTY CHIEF, ENVIRONMENTAL CRIMES SECTION DEPUTY CHIEF, APPELLATE SECTION DEPUTY CHIEF ENVIRONMENTAL ENFORCEMENT SECTION CHIEF, WILDLIFE AND MARINE RESOURCES SECTION CHIEF, INDIAN RESOURCES SECTION CHIEF, ENVIRONMENTAL DEFENSE SECTION CHIEF, NATURAL RESOURCES SECTION

Agency name	Organization name	Position title
OFFICE OF THE DEPUTY ATTORNEY GENERAL ...	OFFICE OF JUSTICE PROGRAMS TAX DIVISION	CHIEF, LAND ACQUISITION SECTION CHIEF-APPELLATE SECTION DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION CHIEF ENVIRONMENTAL CRIMES SECTION CHIEF ENVIRONMENTAL ENFORCEMENT SECTION EXECUTIVE OFFICER DEPUTY CHIEF, NATURAL RESOURCES SECTION DEPUTY SECTION CHIEF, NATURAL RESOURCES SECTION DEPUTY CHIEF, ENVIRONMENTAL DEFENSE SECTION DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION DIRECTOR, OFFICE OF ADMINISTRATION CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF AUDIT, ASSESSMENT AND MANAGEMENT DEPUTY DIRECTOR, OFFICE FOR VICTIMS OF CRIME DIRECTOR OF COMMUNICATIONS CHIEF OFFICE OF REVIEW CHIEF, CRIMINAL ENFORCEMENT SECTION, WESTERN REGION CHIEF CIVIL TRIAL SECTION SOUTHWESTERN REGION EXECUTIVE OFFICER CHIEF CIVIL TRIAL SECTION EASTERN REGION CHIEF, APPELLATE SECTION CHIEF, CIVIL TRIAL SECTION, CENTRAL REGION CHIEF CIVIL TRIAL SECTION NORTHERN REGION CHIEF CIVIL TRIAL SECTION (SOUTHERN REGION) CHIEF CIVIL TRIAL SECTION, WESTERN REGION SPECIAL LITIGATION COUNSEL SENIOR LITIGATION COUNSEL CHIEF, COURT OF FEDERAL CLAIMS SECTION DEPUTY ASSISTANT ATTORNEY GENERAL CHIEF, CRIMINAL ENFORCEMENT SECTION, SOUTH REGION CHIEF, CRIMINAL ENFORCEMENT SECTION, NORTH REGION CHIEF, CRIMINAL APPEALS AND TAX ENFORCEMENT POLICY SECTION DEPUTY CHIEF, APPELLATE SECTION SPECIAL AGENT IN CHARGE, NEWARK
	BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.	SPECIAL AGENT IN CHARGE, DENVER DEPUTY ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS SPECIAL AGENT IN CHARGE, SAINT PAUL SPECIAL AGENT IN CHARGE, ATLANTA SPECIAL AGENT IN CHARGE, BOSTON SPECIAL AGENT IN CHARGE, CHICAGO SPECIAL AGENT IN CHARGE, KANSAS CITY SPECIAL AGENT IN CHARGE, PHILADELPHIA SPECIAL AGENT IN CHARGE, PHOENIX SPECIAL AGENT IN CHARGE, SAN FRANCISCO SPECIAL AGENT IN CHARGE, MIAMI SPECIAL AGENT IN CHARGE, CHARLOTTE SPECIAL AGENT IN CHARGE, DETROIT SPECIAL AGENT IN CHARGE, LOUISVILLE SPECIAL AGENT IN CHARGE, SEATTLE SPECIAL AGENT IN CHARGE, TAMPA SPECIAL AGENT IN CHARGE, COLUMBUS SPECIAL AGENT IN CHARGE, NEW ORLEANS SPECIAL AGENT IN CHARGE, BALTIMORE ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION DEPUTY ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS-EAST DEPUTY ASSISTANT DIRECTOR, INDUSTRY OPERATIONS SPECIAL AGENT IN CHARGE, NASHVILLE SPECIAL AGENT IN CHARGE, DALLAS

Agency name	Organization name	Position title
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECUR- ITY OPERATIONS DEPUTY DIRECTOR ASSISTANT DIRECTOR, FIELD OPERATIONS DEPUTY ASSISTANT DIRECTOR, FIELD OPER- ATIONS—CENTRAL ASSISTANT DIRECTOR, ENFORCEMENT PRO- GRAMS AND SERVICES DEPUTY ASSISTANT DIRECTOR, ENFORCEMENT PROGRAMS AND SERVICES DEPUTY ASSISTANT DIRECTOR, HUMAN RE- SOURCE AND PROFESSIONAL DEVELOP- MENT ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT ASSISTANT DIRECTOR, OFFICE OF PROFES- SIONAL RESPONSIBILITY AND SECURITY OP- ERATIONS DEPUTY ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER DEPUTY ASSISTANT DIRECTOR FOR INFORMA- TION TECHNOLOGY AND DEPUTY CHIEF IN- FORMATION OFFICER ASSISTANT DIRECTOR, SCIENCE AND TECH- NOLOGY DEPUTY ASSISTANT DIRECTOR, FORENSIC SERVICES DEPUTY ASSISTANT DIRECTOR, FIELD OPER- ATIONS—WEST SPECIAL AGENT IN CHARGE, LOS ANGELES SPECIAL AGENT IN CHARGE, NEW YORK SPECIAL AGENT IN CHARGE, WASHINGTON DC SPECIAL AGENT IN CHARGE, HOUSTON SPECIAL ASSISTANT TO THE DIRECTOR EXECUTIVE ASSISTANT TO THE DIRECTOR SPECIAL AGENT IN CHARGE, NATIONAL CENTER FOR EXPLOSIVES TRAINING AND RESEARCH DEPUTY ASSISTANT DIRECTOR HUMAN RE- SOURCE DEPUTY DIRECTOR, TERRORIST EXPLOSIVE DE- VICE ANALYTICAL CENTER DEPUTY ASSISTANT DIRECTOR, FIELD OPER- ATIONS (PROGRAMS) CHIEF, SPECIAL OPERATIONS DIVISION DEPUTY CHIEF, NARCOTIC AND DANGEROUS DRUG SECTION DIRECTOR, OFFICE OF OVERSEAS PROSECU- TORIAL DEVELOPMENT, ASSISTANCE, AND TRAINING CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION DEPUTY CHIEF, COMPUTER CRIME AND INTEL- LECTUAL PROPERTY SECTION CHIEF, HUMAN RIGHTS AND SPECIAL PROSECU- TIONS SECTION CHIEF, CAPITAL CASE SECTION DEPUTY CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION CHIEF NARCOTIC AND DANGEROUS DRUG SEC- TION DIRECTOR, OFFICE OF INTERNATIONAL AF- FAIRS DEPUTY, CHIEF FRAUD SECTION DEPUTY DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS CHIEF FRAUD SECTION CHIEF PUBLIC INTEGRITY SECTION CHIEF, ORGANIZED CRIME AND GANG SECTION CHIEF, APPELLATE SECTION DIRECTOR, OFFICE OF ENFORCEMENT OPER- ATIONS DIRECTOR, INTERNATIONAL CRIMINAL INVES- TIGATIVE TRAINING ASSISTANCE PROGRAM CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION DEPUTY CHIEF FOR ORGANIZED CRIME AND GANG SECTION EXECUTIVE OFFICER DEPUTY DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS
	CRIMINAL DIVISION	

Agency name	Organization name	Position title
	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	DEPUTY CHIEF PUBLIC INTEGRITY SECTION CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION DEPUTY CHIEF, APPELLATE SECTION DEPUTY DIRECTOR, INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM (ICITAP) CHIEF OPERATING OFFICER DEPUTY DIRECTOR, OPDAT DEPUTY CHIEF, HUMAN RIGHTS AND SPECIAL PROSECUTIONS DEPUTY ASSISTANT ATTORNEY GENERAL DEPUTY DIRECTOR, OFFICE OF ENFORCEMENT OPERATIONS DEPUTY CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION DEPUTY CHIEF IMMIGRATION JUDGE ASSISTANT DIRECTOR FOR ADMINISTRATION REGIONAL DEPUTY CHIEF IMMIGRATION JUDGE REGIONAL DEPUTY CHIEF IMMIGRATION JUDGE DEPUTY CHIEF APPELLATE IMMIGRATION JUDGE CHIEF ADMINISTRATIVE HEARING OFFICER GENERAL COUNSEL CHIEF IMMIGRATION JUDGE CHAIRMAN, BOARD OF IMMIGRATION APPEALS ASSISTANT DIRECTOR FOR POLICY VICE CHAIRMAN, BOARD OF IMMIGRATION APPEALS DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES CHIEF HUMAN RESOURCES OFFICER
	EXECUTIVE OFFICE FOR ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES. EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS.	DEPUTY DIRECTOR COUNSEL, LEGAL PROGRAMS AND POLICY GENERAL COUNSEL CHIEF, INFORMATION OFFICER ASSOCIATE DIRECTOR, OFFICE OF LEGAL EDUCATION CHIEF FINANCIAL OFFICER ASSISTANT DIRECTOR FOR ADMINISTRATION ASSISTANT DIRECTOR CORRECTIONAL PROGRAMS DIVISION WARDEN, UNITED STATES PENITENTIARY, LEAVENWORTH, KANSAS WARDEN, UNITED STATES PENITENTIARY, LEWISBURG, PENNSYLVANIA WARDEN, FEDERAL CORRECTIONAL COMPLEX, LOMPOC, CALIFORNIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MARIANNA, FLORIDA WARDEN, UNITED STATES MEDICAL CENTER FEDERAL PRISONERS, SPRINGFIELD, MISSOURI WARDEN, FEDERAL MEDICAL CENTER, LEXINGTON, KENTUCKY WARDEN, UNITED STATES PENITENTIARY, MARION ILLINOIS SUPERVISORY INDUSTRIAL SPECIALIST (CEO)FEDERAL PRISON INDUSTRIES WARDEN FEDERAL CORRECTIONAL COMPLEX, TERRE HAUTE, INDIANA WARDEN FEDERAL CORRECTIONAL COMPLEX, BUTNER, NORTH CAROLINA ASSISTANT DIRECTOR, OFFICE OF GENERAL COUNSEL REGIONAL DIRECTOR, NORTHEAST REGION REGIONAL DIRECTOR, SOUTHEAST REGION REGIONAL DIRECTOR, NORTH CENTRAL REGION REGIONAL DIRECTOR, WESTERN REGION REGIONAL DIRECTOR, SOUTH CENTRAL REGION WARDEN, UNITED STATES PENITENTIARY, ATLANTA, GEORGIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FORT DIX, NEW JERSEY WARDEN, FEDERAL CORRECTIONAL COMPLEX, FLORENCE, COLORADO WARDEN, UNITED STATES PENITENTIARY-HIGH, FLORENCE, COLORADO WARDEN, FEDERAL CORRECTIONAL COMPLEX, OAKDALE, LOUISIANA
	FEDERAL BUREAU OF PRISONS	

Agency name	Organization name	Position title
		WARDEN, FEDERAL MEDICAL CENTER, CARSWELL, TEXAS WARDEN, FEDERAL CORRECTIONAL COMPLEX, ALLENWOOD, PENNSYLVANIA WARDEN, FEDERAL TRANSFER CENTER, OKLAHOMA CITY, OKLAHOMA SENIOR DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES MANAGEMENT DIVISION WARDEN, FEDERAL DETENTION CENTER, MIAMI, FLORIDA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FAIRTON, NEW JERSEY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION WARDEN, FEDERAL CORRECTIONAL INSTITUTION, EDGEFIELD, SOUTH CAROLINA WARDEN, FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS WARDEN, METROPOLITAN DETENTION CENTER, LOS ANGELES, CALIFORNIA ASSISTANT DIRECTOR HUMAN RESOURCES MANAGEMENT DIVISION DEPUTY DIRECTOR SENIOR DEPUTY ASSISTANT DIRECTOR, CORRECTIONAL PROGRAMS DIVISION WARDEN, FEDERAL CORRECTIONAL INSTITUTION, PHOENIX, ARIZONA WARDEN, FEDERAL MEDICAL CENTER, ROCHESTER, MINNESOTA REGIONAL DIRECTOR MIDDLE ATLANTIC REGION WARDEN, UNITED STATES PENITENTIARY, CANAAN, PENNSYLVANIA WARDEN, UNITED STATES PENITENTIARY, HAZELTON, WEST VIRGINIA COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, YAZOO CITY, MISSISSIPPI WARDEN, FEDERAL CORRECTIONAL COMPLEX, FORREST CITY, ARKANSAS SENIOR DEPUTY ASSISTANT DIRECTOR RE-ENTRY SERVICES DIVISION WARDEN, UNITED STATES PENITENTIARY COLEMAN-I, COLEMAN, FLORIDA SENIOR COUNSEL, OFFICE OF GENERAL COUNSEL COMPLEX WARDEN, FEDERAL CORRECTION COMPLEX, PETERSBURG, VIRGINIA WARDEN, UNITED STATES PENITENTIARY, BIG SANDY, KENTUCKY COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, VICTORVILLE, CALIFORNIA WARDEN, UNITED STATES PENITENTIARY, MCCREARY, KENTUCKY WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BENNETTSTVILLE, SOUTH CAROLINA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, CUMBERLAND, MARYLAND WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GREENVILLE, ILLINOIS WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MCKEAN, PENNSYLVANIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SCHUYLKILL, PENNSYLVANIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, THREE RIVERS, TEXAS WARDEN, METROPOLITAN DETENTION CENTER, GUAYNABO, PUERTO RICO WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MEMPHIS, TENNESSEE WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SHERIDAN, OREGON WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GILMER, WEST VIRGINIA COMPLEX WARDEN, UNITED STATES PENITENTIARY, TUCSON, ARIZONA WARDEN, FCI, MENDOTA, CA WARDEN, METROPOLITAN DETENTION CENTER, BROOKLYN, NEW YORK SENIOR DEPUTY ASSISTANT DIRECTOR ADMINISTRATION DIVISION SUPERVISORY IT PROGRAM MANAGER (SENIOR DEP ASST DIRECTOR)

Agency name	Organization name	Position title
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, JESUP, GEORGIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, OTISVILLE, NEW YORK WARDEN, METROPOLITAN CORRECTIONAL CENTER, NEW YORK, NEW YORK WARDEN, UNITED STATES PENITENTIARY, POLLOCK, LOUISIANA WARDEN, FEDERAL CORRECTIONAL COMPLEX, COLEMAN, FLORIDA WARDEN, UNITED STATES PENITENTIARY, LEE, VIRGINIA WARDEN, UNITED STATES PENITENTIARY, ATWATER, CALIFORNIA WARDEN, FEDERAL CORRECTIONAL COMPLEX, BEAUMONT, TEXAS SPECIAL ASSISTANT WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SAN DIEGO, CALIFORNIA WARDEN, FEDERAL CORRECTIONAL INSTITUTION, CHICAGO, ILLINOIS WARDEN, FEDERAL DETENTION CENTER, PHILADELPHIA, PA PROGRAM MANAGEMENT OFFICER CORRECTIONAL PROGRAM OFFICER (2) ASSISTANT DIRECTOR, INFORMATION TECHNOLOGY AND DATA DIVISION SENIOR DEPUTY GENERAL COUNSEL, OGC SENIOR DEPUTY ASSISTANT DIRECTOR, INDUSTRIES, EDUCATION, AND VOCATIONAL TRAINING DIVISION SENIOR DEPUTY ASSISTANT DIRECTOR, ADMINISTRATION DIVISION ASSISTANT DIRECTOR, REENTRY SERVICES DIVISION WARDEN FCI FORT WORTH TX SENIOR DEPUTY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION SENIOR DEPUTY GENERAL COUNSEL, OFFICE OF THE GENERAL COUNSEL WARDEN FCI, THOMSON, IL CHIEF, OFFICE OF PUBLIC AFFAIRS CORRECTIONAL PROGRAM OFFICER (SENIOR DEPUTY REGIONAL DIRECTOR) CORRECTIONAL PROGRAM OFFICER (2) DEPUTY ASSISTANT ATTORNEY GENERAL, POLICY, MANAGEMENT AND PROCUREMENT DIRECTOR, SERVICE ENGINEERING STAFF DIRECTOR, SERVICE DELIVERY STAFF DEPUTY DIRECTOR, CYBERSECURITY STAFF/ DEPUTY CHIEF INFORMATION SECURITY OFFICER DIRECTOR, CYBERSECURITY SERVICES STAFF DEPUTY CHIEF INFORMATION OFFICER DEPUTY DIRECTOR, POLICY AND PLANNING STAFF DIRECTOR, POLICY AND PLANNING STAFF DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT (OAM) DEPUTY DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF DEPUTY DIRECTOR, BUDGET STAFF, OPERATIONS AND FUNDS CONTROL DIRECTOR, DEPARTMENTAL ETHICS OFFICE DEPUTY DIRECTOR, HUMAN RESOURCES DEPUTY DIRECTOR, AUDITING, FINANCE STAFF DEPUTY DIRECTOR, BUDGET STAFF, PROGRAMS AND PERFORMANCE GENERAL COUNSEL DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY STAFF DIRECTOR, DEBT COLLECTION MANAGEMENT STAFF DEPUTY ASSISTANT ATTORNEY GENERAL/ CHIEF INFORMATION OFFICER DIRECTOR PROCUREMENT SERVICES STAFF DIRECTOR, BUDGET STAFF DEPUTY ASSISTANT ATTORNEY GENERAL (CONTROLLER) DEPUTY ASSISTANT ATTORNEY GENERAL FOR HUMAN RESOURCES AND ADMINISTRATION DIRECTOR LIBRARY STAFF DIRECTOR FINANCE STAFF
	JUSTICE MANAGEMENT DIVISION	

Agency name	Organization name	Position title
DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL. DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL.	NATIONAL SECURITY DIVISION	DIRECTOR, FACILITIES AND ADMINISTRATIVE SERVICES STAFF DIRECTOR, HUMAN RESOURCES DIRECTOR, APPROPRIATION LIAISON OFFICE DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION DIRECTOR, ASSET FORFEITURE MANAGEMENT STAFF DIRECTOR, OFFICE OF ATTORNEY RECRUITMENT AND MANAGEMENT DIRECTOR RM AND E-DISCOVERY DEPUTY ASSISTANT ATTORNEY GENERAL, FISA OPERATIONS AND INTELLIGENCE OVERSIGHT CHIEF, OPERATIONS SECTION CHIEF, OVERSIGHT SECTION EXECUTIVE OFFICER SPECIAL COUNSEL FOR NATIONAL SECURITY DIRECTOR, FOIA AND DECLASSIFICATION PROGRAM CHIEF, APPELLATE UNIT DIRECTOR OF RISK MANAGEMENT AND SENIOR COUNSEL CHIEF, FOREIGN INVESTMENT REVIEW STAFF CHIEF, NATIONAL SECURITY CYBER SECTION SPECIAL COUNSEL (3) COUNSEL ON PROFESSIONAL RESPONSIBILITY DEPUTY COUNSEL ON PROFESSIONAL RESPONSIBILITY DEPUTY DIRECTOR, OFFICE OF PUBLIC AFFAIRS DIRECTOR DIRECTOR, PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE ASSISTANT DIRECTOR, INFORMATION TECHNOLOGY ASSISTANT DIRECTOR FINANCIAL SERVICES ASSISTANT DIRECTOR, INVESTIGATIVE OPERATIONS ATTORNEY ADVISOR ASSISTANT DIRECTOR, JPATS ASSOCIATE DIRECTOR, OPERATIONS ASSOCIATE DIRECTOR, ADMINISTRATION ASSISTANT DIRECTOR, TACTICAL OPERATIONS ASSISTANT DIRECTOR FOR PRISONER OPERATIONS ASSISTANT DIRECTOR, HUMAN RESOURCES CHIEF FINANCIAL OFFICER, FINANCIAL SERVICES ASSISTANT DIRECTOR, WITNESS SECURITY ASSISTANT DIRECTOR, MANAGEMENT SUPPORT ASSISTANT DIRECTOR, ASSET FORFEITURE ASSISTANT DIRECTOR, TRAINING DEPUTY DIRECTOR ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY ASSISTANT DIRECTOR JUDICIAL SECURITY PROCUREMENT EXECUTIVE, FINANCIAL SERVICES PROGRAM EXECUTIVE, BODY WORN CAMERA CHIEF OF STAFF AND SENIOR COUNSEL
	AUDIT DIVISION	DEPUTY ASSISTANT INSPECTOR GENERAL FOR DATA ANALYTICS ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION DEPUTY ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION
	EVALUATION AND INSPECTIONS DIVISION	ASSISTANT INSPECTOR GENERAL, EVALUATION AND INSPECTIONS DIVISION DEPUTY ASSISTANT INSPECTOR GENERAL, EVALUATION AND INSPECTIONS DIVISION
	FRONT OFFICE	DEPUTY INSPECTOR GENERAL GENERAL COUNSEL
	INFORMATION TECHNOLOGY DIVISION	ASSISTANT INSPECTOR GENERAL, INFORMATION TECHNOLOGY DIVISION
	INVESTIGATIONS DIVISION	ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION DEPUTY ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION
	MANAGEMENT AND PLANNING DIVISION	ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING DIVISION

Agency name	Organization name	Position title
DEPARTMENT OF LABOR. DEPARTMENT OF LABOR	OVERSIGHT AND REVIEW DIVISION	DEPUTY ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING DEPUTY ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION
	BUREAU OF LABOR STATISTICS	ASSISTANT COMMISSIONER FOR PRICES AND LIVING CONDITIONS ASSISTANT COMMISSIONER, REGIONAL OPER- ATIONS (6) ASSISTANT COMMISSIONER FOR OCCUPA- TIONAL STATISTICS AND EMPLOYMENT PRO- JECTIONS ASSISTANT COMMISSIONER FOR CONSUMER PRICES AND PRICES INDEXES ASSISTANT COMMISSIONER FOR INDUSTRIAL PRICES AND PRICE INDEXES ASSISTANT COMMISSIONER FOR INDUSTRY EM- PLOYMENT STATISTICS ASSOCIATE COMMISSIONER FOR PUBLICA- TIONS AND SPECIAL STUDIES ASSISTANT COMMISSIONER FOR INTER- NATIONAL PRICES DIRECTOR OF SURVEY PROCESSING DIRECTOR OF TECHNOLOGY AND COMPUTING SERVICES ASSISTANT COMMISSIONER FOR CURRENT EM- PLOYMENT ANALYSIS ASSISTANT COMMISSIONER FOR COMPENSA- TION LEVELS AND TRENDS ASSISTANT COMMISSIONER FOR SAFETY, HEALTH AND WORKING CONDITIONS ASSOCIATE COMMISSIONER FOR COMPENSA- TION AND WORKING CONDITIONS ASSOCIATE COMMISSIONER FOR TECHNOLOGY AND SURVEY PROCESSING ASSOCIATE COMMISSIONER FOR EMPLOYMENT AND UNEMPLOYMENT STATISTICS DEPUTY COMMISSIONER FOR BUREAU LABOR STATISTICS ASSOCIATE COMMISSIONER FOR ADMINISTRA- TION ASSOCIATE COMMISSIONER PRODUCTIVITY AND TECHNOLOGY ASSOCIATE COMMISSIONER FOR SURVEY METHODS RESEARCH ASSOCIATE COMMISSIONER FOR FIELD OPER- ATIONS DEPUTY ASSISTANT SECRETARY FOR PRO- GRAM OPERATIONS DIRECTOR OF EXEMPTION DETERMINATIONS DIRECTOR OF REGULATIONS AND INTERPRETA- TIONS REGIONAL DIRECTOR—BOSTON REGIONAL DIRECTOR—ATLANTA REGIONAL DIRECTOR—KANSAS CITY REGIONAL DIRECTOR—SAN FRANCISCO DIRECTOR OF ENFORCEMENT CHIEF ACCOUNTANT DIRECTOR, OFFICE OF OUTREACH EDUCATION AND ASSISTANCE DIRECTOR OF HEALTH PLAN STANDARDS COM- PLIANCE AND ASSISTANCE REGIONAL DIRECTOR—CHICAGO REGIONAL DIRECTOR (3) REGIONAL DIRECTOR - PHILADELPHIA DIRECTOR, OFFICE OF FIELD ADMINISTRATION CHIEF ECONOMIST/DIRECTOR, OFFICE OF RE- SEARCH AND ANALYSIS REGIONAL DIRECTOR NEW YORK DEPUTY ADMINISTRATOR, OFFICE OF JOB CORP DEPUTY ADMINISTRATOR, OFFICE OF UNEM- PLOYMENT INSURANCE REGIONAL ADMINISTRATOR COMPTROLLER DEPUTY ADMINISTRATOR JOB CORPORATION DEPUTY ASSISTANT SECRETARY (OPERATIONS AND MANAGEMENT) ADMINISTRATOR, OFFICE OF TRADE ADJUST- MENT ASSISTANCE
	EMPLOYEE BENEFITS SECURITY ADMINISTRA- TION.	
	EMPLOYMENT AND TRAINING ADMINISTRATION	

Agency name	Organization name	Position title
	MINE SAFETY AND HEALTH ADMINISTRATION OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION. OFFICE OF DISABILITY EMPLOYMENT POLICY OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS. OFFICE OF LABOR- MANAGEMENT STANDARDS OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT.	ADMINISTRATOR, OFFICE OF GRANTS MANAGEMENT ADMINISTRATOR, OFFICE OF POLICY DEVELOPMENT AND RESEARCH ADMINISTRATOR, APPRENTICESHIP AND TRAINING, EMPLOYEE AND LABOR SERVICES ADMINISTRATOR, OFFICE OF UNEMPLOYMENT INSURANCE ADMINISTRATOR, OFFICE OF FOREIGN LABOR CERTIFICATION REGIONAL ADMINISTRATOR ATLANTA ADMINISTRATOR, OFFICE OF JOB CORPS REGIONAL ADMINISTRATOR (3) REGIONAL ADMINISTRATOR PHILADELPHIA REGIONAL ADMINISTRATOR REGIONAL ADMINISTRATOR, DALLAS/SAN FRANCISCO DEPUTY ASSISTANT SECRETARY DIRECTOR OF PROGRAM EVALUATION AND INFORMATION RESOURCES DIRECTOR OF TECHNICAL SUPPORT DIRECTOR, OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT, AND INVESTIGATIONS DIRECTOR, OFFICE OF STANDARDS REGULATIONS AND VARIANCES DIRECTOR OF ADMINISTRATION AND MANAGEMENT DEPUTY ADMINISTRATOR, MINE SAFETY HEALTH ENFORCEMENT DEPUTY ADMINISTRATOR FOR REGIONAL OPERATIONS, MINE SAFETY AND HEALTH ENFORCEMENT DIRECTORATE OF TECHNICAL SUPPORT AND EMERGENCY MANAGEMENT DIRECTOR, ADMINISTRATIVE PROGRAMS DIRECTOR OF CONSTRUCTION DEPUTY ASSISTANT SECRETARY FOR ODEP REGIONAL DIRECTOR FOR OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (5) DIRECTOR, DIVISION OF POLICY, PLANNING AND PROGRAM DEVELOPMENT DIRECTOR, MANAGEMENT AND ADMINISTRATIVE PROGRAMS DIRECTOR, OFFICE OF PROGRAM OPERATIONS DIRECTOR, OFFICE OF FIELD OPERATIONS (2) REGIONAL DIRECTOR, NEW ORLEANS REGIONAL DIRECTOR, NORTHEASTERN REGION REGIONAL DIRECTOR, MILWAUKEE REGIONAL DIRECTOR, SAINT LOUIS, MO DEPUTY DIRECTOR, OFFICE OF LABOR MANAGEMENT STANDARDS SENIOR PROCUREMENT EXECUTIVE DIRECTOR, CYBER SECURITY AND CHIEF INFORMATION SECURITY OFFICER DEPUTY CHIEF INFORMATION OFFICER DIRECTOR, OFFICE OF STRATEGIC OPERATIONS DIRECTOR, DIRECTORATE OF DIGITAL TRANSFORMATION DEPUTY CHIEF HUMAN CAPITAL OFFICER (STRATEGY) DIRECTOR, DIRECTORATE OF INFORMATION TECHNOLOGY OPERATIONS AND SERVICES SENIOR DIRECTOR OF JOB CORPS ACQUISITION SERVICES HEAD OF CONTRACTING ACTIVITY DIRECTOR, BUSINESS APPLICATION SERVICES CHIEF TECHNOLOGY OFFICER DIRECTOR, APPLICATION DEVELOPMENT, ENFORCEMENT, BENEFITS AND PAYMENTS DIRECTOR OF CASE MANAGEMENT DEPUTY ASSISTANT SECRETARY FOR BUDGET DIRECTOR, GRANTS MANAGEMENT DEPUTY CHIEF HUMAN CAPITAL OFFICER (OPERATIONS) DIRECTOR DEPARTMENTAL BUDGET CENTER DIRECTOR OF CIVIL RIGHTS DIRECTOR BUSINESS OPERATIONS CENTER CHIEF HUMAN CAPITAL OFFICER DEPUTY ASSISTANT SECRETARY FOR OPERATIONS DIRECTOR, PERFORMANCE MANAGEMENT CENTER

Agency name	Organization name	Position title
DEPARTMENT OF LABOR OFFICE OF INSPECTOR.	OFFICE OF THE ASSISTANT SECRETARY FOR POLICY.	DIRECTOR, OFFICE OF REGULATORY AND PROGRAMMATIC POLICY
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY ASSISTANT SECRETARY FOR POLICY DEPUTY CHIEF FINANCIAL OFFICER ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL SYSTEMS
	OFFICE OF THE SOLICITOR	DEPUTY SOLICITOR (NATIONAL OPERATIONS) ASSOCIATE SOLICITOR FOR BLACK LUNG AND LONGSHORE LEGAL SERVICES ASSOCIATE SOLICITOR, MANAGEMENT AND ADMINISTRATIVE LEGAL SERVICES DIVISION ASSOCIATE SOLICITOR FOR CIVIL RIGHTS AND LABOR MANAGEMENT DEPUTY SOLICITOR (REGIONAL OPERATIONS) REGIONAL SOLICITOR—BOSTON REGIONAL SOLICITOR - PHILADELPHIA REGIONAL SOLICITOR—NEW YORK REGIONAL SOLICITOR—DALLAS REGIONAL SOLICITOR—SAN FRANCISCO REGIONAL SOLICITOR—ATLANTA ASSOCIATE SOLICITOR FOR FEDERAL EMPLOYEES' AND ENERGY WORKERS' COMPENSATION ASSOCIATE SOLICITOR FOR FAIR LABOR STANDARDS ASSOCIATE SOLICITOR FOR MINE SAFETY AND HEALTH ASSOCIATE SOLICITOR FOR OCCUPATIONAL SAFETY AND HEALTH ASSOCIATE SOLICITOR FOR PLAN BENEFITS SECURITY REGIONAL SOLICITOR—CHICAGO
	OFFICE OF WORKERS COMPENSATION PROGRAMS.	DIRECTOR FOR FEDERAL EMPLOYEES' COMPENSATION DEPUTY DIRECTOR FOR OFFICE OF WORKERS' COMPENSATION PROGRAMS DIRECTOR OF COAL MINE WORKERS COMPENSATION DIRECTOR, ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS COMPENSATION COMPTROLLER DEPUTY DIRECTOR, CLAIMS ADMINISTRATION, POLICY, HEARINGS, AND TECHNICAL ASSISTANCE DEPUTY DIRECTOR, PROGRAM AND SYSTEMS INTEGRITY DEPUTY DIRECTOR, POLICY AND NATIONAL OPERATIONS NATIONAL ADMINISTRATION OF FIELD OPERATIONS, DIVISION OF FEDERAL EMPLOYEES COMPENSATION NATIONAL ADMINISTRATION OF FIELD OPERATIONS, DIVISION OF ENERGY EMPLOYEE OCC ILLNESS COMP REGIONAL DIRECTOR—DALLAS REGIONAL DIRECTOR - NORTHEAST REGION REGIONAL DIRECTOR ADMINISTRATIVE OFFICER
	VETERANS EMPLOYMENT AND TRAINING SERVICE.	DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND MANAGEMENT
	WAGE AND HOUR DIVISION	DIRECTOR, OFFICE OF FIELD OPERATIONS DIRECTOR OF NATIONAL PROGRAMS ASSOCIATE ADMINISTRATOR FOR ENTERPRISE DATA AND ANALYTICS ASSOCIATE ADMINISTRATOR FOR ADMINISTRATIVE OPERATIONS
	WOMEN'S BUREAU	DEPUTY DIRECTOR, WOMEN'S BUREAU
	DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY
		ASSISTANT INSPECTOR GENERAL FOR AUDIT
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING AND FRAUD
		COUNSEL TO THE INSPECTOR GENERAL
		CHIEF PERFORMANCE AND RISK MANAGEMENT OFFICER DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY

Agency name	Organization name	Position title
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING AND FRAUD—HEADQUARTERS OPERATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING AND FRAUD—INVESTIGATIVE OPERATIONS
MERIT SYSTEMS PROTECTION BOARD. MERIT SYSTEMS PROTECTION BOARD OFFICE OF REGIONAL OPERATIONS	DALLAS REGIONAL OFFICE ATLANTA REGIONAL OFFICE CENTRAL REGION, CHICAGO REGIONAL OFFICE NORTHEAST REGION, PHILADELPHIA REGIONAL OFFICE. WASHINGTON, DC REGION, WASHINGTON RE- GIONAL OFFICE. WESTERN REGION, OAKLAND REGIONAL OF- FICE.	REGIONAL DIRECTOR, DALLAS REGIONAL DIRECTOR, ATLANTA REGIONAL DIRECTOR, CHICAGO REGIONAL DIRECTOR, PHILADELPHIA REGIONAL DIRECTOR, WASHINGTON, DC REGIONAL DIRECTOR, OAKLAND
OFFICE OF THE BOARD, CHAIRMAN	OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT. OFFICE OF INFORMATION RESOURCES MAN- AGEMENT. OFFICE OF POLICY AND EVALUATION	DIRECTOR, FINANCIAL AND ADMINISTRATIVE MANAGEMENT DIRECTOR, INFORMATION RESOURCES MAN- AGEMENT DIRECTOR, OFFICE OF POLICY AND EVALUA- TION
NATIONAL AERONAUTICS AND SPACE. GLENN RESEARCH CENTER MISSION SUPPORT DIRECTORATE	OFFICE OF REGIONAL OPERATIONS OFFICE OF THE CLERK OF THE BOARD	DIRECTOR, OFFICE OF REGIONAL OPERATIONS CLERK OF THE BOARD
	OFFICE OF THE CHIEF FINANCIAL OFFICER NASA SHARED SERVICES CENTER	CHIEF FINANCIAL OFFICER EXECUTIVE DIRECTOR OF NASA SHARED SERV- ICES CENTER DIRECTOR, SERVICE DELIVERY DIRECTORATE DIRECTOR, SUPPORT OPERATIONS DIREC- TORATE DIRECTOR, OFFICE OF PROCUREMENT DIRECTOR, HUMAN RESOURCES
NATIONAL AERONAUTICS AND SPACE ADMINIS- TRATION.	AMES RESEARCH CENTER	DIRECTOR OF ENGINEERING DEPUTY DIRECTOR, ENGINEERING CENTER ASSOCIATE DIRECTOR CHIEF FINANCIAL OFFICER DIRECTOR OF CENTER OPERATIONS DIRECTOR OF AERONAUTICS DIRECTOR OF SCIENCE DIRECTOR, EXPLORATION TECHNOLOGY CHIEF INFORMATION OFFICER DEPUTY DIRECTOR, EXPLORATION TECH- NOLOGY DIRECTOR, PROGRAMS AND PROJECTS DEPUTY CENTER DIRECTOR FOR RESEARCH AND TECHNOLOGY DEPUTY DIRECTOR, SCIENCE DEPUTY DIRECTOR, AERONAUTICS DIRECTOR OF SAFETY AND MISSION ASSUR- ANCE DEPUTY CENTER DIRECTOR, ARC DEPUTY CENTER DIRECTOR, AFRC CENTER ASSOCIATE DIRECTOR FOR MISSION SUPPORT DIRECTOR FOR RESEARCH AND ENGINEERING DIRECTOR, MISSION OPERATIONS DIRECTOR FOR FLIGHT OPERATIONS DIRECTOR FOR SAFETY AND MISSION ASSUR- ANCE DIRECTOR FOR PROGRAMS CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR, NASA SAFETY CENTER MANAGER, POWER AND PROPULSION ELEMENT PROJECT OFFICE DIRECTOR, SPACE FLIGHT SYSTEMS DIREC- TORATE DEPUTY CHIEF, POWER DIVISION CHIEF, POWER DIVISION DIRECTOR, RESEARCH AND ENGINEERING DI- RECTORATE DIRECTOR, FACILITIES, TEST AND MANUFAC- TURING DIRECTORATE DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE CHIEF, SYSTEMS ENGINEERING AND ARCHITEC- TURE DIVISION DIRECTOR, AERONAUTICS DIRECTORATE CHIEF, MATERIALS AND STRUCTURES DIVISION CHIEF, PROPULSION DIVISION
	ARMSTRONG FLIGHT RESEARCH CENTER	
	GLENN RESEARCH CENTER	

Agency name	Organization name	Position title
	GODDARD SPACE FLIGHT CENTER	DEPUTY CHIEF, PROPULSION DIVISION CHIEF, COMMUNICATIONS AND INTELLIGENT SYSTEMS DIVISION DEPUTY DIRECTOR, RESEARCH AND ENGINEERING DIRECTORATE MANAGER, EUROPEAN SERVICE MODULE INTEGRATION OFFICE DIRECTOR, HUMAN RESOURCES DIRECTOR FOR STRATEGY DEPUTY CENTER DIRECTOR DIRECTOR, OFFICE OF PROCUREMENT CHIEF, CHIEF ENGINEER OFFICE DIRECTOR, TECHNOLOGY INTEGRATION AND PARTNERSHIPS MANAGER, NEIL A ARMSTRONG TEST FACILITY DEPUTY DIRECTOR OF FACILITIES, TEST AND MANUFACTURING DIRECTORATE CENTER ASSOCIATE DIRECTOR DEPUTY DIRECTOR, SPACE FLIGHT SYSTEMS DIRECTOR OF CENTER OPERATIONS CHIEF INFORMATION OFFICER DIRECTOR OF MANAGEMENT OPERATIONS CHIEF FINANCIAL OFFICER DIRECTOR OF SAFETY AND MISSION ASSURANCE DIRECTOR, SOLAR SYSTEM EXPLORATION DIVISION DIRECTOR OF THE OFFICE OF HUMAN CAPITAL MANAGEMENT DEPUTY DIRECTOR OF SAFETY AND MISSION ASSURANCE DIRECTOR OF SCIENCES AND EXPLORATION CHIEF, GODDARD INSTITUTE FOR SPACE STUDIES DIRECTOR, ASTROPHYSICS SCIENCE DIVISION DIRECTOR OF FLIGHT PROJECTS DIRECTOR, EARTH SCIENCES DIVISION DEPUTY DIRECTOR, SCIENCES AND EXPLORATION DIRECTOR OF WALLOPS FLIGHT FACILITY DEPUTY DIRECTOR DEPUTY DIRECTOR OF FLIGHT PROJECTS DIRECTOR OF ENGINEERING AND TECHNOLOGY DEPUTY DIRECTOR OF ENGINEERING AND TECHNOLOGY CHIEF, MECHANICAL SYSTEMS DIVISION CHIEF, SOFTWARE ENGINEERING DIVISION DEPUTY DIRECTOR FOR PLANNING AND BUSINESS MANAGEMENT ASSOCIATE DIRECTOR FOR EARTH SCIENCE PROJECTS DIVISION ASSOCIATE DIRECTOR FOR EXPLORATION AND SPACE COMMUNICATIONS PROJECTS DIVISION DEPUTY DIRECTOR FOR INSTITUTIONS, PROGRAMS, AND BUSINESS MANAGEMENT DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, HELIOPHYSICS SCIENCE DIVISION CENTER ASSOCIATE DIRECTOR CHIEF, MISSION ENGINEERING AND SYSTEMS ANALYSIS DIVISION ASSOCIATE DIRECTOR FOR EXPLORERS AND HELIOPHYSICS PROJECTS DIVISION CHIEF, INSTRUMENT SYSTEMS AND TECHNOLOGY DIVISION CHIEF, ELECTRICAL ENGINEERING DIVISION DEPUTY DIRECTOR FOR TECHNOLOGY AND RESEARCH INVESTMENTS DEPUTY DIRECTOR FLIGHT PROJECTS FOR PLANNING AND BUSINESS MANAGEMENT ASSOCIATE DIRECTOR FOR THE MARS SAMPLE RETURN, CAPTURE CONTAINMENT AND RETURN SYSTEM PROJECT CHIEF COUNSEL DEPUTY DIRECTOR FOR TECHNICAL MANAGEMENT SPECIAL ASSISTANT FOR PROJECT MANAGEMENT TRAINING CHIEF INFORMATION OFFICER AND DIRECTOR OF INFORMATION TECHNOLOGY AND COMMUNICATIONS DIRECTORATE DEPUTY DIRECTOR WALLOPS FLIGHT FACILITY SPECIAL ASSISTANT TO THE DIRECTOR

Agency name	Organization name	Position title
	JOHNSON SPACE CENTER	DIRECTOR, OFFICE OF PROCUREMENT MANAGER, SYSTEMS ENGINEERING AND INTE- GRATION OFFICE, GATEWAY CHIEF, STRUCTURAL ENGINEERING DIVISION GATEWAY HABITATION AND LOGISTICS OUT- POST PROJECT MANAGER CHIEF ASTRONAUT OFFICE CHIEF, PROJECT MANAGEMENT AND SYSTEMS ENGINEERING DIVISION DEPUTY MANAGER, EXTRAVEHICULAR ACTIVITY AND HUMAN SURFACE MOBILITY PROGRAM MANAGER, EXTRAVEHICULAR ACTIVITY AND HUMAN SURFACE MOBILITY PROGRAM CHIEF, CREW AND THERMAL SYSTEMS DIVISION ASSOCIATE CENTER DIRECTOR FOR VISION AND STRATEGY MANAGER, PROGRAM OPERATIONS INTEGRA- TION, INTERNATIONAL SPACE STATION PRO- GRAM CHIEF, ASTROMATERIALS RESEARCH AND EX- PLORATION SCIENCE (ARES) DEPUTY CHIEF FINANCIAL OFFICER DEPUTY MANAGER, GATEWAY PROGRAM MANAGER, VEHICLE SYSTEMS INTEGRATION CHIEF FINANCIAL OFFICER MANAGER, OPERATIONS INTEGRATION, COM- MERCIAL CREW PROGRAM CHIEF, MISSION SYSTEMS DIVISION MANAGER, CREW AND SERVICE MODULE OF- FICE DEPUTY MANAGER, FLIGHT DEVELOPMENT AND OPERATIONS, COMMERCIAL CREW PROGRAM DEPUTY MANAGER, ORION PROGRAM MANAGER, ORION PROGRAM MANAGER, VEHICLE INTEGRATION OFFICE DIRECTOR, FLIGHT OPERATIONS MANAGER, EXTERNAL INTEGRATION OFFICE DIRECTOR, EXPLORATION INTEGRATION AND SCIENCE CHIEF, PROPULSION AND POWER DIVISION MANAGER, INTERNATIONAL SPACE STATION TRANSPORTATION INTEGRATION DEPUTY DIRECTOR, FLIGHT OPERATIONS DI- RECTORATE DIRECTOR, EXPLORATION OPERATIONS OFFICE DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM MANAGER, AVIONICS AND SOFTWARE OFFICE MANAGER, SAFETY AND MISSION ASSURANCE/ PROGRAM RISK OFFICE, ISSP MANAGER, INTERNATIONAL SPACE STATION RESEARCH INTEGRATION OFFICE DIRECTOR, EXTERNAL RELATIONS MANAGER, INTERNATIONAL SPACE STATION PROGRAM CHIEF INFORMATION OFFICER CHIEF, FLIGHT DIRECTOR OFFICE DEPUTY DIRECTOR, JOHNSON SPACE CENTER DEPUTY DIRECTOR, SAFETY AND MISSION AS- SURANCE MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, INTERNATIONAL SPACE STATION MANAGER, VEHICLE OFFICE CENTER ASSOCIATE DIRECTOR CHIEF, AEROSCIENCE AND FLIGHT MECHANICS DIVISION DEPUTY DIRECTOR, HUMAN HEALTH AND PERFORMANCE CHIEF, AIRCRAFT OPERATIONS DIVISION DIRECTOR OF HUMAN RESOURCES DIRECTOR, HUMAN HEALTH AND PERFORM- ANCE DIRECTOR, ENGINEERING DIRECTOR, CENTER OPERATIONS DIRECTOR, OFFICE OF PROCUREMENT MANAGER, WHITE SANDS TEST FACILITY DIRECTOR, SAFETY AND MISSION ASSURANCE DEPUTY DIRECTOR, ENGINEERING PROGRAM DEPUTY MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM DIRECTOR, ENGINEERING
	KENNEDY SPACE CENTER	

Agency name	Organization name	Position title
		ASSOCIATE DIRECTOR, ENGINEERING MANAGER, LAUNCH SERVICES PROGRAM DEPUTY MANAGER, LAUNCH SERVICES PRO- GRAM DIRECTOR, SAFETY AND MISSION ASSURANCE DEPUTY DIRECTOR, JOHN F KENNEDY SPACE CENTER ASSOCIATE DIRECTOR, TECHNICAL, JOHN F KENNEDY SPACE CENTER CHIEF FINANCIAL OFFICER DIRECTOR, PROCUREMENT DIRECTOR, SPACEPORT INTEGRATION AND SERVICES DIRECTOR, COMMUNICATION AND PUBLIC EN- GAGEMENT DIRECTOR, EXPLORATION RESEARCH AND TECHNOLOGY PROGRAMS DEPUTY DIRECTOR, SAFETY AND MISSION AS- SURANCE DIRECTOR, HUMAN RESOURCES CHIEF, LABORATORIES AND TEST FACILITIES DI- VISION, ENGINEERING CHIEF, TECHNICAL PERFORMANCE AND INTE- GRATION DIVISION, ENGINEERING DEPUTY MANAGER, GROUND DEVELOPMENT AND OPERATIONS, COMMERCIAL CREW PRO- GRAM ASSOCIATE DIRECTOR, MANAGEMENT CHIEF, COMMERCIAL SYSTEMS DIVISION, ENGI- NEERING CHIEF, EXPLORATION SYSTEMS AND OPER- ATIONS DIVISION, ENGINEERING ASSOCIATE MANAGER, TECHNICAL, EXPLO- RATION GROUND SYSTEMS PROGRAM GROUND SYSTEMS INTEGRATION MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM DEPUTY DIRECTOR, SPACEPORT INTEGRATION AND SERVICES PRINCIPAL ADVISOR FOR SPACE TRANSPOR- TATION MANAGER, DEEP SPACE LOGISTICS OFFICE CHIEF INFORMATION OFFICER, KENNEDY SPACE CENTER DIRECTOR, CENTER ENGAGEMENT AND BUSI- NESS INTEGRATION SERVICES MANAGER, ORION PRODUCTION OPERATIONS SENIOR ADVISOR, ON-ORBIT SERVICING, AS- SEMBLY, AND MANUFACTURING MANAGER, QUESST MISSION DEPUTY DIRECTOR FOR PROJECTS, ENGINEER- ING DIRECTORATE DIRECTOR, RESEARCH SERVICES DIREC- TORATE DEPUTY DIRECTOR FOR STRUCTURES AND MA- TERIALS ASSOCIATE DIRECTOR, TECHNICAL DEPUTY DIRECTOR FOR AEROSCIENCES DIRECTOR, STRATEGIC PARTNERSHIPS OFFICE SENIOR ADVISOR TO THE CENTER DIRECTOR DEPUTY DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER MANAGER, INTEGRATION OFFICE, NASA ENGI- NEERING AND SAFETY CENTER DIRECTOR, ENGINEERING DIRECTORATE DEPUTY DIRECTOR, ENGINEERING DIREC- TORATE DIRECTOR, RESEARCH DIRECTORATE DEPUTY DIRECTOR, RESEARCH DIRECTORATE DIRECTOR, CENTER OPERATIONS DIREC- TORATE DIRECTOR, AERONAUTICS RESEARCH DIREC- TORATE DIRECTOR, SCIENCE DIRECTORATE DIRECTOR, SYSTEMS ANALYSIS AND AD- VANCED CONCEPTS DIRECTORATE DIRECTOR, EARTH SYSTEM SCIENCE PATH- FINDER PROGRAM OFFICE DIRECTOR, SPACE TECHNOLOGY AND EXPLO- RATION DIRECTORATE
	LANGLEY RESEARCH CENTER	

Agency name	Organization name	Position title
	MARSHALL SPACE FLIGHT CENTER	ASSOCIATE DIRECTOR, LANGLEY RESEARCH CENTER CHIEF INFORMATION OFFICER DEPUTY DIRECTOR FOR INTELLIGENT FLIGHT SYSTEMS CHIEF FINANCIAL OFFICER DIRECTOR, SAFETY AND MISSION ASSURANCE OFFICE DEPUTY DIRECTOR, LANGLEY RESEARCH CENTER ASSOCIATE CENTER DIRECTOR MANAGER, SPACECRAFT/PAYLOAD INTEGRATION AND EVOLUTION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE DIRECTOR, ENGINEERING DIRECTORATE DEPUTY DIRECTOR, OFFICE OF CENTER OPERATIONS DIRECTOR, OFFICE OF STRATEGIC ANALYSIS AND COMMUNICATIONS DIRECTOR, OFFICE OF CENTER OPERATIONS ASSOCIATE DIRECTOR FOR OPERATIONS, ENGINEERING DIRECTORATE DEPUTY MANAGER, OFFICE OF THE CHIEF ENGINEER, ENGINEERING DIRECTORATE DIRECTOR, MICHoud ASSEMBLY FACILITY ASSOCIATE CENTER DIRECTOR, TECHNICAL DEPUTY CENTER DIRECTOR DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE CHIEF INFORMATION OFFICER DEPUTY DIRECTOR, ENGINEERING DIRECTORATE DEPUTY DIRECTOR, SPACE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE DIRECTOR, SPACE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE DIRECTOR, MATERIALS AND PROCESSES LAB, ENGINEERING DIRECTORATE DIRECTOR, PROPULSION SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE DEPUTY DIRECTOR, PROPULSION SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE DIRECTOR, TEST LABORATORY, ENGINEERING DIRECTORATE DIRECTOR, SPACECRAFT AND VEHICLE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE DEPUTY DIRECTOR, SPACECRAFT AND VEHICLE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE DIRECTOR, OFFICE OF HUMAN RESOURCES STRATEGIC ARCHITECT AND INTEGRATION MANAGER MANAGER, SCIENCE AND TECHNOLOGY OFFICE DEPUTY MANAGER, SCIENCE AND TECHNOLOGY OFFICE MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE DEPUTY MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE ASSOCIATE PROGRAM MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE MANAGER, STAGES OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE MANAGER, BOOSTERS OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE DEPUTY MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE MANAGER, ENGINES OFFICE, SPACE LAUNCH SYSTEM PROGRAM CHIEF ENGINEER, OFFICE OF THE CHIEF ENGINEER, ENGINEERING DIRECTORATE INTERNATIONAL SPACE STATION COST ACCOUNT MANAGER

Agency name	Organization name	Position title
OFFICE OF THE ADMINISTRATOR	OFFICE OF THE ADMINISTRATOR	DEPUTY MANAGER, HUMAN LANDING SYSTEM PROGRAM OFFICE PROGRAM MANAGER, HUMAN LANDING SYSTEM CHIEF FINANCIAL OFFICER SPECIAL ASSISTANT FOR LIQUID PROPULSION SYSTEMS MANAGER, PLANETARY MISSIONS PROGRAM OFFICE MANAGER, BLOCK1B/EXPLORATION UPPER STAGE DEVELOPMENT OFFICE MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE
	STENNIS SPACE CENTER	ASSOCIATE ADMINISTRATOR DIRECTOR FIELD OPERATIONS DIVISION DEPUTY DIGITAL TRANSFORMATION OFFICER AND CHIEF DATA OFFICER DIRECTOR OF SPACE ARCHITECTURES DIVERSITY AMBASSADOR CHIEF PROGRAM MANAGEMENT OFFICER DEPUTY ASSOCIATE ADMINISTRATOR FOR BUSINESS OPERATIONS CHIEF RESILIENCE OFFICE AGENCY RISK MANAGEMENT OFFICER DIRECTOR, CROSS-DIRECTORATE TECHNICAL INTEGRATION OFFICE DEPUTY DIRECTOR, NASA OFFICE OF JPL MANAGEMENT AND OVERSIGHT DEPUTY ASSOCIATE ADMINISTRATOR FOR NASA
	DIRECTOR, OFFICE OF SAFETY AND MISSION ASSURANCE. AERONAUTICS RESEARCH MISSION DIRECTORATE.	DEPUTY DIRECTOR, STENNIS SPACE CENTER DIRECTOR, ENGINEERING AND SCIENCE DIRECTORATE ASSOCIATE DIRECTOR DEPUTY DIRECTOR, ENGINEERING AND TEST DIRECTORATE DIRECTOR, CENTER OPERATIONS DIRECTORATE
OFFICE OF THE ADMINISTRATOR	EXPLORATION SYSTEMS DEVELOPMENT MISSION DIRECTORATE.	DIRECTOR OF AIRSPACE OPERATIONS AND SAFETY PROGRAM OFFICE DIRECTOR OF TRANSFORMATIVE AERONAUTICS CONCEPTS PROGRAM OFFICE DIRECTOR OF ADVANCED AIR VEHICLES PROGRAM OFFICE DIRECTOR, AEROSCIENCES EVALUATION AND TEST CAPABILITIES PORTFOLIO DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY DEPUTY ASSOCIATE ADMINISTRATOR DIRECTOR FOR INTEGRATED AVIATION SYSTEMS PROGRAM DIRECTOR, PORTFOLIO ANALYSIS AND MANAGEMENT OFFICE DIRECTOR, TECHNICAL INTEGRATION OFFICE MANAGER, SYSTEMS ENGINEERING AND INTEGRATION DEPUTY ASSOCIATE ADMINISTRATOR, EXPLORATION SYSTEMS DEVELOPMENT DEPUTY ASSOCIATE ADMINISTRATOR, MOON TO MARS PROGRAM DEPUTY ASSOCIATE ADMINISTRATOR OF MANAGEMENT FOR ESDMD ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR COMMON EXPLORATION SYSTEMS DEVELOPMENT ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR TECHNICAL, MOON TO MARS PROGRAM DIRECTOR, BUSINESS OFFICE DIRECTOR, PROGRAM PLANNING AND CONTROL OFFICE DIRECTOR, MARS CAMPAIGN OFFICE DIRECTOR, SYSTEMS ENGINEERING AND INTEGRATION OFFICE SPECIAL ASSISTANT TO EXPLORATION SYSTEMS DEVELOPMENT MISSION

Agency name	Organization name	Position title
	MISSION SUPPORT DIRECTORATE	DIRECTORATE ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR, MOON TO MARS PROGRAM DEPUTY ASSOCIATE ADMINISTRATOR, STRATEGY AND ARCHITECTURE OFFICE DEPUTY ASSOCIATE ADMINISTRATOR FOR DIRECTORATE INTEGRATION DIRECTOR, EXPLORATION SYSTEMS DEVELOPMENT MISSION DIRECTORATE SAFETY AND MISSION ASSURANCE OFFICE DIRECTOR, EXECUTIVE RESOURCES DIRECTOR, BUSINESS OPERATIONS DIVISION DEPUTY ASSISTANT ADMINISTRATOR FOR OF- FICE OF PROCUREMENT DIRECTOR, RESOURCES AND PERFORMANCE MANAGEMENT OFFICE DEPUTY ASSOCIATE ADMINISTRATOR, MISSION SUPPORT TRANSFORMATION OFFICE DIRECTOR, INFORMATION TECHNOLOGY PRO- CUREMENT OFFICE DEPUTY ASSOCIATE ADMINISTRATOR, INTE- GRATION, STRATEGY, AND TRANSFORMATION DEPUTY ASSISTANT ADMINISTRATOR FOR BUSI- NESS MANAGEMENT SENIOR ADVISOR FOR HUMAN CAPITAL TRANS- FORMATION DIRECTOR, ANALYSIS DIVISION DIRECTOR, AVIATION CAPABILITY MANAGE- MENT OFFICE DIRECTOR, TALENT ACQUISITION AND DEVEL- OPMENT PROGRAM OFFICE DIRECTOR, CONTRACT MANAGEMENT DIVISION DEPUTY ASSOCIATE ADMINISTRATOR FOR MIS- SION SUPPORT ASSISTANT ADMINISTRATOR FOR PROTECTIVE SERVICES DIRECTOR, FACILITIES AND REAL ESTATE DEPUTY ASSISTANT ADMINISTRATOR FOR PRO- TECTIVE SERVICES DEPUTY ASSISTANT ADMINISTRATOR FOR STRATEGIC INFRASTRUCTURE DIRECTOR OF COUNTERINTELLIGENCE/ COUNTER TERRORISM FOR PROTECTIVE SERVICES DIRECTOR, SPACE ENVIRONMENTS TESTING MANAGEMENT OFFICE (SETMO) PROCUREMENT DIRECTOR, NASA RESEARCH CENTERS OFFICE OF PROCUREMENT SENIOR STRATEGIC ADVISOR FOR MISSION SUPPORT DIRECTORATE DIRECTOR, PROGRAM OPERATIONS DIVISION ASSISTANT ADMINISTRATOR FOR HUMAN CAP- ITAL MANAGEMENT DIRECTOR, LOGISTICS MANAGEMENT DIVISION ASSISTANT ADMININSTRATOR FOR PROCURE- MENT DEPUTY ASSISTANT ADMINISTRATOR FOR HUMAN CAPITAL MANAGEMENT ASSISTANT ADMINISTRATOR FOR INFRASTRUC- TURE AND ADMININSTRATION DIRECTOR, HUMAN RESOURCES OFFICE DIRECTOR, OFFICE OF PROCUREMENT (2) DIRECTOR ENVIRONMENTAL MANAGEMENT DI- VISION DIRECTOR, NASA OFFICE OF JPL MANAGEMENT AND OVERSIGHT DEPUTY DIRECTOR, NASA OFFICE OF JPL MAN- AGEMENT AND OVERSIGHT DIRECTOR, EXPORT CONTROL AND INTER- AGENCY LIAISON DIVISION DIRECTOR, ADVISORY COMMITTEE MANAGE- MENT DIVISION DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL AND INTERAGENCY RELA- TIONS DIRECTOR, HUMAN EXPLORATION AND OPER- ATIONS DIVISION DIRECTOR, SCIENCE DIVISION DIRECTOR, AERONAUTICS AND CROSS AGENCY SUPPORT DIVISION
	NASA OFFICE OF JET PROPULSION LAB MAN- AGEMENT AND OVERSIGHT.	
	OFFICE INTERNATIONAL AND INTERAGENCY RE- LATIONS.	

Agency name	Organization name	Position title
	OFFICE OF CHIEF HEALTH AND MEDICAL OFFICER.	CHIEF HEALTH AND MEDICAL OFFICER
		DEPUTY CHIEF HEALTH AND MEDICAL OFFICER
	OFFICE OF COMMUNICATIONS	DIRECTOR, HEALTH OPERATIONS AND OVERSIGHT
		DIRECTOR OF HISTORY AND INFORMATION SERVICES
		DIRECTOR OF NEWS, MEDIA, AND INTERNAL COMMUNICATIONS
		DIRECTOR OF ENGAGEMENT
	OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY.	DEPUTY ASSOCIATE ADMINISTRATOR FOR COMMUNICATIONS
		DIRECTOR, DIVERSITY AND DATA/ANALYTICS DIVISION AND FIELD OPERATIONS
		DEPUTY ASSOCIATE ADMINISTRATOR FOR DIVERSITY AND EQUAL OPPORTUNITY
		DIRECTOR, EQUAL OPPORTUNITY PROGRAMS DIVISION AND FIELD OPERATIONS
	OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS.	DEPUTY ASSOCIATE ADMINISTRATOR FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS
	OFFICE OF SAFETY AND MISSION ASSURANCE ..	DIRECTOR, MISSIONS AND PROGRAMS ASSESSMENT DIVISION
		DIRECTOR, MISSION ASSURANCE STANDARDS AND CAPABILITIES DIVISION
		DEPUTY CHIEF SAFETY AND MISSION ASSURANCE OFFICER
		CHIEF SAFETY AND MISSION ASSURANCE OFFICER
		DIRECTOR, INSTITUTIONAL SAFETY MANAGEMENT DIVISION
		DIRECTOR, INDEPENDENT VERIFICATION AND VALIDATION PROGRAM
	OFFICE OF STEM ENGAGEMENT	DIRECTOR, NASA SAFETY CENTER
		DEPUTY ASSOCIATE ADMINISTRATOR FOR STEM ENGAGEMENT PROGRAM
		DEPUTY ASSOCIATE ADMINISTRATOR FOR STRATEGY AND INTEGRATION
	OFFICE OF THE CHIEF ENGINEER	CHIEF ENGINEER, HUMN EXPLOR DEVELOPMENT AND OPERATIONS
		DEPUTY CHIEF ENGINEER
		CHIEF ENGINEER
		DEPUTY FOR MANAGEMENT
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, FINANCIAL MANAGEMENT DIVISION
		DIRECTOR, QUALITY ASSURANCE
		ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER (FINANCE)
		DEPUTY CHIEF FINANCIAL OFFICER FOR STRATEGIC INSIGHTS AND BUDGET
		DEPUTY CHIEF FINANCIAL OFFICER (APPROPRIATIONS)
		DEPUTY CHIEF FINANCIAL OFFICER (FINANCE)
		DIRECTOR, STRATEGIC INVESTMENTS DIVISION
		DEPUTY CHIEF FINANCIAL OFFICER
		ASSOCIATE CHIEF FINANCIAL OFFICER FOR AGENCY BUDGET
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	PROGRAM MANAGER, AGENCY BUSINESS SOLUTION
		DIGITAL TRANSFORMATION OFFICER
		SENIOR ADVISOR FOR TRANSFORMATION
		DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS
		DIRECTOR, NETWORK AND TELECOMMUNICATION SERVICE
		ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE BUSINESS MANAGEMENT OFFICE
		DIRECTOR, APPLICATIONS AND PLATFORMS SERVICES
		DEPUTY CHIEF INFORMATION OFFICER FOR STRATEGY
		DIRECTOR, WORKFORCE AND COLLABORATION SERVICES
		DEPUTY CHIEF INFORMATION OFFICER FOR INFORMATION TECHNOLOGY SECURITY
	OFFICE OF THE CHIEF SCIENTIST	DEPUTY CHIEF SCIENTIST
	SCIENCE MISSION DIRECTORATE	DIRECTOR, RESOURCES MANAGEMENT DIVISION
		DEPUTY, DIRECTOR, HELIOPHYSICS DIVISION
		DEPUTY ASSOCIATE ADMINISTRATOR FOR RESEARCH
		ASSOCIATE DIRECTOR FOR FLIGHT PROGRAMS, PLANETARY SCIENCE DIVISION
		DIRECTOR, PLANETARY SCIENCE DIVISION

Agency name	Organization name	Position title
		DIRECTOR, HELIOPHYSICS DIVISION DEPUTY DIRECTOR, ASTROPHYSICS DIVISION PROGRAM DIRECTOR RESEARCH AND ANALYSIS PROGRAM DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS DEPUTY ASSOCIATE ADMINISTRATOR, SCIENCE MISSION DIRECTORATE DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT DIRECTOR, ASTROPHYSICS DIVISION DIRECTOR, EARTH SCIENCE DIVISION DIRECTOR, JOINT AGENCY SATELLITE DIVISION DEPUTY DIRECTOR, JOINT AGENCY SATELLITE DIVISION DIRECTOR, BIOLOGICAL AND PHYSICAL SCIENCES DIVISION DIRECTOR, SCIENCE ENGAGEMENT AND PARTNERSHIPS SENIOR ADVISOR, SCIENCE MISSION DIRECTORATE ASSOCIATE DIRECTOR FOR RESEARCH, ASTROPHYSICS DIVISION ASSOCIATE DIRECTOR FOR FLIGHT PROGRAMS, ASTROPHYSICS DIVISION DEPUTY ASSOCIATE ADMINISTRATOR FOR EXPLORATION ASSOCIATE DIRECTOR FOR FLIGHT PROGRAMS, HELIOPHYSICS DIVISION ASSOCIATE DIRECTOR FOR FLIGHT PROGRAMS DIRECTOR, MARS SAMPLE RETURN PROGRAM DEPUTY DIRECTOR, PLANETARY SCIENCE DIVISION ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT DEPUTY DIRECTOR, EARTH SCIENCE DIVISION ASSOCIATE DIRECTOR FOR THE ROMAN SPACE TELESCOPE DIRECTOR, BIOLOGICAL AND PHYSICAL SCIENCES DIVISION, SCIENCE MISSION DIRECTORATE ASSOCIATE DIRECTOR FOR EARTH ACTION, EARTH SCIENCE DIVISION SENIOR ADVISOR, SPACE OPERATIONS MISSION DIRECTORATE GATEWAY PROGRAM MANAGER SPECIAL ASSISTANT TO THE DAA, SYSTEMS ENGINEERING AND INTEGRATION ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR, ADVANCED EXPLORATION SYSTEMS DEPUTY DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DEPUTY ASSOCIATE ADMINISTRATOR, SPACE OPERATIONS DEPUTY ASSOCIATE ADMINISTRATOR, MANAGEMENT FOR ESDMD AND SOMD DEPUTY ASSOCIATE ADMINISTRATOR OF MANAGEMENT FOR SOMD DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DIVISION DIRECTOR, COMMERCIAL SPACEFLIGHT DEVELOPMENT DIVISION DIRECTOR, LAUNCH SERVICES OFFICE DIRECTOR, HUMAN RESEARCH PROGRAM DIRECTOR, HUMAN SPACEFLIGHT CAPABILITIES DIVISION DIRECTOR, NETWORK SERVICES DIRECTOR, RESOURCES MANAGEMENT OFFICE DIRECTOR, INTERNATIONAL SPACE STATION MANAGER, ROCKET PROPULSION TEST PROGRAM OFFICE DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE COMMUNICATIONS AND NAVIGATION DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS DEPUTY ASSOCIATE ADMINISTRATOR (STMD) DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT DIRECTOR, STRATEGIC PLANNING AND INTEGRATION EARLY STAGE INNOVATIONS AND PARTNERSHIPS DIRECTOR
	SPACE OPERATIONS MISSION DIRECTORATE	
	SPACE TECHNOLOGY MISSION DIRECTORATE ...	

Agency name	Organization name	Position title
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR.	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	TECHNOLOGY DEMONSTRATIONS PROGRAM DIRECTOR TECHNOLOGY MATURATION PROGRAM DIRECTOR DIRECTOR, RESOURCE MANAGEMENT OFFICE DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR AUDITING ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND PLANNING COUNSEL TO THE INSPECTOR GENERAL
NATIONAL ARCHIVES AND RECORDS. ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES.	CONGRESSIONAL AFFAIRS STAFF	DIRECTOR, CONGRESSIONAL AFFAIRS
LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES.	GENERAL COUNSEL	GENERAL COUNSEL
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.	OFFICE OF INNOVATION	CHIEF INNOVATION OFFICER
OFFICE OF THE CHIEF OF MANAGEMENT AND ADMINISTRATION.	OFFICE OF THE CHIEF OF MANAGEMENT AND ADMINISTRATION.	CHIEF OF MANAGEMENT AND ADMINISTRATION
	OFFICE OF THE CHIEF OF STAFF	CHIEF OF STAFF
	OFFICE OF THE CHIEF OPERATING OFFICER	CHIEF OPERATING OFFICER
	OFFICE OF PRESIDENTIAL LIBRARIES	DIRECTOR, OFFICE OF PRESIDENTIAL LIBRARIES
	ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES.	CHIEF EQUITY OFFICER
	BUSINESS SUPPORT SERVICES	DEPUTY ARCHIVIST OF THE UNITED STATES BUSINESS SUPPORT SERVICES EXECUTIVE
	INFORMATION SERVICES	CHIEF TECHNOLOGY OFFICER DEPUTY CHIEF INFORMATION OFFICER CHIEF INFORMATION OFFICER
	OFFICE OF HUMAN CAPITAL	CHIEF HUMAN CAPITAL OFFICER
	OFFICE OF THE CHIEF ACQUISITION OFFICER	CHIEF ACQUISITION OFFICER
	OFFICE OF THE CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER
OFFICE OF THE CHIEF OPERATING OFFICER	AGENCY SERVICES	CHIEF RECORDS OFFICER AGENCY SERVICES EXECUTIVE DIRECTOR, NATIONAL PERSONNEL RECORDS CENTER DIRECTOR, INFORMATION SECURITY OVERSIGHT OFFICE DIRECTOR, RECORDS CENTER PROGRAMS DIRECTOR, NATIONAL DECLASSIFICATION CENTER DIRECTOR, OFFICE OF GOVERNMENT INFORMATION SERVICES
	LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES.	LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES EXECUTIVE
	OFFICE OF THE FEDERAL REGISTER	DIRECTOR OF THE FEDERAL REGISTER
	RESEARCH SERVICES	RESEARCH SERVICES EXECUTIVE DEPUTY EXECUTIVE FOR ARCHIVAL OPERATIONS
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR.	NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDITING ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
NATIONAL CAPITAL PLANNING COMMISSION. NATIONAL CAPITAL PLANNING COMMISSION	NATIONAL CAPITAL PLANNING COMMISSION STAFF.	EXECUTIVE DIRECTOR
UNITED STATES PATENT AND TRADEMARK OFFICE.	UNITED STATES PATENT AND TRADEMARK OFFICE.	GROUP DIRECTOR
DEPARTMENT OF COMMERCE	PATENT AND TRADEMARK OFFICE	VICE CHIEF ADMINISTRATIVE PATENT JUDGE (2) GROUP DIRECTOR (32) GROUP DIRECTOR, TRADEMARK LAW OFFICES DIRECTOR PATENTS STAKEHOLDER EXPERIENCE VICE CHIEF ADMINISTRATIVE PATENT JUDGE DEPUTY CHIEF ADMINISTRATIVE TRADEMARK JUDGE DEPUTY COMMISSIONER FOR PATENTS DEPUTY CHIEF POLICY OFFICER FOR OPERATIONS

Agency name	Organization name	Position title
		DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES REGIONAL DIRECTOR ASSISTANT COMMISSIONER (7) DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR, OFFICE OF CENTRAL REEXAMINATION UNIT DEPUTY COMMISSIONER FOR PATENT DIRECTOR, OFFICE OF PATENT LEGAL ADMINISTRATION DEPUTY CHIEF POLICY OFFICER DIRECTOR, OFFICE OF PLANNING AND BUDGET DIRECTOR, GOVERNMENTAL AFFAIRS CHIEF ADMINISTRATIVE PATENT JUDGE DEPUTY COMMISSIONER FOR TRADEMARK ADMINISTRATION DIRECTOR, ENTERPRISE INFRASTRUCTURE DELIVERY OFFICE (EIDO) DIRECTOR, RESOURCE PROGRAM MANAGEMENT OFFICE (RMO) DIRECTOR, END USER SERVICE OFFICE (EUSO) DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY DEPUTY SOLICITOR AND ASSISTANT GENERAL COUNSEL FOR INTELLECTUAL PROPERTY LAW DEPUTY GENERAL COUNSEL FOR ENROLLMENT AND DISCIPLINE DIRECTOR, OFFICE OF PROCUREMENT CHIEF CORPORATE COMMUNICATIONS OFFICER CHIEF PATENT CLASSIFICATION OFFICIAL (CPCO) CHIEF INFORMATION SECURITY OFFICER DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY FOR PATENTS DIRECTOR, OFFICE OF APPLICATION PROCESSING FOR PATENTS DIRECTOR, INTERNATIONAL PATENT LEGAL ADMINISTRATION DIRECTOR, FINANCIAL MANAGEMENT SYSTEMS GROUP DIRECTOR FOR TRADEMARK COMMUNICATIONS, OUTREACH AND MARKETING GROUP DIRECTOR FOR INFORMATION TECHNOLOGY DIRECTOR OF THE OFFICE OF PETITIONS GROUP DIRECTOR, TRADEMARK LAW OFFICES DIRECTOR REVIEW EXECUTIVE - PTAB PATENT TRIAL AND APPEAL BOARD EXECUTIVE DIRECTOR, OFFICE OF PATENT QUALITY ASSURANCE DEPUTY COMMISSIONER FOR PATENT DIRECTOR, OFFICE OF FINANCE DEPUTY CHIEF INFORMATION OFFICER DEPUTY COMMISSIONER FOR PATENT VICE CHIEF ADMINISTRATIVE PATENT JUDGE FOR STRATEGY DIRECTOR FOR OFFICE OF INNOVATION EXPANSION AND EDUCATION CHIEF TRADEMARK TRIAL AND APPEAL BOARD DEPUTY GENERAL COUNSEL FOR INTELLECTUAL PROPERTY AND SOLICITOR DEPUTY GENERAL COUNSEL FOR GENERAL LAW DEPUTY COMMISSIONER FOR TRADEMARK EXAMINATION POLICY GROUP DIRECTOR, TRADEMARK LAW OFFICES (2) DIRECTOR, BUSINESS PRODUCT DELIVERY OFFICE (BPDO) REGIONAL DIRECTOR—SILICON VALLEY VICE CHIEF ADMINISTRATIVE PATENT JUDGE REGIONAL DIRECTOR REGIONAL DIRECTOR—MIDWEST DEPUTY CHIEF ADMINISTRATIVE PATENT JUDGE DIRECTOR, IT TRANSFORMATION OFFICE (ITTO) GROUP DIRECTOR—3700 DIRECTOR, HUMAN CAPITAL MANAGEMENT CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER DEPUTY COMMISSIONER FOR PATENTS DEPUTY COMMISSIONER FOR TRADEMARK OPERATIONS SENIOR ADVISOR TO PATENTS

Agency name	Organization name	Position title
NATIONAL ENDOWMENT FOR THE ARTS.	NATIONAL ENDOWMENT FOR THE ARTS	CHIEF PATENT ACADEMIC OFFICER DEPUTY CHAIRMAN FOR MANAGEMENT AND BUDGET CHIEF INFORMATION OFFICER DIRECTOR , RESEARCH AND ANALYSIS
NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL.	NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL
NATIONAL ENDOWMENT FOR THE HUMANITIES.	NATIONAL ENDOWMENT FOR THE HUMANITIES	ASSISTANT CHAIRMAN FOR PLANNING AND OPERATIONS
NATIONAL LABOR RELATIONS BOARD.	NATIONAL LABOR RELATIONS BOARD	DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ENFORCEMENT LITIGATION
DIVISION OF OPERATIONS MANAGEMENT	REGIONAL OFFICES	REGIONAL DIRECTOR, REGION 27, DENVER, COLORADO REGIONAL DIRECTOR REGION 2, NEW YORK REGIONAL DIRECTOR, REGION 3, BUFFALO, NEW YORK REGIONAL DIRECTOR, REGION 4, PHILADELPHIA, PENNSYLVANIA REGIONAL DIRECTOR, REGION 5, BALTIMORE, MARYLAND REGIONAL DIRECTOR, REGION 6, PITTSBURGH, PENNSYLVANIA REGIONAL DIRECTOR, REGION 7, DETROIT, MICHIGAN REGIONAL DIRECTOR, REGION 8, CLEVELAND, OHIO REGIONAL DIRECTOR, REGION 9, CINCINNATI, OHIO REGIONAL DIRECTOR, REGION 10, ATLANTA, GEORGIA REGIONAL DIRECTOR, REGION 13, CHICAGO, ILLINOIS REGIONAL DIRECTOR, REGION 14, SAINT LOUIS, MISSOURI REGIONAL DIRECTOR, REGION 15, NEW ORLEANS, LOUISIANA REGIONAL DIRECTOR, REGION 16, FORT WORTH, TEXAS REGIONAL DIRECTOR, REGION 18, MINNEAPOLIS, MINNESOTA REGIONAL DIRECTOR, REGION 19, SEATTLE, WASHINGTON REGIONAL DIRECTOR, REGION 20, SAN FRANCISCO, CALIFORNIA REGIONAL DIRECTOR, REGION 21, LOS ANGELES, CALIFORNIA REGIONAL DIRECTOR, REGION 22, NEWARK, NEW JERSEY REGIONAL DIRECTOR, REGION 25, INDIANAPOLIS, INDIANA REGIONAL DIRECTOR, REGION 1, BOSTON, MASSACHUSETTS REGIONAL DIRECTOR, REGION 28, PHOENIX, ARIZONA REGIONAL DIRECTOR, REGION 29, BROOKLYN, NEW YORK REGIONAL DIRECTOR, REGION 32, OAKLAND, CALIFORNIA REGIONAL DIRECTOR, REGION 31, LOS ANGELES, CALIFORNIA
NATIONAL LABOR RELATIONS BOARD	OFFICE OF THE BOARD MEMBERS	REGIONAL DIRECTOR, REGION 12, TAMPA, FLORIDA CHIEF INFORMATION OFFICER INSPECTOR GENERAL EXECUTIVE SECRETARY
OFFICE OF THE GENERAL COUNSEL	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL (DAEO)
	DIVISION OF ADMINISTRATION	DIRECTOR, DIVISION OF ADMINISTRATION
	DIVISION OF ADVICE	ASSOCIATE GENERAL COUNSEL, DIVISION OF ADVICE DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ADVICE
	DIVISION OF ENFORCEMENT LITIGATION	DIRECTOR, OFFICE OF APPEALS
	DEPUTY ASSOCIATE GENERAL COUNSEL, APPELLATE COURT BRANCH.	
	DIVISION OF OPERATIONS MANAGEMENT	DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF OPERATIONS-MANAGEMENT ASSISTANT TO GENERAL COUNSEL (2) ASSISTANT GENERAL COUNSEL (2)

Agency name	Organization name	Position title
DEPARTMENT OF THE TREASURY OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR PAN-DEMIC.		ASSOCIATE GENERAL COUNSEL, DIVISION OF OPERATION- MANAGEMENT
	DEPARTMENT OF TREASURY OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR PAN-DEMIC RECOVERY.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
NATIONAL SCIENCE FOUNDATION. DIRECTORATE FOR ENGINEERING	DIVISION OF ENGINEERING EDUCATION AND CENTERS.	DEPUTY DIVISION DIRECTOR
DIRECTORATE FOR GEOSCIENCES	DIVISION OF EARTH SCIENCES	SECTION HEAD, INTEGRATED ACTIVITIES SECTION
	DIVISION OF OCEAN SCIENCES	DEPUTY DIVISION DIRECTOR
	OFFICE OF POLAR PROGRAMS	HEAD, SECTION FOR ANTARCTIC INFRASTRUCTURE AND LOGISTIC
DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES.	DIVISION OF ASTRONOMICAL SCIENCES	DEPUTY DIVISION DIRECTOR
DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES.	NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.	DIVISION DIRECTOR
NATIONAL SCIENCE FOUNDATION	DIRECTORATE FOR BIOLOGICAL SCIENCES	CHIEF STATISTICIAN
	DIRECTORATE FOR COMPUTER AND INFORMATION SCIENCE AND ENGINEERING.	DEPUTY ASSISTANT DIRECTOR
	DIRECTORATE FOR GEOSCIENCES	DEPUTY ASSISTANT DIRECTOR
	DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES.	DEPUTY ASSISTANT DIRECTOR
	DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES.	DEPUTY ASSISTANT DIRECTOR
	OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.	CHIEF FINANCIAL OFFICER AND HEAD, OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT
		DEPUTY OFFICE HEAD
	OFFICE OF INFORMATION AND RESOURCE MANAGEMENT.	DEPUTY OFFICE HEAD
		HEAD, OFFICE OF INFORMATION AND RESOURCE MANAGEMENT AND CHIEF HUMAN CAPITAL OFFICER
OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.	OFFICE OF THE CHIEF INFORMATION OFFICER ..	OFFICE HEAD AND CHIEF INFORMATION OFFICER
	BUDGET DIVISION	DEPUTY DIRECTOR
		DIVISION DIRECTOR
	DIVISION OF ACQUISITION AND COOPERATIVE SUPPORT.	DIVISION DIRECTOR
	DIVISION OF FINANCIAL MANAGEMENT	DEPUTY DIVISION DIRECTOR
		DEPUTY CHIEF FINANCIAL OFFICER AND DIVISION DIRECTOR
	DIVISION OF GRANTS AND AGREEMENTS	DEPUTY DIVISION DIRECTOR
	DIVISION OF INSTITUTIONAL AND AWARD SUPPORT.	DIVISION DIRECTOR
		DEPUTY DIVISION DIRECTOR
OFFICE OF INFORMATION AND RESOURCE MANAGEMENT.	DIVISION OF ADMINISTRATIVE SERVICES	DIVISION DIRECTOR
		DIVISION DIRECTOR
	DIVISION OF HUMAN RESOURCE MANAGEMENT	DEPUTY DIVISION DIRECTOR
		DEPUTY DIVISION DIRECTOR
OFFICE OF THE DIRECTOR	DIVISION OF INFORMATION SYSTEMS	DIVISION DIRECTOR
	OFFICE OF EQUITY AND CIVIL RIGHTS	DEPUTY DIVISION DIRECTOR
		OFFICE HEAD
	OFFICE OF INTEGRATIVE ACTIVITIES	DEPUTY OFFICE HEAD
		CHIEF EVALUATION OFFICER AND SECTION HEAD FOR EVALUATION AND ASSESSMENT CAPABILITY (EAC)
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL
		SENIOR ASSISTANT GENERAL COUNSEL AND DESIGNATED AGENCY ETHICS OFFICIAL
NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL.		
	NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL
		ASSISTANT INSPECTOR GENERAL FOR AUDIT
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT/CIO OF OIG
		INSPECTOR GENERAL
		DEPUTY INSPECTOR GENERAL AND COUNSEL TO THE INSPECTOR GENERAL
NATIONAL TRANSPORTATION SAFETY BOARD. OFFICE OF BOARD MEMBERS	OFFICE OF CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER

Agency name	Organization name	Position title
OFFICE OF THE MANAGING DIRECTOR	OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS. OFFICE OF THE MANAGING DIRECTOR	DEPUTY DIRECTOR, OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS PRINCIPAL DEPUTY MANAGING DIRECTOR DIRECTOR, OFFICE OF THE ADMINISTRATIVE LAW JUDGES PRINCIPAL DEPUTY MANAGING DIRECTOR FOR MANAGEMENT AND OPERATIONS DEPUTY MANAGING DIRECTOR FOR INVESTIGATIONS CHIEF DATA OFFICER DEPUTY DIRECTOR, REGIONAL OPERATIONS DIRECTOR OFFICE OF AVIATION SAFETY DEPUTY DIRECTOR, OFFICE OF AVIATION SAFETY
	OFFICE OF AVIATION SAFETY	CHIEF INFORMATION OFFICER DIRECTOR, OFFICE OF HIGHWAY SAFETY CHIEF HUMAN CAPITAL OFFICER
	OFFICE OF CHIEF INFORMATION OFFICER OFFICE OF HIGHWAY SAFETY OFFICE OF HUMAN CAPITAL MANAGEMENT AND TRAINING. OFFICE OF MARINE SAFETY OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS. OFFICE OF RESEARCH AND ENGINEERING	DIRECTOR, OFFICE OF MARINE SAFETY DIRECTOR, OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS DIRECTOR OFFICE OF RESEARCH AND ENGINEERING
DEPUTY DIRECTOR OFFICE OF RESEARCH AND ENGINEERING. NUCLEAR REGULATORY COMMISSION. NUCLEAR REGULATORY COMMISSION	OFFICE OF ADMINISTRATION	DIRECTOR, ACQUISITION MANAGEMENT DIVISION DIRECTOR, DIVISION OF FACILITIES AND SECURITY DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION
	OFFICE OF COMMISSION APPELLATE ADJUDICATION. OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS.	DIRECTOR, OFFICE OF COMMISSION APPELLATE ADJUDICATION DIRECTOR, DIVISION OF RULEMAKING, ENVIRONMENTAL, AND FINANCIAL SUPPORT (2) DEPUTY DIRECTOR, DIVISION OF RULEMAKING, ENVIRONMENTAL, AND FINANCIAL SUPPORT DEPUTY DIRECTOR, DIVISION OF FUEL MANAGEMENT (2) DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS SPECIAL ASSISTANT, DIVISION OF RULEMAKING, ENVIRONMENTAL, FINANCE DIRECTOR, SBSQNT LIC ENVIRONMENTAL DIRECT DEPUTY DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS DEPUTY DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS
	OFFICE OF NUCLEAR REACTOR REGULATION	DIRECTOR, DIVISION OF ENGINEERING AND EXTERNAL HAZARDS DIRECTOR, DIVISION OF RISK ASSESSMENT DIRECTOR, DIVISION OF NEW AND RENEWED LICENSE DEPUTY OFFICE DIRECTOR FOR NEW REACTORS DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING (2) DIRECTOR, DIVISION OF REACTOR OVERSIGHT DEPUTY DIRECTOR, DIVISION OF ENGINEERING AND EXTERNAL HAZARDS DIRECTOR, DIVISION OF SAFETY SYSTEMS DEPUTY DIRECTOR, DIVISION OF SAFETY SYSTEMS DEPUTY OFFICE DIRECTOR FOR ENGINEERING DEPUTY DIRECTOR, DIVISION OF REACTOR OVERSIGHT DEPUTY DIRECTOR, DIVISION OF RISK ASSESSMENT DEPUTY OFFICE DIRECTOR FOR REACTOR SAFETY PROGRAMS AND MISSION SUPPORT

Agency name	Organization name	Position title
	OFFICE OF NUCLEAR REGULATORY RESEARCH	DEPUTY DIRECTOR, DIVISION OF ADVANCED REACTORS AND NON- POWER PRODUCTION AND UTILIZATION FACILITIES (2) DEPUTY DIRECTOR, DIVISION OF NEW AND RENEWED LICENSES DIRECTOR, VOGTLE 3 AND 4 PROJECT OFFICE DEPUTY DIRECTOR, DIVISION OF ENGINEERING DIRECTOR, DIVISION OF ENGINEERING DIRECTOR, DIVISION OF SYSTEMS ANALYSIS DEPUTY DIRECTOR, DIVISION OF SYSTEMS ANALYSIS DIRECTOR, DIVISION OF RISK ANALYSIS DEPUTY DIRECTOR, DIVISION OF RISK ANALYSIS
	OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE.	DEPUTY DIRECTOR, DIVISION OF SECURITY OPERATIONS DEPUTY DIRECTOR, OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE DIRECTOR, DIVISION OF SECURITY OPERATIONS DEPUTY DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE DEPUTY DIRECTOR, DIVISION OF PHYSICAL AND CYBER SECURITY POLICY DIRECTOR, DIVISION OF PHYSICAL AND CYBER SECURITY POLICY
	OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS	DIRECTOR, OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS
	OFFICE OF THE CHIEF FINANCIAL OFFICER	COMPTROLLER DEPUTY CHIEF FINANCIAL OFFICER BUDGET DIRECTOR
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	DIRECTOR/CHIEF INFORMATION SECURITY OFFICER DIRECTOR, GOVERNANCE AND ENTERPRISE MANAGEMENT SERVICES DIVISION DIRECTOR, IT SERVICES DEVELOPMENT AND OPERATIONS DIVISION
	REGION I	DEPUTY REGIONAL ADMINISTRATOR DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DEPUTY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY
	REGION II	DEPUTY REGIONAL ADMINISTRATOR DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR, DIVISION OF REACTOR PROJECTS DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS
	REGION III	DEPUTY REGIONAL ADMINISTRATOR DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY
	DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY.	DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY DEPUTY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY
	REGION IV	DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR SAFETY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DEPUTY DIRECTOR, DIVISION OF RADIOLOGICAL SAFETY AND SECURITY DEPUTY REGIONAL ADMINISTRATOR
NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.		
NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL
NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITS	ASSISTANT INSPECTOR GENERAL FOR AUDITS

Agency name	Organization name	Position title
OCCUPATIONAL SAFETY AND HEALTH REVIEW. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION. OFFICE OF GOVERNMENT ETHICS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR
	OFFICE OF GOVERNMENT ETHICS	DEPUTY DIRECTOR FOR COMPLIANCE DEPUTY GENERAL COUNSEL CHIEF OF STAFF AND PROGRAM COUNSEL
	HOUSING, TREASURY AND COMMERCE DIVISION.	CHIEF, HOUSING BRANCH CHIEF, COMMERCE BRANCH DEPUTY ASSOCIATE DIRECTOR FOR HOUSING, TREASURY AND COMMERCE CHIEF, TREASURY BRANCH CHIEF, TRANSPORTATION/GENERAL SERVICES ADMINISTRATION BRANCH DEPUTY ASSOCIATE DIRECTOR, TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES CHIEF, JUSTICE BRANCH CHIEF, HOMELAND SECURITY BRANCH DEPUTY ASSOCIATE DIRECTOR FOR HEALTH CHIEF, MEDICARE BRANCH (2) CHIEF, HEALTH AND HUMAN SERVICES BRANCH CHIEF, PUBLIC HEALTH BRANCH CHIEF, HEALTH INSURANCE AND DATA ANALYSIS BRANCH
HUMAN RESOURCE PROGRAMS	HEALTH DIVISION	DEPUTY ASSOCIATE DIRECTOR, TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES CHIEF, JUSTICE BRANCH CHIEF, HOMELAND SECURITY BRANCH DEPUTY ASSOCIATE DIRECTOR FOR HEALTH CHIEF, MEDICARE BRANCH (2) CHIEF, HEALTH AND HUMAN SERVICES BRANCH CHIEF, PUBLIC HEALTH BRANCH CHIEF, HEALTH INSURANCE AND DATA ANALYSIS BRANCH
NATIONAL SECURITY PROGRAMS	INTERNATIONAL AFFAIRS DIVISION	DEPUTY ASSOCIATE DIRECTOR FOR INTERNATIONAL AFFAIRS CHIEF, ECONOMIC AFFAIRS BRANCH CHIEF, INTELLIGENCE PROGRAMS BRANCH CHIEF, FORCE STRUCTURE AND INVESTMENT BRANCH DEPUTY ASSOCIATE DIRECTOR FOR NATIONAL SECURITY CHIEF, VETERANS AFFAIRS AND DEFENSE HEALTH BRANCH CHIEF, DEFENSE OPERATIONS, PERSONNEL, AND SUPPORT
	NATIONAL SECURITY DIVISION	CHIEF, ENERGY BRANCH CHIEF SCIENCE AND SPACE PROGRAMS BRANCH CHIEF, WATER AND POWER BRANCH DEPUTY ASSOCIATE DIRECTOR FOR ENERGY, SCIENCE, AND WATER DIVISION DEPUTY ASSOCIATE DIRECTOR FOR NATURAL RESOURCES CHIEF, AGRICULTURE BRANCH CHIEF INTERIOR BRANCH CHIEF, ENVIRONMENT BRANCH DEPUTY FEDERAL CHIEF INFORMATION OFFICER
NATURAL RESOURCE PROGRAMS	ENERGY, SCIENCE AND WATER DIVISION	CHIEF, ENERGY BRANCH CHIEF SCIENCE AND SPACE PROGRAMS BRANCH CHIEF, WATER AND POWER BRANCH DEPUTY ASSOCIATE DIRECTOR FOR ENERGY, SCIENCE, AND WATER DIVISION DEPUTY ASSOCIATE DIRECTOR FOR NATURAL RESOURCES CHIEF, AGRICULTURE BRANCH CHIEF INTERIOR BRANCH CHIEF, ENVIRONMENT BRANCH DEPUTY FEDERAL CHIEF INFORMATION OFFICER
OFFICE OF INFORMATION AND REGULATORY AFFAIRS. OFFICE OF MANAGEMENT AND BUDGET	OFFICE OF E-GOVERNMENT AND INFORMATION TECHNOLOGY. OFFICE OF THE DIRECTOR	EXECUTIVE SECRETARY SENIOR ADVISOR SENIOR ADVISOR TO THE DIRECTOR ASSISTANT DIRECTOR FOR MANAGEMENT AND OPERATIONS DEPUTY ASSISTANT DIRECTOR FOR MANAGEMENT CHIEF, FEDERAL WORKFORCE BRANCH DEPUTY CHIEF BUDGET ANALYSIS BRANCH CHIEF BUDGET ANALYSIS BRANCH DEPUTY ASSISTANT DIRECTOR FOR BUDGET REVIEW CHIEF, BUDGET SYSTEMS BRANCH ASSISTANT DIRECTOR FOR BUDGET REVIEW CHIEF, BUDGET CONCEPTS BRANCH CHIEF, BUDGET REVIEW BRANCH DEPUTY CHIEF, BUDGET REVIEW BRANCH DEPUTY ASSOCIATE DIRECTOR FOR ECONOMIC POLICY DEPUTY ASSOCIATE DIRECTOR FOR EDUCATION, INCOME MAINTENANCE AND LABOR CHIEF, LABOR BRANCH CHIEF, INCOME MAINTENANCE BRANCH CHIEF, EDUCATION BRANCH ATTORNEY-ADVISOR CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH CHIEF, RESOURCES-DEFENSE- INTERNATIONAL BRANCH CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH
	STAFF OFFICES	CHIEF, FEDERAL WORKFORCE BRANCH DEPUTY CHIEF BUDGET ANALYSIS BRANCH CHIEF BUDGET ANALYSIS BRANCH DEPUTY ASSISTANT DIRECTOR FOR BUDGET REVIEW CHIEF, BUDGET SYSTEMS BRANCH ASSISTANT DIRECTOR FOR BUDGET REVIEW CHIEF, BUDGET CONCEPTS BRANCH CHIEF, BUDGET REVIEW BRANCH DEPUTY CHIEF, BUDGET REVIEW BRANCH DEPUTY ASSOCIATE DIRECTOR FOR ECONOMIC POLICY DEPUTY ASSOCIATE DIRECTOR FOR EDUCATION, INCOME MAINTENANCE AND LABOR CHIEF, LABOR BRANCH CHIEF, INCOME MAINTENANCE BRANCH CHIEF, EDUCATION BRANCH ATTORNEY-ADVISOR CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH CHIEF, RESOURCES-DEFENSE- INTERNATIONAL BRANCH CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH
OFFICE OF THE DIRECTOR	BUDGET REVIEW	CHIEF, FEDERAL WORKFORCE BRANCH DEPUTY CHIEF BUDGET ANALYSIS BRANCH CHIEF BUDGET ANALYSIS BRANCH DEPUTY ASSISTANT DIRECTOR FOR BUDGET REVIEW CHIEF, BUDGET SYSTEMS BRANCH ASSISTANT DIRECTOR FOR BUDGET REVIEW CHIEF, BUDGET CONCEPTS BRANCH CHIEF, BUDGET REVIEW BRANCH DEPUTY CHIEF, BUDGET REVIEW BRANCH DEPUTY ASSOCIATE DIRECTOR FOR ECONOMIC POLICY DEPUTY ASSOCIATE DIRECTOR FOR EDUCATION, INCOME MAINTENANCE AND LABOR CHIEF, LABOR BRANCH CHIEF, INCOME MAINTENANCE BRANCH CHIEF, EDUCATION BRANCH ATTORNEY-ADVISOR CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH CHIEF, RESOURCES-DEFENSE- INTERNATIONAL BRANCH CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH
	ECONOMIC POLICY DIVISION	CHIEF, FEDERAL WORKFORCE BRANCH DEPUTY CHIEF BUDGET ANALYSIS BRANCH CHIEF BUDGET ANALYSIS BRANCH DEPUTY ASSISTANT DIRECTOR FOR BUDGET REVIEW CHIEF, BUDGET SYSTEMS BRANCH ASSISTANT DIRECTOR FOR BUDGET REVIEW CHIEF, BUDGET CONCEPTS BRANCH CHIEF, BUDGET REVIEW BRANCH DEPUTY CHIEF, BUDGET REVIEW BRANCH DEPUTY ASSOCIATE DIRECTOR FOR ECONOMIC POLICY DEPUTY ASSOCIATE DIRECTOR FOR EDUCATION, INCOME MAINTENANCE AND LABOR CHIEF, LABOR BRANCH CHIEF, INCOME MAINTENANCE BRANCH CHIEF, EDUCATION BRANCH ATTORNEY-ADVISOR CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH CHIEF, RESOURCES-DEFENSE- INTERNATIONAL BRANCH CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH
	EDUCATION, INCOME MAINTENANCE AND LABOR PROGRAMS.	CHIEF, LABOR BRANCH CHIEF, INCOME MAINTENANCE BRANCH CHIEF, EDUCATION BRANCH ATTORNEY-ADVISOR CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH CHIEF, RESOURCES-DEFENSE- INTERNATIONAL BRANCH CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH
	GENERAL COUNSEL	CHIEF, LABOR BRANCH CHIEF, INCOME MAINTENANCE BRANCH CHIEF, EDUCATION BRANCH ATTORNEY-ADVISOR CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH CHIEF, RESOURCES-DEFENSE- INTERNATIONAL BRANCH CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH
	LEGISLATIVE REFERENCE DIVISION	CHIEF, LABOR BRANCH CHIEF, INCOME MAINTENANCE BRANCH CHIEF, EDUCATION BRANCH ATTORNEY-ADVISOR CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH CHIEF, RESOURCES-DEFENSE- INTERNATIONAL BRANCH CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH

Agency name	Organization name	Position title
OFFICE OF NATIONAL DRUG CONTROL POLICY. OFFICE OF NATIONAL DRUG CONTROL POLICY ..	OFFICE OF FEDERAL FINANCIAL MANAGEMENT OFFICE OF FEDERAL PROCUREMENT POLICY	ASSISTANT DIRECTOR LEGISLATIVE REFERENCE DEPUTY CONTROLLER ASSOCIATE ADMINISTRATOR DEPUTY ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY CHIEF, INFORMATION POLICY BRANCH
	OFFICE OF INFORMATION AND REGULATORY AFFAIRS.	CHIEF STATISTICAL AND SCIENCE POLICY BRANCH CHIEF, NATURAL RESOURCES AND ENVIRONMENT BRANCH CHIEF, FOOD, HEALTH AND LABOR BRANCH CHIEF, PRIVACY BRANCH DEPUTY ADMINISTRATOR, OFFICE OF INFORMATION AND REGULATORY AFFAIRS CHIEF, TRANSPORTATION AND SECURITY BRANCH
	OFFICE OF INTELLIGENCE	ASSISTANT DIRECTOR FOR INTELLIGENCE
	OFFICE OF OPERATIONS	ASSISTANT DIRECTOR FOR THE OFFICE OF OPERATIONS
	OFFICE OF PERFORMANCE AND BUDGET	ASSISTANT DIRECTOR FOR OFFICE OF PERFORMANCE AND BUDGET
	FACILITIES, SECURITY AND EMERGENCY MANAGEMENT. HEALTHCARE AND INSURANCE	DIRECTOR, FACILITIES, SECURITY AND EMERGENCY MANAGEMENT DEPUTY ASSOCIATE DIRECTOR, ACTUARY DEPUTY ASSOCIATE DIRECTOR, POSTAL SERVICE INSURANCE OPERATIONS DEPUTY ASSOCIATE DIRECTOR, FEDERAL EMPLOYEE INSURANCE OPERATIONS PRINCIPAL DEPUTY ASSOCIATE DIRECTOR
	MERIT SYSTEM ACCOUNTABILITY AND COMPLIANCE. OFFICE OF PROCUREMENT OPERATIONS	DEPUTY DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS
	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION. OFFICE OF THE CHIEF INFORMATION OFFICER .. OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION CHIEF INFORMATION SECURITY OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER ASSOCIATE CHIEF FINANCIAL OFFICER, FINANCIAL SERVICES
	OFFICE OF THE DIRECTOR	EXECUTIVE DIRECTOR, OFFICE OF THE EXECUTIVE SECRETARIAT AND PRIVACY AND INFORMATION MANAGEMENT
	RETIREMENT SERVICES	PRINCIPAL DEPUTY ASSOCIATE DIRECTOR RETIREMENT SERVICES DEPUTY ASSOCIATE DIRECTOR, OPERATIONS (2)
OFFICE OF THE DIRECTOR	HUMAN CAPITAL DATA MANAGEMENT AND MODERNIZATION.	PRINCIPAL DEPUTY ASSOCIATE DIRECTOR DEPUTY DIRECTOR, HUMAN CAPITAL DATA MANAGEMENT AND MODERNIZATION AND CHIEF DATA OFFICER CHIEF DATA OFFICER
OFFICE OF PERSONNEL MANAGEMENT OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF AUDITS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (2)
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
	OFFICE OF LEGISLATIVE AND LEGAL AFFAIRS ...	DEPUTY ASSISTANT INSPECTOR GENERAL FOR LEGAL AND LEGISLATIVE AFFAIRS ASSISTANT INSPECTOR GENERAL FOR LEGISLATIVE AND LEGAL AFFAIRS
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL
OFFICE OF MANAGEMENT	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL CHIEF INFORMATION OFFICER DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT
OFFICE OF THE INSPECTOR GENERAL	OFFICE OF EVALUATIONS	ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS
OFFICE OF SCIENCE AND TECHNOLOGY POLICY.	OFFICE OF SCIENCE AND TECHNOLOGY POLICY	DEPUTY GENERAL COUNSEL AND CHIEF OPERATING OFFICER
OFFICE OF SPECIAL COUNSEL.		

Agency name	Organization name	Position title
OFFICE OF SPECIAL COUNSEL	OFFICE OF SPECIAL COUNSEL	ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (FIELD OFFICES)
	HEADQUARTERS, OFFICE OF SPECIAL COUNSEL	ASSOCIATE SPECIAL COUNSEL FOR GENERAL LAW DIVISION
		CHIEF OPERATING OFFICER
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (HEADQUARTERS)
		DIRECTOR OF MANAGEMENT AND BUDGET
		ASSOCIATE SPECIAL COUNSEL (GENERAL LAW)
		DIRECTOR, OFFICE OF PLANNING AND ANALYSIS
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATIVE SERVICES
		SENIOR ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (2)
		ASSOCIATE SPECIAL COUNSEL FOR LEGAL COUNSEL AND POLICY
SURFACE TRANSPORTATION BOARD.		
	SURFACE TRANSPORTATION BOARD	MANAGING DIRECTOR
		DIRECTOR OF PUBLIC ASST GOVERNMENT AFFAIRS AND COMPLIANCE
		DIRECTOR, OFFICE OF ECONOMICS
		GENERAL COUNSEL
		DIRECTOR, OFFICE OF PROCEEDINGS
		DIRECTOR OFFICE OF ENVIRONMENTAL ANALYSIS
		DIRECTOR, OFFICE OF PASSENGER RAIL
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.	EUROPE AND THE MIDDLE EAST	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR EUROPE AND THE MIDDLE EAST
	INNOVATION AND INTELLECTUAL PROPERTY	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR INNOVATION AND INTELLECTUAL PROPERTY
	INTERAGENCY CENTER FOR TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT.	DIRECTOR OF INTERAGENCY CENTER FOR TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT
	LABOR AFFAIRS	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR LABOR AFFAIRS
UNITED STATES ACCESS BOARD.		
PUBLIC BOARD	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR
RAILROAD RETIREMENT BOARD.		
RAILROAD RETIREMENT BOARD	BOARD STAFF	DIRECTOR OF FISCAL OPERATIONS
		CHIEF OF TECHNOLOGY SERVICE
		CHIEF ACTUARY
		DIRECTOR OF FIELD SERVICE
		DIRECTOR OF ADMINISTRATION
		DEPUTY GENERAL COUNSEL
		GENERAL COUNSEL
		DIRECTOR OF PROGRAMS
		CHIEF INFORMATION OFFICER
		DIRECTOR OF OPERATIONS
		CHIEF FINANCIAL OFFICER
RAILROAD RETIREMENT BOARD OFFICE OF THE INSPECTOR GENERAL.		
	OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDIT (2)
		GENERAL COUNSEL
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
SELECTIVE SERVICE SYSTEM.		
SELECTIVE SERVICE SYSTEM	SELECTIVE SERVICE SYSTEM	ASSOCIATE DIRECTOR FOR OPERATIONS
	OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR OPERATIONS
		SENIOR ADVISOR TO THE DIRECTOR
SMALL BUSINESS ADMINISTRATION.		
OFFICE OF THE ADMINISTRATOR	OFFICE OF ENTREPRENEURIAL DEVELOPMENT	DEPUTY ASSOCIATE ADMINISTRATOR FOR ENTREPRENEURIAL DEVELOPMENT
	OFFICE OF EXECUTIVE MANAGEMENT, INSTALLATION, AND SUPPORT SERVICES.	EXECUTIVE DIRECTOR
	OFFICE OF GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT.	DIRECTOR FOR POLICY PLANNING AND LIAISON
		DEPUTY ASSOCIATE ADMINISTRATOR FOR GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT
		DIRECTOR OF HUBZONE EMPOWERMENT PROGRAM
	OFFICE OF HEARINGS AND APPEALS	ASSISTANT ADMINISTRATOR FOR HEARINGS AND APPEALS
	OFFICE OF HUMAN RESOURCES SOLUTIONS	CHIEF HUMAN CAPITAL OFFICER

Agency name	Organization name	Position title
SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF INTERNATIONAL TRADE	DEPUTY CHIEF HUMAN CAPITAL OFFICER DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE
	OFFICE OF INVESTMENT AND INNOVATION	DEPUTY ASSOCIATE ADMINISTRATOR FOR INVESTMENT AND INNOVATION DIRECTOR OF INVESTMENT AND INNOVATION ECOSYSTEMS
	OFFICE OF PERFORMANCE, PLANNING, AND THE CHIEF FINANCIAL OFFICER.	DIRECTOR AND CHIEF ACQUISITION OFFICER DIRECTOR OF FINANCIAL, ACQUISITION, AND MANAGEMENT ASSOCIATE ADMINISTRATOR FOR PERFORMANCE, PLANNING AND CHIEF FINANCIAL OFFICER
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	DEPUTY CHIEF FINANCIAL OFFICER CHIEF RISK OFFICER CHIEF INFORMATION SECURITY OFFICER CHIEF INFORMATION OFFICER
	OFFICE OF THE GENERAL COUNSEL	DEPUTY CHIEF INFORMATION OFFICER ASSOCIATE GENERAL COUNSEL LITIGATION ASSOCIATE GENERAL COUNSEL FOR PROCUREMENT LAW ASSOCIATE GENERAL COUNSEL FOR FINANCIAL LAW ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW
	SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS COUNSEL TO THE INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND OPERATIONS ASSISTANT INSPECTOR GENERAL FOR TECHNOLOGY SOLUTIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR TECHNOLOGY SOLUTIONS
	OFFICE OF APPELLATE OPERATIONS	DEPUTY EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS
	OFFICE OF PROGRAM INTEGRITY	ASSOCIATE COMMISSIONER FOR PROGRAM INTEGRITY
	OFFICE OF ACQUISITION AND GRANTS	DEPUTY ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS
	OFFICE OF BUDGET	ASSOCIATE COMMISSIONER FOR BUDGET DEPUTY ASSOCIATE COMMISSIONER FOR BUDGET
OFFICE OF BUDGET, FINANCE, AND MANAGEMENT.	OFFICE OF FINANCIAL POLICY AND OPERATIONS.	ASSOCIATE COMMISSIONER, OFFICE OF FINANCE POLICY AND OPERATIONS DEPUTY ASSOCIATE COMMISSIONER FINANCIAL POLICY AND OPERATIONS
	OFFICE OF SECURITY AND EMERGENCY PREPAREDNESS.	ASSOCIATE COMMISSIONER FOR SECURITY AND EMERGENCY PREPAREDNESS
OFFICE OF HUMAN RESOURCES	OFFICE OF LABOR- MANAGEMENT AND EMPLOYEE RELATIONS.	DEPUTY ASSOCIATE COMMISSIONER FOR LABOR- MANAGEMENT AND EMPLOYEE RELATIONS ASSOCIATE COMMISSIONER FOR LABOR-MANAGEMENT AND EMPLOYEE RELATIONS
	OFFICE OF OPERATIONAL HUMAN RESOURCES SERVICES.	ASSOCIATE COMMISSIONER FOR OPERATIONAL HUMAN RESOURCES SERVICES
	OFFICE OF PERSONNEL	ASSOCIATE COMMISSIONER FOR PERSONNEL DEPUTY ASSOCIATE COMMISSIONER FOR PERSONNEL
OFFICE OF OPERATIONS	OFFICE OF DISABILITY DETERMINATIONS	ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS DEPUTY ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS
OFFICE OF SYSTEMS	OFFICE OF INFORMATION SECURITY	ASSOCIATE COMMISSIONER FOR INFORMATION SECURITY
	OFFICE OF INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT.	DEPUTY ASSOCIATE COMMISSIONER FOR INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT

Agency name	Organization name	Position title
	OFFICE OF SYSTEMS OPERATIONS AND HARDWARE ENGINEERING.	ASSOCIATE COMMISSIONER FOR INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING (OPERATIONS) DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING (INFRASTRUCTURE) DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING (END USER)
OFFICE OF THE GENERAL COUNSEL	OFFICE OF GENERAL LAW	ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW (OFFICE 1) ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW (OFFICE 2) ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW (OFFICE 3) ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW (OFFICE 4)
	OFFICE OF PRIVACY AND DISCLOSURE	EXECUTIVE DIRECTOR FOR PRIVACY AND DISCLOSURE
	OFFICE OF PROGRAM LAW	ASSOCIATE GENERAL COUNSEL FOR PROGRAM LAW DEPUTY ASSOCIATE COMMISSIONER FOR PROGRAM LAW
	OFFICE OF PROGRAM LITIGATION	ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 1) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 2) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 3) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 4) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 5) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 6) ASSOCIATE GENERAL COUNSEL FOR PROGRAM LITIGATION (OFFICE 7)
SOCIAL SECURITY ADMINISTRATION	OFFICE OF ANALYTICS, REVIEW, AND OVERSIGHT.	ASSISTANT DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT
	OFFICE OF BUDGET, FINANCE, AND MANAGEMENT.	ASSISTANT DEPUTY COMMISSIONER FOR BUDGET, FINANCE, AND MANAGEMENT
	OFFICE OF CIVIL RIGHTS AND EQUAL OPPORTUNITY.	DEPUTY COMMISSIONER FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY ASSISTANT DEPUTY COMMISSIONER FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY
	OFFICE OF HEARINGS OPERATIONS	ASSISTANT DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS (MISSION SUPPORT) ASSISTANT DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS (MISSION OPERATIONS) DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS
	OFFICE OF THE CHIEF ACTUARY	DEPUTY CHIEF ACTUARY (SHORT-RANGE) DEPUTY CHIEF ACTUARY CHIEF ACTUARY
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL DEPUTY GENERAL COUNSEL (PROGRAM LAW) DEPUTY GENERAL COUNSEL (GENERAL LAW)
SOCIAL SECURITY ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL. SOCIAL SECURITY ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL.	SENIOR ADVISOR TO THE INSPECTOR GENERAL
	OFFICE OF AUDIT	CHIEF OPERATING OFFICER DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDITS AND EVALUATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL AND INFORMATION TECHNOLOGY SYSTEMS AND OPERATIONS AUDITS) CHIEF COUNSEL
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	
	OFFICE OF INFORMATION TECHNOLOGY	ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER)

Agency name	Organization name	Position title
DEPARTMENT OF STATE. DEPARTMENT OF STATE OFFICE OF THE SECRETARY	OFFICE OF INVESTIGATIONS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (HEADQUARTERS OPERATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (COOPERATIVE DISABILITY INVESTIGATIONS OPERATIONS) CHIEF INVESTIGATIVE COUNSEL DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS) ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
	OFFICE OF RESOURCE MANAGEMENT	DEPUTY ASSISTANT INSPECTOR GENERAL FOR RESOURCE MANAGEMENT ASSISTANT INSPECTOR GENERAL ORM
	OFFICE OF THE CHIEF STRATEGY OFFICER	CHIEF STRATEGY OFFICER SPECIAL ADVISOR TO THE CHIEF STRATEGY OFFICER
	OFFICE OF WORKFORCE PERFORMANCE AND DEVELOPMENT.	ASSISTANT INSPECTOR GENERAL FOR WORKFORCE PERFORMANCE AND DEVELOPMENT
	OFFICE OF THE SECRETARY	OMBUDSPERSON
	BUREAU OF GLOBAL HEALTH SECURITY AND DIPLOMACY.	DEPUTY COORDINATOR
	BUREAU OF INTELLIGENCE AND RESEARCH	OFFICE DIRECTOR DEPUTY ASSISTANT SECRETARY FOR GLOBAL ANALYSIS
	OFFICE OF THE LEGAL ADVISER	DEPUTY ASSISTANT LEGAL ADVISER
	OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	ASSOCIATE DEAN
	OFFICE OF THE UNDER SECRETARY FOR PUBLIC DIPLOMACY AND PUBLIC AFFAIRS.	DEPUTY COORDINATOR FOR POLICY, PLANS, AND OPERATIONS DIRECTOR, OFFICE OF POLICY PLANNING AND RESOURCES PRINCIPAL DEPUTY COORDINATOR SENIOR ADVISER
	OFFICE OF THE UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY AFFAIRS.	
	BUREAU OF ARMS CONTROL, DETERRENCE, AND STABILITY.	
	BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.	OFFICE DIRECTOR
	BUREAU OF POLITICAL- MILITARY AFFAIRS	DEPUTY ASSISTANT SECRETARY DEPUTY ASSISTANT SECRETARY
	BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR.	OFFICE DIRECTOR DEPUTY ASSISTANT SECRETARY
OFFICE OF THE UNDER SECRETARY FOR CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS.	BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.	DEPUTY ASSISTANT SECRETARY
OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	BUREAU OF ADMINISTRATION	ACQUISITION POLICY OFFICE DIRECTOR
DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL.	BUREAU OF DIPLOMATIC SECURITY	DAS FOR ACQUISITIONS AND PROCUREMENT EXECUTIVE
	BUREAU OF GLOBAL TALENT MANAGEMENT	OFFICE DIRECTOR
	BUREAU OF OVERSEAS BUILDINGS OPERATIONS.	OFFICE DIRECTOR COMPTROLLER
	FOREIGN SERVICE INSTITUTE	ASSOCIATE DEAN
DEPARTMENT OF STATE/OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF STATE/OFFICE OF THE INSPECTOR GENERAL.	CHIEF OF STAFF
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS AND SPECIAL PROJECTS ASSISTANT INSPECTOR GENERAL FOR AUDITS
DEPARTMENT OF STATE/OFFICE OF THE INSPECTOR GENERAL.		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR MIDDLE EAST REGIONAL OFFICE DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS GENERAL COUNSEL TO THE INSPECTOR GENERAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT

Agency name	Organization name	Position title
TRADE AND DEVELOPMENT AGENCY.		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS AND SPECIAL PROJECTS DEPUTY GENERAL COUNSEL ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS
OFFICE OF THE DIRECTOR DEPARTMENT OF TRANSPORTATION. ASSISTANT SECRETARY FOR ADMINISTRATION ..	TRADE AND DEVELOPMENT AGENCY OFFICE OF THE GENERAL COUNSEL	DIRECTOR OF MANAGEMENT OPERATIONS GENERAL COUNSEL
ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS. ASSISTANT SECRETARY FOR TRANSPORTATION POLICY. ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT AND PROGRAM DELIVERY. ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAM DEVELOPMENT. ASSOCIATE ADMINISTRATOR FOR RESEARCH AND REGISTRATION. DEPARTMENT OF TRANSPORTATION	OFFICE OF THE SENIOR PROCUREMENT EXECUTIVE. OFFICE OF BUDGET AND PROGRAM PERFORMANCE. OFFICE OF SAFETY, ENERGY AND ENVIRONMENT. OFFICE OF ENFORCEMENT AND COMPLIANCE ...	SENIOR PROCUREMENT EXECUTIVE DIRECTOR OFFICE OF BUDGET AND PROGRAM PERFORMANCE DIRECTOR, OFFICE OF POLICY
	OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS. OFFICE OF LICENSING AND SAFETY INFORMATION. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.	DIRECTOR, OFFICE OF ENFORCEMENT AND COMPLIANCE DIRECTOR, OFFICE OF CARRIER, DRIVER AND VEHICLE SAFETY STANDARDS DIRECTOR, OFFICE FOR LICENSING AND SAFETY INFORMATION ASSOCIATE ADMINISTRATOR OF THE OFFICE OF SAFETY ASSISTANT ADMINISTRATOR AND CHIEF SAFETY OFFICER (EXECUTIVE DIRECTOR) SENIOR ADVISOR FOR DEFENSE LOGISTICS AND INTERAGENCY HAZMAT COORDINATION DIRECTOR, OFFICE OF REAL ESTATE SERVICES
FEDERAL HIGHWAY ADMINISTRATION	PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION. ASSOCIATE ADMINISTRATOR FOR PLANNING, ENVIRONMENT AND REALTY. ASSOCIATE ADMINISTRATOR FOR SAFETY IMMEDIATE OFFICE OF THE ADMINISTRATOR	ASSOCIATE ADMINISTRATOR FOR SAFETY CHIEF INNOVATION OFFICER EXECUTIVE DIRECTOR REGIONAL FIELD ADMINISTRATOR, SOUTHERN REGION REGIONAL FIELD ADMINISTRATOR, MIDWEST REGION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.	ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS.	CHIEF FINANCIAL OFFICER ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY/CHIEF SAFETY OFFICER EXECUTIVE DIRECTOR CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF ACQUISITION AND GRANTS MANAGEMENT DEPUTY CHIEF FINANCIAL OFFICER AND CHIEF BUDGET OFFICER
FEDERAL RAILROAD ADMINISTRATION	IMMEDIATE OFFICE OF THE ADMINISTRATOR ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY. IMMEDIATE OFFICE OF THE ADMINISTRATOR OFFICE OF THE CHIEF FINANCIAL OFFICER OFFICE OF THE CHIEF FINANCIAL OFFICER	ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE ASSOCIATE ADMINISTRATOR FOR STRATEGIC SEALIFT. IMMEDIATE OFFICE OF THE ADMINISTRATOR
IMMEDIATE OFFICE OF THE ADMINISTRATOR		EXECUTIVE DIRECTOR DEPUTY CHIEF COUNSEL ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT DIRECTOR, OFFICE OF DEFECTS INVESTIGATION DIRECTOR, OFFICE OF VEHICLE SAFETY COMPLIANCE ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY EXECUTIVE DIRECTOR DEPUTY CHIEF COUNSEL DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION DIRECTOR OF PERFORMANCE, RISK, AND EVALUATION DEPUTY ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS DEPUTY CHIEF FINANCIAL OFFICER OFFICE OF THE SECRETARY CHIEF FINANCIAL OFFICER EXECUTIVE DIRECTOR, NATIONAL SURFACE TRANSPORTATION INNOVATIVE FINANCE BUREAU (BUILD AMERICA BUREAU) DIRECTOR, OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE
MARITIME ADMINISTRATION	ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE. ASSOCIATE ADMINISTRATOR FOR STRATEGIC SEALIFT. IMMEDIATE OFFICE OF THE ADMINISTRATOR	
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.	OFFICE OF THE CHIEF COUNSEL ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT.	
	ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY. IMMEDIATE OFFICE OF THE ADMINISTRATOR OFFICE OF THE CHIEF COUNSEL ASSISTANT SECRETARY FOR ADMINISTRATION	
OFFICE OF THE SECRETARY	ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS. NATIONAL SURFACE TRANSPORTATION INNOVATIVE FINANCE BUREAU (BUILD AMERICA BUREAU). OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE.	

Agency name	Organization name	Position title
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.	OFFICE OF THE CHIEF INFORMATION OFFICER ..	DEPUTY DIRECTOR CHIEF TECHNOLOGY OFFICER DEPUTY CHIEF INFORMATION OFFICER CHIEF INFORMATION SECURITY OFFICER
	OFFICE OF THE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.	EXECUTIVE DIRECTOR FOR THE OFFICE OF THE UNDER SECRETARY OF TRANSPORTATION FOR POLICY DEPUTY ASSISTANT SECRETARY FOR TRANSPORTATION POLICY EXECUTIVE DIRECTOR
	IMMEDIATE OFFICE OF THE ADMINISTRATOR	ASSOCIATE ADMINISTRATOR FOR HAZARDOUS MATERIALS SAFETY ASSOCIATE ADMINISTRATOR FOR PIPELINE SAFETY DEPUTY ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAMS CHIEF FINANCIAL OFFICER
	OFFICE OF HAZARDOUS MATERIALS SAFETY	
	OFFICE OF PIPELINE SAFETY	
DEPARTMENT OF TRANSPORTATION OFFICE OF THE INSPECTOR GENERAL. OFFICE OF INSPECTOR GENERAL IMMEDIATE OFFICE.	OFFICE OF THE CHIEF FINANCIAL OFFICER	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS
OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT.	CHIEF COUNSEL DEPUTY INSPECTOR GENERAL
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION
	OFFICE OF CHIEF COUNSEL	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
	OFFICE OF DEPUTY INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND PROCUREMENT AUDITS
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.	ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND PROCUREMENT AUDITS.	ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AUDITS
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS.	ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.	ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AUDITS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS. DEPARTMENT OF THE TREASURY. ASSISTANT SECRETARY (TAX POLICY)	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS.	ASSISTANT ADMINISTRATOR, EXTERNAL AFFAIRS/CHIEF OF STAFF ASSISTANT ADMINISTRATOR INFORMATION RESOURCES/CHIEF INFORMATION OFFICER ASSISTANT ADMINISTRATOR, HEADQUARTER OPERATIONS ASSISTANT ADMINISTRATOR, MANAGEMENT/CHIEF FINANCIAL OFFICER ASSISTANT ADMINISTRATOR, FIELD OPERATIONS ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU DEPUTY ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU CHIEF STRATEGY OFFICER/ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PLANNING ASSISTANT ADMINISTRATOR, PERMITTING AND TAXATION
DEPARTMENT OF THE TREASURY	ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.	DIRECTOR, ECONOMIC MODELING AND COMPUTER APPLICATIONS
	ASSISTANT SECRETARY (TAX POLICY)	DEPUTY CHIEF FINANCIAL OFFICER CHIEF DIVERSITY AND INCLUSION OFFICER CHIEF COUNSEL, FINANCIAL CRIMES ENFORCEMENT NETWORK
	ASSISTANT SECRETARY FOR MANAGEMENT	EXECUTIVE DIRECTOR, CASE ADVOCACY DIRECTOR, DATA MANAGEMENT SERVICES AND SUPPORT CHIEF DATA AND ANALYTICS OFFICER ASSOCIATE CHIEF INFORMATION OFFICER FOR STRATEGY AND PLANNING
	GENERAL COUNSEL	EXECUTIVE DIRECTOR, OFFICE OF EQUITY, DIVERSITY, AND INCLUSION DIRECTOR, CYBERSECURITY OPERATIONS
	INTERNAL REVENUE SERVICE	

Agency name	Organization name	Position title
		DIRECTOR, WHISTLEBLOWER OFFICE DEPUTY DIVISION COUNSEL #2 (OPERATIONS)/ SMALL BUSINESS AND SELF EMPLOYED ASSOCIATE CHIEF INFORMATION OFFICER, CY- BERSECURITY CHIEF PRIVACY OFFICER DEPUTY ASSOCIATE CHIEF INFORMATION OFFI- CER, ENTERPRISE OPERATIONS DIRECTOR, EMPLOYEE SUPPORT SERVICES DIRECTOR, EXAMINATION HEADQUARTERS DIRECTOR, EXAMINATION AREA DIRECTOR, EXAMINATION - OGDEN ACCOUNTS MANAGEMENT FIELD DIRECTOR DIRECTOR, EXAMINATION—GULF STATES DEPUTY CHIEF HUMAN CAPITAL OFFICER, IN- TERNAL REVENUE SERVICE CHIEF, COMMUNICATIONS AND LIAISON DEPUTY CHIEF FINANCIAL OFFICER COMMISSIONER, LARGE AND MID- SIZED BUSI- NESS DIVISION INTERNAL REVENUE SERVICE HUMAN CAPITAL OFFICER DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDU- CATION AND COMMUNICATIONS CHIEF FINANCIAL OFFICER, INTERNAL REVENUE SERVICE DIRECTOR, SERVER SUPPORT AND SERVICES SENIOR ASSOCIATE CFO FOR FINANCIAL MAN- AGEMENT CHIEF PROCUREMENT OFFICER DEPUTY CHIEF, CRIMINAL INVESTIGATION DEPUTY DIVISION COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES COMMISSIONER, TAX EXEMPT AND GOVERN- MENT ENTITIES DIVISION DIRECTOR, EMPLOYEE PLANS DIRECTOR, OPERATIONS SUPPORT DIRECTOR, CUSTOMER ACCOUNT SERVICES— WAGE AND INVESTMENT DIRECTOR, SUBMISSION PROCESSING—WAGE AND INVESTMENT COMMISSIONER, WAGE AND INVESTMENT DEPUTY NATIONAL TAXPAYER ADVOCATE DIRECTOR, EXAMINATION—NORTH ATLANTIC AREA, SBSE DIRECTOR, TECHNOLOGY AND PROGRAM SO- LUTIONS DIRECTOR, HR SHARED SERVICES (HCO) DIRECTOR CAMPUS COLLECTION DIRECTOR OF CAMPUS COLLECTION—ANDOVER DIRECTOR, OPERATIONS SUPPORT DIRECTOR ENTERPRISE ARCHITECTURE DIRECTOR, COMPLIANCE PLANNING AND ANA- LYTICS DIRECTOR GOVERNMENT ENTITIES DIRECTOR, JOINT OPERATIONS CENTER DIRECTOR, ENTERPRISE CASE MANAGEMENT OFFICE TRANSFORMATION LEAD, OBJECTIVE 2—ISSUE RESOLUTION DIRECTOR, COMPLIANCE, APPLICATION DEVEL- OPMENT DIRECTOR, EXAMINATION - WESTERN DEPUTY ASSOCIATE CHIEF INFORMATION OFFI- CER, STRATEGY AND PLANNING DIRECTOR, STRATEGY SENIOR ADVISOR/TECHNOLOGY ADVISOR DIRECTOR, EXCHANGE AND OFFSHORE STRAT- EGY COMMISSIONER, SMALL BUSINESS/SELF-EM- PLOYED DEPUTY COMMISSIONER FOR SERVICES AND ENFORCEMENT DIRECTOR, EASTERN COMPLIANCE DIRECTOR, ENTERPRISE COMPUTING CENTER DEPUTY ASSOCIATE CHIEF INFORMATION OFFI- CER USER AND NETWORK SERVICES DIRECTOR, COLLECTION INVENTORY DELIVERY TRANSFORMATION LEAD, OBJECTIVE 4—AD- VANCED TECHNOLOGY AND ANALYTICS ASSISTANT DEPUTY COMMISSIONER FOR SERV- ICES AND ENFORCEMENT

Agency name	Organization name	Position title
		ACIO, ENTERPRISE OPERATIONS DIRECTOR FIELD OPERATIONS - WESTERN AREA DIRECTOR, COLLECTION PLANNING AND PERFORMANCE ANALYSIS DIRECTOR, CIVIL ENFORCEMENT ADVICE AND SUPPORT OPERATIONS AREA DIRECTOR, FIELD ASSISTANCE—AUSTIN CHIEF RISK OFFICER DIRECTOR, CORPORATE ISSUES AND CREDITS CHIEF LEARNING OFFICER/DIRECTOR, ENTERPRISE TALENT DEVELOPMENT TRANSFORMATION LEAD, OBJECTIVE 1—IMPROVING TAXPAYER SERVICES 1 DEPUTY DIRECTOR, ENTERPRISE COMPUTING CENTER ACIO, ENTERPRISE SERVICES DIRECTOR, CYBERSECURITY ARCHITECTURE AND IMPLEMENTATION SUBMISSION PROCESSING FIELD DIRECTOR DIRECTOR, TREATY AND TRANSFER PRICING OPERATIONS DIRECTOR, SUBMISSION PROCESSING FIELD DIRECTOR, ACCOUNTS MANAGEMENT—PUERTO RICO DIRECTOR, OFFICE OF CUSTOMER RELATIONS DIRECTOR, PRIVACY, POLICY AND COMPLIANCE DIRECTOR, OFFICE OF COMMUNICATIONS DIRECTOR, OFFICE OF HUMAN CAPITAL STRATEGY AND PLANNING DIRECTOR, RETURN INTEGRITY VERIFICATION OPERATIONS ASSOCIATE CHIEF FINANCIAL OFFICER FOR CORPORATE ACCOUNTING DIRECTOR, SPECIALTY COLLECTION OFFERS IN COMPROMISE DIRECTOR, FIELD EXAMINATION - SOUTH ATLANTIC AREA DIRECTOR, CYBER AND FORENSIC SERVICES DIRECTOR, CAPITAL MANAGEMENT AND OVERSIGHT DEPUTY CHIEF DATA AND ANALYTICS OFFICER—STATISTICS EXECUTIVE DIRECTOR, SYSTEMIC ADVOCACY DIRECTOR, PROCUREMENT OPERATIONS DIRECTOR, SERVICE PLANNING AND IMPROVEMENT DIRECTOR FIELD OPERATIONS - ENGINEERING DIRECTOR, NETWORK ENGINEERING AREA DIRECTOR, FIELD ASSISTANCE—FRESNO DIRECTOR, OPERATIONS SERVICE SUPPORT PROJECT DIRECTOR, COMPLIANCE REDESIGN DIRECTOR, NORTHEASTERN COMPLIANCE DEPUTY CHIEF PRIVACY OFFICER DIRECTOR, STAKEHOLDER PARTNERSHIPS, EDUCATION, AND COMMUNICATION DEPUTY CHIEF INFORMATION OFFICER FOR STRATEGY AND MODERNIZATION ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE PROGRAM MANAGEMENT OFFICE DIRECTOR, PLANNING AND SUPPORT EXECUTIVE DIRECTOR, LIFTING COMMUNITIES UP DEPUTY CHIEF DIVERSITY OFFICER DIRECTOR, GLOBAL OPERATIONS DIRECTOR, OPERATIONS SUPPORT FIELD DIRECTOR, ACCOUNTS MANAGEMENT—ATLANTA CHIEF INFORMATION OFFICER DIRECTOR, COLLECTION SOUTHWEST FIELD DIRECTOR, ACCOUNTS MANAGEMENT—AUSTIN DIRECTOR, BUSINESS TECHNOLOGY OPERATIONS DIRECTOR, PROMOTER INVESTIGATIONS DIRECTOR, FIELD OPERATIONS, TRANSFER PRICING PRACTICE ASSOCIATE DEPUTY COMMISSIONER FOR OPERATIONS SUPPORT DEPUTY ACIO, ENTERPRISE PROGRAM MANAGEMENT OFFICE DEPUTY DIRECTOR, SUBMISSION PROCESSING DIRECTOR, WESTERN COMPLIANCE

Agency name	Organization name	Position title
		DIRECTOR, CORPORATE DATA ACIO, USER AND NETWORK SERVICES DIRECTOR, ENTERPRISE FIELD OPERATIONS DIRECTOR, DEMAND, GOVERNANCE, PROJECT AND ACQUISITION MANAGEMENT DIRECTOR FIELD OPERATIONS (SOUTHEAST), EASTERN COMPLIANCE DIRECTOR, COLLECTION—GULF STATES DIRECTOR, ENTERPRISE ACTIVITIES DIRECTOR FIELD OPERATIONS (EAST), CROSS BORDER ACTIVITIES DIRECTOR, STRATEGY AND BUSINESS SOLU- TIONS EXECUTIVE DIRECTOR, CASE ADVOCACY IN- TAKE AND TECHNICAL SUPPORT DEPUTY CHIEF, TRANSFORMATION AND STRAT- EGY OFFICE DEPUTY ASSOCIATE CHIEF INFORMATION OFFI- CER, ENTERPRISE SERVICES CHIEF DIVERSITY OFFICER DIRECTOR, LABOR/EMPLOYEE RELATIONS AND NEGOTIATIONS DIRECTOR, WITHHOLDING, EXCHANGE AND INTERNATIONAL INDIVIDUAL COMPLIANCE DIRECTOR, EXEMPT ORGANIZATIONS—RULINGS AND AGREEMENTS DIRECTOR, GOVERNMENTAL LIAISON, DISCLO- SURE AND SAFEGUARDS PROJECT DIRECTOR, INFLATION REDUCTION ACT IMPLEMENTATION DIRECTOR, EXAMINATION - CENTRAL AREA DIRECTOR, COLLECTION - NORTHWEST DEPUTY CHIEF INFORMATION OFFICER FOR OP- ERATIONS TRANSFORMATION LEAD, OBJECTIVE 1—IM- PROVING TAXPAYER SERVICES 2 DIRECTOR, EXAMINATION - QUALITY AND TECH- NICAL SUPPORT ASSOCIATE CHIEF FINANCIAL OFFICER FOR CORPORATE BUDGET DIRECTOR, SPECIALTY COLLECTION INSOL- VENCY DIRECTOR FIELD COLLECTION DIRECTOR, INFORMATION TECHNOLOGY OPER- ATIONS COMMAND CENTER DIRECTOR FIELD OPERATIONS, INTERNATIONAL INDIVIDUAL COMPLIANCE DIRECTOR, ELECTRONIC FILE SERVICES DIRECTOR, INTERNAL MANAGEMENT DEPUTY DIRECTOR, CORPORATE DATA DIRECTOR FIELD OPERATIONS (NORTH CEN- TRAL), EASTERN COMPLIANCE DIRECTOR, PASS THROUGH ENTITIES DEPUTY DIRECTOR, SUBMISSION PROCESSING ASSOCIATE CHIEF FINANCIAL OFFICER FOR REVENUE FINANCIAL ACCOUNTING DIRECTOR, RETURN INTEGRITY AND COMPLI- ANCE SERVICES PROJECT DIRECTOR, ENTERPRISE DIGITALIZA- TION MANAGEMENT DIRECTOR, ENTERPRISE SYSTEMS TESTING DIRECTOR, EXAMINATION - SOUTHWEST AREA DIRECTOR, FIELD ASSISTANCE—ATLANTA DIRECTOR, EXEMPT ORGANIZATION/GOVERN- MENT ENTITIES DIRECTOR, EXAMINATION - CAMPUS DIRECTOR, EXAMINATION APPEALS DIRECTOR, BUSINESS DEVELOPMENT DIRECTOR, EXAMINATION- MEMPHIS DIRECTOR, RETURN INTEGRITY VERIFICATION PROGRAM MANAGEMENT DIRECTOR, FIELD ASSISTANCE DIRECTOR, RESOURCE SOLUTIONS DIRECTOR, EXAMINATION - MIDWEST AREA DIRECTOR, HUMAN RESOURCES CHIEF, BUSINESS CONTINUITY OPERATIONS OF- FICER ASSOCIATE CHIEF INFORMATION OFFICER—AP- PLICATIONS DEVELOPMENT DIRECTOR, STRATEGIES AND SOLUTIONS DEPUTY COMMISSIONER, SB/SE EXAMINATION DIRECTOR, CAMPUS COLLECTION - FRESNO DIRECTOR, TECHNOLOGY IMPLEMENTATION SERVICES

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, ACCOUNTS MANAGEMENT DIRECTOR FIELD OPERATIONS, FOREIGN PAYMENTS AND AUTOMATIC EXCHANGE OF INFORMATION DIRECTOR, EXAMINATION PLANNING AND PERFORMANCE ANALYSIS ACIO, MODERNIZATION DIRECTOR, ADVANCED ANALYTICS AND INNOVATION DIRECTOR, PUBLISHING DIRECTOR, COLLECTION—SOUTH ATLANTIC AREA DIRECTOR, CUSTOMER SERVICE SUPPORT DIRECTOR, DIGITAL PROJECTS DIRECTOR FIELD OPERATIONS - NORTHERN AREA AREA DIRECTOR, STAKEHOLDER PARTNERSHIP DEPUTY CHIEF APPEALS SPECIAL AGENT IN CHARGE WASHINGTON, DC DIRECTOR, OFFICE OF HUMAN RESOURCES STRATEGY AND TRANSFORMATION DIRECTOR, IDENTITY ASSURANCE DIRECTOR, REFUNDABLE CREDITS EXAMINATION OPERATIONS DIRECTOR, COMPLIANCE, PLANNING AND CLASSIFICATION DIRECTOR FIELD OPERATIONS (WEST) CROSS BORDER ACTIVITIES DIRECTOR, FIELD EXAMINATION DIRECTOR, DATA EXPLORATION AND TESTING DIRECTOR, CASE AND OPERATIONS SUPPORT DIRECTOR, CHIEF INFORMATION TECHNOLOGY OPERATION AND INVESTIGATIVE SERVICES DIRECTOR, BUSINESS SYSTEMS MODERNIZATION EXECUTIVE DIRECTOR, OPERATIONS SUPPORT DIRECTOR, COLLECTION - ATLANTA DIRECTOR, ACCOUNTS MANAGEMENT DIRECTOR, INVESTMENT AND PORTFOLIO CONTROL AND OVERSIGHT DEPUTY CHIEF OF STAFF DIVISION COUNSEL SMALL BUSINESS SMALL EMPLOYEE AREA DIRECTOR, FIELD ASSISTANCE—CINCINNATI FIELD DIRECTOR, SUBMISSION PROCESSING—KANSAS CITY DIRECTOR, RETURN INTEGRITY VERIFICATION OPERATIONS ACCOUNTS MANAGEMENT FIELD DIRECTOR ASSOCIATE CHIEF FINANCIAL OFFICER FOR INTERNAL CONTROLS DIRECTOR, OFFICE OF HUMAN RESOURCES OPERATIONS DIRECTOR, CUSTOMER ACCOUNT DATA ENGINE 2 DIRECTOR FIELD OPERATIONS (WEST) DIRECTOR, SOLUTION ENGINEERING DEPUTY COMMISSIONER, WAGE AND INVESTMENTS DEPUTY CHIEF PROCUREMENT OFFICER DIRECTOR, CROSS BORDER ACTIVITIES DIRECTOR, COLLECTION—CAMPUS DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY DIRECTOR, COLLECTION - HEADQUARTERS DIRECTOR, FINANCIAL MANAGEMENT SERVICE DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR APPLICATIONS DEVELOPMENT DIRECTOR, KNOWLEDGE DEVELOPMENT AND APPLICATION DEPUTY CHIEF INFORMATION OFFICER FOR STRATEGY/MODERNIZATION CHIEF, FACILITIES MANAGEMENT AND SECURITY SERVICES DIRECTOR, COLLECTION DIRECTOR, SERVICEWIDE OPERATIONS DIRECTOR, COLLECTION APPEALS DIRECTOR, SPECIALIZED EXAMINATION PROGRAMS AND REFERRALS PROJECT DIRECTOR, STRATEGIC INTEGRATION DIRECTOR, EXAMINATION - SPECIALITY TAX DEPUTY COMMISSIONER, OPERATIONS SUPPORT

Agency name	Organization name	Position title
		DIRECTOR, RETURN PREPARER OFFICE DIRECTOR, OPERATIONS SERVICE SUPPORT DIRECTOR, STRATEGIC SUPPLIER MANAGE- MENT DIRECTOR, COMPLIANCE STRATEGY AND POL- ICY DEPUTY ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT DIRECTOR, FILING AND PREMIUM TAX CREDIT DIRECTOR FIELD OPERATIONS (SOUTH CEN- TRAL), WESTERN COMPLIANCE DIRECTOR FIELD OPERATIONS (WEST), WEST- ERN COMPLIANCE AREA DIRECTOR, FIELD ASSISTANCE DEPUTY DIRECTOR, PASS- THROUGH EXAM STRATEGY AND PROMOTER PROGRAMS DIRECTOR OF FIELD OPERATIONS, GLOBAL HIGH WEALTH AND HIGH INCOME COMPLI- ANCE STRATEGY DIRECTOR, TALENT ACQUISITION SPECIAL AGENT IN CHARGE (3) DEPUTY CHIEF TAX PAYER EXPERIENCE OFFI- CER DIRECTOR, ADVANCE PRICING AND MUTUAL AGREEMENT DEPUTY CHIEF, FACILITIES MANAGEMENT AND SECURITY SERVICES DIRECTOR CAMPUS EXAMINATION CINCINNATI DIRECTOR, CUSTOMER ASSISTANCE RELATION- SHIP AND EDUCATION CHIEF CRIMINAL INVESTIGATION DIRECTOR OF FIELD OPERATIONS NATIONAL DIRECTOR, LEGISLATIVE AFFAIRS DIRECTOR EXEMPT ORGANIZATIONS EXAMINA- TIONS DIRECTOR, EMPLOYEE PLANS RULINGS AND AGREEMENTS DIRECTOR, FINANCIAL INSTITUTIONS AND PRODUCTS DIRECTOR FIELD OPERATIONS (NORTH ATLAN- TIC) NORTHEASTERN COMPLIANCE DIRECTOR, WORKLIFE, BENEFITS AND PER- FORMANCE SPECIAL AGENT IN CHARGE, CRIMINAL INVES- TIGATION PROJECT DIRECTOR FOR DEPUTY COMMIS- SIONER SERVICES AND ENFORCEMENT DIRECTOR, DATA MANAGEMENT DIVISION DIRECTOR, SECURITY OPERATIONS AND STANDARDS SECRETARY OF THE TREASURY DIRECTOR, OFFICE OF CIVIL RIGHTS AND EQUAL EMPLOYMENT OPPORTUNITY DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF SMALL AND DISADVAN- TAGED BUSINESS UTILIZATION FIELD DIRECTOR, ACCOUNTS MANAGEMENT— BROOKHAVEN CHIEF OPERATING OFFICER, OFFICE OF RE- COVERY PROGRAMS UNITED STATES MINT ASSOCIATE DIRECTOR FOR SALES AND MAR- KETING PLANT MANAGER, DENVER ASSOCIATE DIRECTOR, ENVIRONMENT, SAFETY AND HEALTH CHIEF ADMINISTRATIVE OFFICER DIRECTOR, OFFICE OF COIN STUDIES ASSOCIATE DIRECTOR FOR FINANCIAL MAN- AGEMENT/CHIEF FINANCIAL OFFICER ASSOCIATE DIRECTOR FOR MANUFACTURING PLANT MANAGER, PHILADELPHIA ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER) FISCAL ASSISTANT SECRETARY BUREAU OF THE FISCAL SERVICE DEPUTY ASSISTANT COMMISSIONER, ADMINIS- TRATIVE RESOURCE CENTER SERVICE DELIV- ERY DIRECTOR, REGIONAL FINANCIAL CENTER (PHILADELPHIA) ASSISTANT COMMISSIONER FISCAL ACCOUNT- ING DEPUTY ASSISTANT COMMISSIONER, MOD- ERNIZATION, INNOVATION, AND PAYMENT MANAGEMENT

Agency name	Organization name	Position title
		ASSISTANT COMMISSIONER, DISBURSING AND DEBT MANAGEMENT DEPUTY ASSISTANT COMMISSIONER FOR PROGRAM SOLUTIONS AND SUPPORT (TREASURY SECURITIES SERVICES) DEPUTY CHIEF INFORMATION OFFICER ASSISTANT COMMISSIONER, REVENUE COLLECTIONS MANAGEMENT EXECUTIVE DIRECTOR, GOVERNMENT SECURITIES REGULATIONS ASSISTANT COMMISSIONER, DEBT MANAGEMENT SERVICES DEPUTY ASSISTANT COMMISSIONER, TAX AND COMPLIANCE ASSISTANT COMMISSIONER, MANAGEMENT (CHIEF FINANCIAL OFFICER) ASSISTANT COMMISSIONER ADMINISTRATIVE RESOURCE CENTER SERVICE DELIVERY DEPUTY ASSISTANT COMMISSIONER, COLLECTIONS AND DEPOSITS DEPUTY ASSISTANT COMMISSIONER (SHARED SERVICES) ASSISTANT COMMISSIONER, INFORMATION AND SECURITY SERVICES (CHIEF INFORMATION OFFICER) DEPUTY ASSISTANT COMMISSIONER (MANAGEMENT) DEPUTY ASSISTANT COMMISSIONER, DEBT COLLECTIONS MANAGEMENT DEPUTY ASSISTANT COMMISSIONER, SUPPORT SERVICES DEPUTY COMMISSIONER ADMINISTRATIVE RESOURCE CENTER DEPUTY COMMISSIONER TRANSFORMATION AND MODERNIZATION DEPUTY COMMISSIONER, FINANCING AND OPERATIONS COMMISSIONER, BUREAU OF THE FISCAL SERVICE DEPUTY ASSISTANT COMMISSIONER (FISCAL ACCOUNTING OPERATIONS) DEPUTY ASSISTANT COMMISSIONER FOR SECURITIES MANAGEMENT (TREASURY SECURITIES SERVICES) DEPUTY ASSISTANT COMMISSIONER, PROGRAMS, POLICY AND CUSTOMER RELATIONS DEPUTY ASSISTANT COMMISSIONER (ACCOUNTING SUPPORT AND OUTREACH) ASSISTANT COMMISSIONER (RETAIL SECURITIES SERVICES) DEPUTY ASSISTANT COMMISSIONER (WHOLESALE SECURITIES SERVICES) DEPUTY ASSISTANT COMMISSIONER (RETAIL SECURITIES SERVICES) ASSOCIATE COMMISSIONER FINANCIAL OPERATIONS ASSISTANT COMMISSIONER, WHOLESALE SECURITIES SERVICES ASSISTANT COMMISSIONER AND CHIEF DATA OFFICER ASSISTANT COMMISSIONER AND CHIEF CUSTOMER OFFICER DEPUTY ASSISTANT COMMISSIONER, ENTERPRISE INFORMATION TECHNOLOGY OPERATIONS ASSISTANT COMMISSIONER AND CHIEF FINANCIAL OFFICER DEPUTY ASSISTANT COMMISSIONER AND DEPUTY CHIEF FINANCIAL OFFICER ASSISTANT COMMISSIONER, ADMINISTRATIVE RESOURCE CENTER, MANAGEMENT, MODERNIZATION AND CUSTOMER CARE DEPUTY ASSISTANT COMMISSIONER, FISCAL ACCOUNTING DEPUTY ASSISTANT COMMISSIONER, ADMINISTRATIVE RESOURCE CENTER MANAGEMENT, MODERNIZATION AND CUSTOMER CARE ASSISTANT COMMISSIONER AND CHIEF STRATEGY INTEGRATION OFFICER ASSISTANT COMMISSIONER AND CHIEF HUMAN RESOURCE OFFICER DEPUTY ASSISTANT COMMISSIONER, FISCAL AND FINANCIAL AGENT SERVICES

Agency name	Organization name	Position title
INTERNAL REVENUE SERVICE	INTERNAL REVENUE SERVICE CHIEF COUNSEL	SPECIAL COUNSEL TO THE NATIONAL TAX-PAYER ADVOCATE DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL TECHNICAL) DEPUTY CHIEF COUNSEL (OPERATIONS) DEPUTY CHIEF COUNSEL (TECHNICAL) ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL DEPUTY DIVISION COUNSEL AND DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) (AREA 7) AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL)(AREA 1) DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT) AREA COUNSEL (LARGE AND MID SIZE BUSINESS)(AREA 2)(HEAVY MANUFACTURING, CONSTRUCTION AND TRANSPORTATION) AREA COUNSEL (LARGE AND MID SIZE BUSINESS)(AREA 4)(NATURAL RESOURCES) AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) - PHILADELPHIA AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) - JACKSONVILLE AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—CHICAGO AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—DENVER AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—LOS ANGELES AREA COUNSEL, LARGE AND MID SIZE BUSINESS (AREA 3) (FOOD, MASS RETAILERS, AND PHARMACEUTICALS) DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (CRIMINAL TAX) ASSOCIATE CHIEF COUNSEL (CORPORATE) DEPUTY ASSOCIATE CHIEF COUNSEL #2 (INCOME TAX AND ACCOUNTING) DEPUTY DIVISION COUNSEL (LARGE AND MID-SIZE BUSINESS) DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) ASSOCIATE CHIEF COUNSEL (INCOME TAX AND ACCOUNTING) DEPUTY DIVISION COUNSEL/DEPUTY ASSISTANT CHIEF COUNSEL (CRIMINAL TAX) ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL FIELD SERVICE AND LITIGATION) AREA COUNSEL, SMALL BUSINESS AND SELF EMPLOYED, AREA 9 DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) (LABOR AND PERSONNEL LAW) DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS) DIVISION COUNSEL (WAGE AND INVESTMENT) ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT) DEPUTY ASSISTANT COMM (TECHNICAL) DEPUTY TO THE SPECIAL COUNSEL TO THE CHIEF COUNSEL HEALTHCARE COUNSEL (OFFICE OF HEALTHCARE) DIVISION COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DC ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES)

Agency name	Organization name	Position title
		ASSOCIATE CHIEF COUNSEL (PASSTHROUGHS AND SPECIAL INDUSTRIES) DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) DEPUTY ASSOCIATE CHIEF COUNSEL, (PASSTHROUGHS AND SPECIAL INDUSTRIES) DIVISION COUNSEL, LARGE BUSINESS AND INTERNATIONAL DEPUTY ASSOCIATE CHIEF COUNSEL, OPERATIONS AND INTERNATIONAL PROGRAMS DEPUTY ASSOCIATE CHIEF COUNSEL (CORPORATE) ASSOCIATE CHIEF COUNSEL, (INTERNATIONAL) DEPUTY DIVISION COUNSEL, INTERNATIONAL (LARGE BUSINESS AND INTERNATIONAL) AREA COUNSEL, SMALL BUSINESS AND SELF EMPLOYED (AREA 1) ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS) DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (NATIONAL TAXPAYER ADVOCATE PROGRAM) DEPUTY ASSOCIATE CHIEF COUNSEL DEPUTY ASSOCIATE CHIEF COUNSEL, CONTROVERSY AND LITIGATION (INTERNATIONAL) DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL PROGRAMS AND OPERATIONS) ASSOCIATE CHIEF COUNSEL (INCOME TAX AND ACCOUNTING) DEPUTY ASSOCIATE CHIEF COUNSEL (EEE/EOET) DEPUTY ASSOCIATE CHIEF COUNSEL (EMPLOYEE BENEFITS) AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL) AREA 1 AREA COUNSEL—AREA 3—LARGE BUSINESS AND INTERNATIONAL DEPUTY ASSOCIATE CHIEF COUNSEL, LITIGATION (INTERNATIONAL) NATIONAL STRATEGIC LITIGATION COUNSEL, DIVISION COUNSEL (LARGE BUSINESS AND INTERNATIONAL) DEPUTY DIVISION COUNSEL (OPERATIONS), SMALL BUSINESS/SELF EMPLOYED DIVISION DEPUTY DIVISION COUNSEL (TECHNICAL) DEPUTY DIVISION COUNSEL (TECHNICAL) AREA COUNSEL (AREA 8), SMALL BUSINESS/SELF-EMPLOYED DIVISION AREA COUNSEL (AREA 6), SMALL BUSINESS/SELF-EMPLOYED DIVISION DEPUTY DIVISION COUNSEL (STRATEGIC AND LITIGATION) DIRECTOR, PROGRAM AND BUSINESS SOLUTIONS DIRECTOR, FEDERAL INSURANCE OFFICE DEPUTY DIRECTOR, FEDERAL INSURANCE OFFICE DEPUTY ASSISTANT SECRETARY FOR FISCAL OPERATIONS AND POLICY DEPUTY ASSISTANT SECRETARY, OFFICE OF ACCOUNTING POLICY AND FINANCIAL TRANSPARENCY FISCAL ASSISTANT SECRETARY DEPUTY ASSISTANT SECRETARY FOR SECURITY AND COUNTERINTELLIGENCE DIRECTOR, EXECUTIVE OFFICE FOR ASSET FORFEITURE ASSOCIATE DIRECTOR, POLICY DIVISION ASSOCIATE DIRECTOR, INTELLIGENCE DIVISION ASSOCIATE DIRECTOR, ENFORCEMENT DIVISION DIRECTOR, FINANCIAL CRIMES ENFORCEMENT NETWORK ASSOCIATE DIRECTOR, TECHNOLOGY SOLUTIONS AND SERVICES DIVISION/CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR, MANAGEMENT PROGRAMS DIVISION ASSOCIATE DIRECTOR, LIAISON DIVISION
UNDER SECRETARY FOR DOMESTIC FINANCE	ASSISTANT SECRETARY FOR FINANCIAL INSTITUTIONS. FISCAL ASSISTANT SECRETARY	
UNDER SECRETARY FOR TERRORISM AND FINANCIAL INTELLIGENCE.	ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS. ASSISTANT SECRETARY FOR TERRORIST FINANCING. FINANCIAL CRIMES ENFORCEMENT NETWORK ..	

Agency name	Organization name	Position title
DEPARTMENT OF THE TREASURY OFFICE OF THE INSPECTOR GENERAL. DEPARTMENT OF THE TREASURY OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF AUDIT	DEPUTY DIRECTOR DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL SECTOR AUDITS) ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL MANAGEMENT AND TRANSPARENCY AUDIT) DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (CYBER AND FINANCIAL ASSISTANCE AUDIT) COUNSEL TO THE INSPECTOR GENERAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT
	OFFICE OF COUNSEL	
	OFFICE OF INVESTIGATIONS	
	OFFICE OF MANAGEMENT	
DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET.	DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.	ASSISTANT DEPUTY SPECIAL INSPECTOR GENERAL FOR INVESTIGATIONS GENERAL COUNSEL DEPUTY SPECIAL INSPECTOR GENERAL AUDIT
	DEPUTY SPECIAL INSPECTOR GENERAL, INVESTIGATIONS.	
DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR.	DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR AUDIT, COMPLIANCE AND ENFORCEMENT OPERATIONS CHIEF INFORMATION OFFICER ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, INVESTIGATIVE OPERATIONS CHIEF COUNSEL DEPUTY INSPECTOR GENERAL FOR MISSION SUPPORT AND CHIEF FINANCIAL OFFICER DEPUTY INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS DEPUTY INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT SERVICES AND EXEMPT ORGANIZATIONS ASSISTANT INSPECTOR GENERAL FOR AUDIT, SECURITY AND INFORMATION TECHNOLOGY SERVICES ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT, PLANNING AND WORKFORCE DEVELOPMENT ASSISTANT INSPECTOR GENERAL FOR AUDIT, RETURNS PROCESSING AND ACCOUNTING SERVICES DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, INVESTIGATIVE OPERATIONS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—INVESTIGATIVE OPERATIONS DEPUTY CHIEF COUNSEL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—OPERATIONAL SUPPORT ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT. OFFICE OF THE ADMINISTRATOR	BUREAU FOR MANAGEMENT	CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF INFORMATION OFFICER DEPUTY DIRECTOR, ACCOUNTABILITY, COMPLIANCE, TRANSPARENCY AND SYSTEM SUPPORT DIRECTOR, OFFICE OF MANAGEMENT POLICY, BUDGET AND PERFORMANCE DIRECTOR, OFFICE OF ACQUISITION AND ASSISTANCE CHIEF TECHNOLOGY OFFICER DIRECTOR CHIEF HUMAN CAPITAL OFFICER
	OFFICE OF HUMAN CAPITAL AND TALENT MANAGEMENT.	

Agency name	Organization name	Position title
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR.	OFFICE OF SECURITY	DEPUTY CHIEF HUMAN CAPITAL OFFICER DEPUTY DIRECTOR, OFFICE OF SECURITY DIRECTOR, OFFICE OF SECURITY
	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL, ETHICS AND ADMINISTRATION CHIEF INNOVATION COUNSEL ASSISTANT GENERAL COUNSEL FOR GH DEPUTY GENERAL COUNSEL
	BUREAU FOR PLANNING, LEARNING, AND RESOURCE MANAGEMENT.	DIRECTOR, BUDGET AND RESOURCE MANAGEMENT
	UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT COUNSELOR TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS
	UNITED STATES INTERNATIONAL TRADE. OFFICE OF OPERATIONS	DIRECTOR OFFICE OF ECONOMICS DIRECTOR OFFICE OF INDUSTRIES DIRECTOR, OFFICE OF INVESTIGATIONS DIRECTOR, OFFICE TARIFF AFFAIRS AND TRADE AGREEMENTS DIRECTOR, OFFICE OF UNFAIR IMPORT INVESTIGATIONS
	UNITED STATES INTERNATIONAL TRADE COMMISSION.	CHIEF ADMINISTRATIVE OFFICER
	OFFICE OF ADMINISTRATIVE SERVICES	CHIEF ADMINISTRATIVE OFFICER
	OFFICE OF OPERATIONS	DIRECTOR OFFICE OF OPERATIONS
	OFFICE OF THE CHAIRMAN	CHIEF OF STAFF
DEPARTMENT OF VETERANS AFFAIRS. DEPARTMENT OF VETERANS AFFAIRS	OFFICE OF THE CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER
	OFFICE OF THE CHIEF INFORMATION OFFICER ..	CHIEF INFORMATION OFFICER
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL
	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL
	BOARD OF VETERANS' APPEALS	VICE CHAIRMAN CHIEF COUNSEL, BOARD OF VETERANS APPEALS DEPUTY VICE CHAIRMAN, BOARD OF VETERANS APPEALS DEPUTY VICE CHAIRMAN (3)
	NATIONAL CEMETERY ADMINISTRATION	DEPUTY UNDER SECRETARY FOR FINANCE AND PLANNING ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL HEALTHCARE ACQUISITION ASSOCIATE EXECUTIVE DIRECTOR, ACQUISITION PROGRAM SUPPORT EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION AND LOGISTICS ASSOCIATE EXECUTIVE DIRECTOR, RESOURCE MANAGEMENT ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES PLANNING ASSOCIATE EXECUTIVE DIRECTOR, OFFICE OF DESIGN AND CONSTRUCTION ASSOCIATE EXECUTIVE DIRECTOR, PROCUREMENT POLICY, SYSTEMS AND OVERSIGHT EXECUTIVE DIRECTOR, CONSTRUCTION AND FACILITIES MANAGEMENT ASSOCIATE EXECUTIVE DIRECTOR, TECHNOLOGY ACQUISITION CENTER ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES ACQUISITIONS ASSOCIATE EXECUTIVE DIRECTOR, STRATEGIC ACQUISITION CENTER EXECUTIVE DIRECTOR, COMPLIANCE AND OVERSIGHT
	OFFICE OF ACQUISITION, LOGISTICS AND CONSTRUCTION.	EXECUTIVE DIRECTOR, INVESTIGATIONS
	OFFICE OF THE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.	

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION/ OPERATIONS, SECURITY, AND PREPAREDNESS.	DEPUTY ASSISTANT SECRETARY, ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION CHIEF SECURITY OFFICER
	OFFICE OF THE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY.	EXECUTIVE DIRECTOR, LABOR MANAGEMENT RELATIONS EXECUTIVE DIRECTOR, INFRASTRUCTURE OPERATIONS DEPUTY CHIEF INFORMATION SECURITY OFFICER, INFORMATION SECURITY OPERATIONS CHIEF FINANCIAL OFFICER, INFORMATION TECHNOLOGY BUDGET AND FINANCE DEPUTY CHIEF INFORMATION OFFICER FOR COMPLIANCE, RISK AND REMEDIATION DEPUTY ASSISTANT SECRETARY, CHIEF INFORMATION SECURITY OFFICER DEPUTY CHIEF INFORMATION OFFICER STRATEGIC SOURCING DEPUTY EXECUTIVE DIRECTOR, OFFICE OF BUSINESS OVERSIGHT DEPUTY ASSISTANT SECRETARY FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION, OFFICE OF FINANCE ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION SERVICE SYSTEMS ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION OPERATIONS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE EXECUTIVE DIRECTOR, DEBT MANAGEMENT CENTER ASSOCIATE DEPUTY ASSISTANT SECRETARY, BUDGET OPERATIONS ASSOCIATE DEPUTY ASSISTANT SECRETARY, PROGRAM BUDGETS DEPUTY EXECUTIVE DIRECTOR ASSET ENTERPRISE MANAGEMENT ADAS FOR FINANCIAL PROCESS IMPROVEMENT AND AUDIT READINESS, OFFICE OF FINANCE EXECUTIVE DIRECTOR, OFFICE OF BUSINESS OVERSIGHT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL POLICY, OFFICE OF FINANCE EXECUTIVE DIRECTOR, ASSET ENTERPRISE MANAGEMENT EXECUTIVE DIRECTOR, FINANCIAL SERVICES CENTER, OFFICE OF FINANCE DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE DEPUTY ASSISTANT SECRETARY FOR BUDGET PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANAGEMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL BUSINESS OPERATIONS, OFFICE OF FINANCE EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION OPERATIONS
	OFFICE OF THE GENERAL COUNSEL	CHIEF COUNSEL, INFORMATION AND ADMINISTRATIVE LAW GROUP CHIEF COUNSEL, DISTRICT CONTRACTING CHIEF COUNSEL, BENEFITS LAW GROUP CHIEF COUNSEL, SOUTHEAST DISTRICT-NORTH CHIEF COUNSEL, LOAN GUARANTY CHIEF COUNSEL, TORTS AND ADMINISTRATIVE LAW ASSISTANT CHIEF COUNSEL, COURT OF APPEALS FOR VETERANS' CLAIMS LITIGATION GROUP SENIOR COUNSEL TO THE GENERAL COUNSEL CHIEF COUNSEL COURT OF APPEALS FOR VETERANS' CLAIMS LITIGATION GROUP CHIEF COUNSEL ETHICS SPECIALTY TEAM DEPUTY GENERAL COUNSEL GENERAL LAW PRINCIPAL DEPUTY GENERAL COUNSEL CHIEF COUNSEL, PERSONNEL LAW GROUP CHIEF COUNSEL CONTINENTAL DISTRICT DEPUTY GENERAL COUNSEL, LEGAL OPERATIONS CHIEF COUNSEL MIDWEST DISTRICT EAST

Agency name	Organization name	Position title
		CHIEF COUNSEL NORTH ATLANTIC DISTRICT SOUTH CHIEF COUNSEL PACIFIC DISTRICT CHIEF COUNSEL COLLECTIONS NATIONAL PRACTICE GROUP CHIEF COUNSEL REAL PROPERTY LAW GROUP DEPUTY GENERAL COUNSEL VETERANS PROGRAMS EXECUTIVE DIRECTOR, MANAGEMENT PLANNING AND ANALYSIS CHIEF COUNSEL HEALTH LAW GROUP CHIEF COUNSEL, PROCUREMENT LAW GROUP EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION DIRECTOR OFFICE OF EMPLOYMENT DISCRIMINATION COMPLAINT ADJUDICATION DEPUTY EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION DEPUTY EXECUTIVE DIRECTOR, ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER DEPUTY EXECUTIVE DIRECTOR FOR POLICY AND PROCEDURES EXECUTIVE DIRECTOR, LOAN GUARANTY SERVICE EXECUTIVE DIRECTOR, PERFORMANCE ANALYSIS AND INTEGRITY DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS, COMPENSATION SERVICES DEPUTY CHIEF FINANCIAL OFFICER, ACCOUNTING AND BUSINESS OPERATIONS EXECUTIVE DIRECTOR, REGIONAL PROCUREMENT OFFICE (CENTRAL) EXECUTIVE DIRECTOR, SERVICE AREA (WEST) ASSOCIATE CHIEF FINANCIAL OFFICER FINANCE OPERATIONS AND SUPPORT EXECUTIVE DIRECTOR, REGIONAL PROCUREMENT OFFICE (EAST) CHIEF OPERATING OFFICER VETERANS CANTEN SERVICE EXECUTIVE DIRECTOR, COMPLIANCE AND BUSINESS INTEGRITY DEPUTY CHIEF FINANCIAL OFFICER, VETERANS HEALTH ADMINISTRATION EXECUTIVE DIRECTOR, ACQUISITION ASSOCIATE CHIEF FINANCIAL OFFICER FOR MANAGERIAL COST ACCOUNTING ASSOCIATE CHIEF FINANCIAL OFFICER FINANCIAL MANAGEMENT AND ACCOUNTING EXECUTIVE DIRECTOR, VETERANS CANTEN SERVICE CHIEF FINANCIAL OFFICER, VETERANS HEALTH ADMINISTRATION EXECUTIVE DIRECTOR
OFFICE OF THE ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION/ OPERATIONS, SECURITY, AND PREPAREDNESS.	OFFICE OF THE SECRETARY AND DEPUTY	
	VETERANS BENEFITS ADMINISTRATION	
	VETERANS HEALTH ADMINISTRATION	
	OFFICE OF CORPORATE SENIOR EXECUTIVE MANAGEMENT.	
	OFFICE OF EMERGENCY MANAGEMENT	EXECUTIVE DIRECTOR EMERGENCY MANAGEMENT AND RESILIENCE
	OFFICE OF OPERATIONS, SECURITY AND PREPAREDNESS.	EXECUTIVE DIRECTOR FOR SECURITY AND LAW ENFORCEMENT CHIEF OF POLICE EXECUTIVE DIRECTOR, IDENTITY, CREDENTIAL AND ACCESS MANAGEMENT DEPUTY ASSISTANT SECRETARY FOR RESOLUTION MANAGEMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR RESOLUTION MANAGEMENT
OFFICE OF THE ASSISTANT SECRETARY FOR MANAGEMENT.	OFFICE OF RESOLUTION MANAGEMENT	ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL REPORTING EXECUTIVE DIRECTOR, OFFICE OF ACTUARY SERVICES
DEPARTMENT OF VETERANS AFFAIRS OFFICE OF THE INSPECTOR GENERAL. DEPARTMENT OF VETERANS AFFAIRS OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF FINANCE	
	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL.	PRINCIPAL DEPUTY COUNSELOR TO THE INSPECTOR GENERAL CHIEF DATA OFFICER DEPUTY INSPECTOR GENERAL COUNSELOR TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS.	

Agency name	Organization name	Position title
	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (HEADQUARTERS MANAGEMENT AND INSPECTIONS).	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (FIELD OPERATIONS)
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (FIELD OPERATIONS) PRINCIPAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (HEADQUARTERS OPERATIONS) PRINCIPAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	DEPUTY ASSISTANT IG FOR MANAGEMENT AND ADMINISTRATION—CHIEF TECHNOLOGY OFFICER ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS DEPUTY ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.	
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS.	

Authority: 5 U.S.C. 3132.

Office of Personnel Management.
Kiran A. Ahuja,

Director.
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Part IV

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 217

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Sunrise Wind Offshore Wind Farm Project Offshore New York; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

[Docket No. 240501–0124]

RIN 0648–BL67

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Sunrise Wind Offshore Wind Farm Project Offshore New York

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

ACTION: Final rule.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, NMFS hereby promulgates regulations to govern the incidental taking of marine mammals incidental to Sunrise Wind, LLC (Sunrise Wind), a 50/50 joint venture between Ørsted North America, Inc. (Ørsted) and Eversource Investment, LLC, construction of the Sunrise Wind Offshore Wind Farm Project (hereafter known as the “Project”) in Federal and State waters offshore New York, 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–0487 (Lease Area) and along one export cable route to sea-to-shore transition points in Shirley, New York (collectively referred to as the “Project Area”), over the course of 5 years (June 21, 2024–June 20, 2029). These regulations, which allow for the issuance of a Letter of Authorization (LOA) for the incidental take of marine mammals during construction-related activities within the Project Area during the effective dates of the regulations, 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 as well as requirements pertaining to the monitoring and reporting of such taking.

DATES: This rule is effective from June 21, 2024, through June 20, 2029.

FOR FURTHER INFORMATION CONTACT: Jaclyn Daly, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:**Availability**

A copy of Sunrise Wind’s application and supporting documents, received public comments, and the proposed rulemaking 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-other-energy-activities-renewable>. In case of problems accessing these documents, please call the contact listed above (**FOR FURTHER INFORMATION CONTACT**).

Purpose and Need for Regulatory Action

This final rule, as promulgated, provides a framework under the authority of the MMPA (16 U.S.C. 1361 *et seq.*) for NMFS to authorize the take of marine mammals incidental to construction of the Project within the Project Area. NMFS received a request from Sunrise Wind to incidentally take a small number of marine mammals from 16 species of marine mammals, comprising 16 stocks (7 stocks by Level A harassment and Level B harassment; 9 stocks by Level B harassment only), incidental to Sunrise Wind’s 5 years of construction activities. Sunrise Wind did not request authorization for, and NMFS neither anticipates nor allows, take by serious injury or mortality incidental to the specified activities to be authorized under this final rulemaking.

Legal Authority for the Final Action

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, 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, 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 as “mitigation”); and requirements pertaining to the monitoring and reporting of such takings.

As noted above, Sunrise Wind did not request for authorization of, and NMFS neither anticipates nor allows, take by serious injury or mortality incidental to the specified activities to be authorized under this final rulemaking. Relevant definitions of MMPA statutory and regulatory terms are included below:

- *U.S. Citizens*—individual U.S. citizens or any corporation or similar entity if it is organized under the laws of the United States or any governmental unit defined in 16 U.S.C. 1362(13) (50 CFR 216.103);
- *Take*—to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal (16 U.S.C. 1362(13); 50 CFR 216.3);
- *Incidental Harassment, Incidental Taking and Incidental, but not Intentional, Taking*—an accidental taking. This does not mean that the taking is unexpected, but rather it includes those takings that are infrequent, unavoidable, or accidental (50 CFR 216.103);
- *Serious Injury*—any injury that will likely result in mortality (50 CFR 216.3);
- *Level A harassment*—any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild (16 U.S.C. 1362(18); 50 CFR 216.3); and
- *Level B harassment*—any act of pursuit, torment, or annoyance which 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 (16 U.S.C. 1362(18); 50 CFR 216.3).

Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I, provide the legal basis for proposing and, if appropriate, issuing regulations and an associated LOA(s). This final rule establishes permissible methods of taking and mitigation, monitoring, and reporting requirements for Sunrise Wind’s construction activities.

Summary of Major Provisions Within the Final Rule

The major provisions of this final rule are:

- Allowing NMFS to authorize, under a LOA, the take of small numbers of

marine mammals by Level A harassment and/or Level B harassment (50 CFR 217.312) incidental to the Project and prohibiting take of such species or stocks in any manner not permitted (50 CFR 217.313) (e.g., mortality or serious injury);

- Establishing a seasonal moratorium for foundation impact pile driving from January 1 through April 30 annually and requirements to avoid, to the maximum extent practicable, foundation impact pile driving in December and to obtain NMFS prior approval to minimize impacts to the North Atlantic right whale (NARW) (*Eubalaena glacialis*);

- Establishing a seasonal moratorium on the detonation of unexploded ordnance or munitions and explosives of concern (UXO/MEC) from December 1 through April 30 annually to minimize impacts to NARW;

- Requirements for UXO/MEC detonations to only occur if all other means of removal are exhausted (i.e., As Low As Reasonably Practical (ALARP) risk mitigation procedure) and conducting UXO/MEC detonations during daylight hours only and limiting detonations to 1 per 24-hour period;

- Conducting both visual and passive acoustic monitoring (PAM) by trained, NMFS-approved Protected Species Observers (PSOs) and PAM operators before, during, and after select in-water construction activities;

- Requiring training for all Project personnel to ensure marine mammal protocols and procedures are understood;

- Establishing clearance and shutdown zones for all in-water construction activities to prevent or reduce the risk of Level A harassment and to minimize the risk of Level B harassment, including a delay or shutdown of foundation impact pile driving and delay to UXO/MEC detonation if a NARW is observed at any distance by PSOs or acoustically detected within certain distances;

- Establishing minimum visibility and PAM monitoring zones during foundation impact pile driving;

- Requiring use of at least two sound attenuation devices during all foundation impact pile driving installation activities and UXO/MEC detonations to reduce noise levels to those modeled assuming a broadband 10 decibel (dB) attenuation;

- Requiring sound field verification (SFV) monitoring during impact pile driving of foundation piles and during UXO/MEC detonations to measure *in situ* noise levels for comparison against the modeled results and ensure noise levels assuming 10 dB attenuation are not exceeded;

- Requiring SFV during the operational phase of the Project;

- Implementing soft-starts during impact pile driving and ramp-up during the use of high-resolution geophysical (HRG) marine site characterization survey equipment;

- Requiring various vessel strike avoidance measures;

- Requiring various measures during fisheries monitoring surveys, such as immediately removing gear from the water if marine mammals are considered at-risk of interacting with gear;

- Requiring regular and situational reporting including, but not limited to, information regarding activities occurring, marine mammal observations and acoustic detections, and sound field verification monitoring results; and

- Requiring monitoring of the NARW sighting networks, Channel 16, and PAM data as well as reporting any sightings to NMFS.

Through adaptive management (50 CFR 217.317(c)(1)) NMFS Office of Protected Resources may modify (e.g., remove, revise, or add to) the existing mitigation, monitoring, or reporting measures summarized above and required by the LOA. NMFS must withdraw or suspend an LOA issued under these regulations after notice and opportunity for public comment if it finds the methods of taking or the mitigation, monitoring, or reporting measures are not being substantially complied with (16 U.S.C. 1371(a)(5)(B); 50 CFR 216.106(e)). Additionally, failure to comply with the requirements of the LOA may result in civil monetary penalties and knowing violations may result in criminal penalties (16 U.S.C. 1375; 50 CFR 216.106(g)).

Fixing America's Surface Transportation Act (FAST-41)

This project is covered under Title 41 of the Fixing America's Surface Transportation Act, or "FAST-41". FAST-41 includes a suite of provisions designed to expedite the environmental review for covered infrastructure projects, including enhanced interagency coordination as well as milestone tracking on the public-facing Permitting Dashboard. FAST-41 also places a 2-year limitations period on any judicial claim that challenges the validity of a Federal agency decision to issue or deny an authorization for a FAST-41 covered project (42 U.S.C. 4370m-6(a)(1)(A)). The Project is listed on the Permitting Dashboard, where milestones and schedules related to the environmental review and permitting for the project can be found: [https://](https://www.permits.performance.gov/permitting-project/sunrise-wind-farm)

www.permits.performance.gov/permitting-project/sunrise-wind-farm.

Summary of Request

On November 10, 2021, Sunrise Wind submitted a request for the promulgation of regulations and issuance of an associated 5-year LOA to take marine mammals incidental to construction activities associated with the Project offshore of New York in the BOEM Lease Area OCS-A-0487. Sunrise Wind's request is for the incidental, but not intentional, taking of a small number of 16 marine mammal species (comprising 16 stocks) by Level B harassment (for all 16 species or stocks) and by Level A harassment (for 7 of the 16 species or stocks). Sunrise Wind did not request authorization for, and NMFS does not expect, take by serious injury or mortality to occur for any marine mammal species or stock incidental to the specified activities.

In response to our questions and comments and following extensive information exchange between Sunrise Wind and NMFS, Sunrise Wind submitted a final revised application on May 9, 2022, which NMFS deemed adequate and complete on May 10, 2022. This final application is available on NMFS' website at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-sunrise-wind-llc-construction-and-operation-sunrise-wind>.

On June 2, 2022, NMFS published a notice of receipt (NOR) of Sunrise Wind's adequate and complete application in the **Federal Register** (87 FR 33470), requesting comments and soliciting information related to Sunrise Wind's request during a 30-day public comment period. During the NOR public comment period, NMFS received comment letters from two environmental non-governmental organizations: Clean Ocean Action and Oceana. NMFS reviewed all submitted material and took the material into consideration during the drafting of the proposed rule. Subsequently, in June 2022, new scientific information was released regarding marine mammal densities (Robert and Halpin, 2022) and, as such, Sunrise Wind submitted a final Updated Density and Take Estimation Memo to NMFS on December 15, 2022 that included updated marine mammal densities and take estimates. This memo is available on our website at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-sunrise-wind-llc-construction-and-operation-sunrise-wind>.

On February 10, 2023, NMFS published the proposed rule for the Project in the **Federal Register** (88 FR

8996). In the proposed rule, NMFS synthesized all of the information provided by Sunrise Wind, all best available scientific information and literature relevant to the proposed project, outlined, in detail, proposed mitigation designed to effect the least practicable adverse impacts on marine mammal species and stocks as well as proposed monitoring and reporting measures, and made preliminary negligible impact and small numbers determinations. The public comment period on the proposed rule was open for 30 days from February 10, 2023 through March 13, 2023 on <https://www.regulations.gov>. A summary of public comments received during this 30-day period is described in the Comments and Responses section; full public comments may be viewed on <https://regulations.gov>.

On March 23, 2023, after the proposed rule was published and the public comment period concluded, Sunrise Wind submitted revised take and exposure estimates resulting from a reduction in the number of wind turbine generator (WTG) foundations to be installed (94 to 87; Reduced WTG Foundation report) and then a correction shortly thereafter (Reduced WTG Foundation Corrected tables 50 and 51). Pile size (maximum 7/12 m diameter tapered monopiles and 4-m pin piles for the jacket foundation) and hammer size (maximum 4,000 kJ hammer) did not change, nor did the underlying modeling and take estimate methodologies. A reduction in total WTG foundations results in an overall reduction in take within the Lease Area and, therefore, an overall reduction in take across the 5-year duration of Project activities. Also, in March 2023, Sunrise Wind submitted a revised Temporary Pier Pile Driving at the Sunrise Wind Landfall—Take Assessment and Mitigation Measures Memo. This memo removed the work associated with the plan to install mooring and breasting dolphins near the boat ramp at the Smith Point Marina on the Long Island side of the ICW. As described in the proposed rule, Sunrise Wind did not request and NMFS did not propose to authorize take of marine mammals incidental to temporary pier and breasting and mooring dolphin construction activities, and thus, the estimated take numbers have not changed due to the removal of these activities.

In April 2023, Sunrise Wind submitted a supplementary report that demonstrates its ability to accurately determine the charge weight of UXO/MEC encountered in the field prior to detonation. Because of this report, the

final rule provides Ørsted with specific mitigation and monitoring zone sizes based on charge weight bin sizes and no longer requires that the E12 (largest) charge weight mitigation and monitoring zones apply to smaller charge weight sizes, provided that Sunrise Wind is able to confirm the smaller charge weight size before any detonation.

NMFS previously issued four Incidental Harassment Authorizations (IHAs) to Ørsted for the taking of marine mammals incidental to marine site characterization surveys using HRG equipment of the Sunrise Wind's Lease Area (OCS-A 0487) and surrounding Lease Areas (OCS-A 0486, OCS-A 0500) (84 FR 52464, October 2, 2019; 85 FR 63508, October 8, 2020; 87 FR 756, January 6, 2022; and 87 FR 61575, October 12, 2022). In addition, NMFS issued an IHA to South Fork Wind (a subsidiary of Ørsted) to install foundations and conduct HRG surveys for construction of the South Fork Wind Project (87 FR 806; January 6, 2022). To date, Ørsted has complied with all IHA requirements (*e.g.*, mitigation, monitoring, and reporting) and has not exceeded the number of take authorized. Information regarding Ørsted's monitoring results relevant to the Sunrise Wind Project may be found in the Estimated Take section and the final monitoring reports, where available, can be found on NMFS' website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>.

On August 1, 2022, NMFS announced proposed changes to the existing NARW vessel speed regulations to further reduce the likelihood of mortalities and serious injuries to endangered right whales from vessel collisions, which are a leading cause of the species' decline and a primary factor in an ongoing Unusual Mortality Event (UME) (87 FR 46921, August 1, 2022). Should a final vessel speed rule be issued and become effective during the effective period of these regulations (or any other MMPA incidental take authorization), the authorization holder will be required to comply with any and all applicable requirements contained within the final rule. Specifically, where measures in any final vessel speed rule are more protective or restrictive than those in this or any other MMPA authorization, authorization holders will be required to comply with the requirements of the vessel speed rule. Alternatively, where measures in this or any other MMPA authorization are more restrictive or protective than those in any final vessel speed rule, the measures in the MMPA

authorization will remain in place. The responsibility to comply with the applicable requirements of any vessel speed rule will become effective immediately upon the effective date of any final vessel speed rule, and when notice is published on the effective date, NMFS will also notify Sunrise Wind if the measures in the speed rule were to supersede any of the measures in the MMPA authorization such that they were no longer required.

On February 22, 2024, Sunrise Wind provided an updated Project schedule that aligns with their December 2023 Construction and Operations Plan submitted to BOEM for approval. Based on this update, Sunrise Wind has requested the regulations and associated LOA be effective from June 21, 2024 through June 20, 2029.

Description of the Specified Activity

Overview

Sunrise Wind has proposed to construct and operate a 924 to 1,034 megawatt (MW) wind energy facility (known as Sunrise Wind Farm (SRWF)) in the Project Area. Sunrise Wind's project would consist of several different types of permanent offshore infrastructure, including 87 WTGs on monopile foundations with a maximum diameter tapering from 7 meters (m) above the waterline to 12 m below the waterline (7/12 m), a single offshore converter substation (OCS-DC) on a jacket foundation (comprised on 4-m pin piles), offshore substation array cables, and substation interconnector cables. Specifically, activities to construct the project include: (1) impact pile driving the WTG and OCS-DC foundations; (2) pneumatic hammering for installation and removal of temporary casing pipes and vibratory pile driving for installation and removal of temporary goal post and sheet piles at the cable landfall site; (3) impact and vibratory pile driving associated with the Smith Point County Park temporary pier; (4) trenching, laying, and burial activities associated with the installation of the export cable route from the OCS-DC to the shore-based converter station and inter-array cables between turbines; (5) site preparation work (*e.g.*, boulder removal); placement of scour protection around foundations; (6) HRG vessel-based site characterization surveys using active acoustic sources with frequencies of less than 180 kHz; (7) detonating up to three UXO/MEC of different charge weights; and (8) several types of fishery and ecological monitoring surveys. Vessels would transit within the Project Area and between ports and the SRWF to

transport crew, supplies, and materials to support pile installation. All offshore cables will connect to onshore export cables, substations, and grid connections, which would be located at Smith Point County Park in Shirley, New York. Marine mammals exposed to elevated noise levels during impact and vibratory pile driving, UXO/MEC detonation, pneumatic hammering, or HRG site characterization surveys may

be taken by Level A harassment and/or Level B harassment, depending on the specified activity. Other activities listed above are not anticipated to result in take either due to the nature of the activities or due to the implementation of monitoring and mitigation measures.

Dates and Duration

Since publication of the proposed rule, Sunrise Wind has provided an

updated Project schedule (table 1) based on the latest version of their Construction and Operations Plan submitted to BOEM for approval. While this is the most recent schedule at time of promulgating this rulemaking, NMFS recognizes the potential for activity schedules to shift such that they may occur during different timeframes.

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Table 1 -- Estimated Activity Schedule to Construct and Operate the Sunrise Wind Project

Project Area	Project Activity	Expected Timing and Duration
Sunrise Wind Farm (SRWF) Construction	WTG Foundation Installation and Scour Protection	Q3-Q4 2024; Q2-Q3 2025; 4-5 months
	OCS-DC Foundation Installation	Q4 2024; 2-3 days (48-72 hours)
	<i>WTG Installation</i>	Q2-Q4 2025; 10 months
	<i>Seafloor preparation Array Cable Installation</i>	Q2-Q3 2024 Q2-Q3 2024; Q2-Q3 2025 7 months
	UXO/MEC detonation	Q2-Q4 any year; up to 3 days
Sunrise Wind Export Corridor (SRWEC) Construction	Cable Landfall Installation (casing pipe and sheetpile installation and removal, <i>HDD</i>)	Q3-Q4 2024; up to 32 days
	<i>Offshore Export Cable Installation Route clearance EC Installation</i>	Q3 2024-Q2 2025 8 months
	HRG Survey	Q3 2024 - Q4 2025 Any time of year
Operations	HRG Survey	Q4 2025-Q3 2029 Any time of year

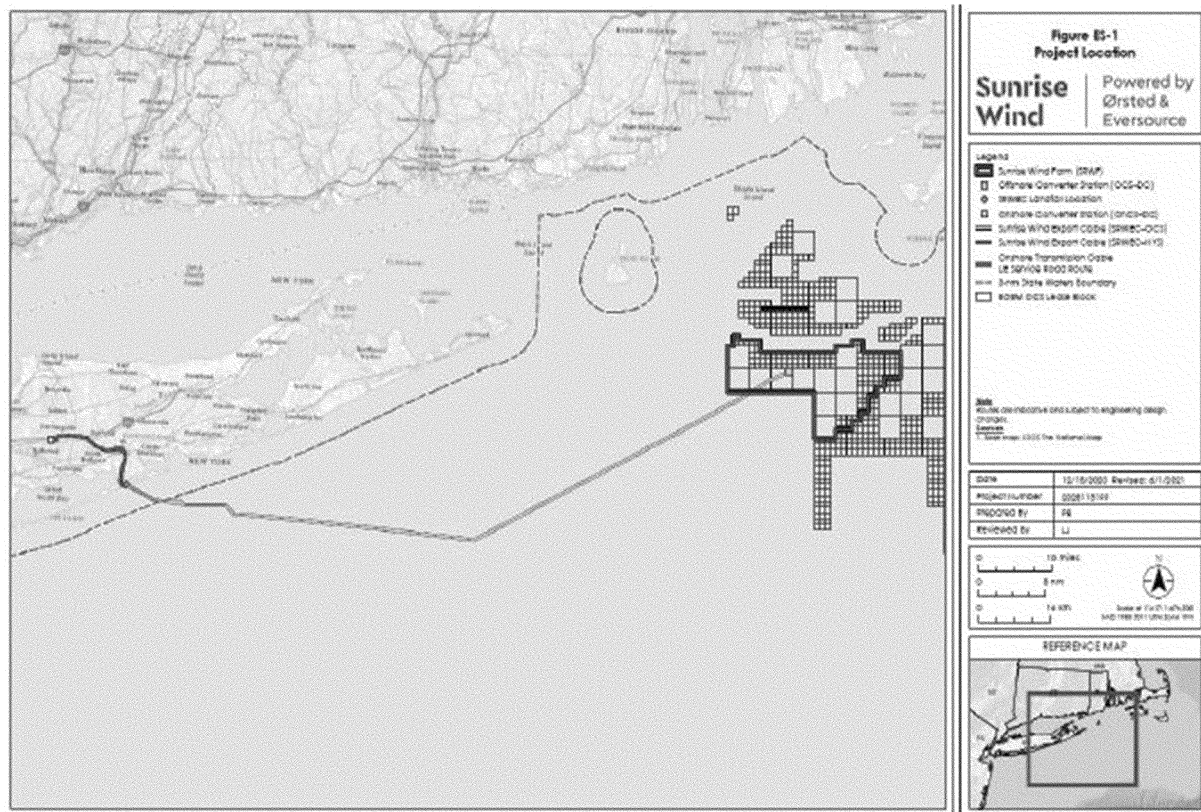
Note: Italicized activities are not expected to result in take of marine mammals. "Q1, Q2, Q3, and Q4" each refer to a quarter of the year, starting in January and comprising 3 months each. Therefore, Q1 represents January through March, Q2 represents April through June, Q3 represents July through September, and Q4 represents October through December.

Specific Geographic Region

A detailed description of the Specific Geographic Region, identified as the Mid-Atlantic Bight, is provided in the proposed rule (88 FR 8996, February 10, 2023). Since the proposed rule was published, no changes have been made to the Specified Geographic Region. Generally, Sunrise Wind’s specified

activities (*i.e.*, impact pile driving of monopile and jacket foundations; vibratory pile driving (installation and removal) of temporary goal posts and sheet piles; pneumatic hammering of temporary casing pipes; impact and vibratory pile driving associated with the Smith Point County Park temporary pier; placement of scour protection; trenching, laying, and burial activities

associated with the installation of the SRWEC and inter-array cables; HRG site characterization surveys; UXO/MEC detonation; and WTG operation) are concentrated in the Project Area. Vessel transit may originate from ports in New York, Connecticut, Maryland, Massachusetts, New Jersey, Rhode Island, and Virginia.



Comments and Responses

NMFS published a proposed rule in the **Federal Register** on February 10, 2023 and opened a 30-day public comment period (88 FR 8996). The proposed rule described, in detail, Sunrise Wind’s specified activities, the specific geographic region of the specified activities, the marine mammal species that may be affected by those activities, and the anticipated effects on marine mammals. In the proposed rule, NMFS requested that interested persons submit relevant information, suggestions, and comments on Sunrise Wind’s request for the promulgation of regulations and issuance of an associated LOA described therein, our estimated take analyses, the preliminary determinations, and the proposed regulations.

NMFS received 578 comment submissions, including from the Marine Mammal Commission (Commission), several non-governmental organizations, and private citizens, all of which are available for review on www.regulations.gov. Most of these comments were out-of-scope or not applicable to the Project (*e.g.*, general opposition to or support of offshore wind projects; concerns for other species outside NMFS’ jurisdiction such as birds) and are not described herein or discussed further. Moreover, NMFS does not include comments recommended that the final rule include mitigation, monitoring, or reporting measures that were already included in the proposed rule and such measures are carried forward in this final rule, as those comments did not raise significant points for NMFS to consider. Furthermore, if a comment received was

unclear, NMFS does not include it here as it could not determine whether it raised a significant point for NMFS to consider. Non-governmental organizations that submitted comments included: (1) Responsible Offshore Development Alliance (RODA); (2) Oceana, Inc. (Oceana); (3) Natural Resources Defense Council (NRDC); (4) Clean Ocean Action (COA); (5) Seafreeze Limited; (6) Long Island Commercial Fishing Association; (7) Green Ocean; and (8) Allico Renewable Energy Limited. NMFS considered substantive comments in this final rule, including comments related to the estimated take analysis, final determinations, and final mitigation, monitoring, and reporting requirements. A summary of comments is described below, along with NMFS’ responses.

Comment 1: The Commission recommends that, until JASCO Applied

Sciences' (hereafter, "JASCO") model has been validated with *in situ* measurements from the impact installation of monopiles and pin piles along the Atlantic coast, NMFS should re-estimate the various Level A harassment and Level B harassment zones for the final rule using source levels that are at a minimum 3 dB greater than those currently used.

Response: The Commission has expressed concerns about the lack of validation of JASCO's models in previous Commission letters for Ørsted's other wind projects. JASCO has compared their source model predictions to an empirical model prediction by the Institute of Technical and Applied Physics (ITAP). The empirical model is based on a large data set of pile driving sounds measured at 750 m from the source collected during installation of large-diameter piles (up to 8 m) during wind farm installation in the North Sea (Bellmann, 2020). As no noise measurements exist for tapered 7/12-m monopile at this time as these have yet to be installed offshore, the ITAP prediction facilitates a way of validating the source levels of the numerical finite difference (FD) model. The ITAP data are averaged across different scenarios—pile sizes are grouped, which includes different hammers, water depths, depths of penetration, and environmental conditions—and the 95th percentile level is reported, whereas the aim of JASCO's modeling is to estimate the median value. While the ITAP forecast and the FD source predictions were comparable (Küsel *et al.*, 2022), there is variance in the underlying ITAP data and there are parametric choices for the FD model in the different environments, so an exact match is not expected. As part of the comparison, it was found that different, but reasonable, parametric input choices in the FD modeling can result in output differences on the order of the variance in the ITAP data so it was concluded that the FD modeling approach performed as well as can be discernible given the available data. While adding 3 dB to the JASCO predictions at 750 m may bring JASCO's source predictions into line with the finite-element (FE) predictions for the portmanteau combining computation, comparison, and pile (COMPILE) scenario, it is not clear that this would be more accurate. This approach assumes that the FE models are correct, but Lippert *et al.* (2016) also state "a drawback of [the FE] approach is that it simulates the energy loss due to friction in an indirect and rather nonphysical way." The

Commission also suggested that NMFS could have used damped cylindrical spreading model (DCSM; Lippert *et al.*, 2018) and the source levels provided by the time-domain finite difference pile-driving source model (TDFD PDSM); however, for reasons described herein, NMFS has determined JASCO's model results are reliable and achievable.

Measurements taken during the Coastal Virginia Offshore Wind (CVOW) Pilot Project reported the maximum distance to the marine mammal Level B threshold (160 dB re 1 microPascal (1 μ Pa)) from the 7.8-m pile installed with a double big bubble curtain to be 3,891 m (12,765.75 feet (ft)) when using a hammer operating at a maximum of 550 kilojoules (kJ) (WaterProof, 2020). JASCO's model prediction for 7/12-m tapered piles using a 4,000-kJ hammer is 3,833 m (12,575 ft). The Commission states that, based on the CVOW reported sound levels, it is unrealistic that an impact hammer with seven times more energy intensity would result in a smaller harassment zone. NMFS disagrees. Small differences in the propagation environment could account for the ranges being more comparable than expected. The CVOW pilot project is located in Virginia whereas the Sunrise Wind project is located in southern New England.

Also, since the proposed rule was published, NMFS has received sound field verification reports from the South Fork Wind project, which used JASCO's modeling. In all but one case, the measured distances to NMFS' Level B harassment threshold were lower than JASCO's model predicted. The distance to NMFS Level B harassment threshold for the South Fork Wind project was modeled as 4,684 m while *insitu* measurements identified distances, excluding the one aforementioned pile, ranging from 1.84 kilometers (km) to 3.25 km. JASCO's modeling predicts the distances to the Level B harassment threshold during installation of the Sunrise Wind 7/12 m tapered monopiles will be approximately 6 to 6.5 km in summer depending on hammer size, which is approximately double than the loudest pile installed during the South Fork Wind results. NMFS notes that South Fork Wind determined that the one pile generating noise levels above those predicted (the first pile) did so due to a malfunctioning noise attenuation system, which was quickly rectified and deployed appropriately on all future piles.

Since the close of the public comment period, NMFS has also received SFV reports from Vineyard Wind. However, due to the hammer energy assumption in the model versus what was used in

the field (*i.e.*, more hammer energy was used than modeled) and other operational challenges, it is more challenging to compare the Vineyard Wind measured results directly to the modeled results. Further, NMFS acknowledges the uncertainty associated with predicting phenomena such as propagation loss and its potential variability within a region but overall, JASCO's models are supported by recent measured results.

Importantly, in this final rule, should SFV results reveal noise levels are louder than those predicted assuming 10 dB attenuation, NMFS is requiring Sunrise Wind to implement additional measures to reduce sound levels such that they do not exceed those modeled assuming 10 dB. Sunrise Wind is required to conduct either complete or abbreviated SFV monitoring on all foundation piles installed. Based on all these reasons, NMFS is not requiring Sunrise Wind to remodel the harassment zone sizes by adding 3 dB to the source levels and is, instead, carrying forward the modeling results as presented in the proposed rule.

Based on this discussion, and given NMFS' consideration of the best available scientific information including available interim sound field verification (SFV) reports from other offshore wind construction projects in the United States, NMFS disagrees with the suggestions made by the Commission. NMFS has incorporated the best available scientific information into this final rule, using recent measurements as well as estimates obtained through JASCO's modeling.

Comment 2: The Commission and other members of the public recommended NMFS (1) re-estimate and authorize Level A harassment takes based on modeling results for the worst-case scenario rather than presuming an arbitrary 80- or 100-percent reduction for mitigation efficacy and/or a 10-dB sound attenuation for impact pile driving, (2) re-estimate and authorize Level B harassment takes based on more conservative assumptions for the pile-driving scenarios that could occur (including only one monopile or fewer than four pin piles installed per day), (3) re-estimate the various mortality, Level A harassment, and Level B harassment zones and numbers of takes based on 0-dB of sound attenuation for UXO detonations and authorize Level A and B harassment takes, including behavior takes, that could result from UXO detonations, and (4) increase any Level A or B harassment takes to mean group size (including updates that reflect the results of more recent marine mammal surveys in the Rhode Island-

Massachusetts WEA). Another commenter suggested that the numbers of takes, particularly with respect to NARW, rely on mitigation methods that remain unproven.

Response: NMFS disagrees with the Commission that our analysis should carry forward take estimates based on the worst-case scenario that assumes no reduction of impacts results from the mitigation and notes that the Commission did not present any data supporting their recommendation. As described in the proposed rule, this final rule reasonably assumes that the mitigation efforts will be effective at reducing the potential for Level A harassment calculated in the density-based models. The models do not account for mitigation (except with respect to assuming attenuation and seasonal restrictions) and, therefore, it is reasonable to assume the model overestimates Level A harassment. Further, while the scientific literature documents marine mammals are likely to avoid loud noises such as pile driving (e.g., Brandt et al., 2016, Nowack et al., 2004), avoidance was not quantitatively considered in the take estimates. However, NMFS reasonably predicts this natural behavior will further reduce the potential for Level A harassment.

In the proposed rule, NMFS described the best available science, which supports the assumption that at least 10dB attenuation can be reliably achieved using noise attenuation systems such as a double bubble curtain. The Commission did not provide reason for why they believe this was an overestimate nor did they suggest an alternative amount of attenuation NMFS should consider other than zero attenuation. Other commenters expressed similar support stating that bubble curtains are not effective for low-frequency cetaceans. NMFS agrees that attenuation levels vary by frequency band and that bubble curtains attenuate higher frequency sounds more effectively; however, NMFS disagrees that lower frequency bands, which are important to consider when evaluating impacts, are not attenuated at all. The data from Bellmann (2021), shows that for both single and double bubble curtains, more than 10 dB of attenuation was achieved for bands as low as 32 Hz. And while it is true that performance diminishes significantly at lower frequencies (< 32 Hz), those bands also contain significantly less pile driving sound and is 16+ dB outside the most susceptible frequency range for low-frequency cetaceans.

NMFS recognizes that the key to effective mitigation is the ability to

detect marine mammals to trigger such mitigation. Sunrise Wind is required to undertake extensive monitoring to maximize marine mammal detection effectiveness. The reduction to the density-based take estimate appropriately reflects and acknowledges the monitoring efforts, including the placement of 3 PSOs on the pile driving platform and dedicated PSOs vessel(s) and PAM.

NMFS agrees with the Commission that there is potential for behavioral disturbance from a single detonation per day and disagrees that “behavior takes” were omitted and have not been accounted for. However, the behavioral threshold for underwater detonations identified by the Commission (5 dB less than the temporary threshold shift (TTS) threshold) is only applicable to multiple detonations per day. NMFS is not aware of evidence to support the assertion that animals will have behavioral responses that would qualify as take to temporally and spatially isolated explosions at received levels below the TTS threshold. Accordingly, the current take estimate framework allows for the consideration of behavioral disturbance resulting from single explosions specifically if they are exposed above the TTS threshold, as opposed to the 5 dB lower threshold for behavioral disturbance from multiple detonations. We acknowledge in our analysis that individuals exposed above the TTS threshold may also be harassed by direct behavioral disruption and those potential impacts are considered in the negligible impact determination. NMFS agrees with the Commission that the proposed rule did not include some information in Sunrise Wind’s application regarding certain foundation construction scenarios. We have added that information to this final rule. The distances to harassment thresholds have not changed from the application and proposed rule and are presented in this final rule. Take estimates did not change as a result of including this additional information.

Comment 3: A commenter claimed that the authorized taking by harassment is not incidental but intentional and that take associated with soft-starts was not considered in the take analysis.

Response: NMFS’ implementing regulations define *incidental harassment, incidental taking, and incidental, but not intentional, taking* as an accidental taking. This does not mean that the taking is unexpected, but rather it includes those takings that are infrequent, unavoidable or accidental” (50 CFR 216.103). NMFS disagrees that the take that may be authorized under

this rulemaking is intentional. The commenter is also incorrect that the amount of harassment that would be authorized in a LOA under this final rule does not account for soft-starts. As described in the Estimated Take section, Sunrise Wind requested the maximum number of takes generated from three methods: density-based exposure estimates, group size data, and PSO data, all of which account for soft starts. Based on the nature of the methods, this is most evident in the density-based exposure estimates. The hammer schedules in the application, proposed rule, and this final rule all account for pile driving that would occur during installation, including lower hammer energies. Soft starts are simply impact pile driving at these lower hammer energies. Therefore, the exposure estimates account for pile driving during soft starts. The other two take estimate methods (i.e., group size and PSO data) are based on the number of days of pile driving, which also inherently considers all pile driving associated with foundation installation for those days.

Comment 4: A commenter requested NMFS provide an explanation for the differences in assumptions and corresponding differences in take estimates for the Revolution Wind, LLC (Revolution Wind) and Sunrise Wind projects provided Ørsted is the developer for both projects.

Response: The MMPA indicates that, upon request, NMFS shall issue the requested incidental take authorization if certain findings are made. Applicants propose take estimate modeling methodologies, and NMFS evaluates if the approaches are reasonable and supported. Sunrise Wind, a 50/50 joint venture between Ørsted and Eversource Investment, LLC and Revolution Wind, a subsidiary wholly owned by Ørsted, both submitted applications containing the same acoustic modeling and take estimate approaches for foundation installation, cable landfall construction, HRG surveys, and UXO/MEC detonation activities. Both companies applied JASCO’s modeling tools to estimate distances to NMFS harassment isopleths. They also both estimated take from foundation installation assuming that all impact pile driving occurred in the highest and second highest density months in their applications (note that Revolution Wind subsequently assumed all piles would be installed in the highest density month after reducing the number of foundations to be installed). For some species, observational data from PSOs aboard HRG survey vessels or group size data indicated that the density-based take estimates may be

insufficient to account for the number of individuals of a species that may be encountered during the planned activities and, therefore, take from the density-based exposures were adjusted to account for these data. While the methodologies are similar, there are differences in the results of undertaking those methods. The primary differences for take numbers between the two projects are generated from the scope of work (e.g., number of piles, amount of HRG survey work planned, number of UXO/MEC detonations), density estimates, and distances to NMFS harassment isopleths, which are influenced by both source levels and transmission loss rates which are site specific. These three factors strongly influence the take numbers requested and proposed by NMFS to authorize.

Both applicants assumed mitigation measures (e.g., delay or shutdown) would result in fewer Level A harassment takes than estimated from the modeling (no Level A harassment was modeled (or expected) from HRG surveys or vibratory pile driving for both projects). Collectively, there are a multitude of reasons why take numbers, both modeled and ultimately requested, may differ. NMFS evaluates each application independently. The commenter did not provide evidence that any of the methodologies or assumptions were flawed. Specific to Sunrise Wind, NMFS has found that the take authorized under this rule would have a negligible impact on affected marine mammal species and stocks and has prescribed mitigation measures that affect the least practicable adverse impact on marine mammals.

Comment 5: A commenter claimed that NMFS' thresholds are outdated, primarily because scientific literature demonstrates examples where behavioral disturbances have been documented where received levels are lower than 160 dB. Moreover, the commenter suggested that estimating the extent of Level B take from impact driving using the 160dB (impulsive) threshold is flawed because an animal may be exposed to several hours of pile driving per day, which should be considered continuous, and that, although impulsive at the source, the sound from impact driving may be received as a continuous source at a distance. For these reasons, the commenter suggested the proposed rule underestimates the Level B take and "zones of impact"; thus, NMFS' small numbers and negligible impact determination is flawed.

Response: For the reasons described below, NMFS disagrees that the 160-dB threshold for behavioral harassment is

not supported by the best available science and that the small numbers and negligible impact determinations are flawed based on the use of this threshold in the take estimate analysis. The potential for behavioral response to an anthropogenic source can be highly variable and context-specific (Ellison *et al.*, 2012). While NMFS acknowledges the potential for Level B harassment at exposures to received levels below 160 dB rms, it should also be acknowledged that not every animal exposed to received levels above 160 dB rms will respond in ways constituting behavioral harassment. There are a variety of studies indicating that contextual variables play a very important role in response to anthropogenic noise, and the severity of effects are not necessarily linear when compared to a received level (RL). Several studies (e.g., Nowacek *et al.*, 2004 and Kastelein *et al.*, 2012 and 2015) showed there were behavioral responses to sources below the 160 dB threshold but also acknowledged the importance of context in these responses. For example, Nowacek *et al.* (2004) reported the behavior of five out of six NARW was disrupted at RLs of only 133–148 dB re 1 μ Pa (returning to normal behavior within minutes) when exposed to an alert signal. However, the authors also reported that none of the whales responded to noise from transiting vessels or playbacks of ship noise even though the RLs were at least as loud and contained similar frequencies to those of the alert signal. The authors state that a possible explanation for whales responding to the alert signal and not responding to vessel noise is due to the whales having been habituated to vessel noise while the alert signal was a novel sound. In addition, the authors noted differences between the characteristics of the vessel noise and alert signal, which may also have played a part in the differences in responses to the two noise types. Therefore, it was concluded that the signal itself, as opposed to the RL, was responsible for the response. DeRuiter *et al.* (2012) also indicate that variability of responses to acoustic stimuli depends not only on the species receiving the sound and the sound source, but also on the social, behavioral, or environmental contexts of exposure. Finally, behavioral responses depend on many contextual factors, including range to source, RL above background noise, novelty of the signal, and differences in behavioral state (Ellison *et al.*, 2012, Gong *et al.*, 2014). Similarly, Kastelein *et al.* (2015) examined behavioral responses of a harbor porpoise to sonar signals in a

quiet pool but stated behavioral responses of harbor porpoises at sea would vary with context such as social situation, sound propagation, and background noise levels.

NMFS uses 160 dB (rms) as the received sound pressure level for estimating the onset of Level B behavioral harassment for impulsive/intermittent sound sources, and this is currently considered the best available science while acknowledging that the 160 dB_{rms} step-function approach is a simplistic approach. While it may be true because of reverberation that impulsive pile driving strikes may "stretch" as their sound travels through the environment, we do not classify these sounds as continuous, like drilling and vibratory pile driving. NMFS' behavioral harassment thresholds consider instantaneous exposure to noise and are based on a received level. These thresholds do not account for duration of exposure, as our PTS onset thresholds do. Thus, whether an individual was exposed to a few pile driving strikes or exposed for several hours of pile driving, the 160-dB threshold would still apply. While it is correct that in practice it works as a step-function (i.e., animals exposed to received levels above the threshold are considered to be "taken" and those exposed to levels below the threshold are not), it is in fact intended as a sort of mid-point of likely behavioral responses, which are extremely complex depending on many factors including species, noise source, individual experience, and behavioral context. What this means is that, conceptually, the function recognizes that some animals exposed to levels below the threshold will in fact react in ways that appropriately considered take while others that are exposed to levels above the threshold will not. Use of the 160-dB threshold allows for a simplistic quantitative estimate of take while we can qualitatively address the variation in responses across different received levels in our discussion and analysis.

Overall, we reiterate the lack of scientific consensus regarding what criteria might be more appropriate. Defining sound levels that disrupt behavioral patterns is difficult because responses depend on the context in which the animal receives the sound, including an animal's behavioral mode when it hears sounds (e.g., feeding, resting, or migrating), prior experience, and biological factors (e.g., age and sex). Other contextual factors, such as signal characteristics, distance from the source, and signal to noise ratio, may also help determine response to a given received level of sound. Therefore,

levels at which responses occur are not necessarily consistent and can be difficult to predict (Southall *et al.*, 2007; Ellison *et al.*, 2012; Southall *et al.*, 2021). For example, Gomez *et al.* (2016) reported that RL was not an appropriate indicator of behavioral response. Further, the seminal reviews presented by Southall *et al.* (2007), Gomez *et al.* (2016), and Southall *et al.* (2021) did not suggest any specific new criteria due to lack of convergence in the data.

Given that there is currently no concurrence on these complex issues, NMFS followed its practice at the time of submission and review of this application in assessing the likelihood of disruption of behavioral patterns by using the 160 dB threshold. NMFS is currently evaluating available information towards development of updated guidance for assessing the effects of anthropogenic sound on marine mammal behavior. However, undertaking a process to derive defensible exposure-response relationships, as suggested by Tyack and Thomas (2019), is complex. The recent systematic review by Gomez *et al.* (2016) was unable to derive criteria expressing these types of exposure-response relationships based on currently available data.

NMFS acknowledges that there may be methods of assessing likely behavioral responses to acoustic stimuli that better capture the variation and context-dependency of those responses than the simple 160 dB step-function used here. However, there is no agreement on what that method should be or how more complicated methods may be implemented by applicants. NMFS is committed to continuing its work in developing updated guidance with regard to acoustic thresholds but pending additional consideration and process, is reliant upon an established threshold that is reasonably reflective of best available science.

Comment 6: A commenter recommended that NMFS should consider the best available data regarding NARW abundance in the project area, as well as the most comprehensive models for estimating marine mammal take and developing robust mitigation measures.

Response: The MMPA and its implementing regulations require that incidental take regulations be established based on the best available information, which does not always mean the most recent information. NMFS generally considers the information in the most recent U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments Report (SAR) (Hayes *et al.*, 2023) to be the best

available information for a particular marine mammal stock because of the MMPA's rigorous SAR procedural requirements, which includes peer review by a statutorily established Scientific Review Group. Since publication of the proposed rule, NMFS has released the draft 2023 Stock Assessment Report indicating the NARW population abundance is estimated as 340 individuals based on sighting data through December 31, 2021 (89 FR 5495, January 29, 2024). NMFS has used the best available scientific information in the analysis of this final rule. This new estimate, which is based on the analysis from Pace *et al.* (2017) and subsequent refinements found in Pace (2021), provides the best available, and in this case most recent, estimate, including improvements to NMFS' right whale abundance model. NMFS notes this estimate aligns with the 2022 NARW Report Card (Pettis *et al.*, 2022) estimate (340) based on sighting data through August 2022 but, as described above, that the SARs are peer reviewed by other scientific review groups prior to being finalized and published and that the Report Card does not undertake this process. Based on this, NMFS has considered all relevant information regarding NARW. The commenters did not cite specific abundance data sources they recommended NMFS used or reasons why the science used in NMFS' assessment is not best available. NMFS has relied on the draft 2023 SAR in this final rule as it reflects the best available scientific information.

NMFS notes that this change in abundance estimate does not change the estimated take of NARW or authorized take numbers, nor affect its ability to make the required findings under the MMPA for Sunrise Wind's construction activities.

While NMFS cannot require applicants to utilize specific models for the purposes of estimating take incidental to offshore wind construction activities, it evaluates the models used to support take estimates to ensure that they are methodologically sound and incorporate the best available science. NMFS does require use of the Roberts *et al.* (2016, 2023) density data and SARs abundance estimates for all species, both of which represent the best available science regarding marine mammal occurrence.

Comment 7: A commenter recommended a prohibition on pile driving, site assessment, and site characterization activities during times of highest risk to NARW by extending the seasonal restriction on impact pile driving to December 1 through April 30,

reflecting highest activity levels of NARW. The commenter further identified that if a near real-time monitoring system and mitigation protocol for NARW and other large whale species is developed and scientifically validated, the system and protocol may be used to dynamically manage the timing of site assessment and characterization activities to ensure those activities are undertaken during times of lowest risk for all relevant large whale species.

Response: NMFS has restricted foundation installation pile driving from January through April, which represent the times of year when NARW are most likely to be in the Project Area. However, NMFS recognizes that the density of whales begins to elevate in December, as suggested by the commenter. Sunrise Wind has agreed to restrict pile driving in December to the maximum extent practicable. In this final rule, Sunrise Wind must not plan and, to the maximum extent practicable, not pile drive in December, and must seek NMFS approval for December pile driving. As described in the proposed rule, in any time of year when foundation installation is occurring, a visual sighting of NARW by foundation installation PSOs or an acoustic detection within a 10-km PAM monitoring zone triggers a delay in pile driving commencement or shutdown. In December, Sunrise Wind is also required to implement larger mitigation zones that reflect the acoustic modeling results using a winter sound speed profile (Table 32). With the application of these enhanced mitigation and monitoring measures in December, impacts to NARW will be further reduced.

NMFS neither anticipates nor authorizes take of NARW by Level A harassment (PTS) from HRG survey activities. While NMFS is authorizing a total of 17 Level B harassment takes of NARW incidental to HRG surveys over the 5-year effective period of this rulemaking, the required mitigation will affect the least practicable adverse impact on the species from this activity. Specifically, the largest modeled Level B harassment zone size for the sparker (141 m) is already much smaller than the required separation, clearance, and shutdown distances for NARW (500 m) and any unidentified large whale must be treated as if it were a NARW, triggering associated mitigation. Any Level B harassment that is not avoided is not expected to impact important feeding or other behaviors that may occur throughout the year in the Project Area in a manner that poses energetic or reproductive risks for any individuals.

The commenter stated that site assessment surveys could injure NARW; however, they did not provide scientific evidence to support this claim. As described in this rule, NMFS does not anticipate nor would authorize injury (*i.e.*, Level A harassment) of NARW incidental to these surveys. Given the anticipated minimal impacts of the HRG surveys, NMFS disagrees that additional mitigation measures, including seasonal restrictions or dynamic management of HRG surveys timing, are warranted.

Comment 8: The Commission recommends that NMFS expand zone sizes for foundation installation and base the various mitigation and monitoring zones, including the minimum visibility zone, on the largest of the Level A harassment zones in Tables 15 and 16 of the **Federal Register** notice.

Response: NMFS has considered each construction scenario in this final rule as recommended by the Commission. This final rule increased the clearance and shutdown mitigation zone sizes for scenarios involving monopiles for marine mammals except for NARW (Table 32). The NARW clearance and shutdown zones remain “any distance” as described in Table 42 of the proposed rule. The final rule more clearly distinguishes between the sequential and concurrent installation scenarios. For example, the proposed rule included large whale (other than NARW) clearance and shutdown zones for all monopiles installed equating to 3,700 m in summer and 4,300 m in winter. In this final rule, the clearance and shutdown zones for sequential monopiling in summer is 4 km in summer and 4,300 m in winter while the monopile concurrent and OCS–DC/ monopile concurrent clearance and shutdown zone in summer is 5.3 km in summer and 6.3 km in winter.

NMFS did not increase the minimum visibility zone to the largest Level A harassment distance modeled, as recommended by the Commission, as this may result in unnecessary delays to the project. As described above, models demonstrate that completing a project during a time of year when a species of concern is less likely to be present is an effective means by which to reduce the magnitude of impacts (Southall *et al.*, 2021). In this case, if the largest Level A harassment zones for all marine mammals (or zones within the low frequency cetacean hearing group) is used to establish the minimum visibility zone, this extended zone could unnecessarily delay the project, leading to a prolonged duration or more days over which construction would occur, which could result in greater impacts on

marine mammals. The minimum visibility zone in this final rule equates to the largest ER95% for NARW. The “OCS–DC only” scenario zones remained the same as the proposed rule as these are considered adequately protective.

Comment 9: The Commission recommends that NMFS require Sunrise Wind to deploy a dual sound attenuation system for UXO detonations and prohibit Sunrise Wind from conducting UXO detonations when currents are greater than 2 knots (kn).

Response: In this final rule, NMFS is requiring Sunrise Wind to deploy a dual sound attenuation system (such as a double bubble curtain) to meet the noise levels modeled assuming 10-dB attenuation. As described in the proposed rule and carried forward in this final rule, NMFS is requiring Sunrise Wind to conduct complete SFV on all detonations. Further, we are requiring that the bubble curtain be placed at a distance such that the nozzle hose remains undamaged.

In its letter, the Commission did not provide reasoning or justification for its recommendation for restricting UXO/ MEC detonation if current speeds are greater than 2 kn. However, the Commission references its Ocean Wind 1 proposed rule comment letter, which states that Bellmann (2021) indicated that currents greater than 2 kn led to a reduction of sound attenuation that cannot be resolved with additional compressed air or larger distances to the source and that the overall achieved sound reduction of a big bubble curtain depends significantly on the configuration and application of the BBC. The Commission identified that if the configuration and application of the bubble curtain is not optimized, then sound reduction decreases significantly. In this case, Ørsted will have experience deploying bubble curtains in U.S. waters for two offshore wind projects, and NMFS anticipates that the double bubble curtain will be optimized. The Commission did not present evidence that the distances to thresholds assuming 10 dB attenuation could not be achieved in current speeds over 2 knots; therefore, at this time, NMFS is not requiring UXO/MEC detonation be limited to times when current speed is 2 kn (2.3 mph) or less. Sunrise Wind is required to use a dual attenuation device (*e.g.*, double bubble curtain) during the 3 UXO/MEC detonations that may occur and conduct SFV on all detonations. Should SFV determine that the model underestimated impacts, the mitigation zone sizes would be increased, and additional attenuation measures added to ensure impacts are

not greater than those analyzed for the next detonation.

Comment 10: Several commenters requested NMFS add to or modify the vessel strike avoidance mitigation measures contained within the proposed rule. Specific recommendations included limiting all vessels to speeds of 10 kn or less at all times with no exceptions, developing an “Adaptive Plan” as an alternative to the 10 kn speed restriction, requiring Class A AIS, requiring PSOs on all vessels when underway as opposed to a “visual observer” and requiring service vessels to complement observer coverage with additional monitoring technologies (*e.g.*, infrared (IR) detection devices for whales and other protected species, requiring Sunrise Wind to provide a vessel traffic plan, keeping 500 m away from NARW at all times and 100 m for other large whale species, requiring that all vessel personnel are trained in observing and identifying NARW, and requiring each vessel to have a minimum of 4 PSOs following a two-on, two-off rotation, each responsible for scanning no more than 180° of the horizon per pile driving locations). A commenter also claimed that vessel speed restrictions are not fully mandated or enforced for OSW vessels.

Response: NMFS acknowledges that vessel strikes pose a risk to all large whales, including NARW and the proposed rule and this final rule requires a suite of mitigation measures to effect the least practicable adverse impact from vessels on marine mammals. These measures are more restrictive than other industrial, commercial, military, and recreational vessels. All vessel operators must abide by vessel speed regulations (50 CFR 224.105). All transiting vessels, regardless of speed or size, are required to have a trained dedicated visual observer watching for marine mammals. In the event a marine mammal is observed, the vessel must slow to 10 kn or less or if within separation zones (500 m for NARW and 100 m for sperm whales and non-NARW), turn away from and slow engines to neutral. In any Seasonal Management Area (SMA), Dynamic Management Area (DMA), or Slow Zone (the latter two of which are voluntary for other vessels), Sunrise Wind must operate vessels at 10 kn or less. Further, between November 1st and April 30th, all vessels, regardless of size, must operate port to port (specifically from ports in New Jersey, New York, Maryland, Delaware, and Virginia) at 10 kn or less, except for while transiting in Narragansett Bay or Long Island Sound. Sunrise Wind is also required to maintain situational

awareness of marine mammals by monitoring various systems and internal communication. NMFS has determined it is impracticable for all vessels to travel 10 kn or less at all times and is not necessary to achieve the least practicable adverse impact given the mitigation discussed above.

As described above, in many cases, there are no alternatives to the 10 kt or less speed restrictions. However, NMFS has determined that under certain conditions, Sunrise Wind vessels could travel at over 10 kts. A commenter has recommended that this "Adaptive Plan" be allowed only if it is proven to be equally or more effective than a 10 kt speed restriction. NMFS has determined that the monitoring required, including both direct marine mammal monitoring and situational awareness monitoring and reporting, affect the least practicable adverse impact on marine mammals. The commenter did not provide scientific evidence that the circumstances in which Sunrise Wind vessels could travel over 10 kts are not effective at avoiding vessel strikes.

In this final rule, NMFS is requiring that all vessels associated with Sunrise Wind's activities be equipped with a properly installed, operational Automatic Identification System (AIS) device and Sunrise Wind must report all Maritime Mobile Service Identify (MMSI) numbers to NMFS Office of Protected Resources, thus facilitating monitoring of vessel speeds. In addition, NMFS maintains an Enforcement Hotline for members of the public to report violations of vessel speed restrictions. NMFS does not require PSOs to be onboard every transiting vessel as it is impracticable due to potential limited space on the vessels. However, as described in the proposed rule and carried forward in this final rule, Sunrise Wind must have dedicated visual observers onboard all vessels with no other concurrent duties. The dedicated visual observer may be a PSO or a trained crew member.

NMFS described in the proposed rule, and is requiring in this final rule, that infrared technologies and PAM hydrophone deployments be available and used before, during, and after pile driving. To ensure marine mammal detection is maximized, and in response to public comments, NMFS is now requiring monitoring for marine mammals before, during, and after foundation installation, and is requiring in this final rule three on-duty PSOs on both platforms such that each PSO is responsible for 120-degree coverage. As proposed, this final rule requires that visual observers must be equipped with alternative monitoring technology (e.g.,

night vision devices, infrared cameras) to monitor clearance and shutdown zones during periods of low visibility (e.g., darkness, rain, fog, etc.).

NMFS disagrees with the commenter that the final rule and LOA must include a "vessel traffic" plan. The commenter did not provide details on what this plan should include. Sunrise Wind provided information pertaining to the types and number of vessels necessary to construct the project. It is also required to submit a Vessel Strike Avoidance Plan, which must include, but is not limited to, more detail on ports used and means by which they would abide by the extensive measures outlined here. While NMFS acknowledges that vessel strikes can result in injury or mortality, the implementation of the required monitoring and mitigation measures would reduce the risk of vessel strike to levels low enough such that it is considered discountable; thus, no vessel strike is expected or would be authorized under this final rule. These measures also ensure the least practicable adverse impact on species or stocks and their habitat.

Comment 11: A commenter recommended strengthening mitigation measures for other endangered species and species experiencing UMEs to minimize take by Level A harassment, indicating the mitigation measures required by the proposed rule to reduce risk to large whales are largely designed for NARW and may not be equally efficacious for other species (e.g., passive acoustics will not be used to trigger mitigation measures for fin whales).

Response: NMFS disagrees that additional or modified mitigation measures are necessary to affect the least practicable adverse impact on marine mammal species or stocks, including those listed under the ESA and experiencing UMEs. This rule allows a limited number of Level A harassment takes to be authorized for two ESA-listed species (i.e., fin whale and sei whale, neither of which are experiencing a UME), two non-ESA listed species experiencing active UMEs (i.e., humpback whales and minke whales) and two non-ESA listed species with non-active UMEs with closure pending (i.e., gray and harbor seals) incidental to foundation impact pile driving (table 15). A very limited number of seals (n=5) may also experience PTS from UXO/MEC detonation (table 23). NMFS notes that these take estimates did not consider mitigation measures other than seasonal restrictions and 10 dB of sound attenuation. Some mitigation measures

in the proposed rule and this final rule are centered around NARW because of the species status and general fitness of individuals. NMFS acknowledges that seasonal closures are based on NARW densities and the maximum density months for other ESA-listed species and stocks experiencing UMEs may occur outside of the seasonal closures (table 12). However, it is neither possible nor practicable to schedule activities around every species' densities because of the significant amount of variation and year-round presence of some species. Other enhanced mitigation for NARW includes delaying or shutting down pile driving should a NARW be observed at any distance by a foundation installation PSO or acoustically detected within the PAM monitoring zone. If clearance and shutdown zones were increased for other ESA-listed species and marine mammal species experiencing UMEs, it would result in longer construction time frames, prolonging the time periods over which marine mammals may be exposed to construction-related stressors, as well as creating impracticable operational scenarios for the applicant. It has been modeled and is logical that projects should be constructed as quickly as possible during times when the potential for a species of concern to be present is lowest (Southall *et al.* 2021). Accordingly, NMFS has determined that the current clearance and shutdown zones, together with other mitigation measures, affect the least practicable adverse impact on marine mammals. Moreover, while some mitigation measures are focused on NARW, NMFS has determined that the take that may be authorized, which includes both Level A and Level B harassment, has a negligible impact on all marine mammal species and stocks and affects the least practicable adverse impact on marine mammal species or stocks.

Regarding PAM detections, NMFS has clarified in this final rule that while the PAM system should be designed to maximize detections of NARW and is not required to have the capability to detect all marine mammals within the 10km PAM monitoring zone, should another marine mammal be detected (e.g., a fin whale, which vocalizes within similar frequencies for which the PAM system would be optimized) within a clearance or shutdown zone via PAM, mitigation must be applied.

Comment 12: Several commenters recommended that the impacts of underwater noise be minimized to the fullest extent feasible (e.g., select and operate subbottom profiling systems at the lowest source levels practicable) and that the best commercially available

technology and methods should be used to minimize sound levels from piledriving coupled with a robust monitoring and reporting program to ensure compliance. A commenter recommended projects should achieve no less than 10 dB (SEL) in combined noise reduction and attenuation, taking as a baseline, projections from prior noise measurements of unmitigated piles from Europe and North America. Another commenter recommended a requirement of the implementation of best commercially available combined (near- and far-field) noise abatement systems capable of a 15 dB reduction (SEL). A commenter also suggested that developers must be required to specify the exact equipment to be used for noise attenuation for proper evaluation of potential impacts.

Response: NMFS, as delegated by the Secretary of Commerce, must promulgate regulations setting forth mitigation measures affecting the least practicable adverse impact on marine mammal species or stocks and their habitat in any issued incidental take authorization (16 U.S.C. 1371(a)(5)(A)(i)(II)). As described in both the proposed rule and this final rule, NMFS has included requirements for sound attenuation methods that successfully (evidenced by required sound field verification measurements) reduce real-world noise levels produced by impact pile driving of foundation installation to, at a minimum, the levels modeled assuming 10 dB attenuation. NMFS clarifies that, because no unattenuated piles may be driven, there is no way to confirm a 10-dB reduction; rather, *in situ* SFV measurements will be conducted to ensure that sound levels are at or below those modeled assuming a 10-dB reduction. At this time, NMFS is not requiring 15 dB attenuation be achieved. While data do demonstrate that this is feasible under some circumstances (e.g., Bellman *et al.*, 2020), the data on the effectiveness of NAS in the Atlantic for similar size piles is scant. Preliminary sound measurements from South Fork Wind indicate that with multiple NAS systems, measured sound levels during impact driving foundation piles using a 4,000 kilojoules (kJ) hammer are below those modeled assuming a 10-dB reduction and suggest, in fact, that two systems may sometimes be necessary to reach the targeted 10-dB reductions. Therefore, while higher than 10 dB attenuation may be technically feasible under some circumstances, more data are needed before assuming a higher level of attenuation is consistently achievable in all environments.

In addition to the SFV requirements in the proposed rule, consistent with the Biological Opinion, NMFS has added to this final rule the requirement that Sunrise Wind must conduct abbreviated SFV monitoring (consisting of a single acoustic recorder placed at an appropriate distance from the pile) on all foundation installations for which the complete SFV monitoring, as required in the proposed rule, is not carried out. NMFS is requiring that these SFV results must be included in the weekly reports. Any indications that distances to the Level A harassment and Level B harassment thresholds for whales are exceeded must be addressed by Sunrise Wind, including an explanation of factors that contributed to the exceedance and corrective actions that were taken to avoid exceedance on subsequent piles.

Since the proposed rule, Sunrise Wind has identified the noise attenuation systems that will be used during foundation installation (*i.e.*, a double bubble curtain and Adbm resonator). While knowing the exact system is not required to evaluate the potential impacts to marine mammals as NMFS conservatively carries forward the proposed system with the largest potential impact into the estimate take analysis, NMFS believes the commenter's request to specify the noise attenuation system has been satisfied.

Comment 13: A commenter recommended NMFS should expand the NARW PAM and visual clearance zones to 5,000 m from the pile during impact and vibratory pile driving; expand the PAM shutdown zone (exclusion zone) to 2,000 m during vibratory and impact pile driving; expand the clearance zone during HRG to 1,000 m; and have a soft-start/ramp-up whenever a shutdown during HRG occurs.

Response: The foundation installation impact pile driving PAM monitoring zone for NARW is 10 km and any detection within this zone would trigger a delay or shutdown of pile driving. Clearance or shut down for NARW would also occur if a whale is visually detected at any distance by foundation installation PSOs. These requirements are more protective than those recommended by the commenter. While the minimum visibility zone is construction scenario-specific (table 32) but less than the recommended 5,000 m, it is based on the largest modeled Level A harassment ER95% for NARW. Any larger zone could result in delays to the project that could adversely impact marine mammals by extending construction. Further, this is the *minimum* distance that must be visually

cleared, and NMFS anticipates that on many occasions, the ability to detect NARW beyond this zone will be obtainable.

Vibratory pile driving would occur at the cable landfall location to install cofferdam sheet piles and goal posts. The distances to the Level A harassment thresholds from this activity are very small (*i.e.*, less than 200 m for all marine mammal species). While the distance to the Level B harassment threshold is not small (*i.e.*, approximately 9.7 km for all marine mammal species), clearing 5,000 km before beginning vibratory driving is not practical. The commenter did not provide scientific information supporting their recommendation for such a large clearance zone. The commenter also recommended a PAM clearance zone of 2 km during vibratory pile driving; however, PAM is not required during this activity given it is an activity that would be very limited in duration (a maximum of 12 days), produces relatively low noise levels, and is expected to result in a limited number of takes. NMFS has determined that the current clearance zones, along with other mitigation measures, affect the least practicable adverse impact on marine mammal species or stocks and their habitat.

As described in the proposed rule and this final rule for HRG surveys, the required 500-m shutdown zone for NARW exceeds the modeled distance to the largest 160-dB Level B harassment isopleth (141 m during sparker use) by a large margin, minimizing the likelihood that they will be harassed in any manner by this activity. Commenters do not provide additional scientific information for NMFS to consider to support their recommendation to expand the zones to 1,000 m. Given that these surveys are relatively low impact, and that NMFS has prescribed a precautionary NARW clearance and shutdown zone that is larger (500 m) than the largest estimated Level B harassment zone (141 m), NMFS has determined that an increase in the size of the zones to 1,000 m is not necessary to affect the least practicable adverse impact.

Finally, a soft-start to impact pile driving and ramp-up to HRG surveys was included in the proposed rule and is included in this final rule. The rule specifies that if an acoustic source is shut down for a period longer than 30 minutes, then all clearance and ramp-up procedures must be initiated. However, if an acoustic source is shut down for reasons other than mitigation (*e.g.*, mechanical difficulty) for less than 30 minutes, it may be activated again without ramp-up only if PSOs have

maintained constant observation and no additional detections of any marine mammal occurred within the respective shutdown zones.

Comment 14: A commenter asserted an independent review of mitigation measures should be required due to limitations associated with visual monitoring and PAM.

Response: The MMPA does not require an independent review of mitigation measures. It does require notice and opportunity for public comment (16 U.S.C. 1371(a)(5)(A)(i)). The public comment period is a means by which the public (*i.e.*, independent reviewers) are able to provide NMFS with mitigation measure recommendations supported by scientific evidence that NMFS takes into consideration when finalizing the rulemaking.

Comment 15: A commenter recommended shutdown should be initiated if weather or other conditions limit the range of observation.

Response: The comment refers to a 500 m shutdown zone for NARW; therefore, NMFS assumes the recommendation is referring to HRG surveys, which are a low impact activity. As described in the proposed rule and this final rule, PSOs are required to monitor the shutdown zone during operations. During periods of low visibility, alternative monitoring technology (*i.e.*, infrared or thermal cameras) must be used to monitor these zones. This final rule clarifies that when the shutdown zones become obscured for brief periods (*i.e.*, no more than 30 minutes) due to inclement weather, survey operations may continue (*i.e.*, no shutdown is required) so long as no marine mammals have been detected. Further, the shutdown requirement is waived for certain genera of small dolphins. As noted above, take of marine mammals from HRG surveys is limited overall, take by Level B harassment only is expected to occur only within a small area in close proximity to the vessel, and no Level A harassment is expected to result from exposure to the surveys even in the absence of mitigation. There is a low likelihood that short periods of obscured visibility might potentially coincide with a marine mammal entering the shutdown zone and a shutdown not occurring. While such an event may result in a higher-level exposure than would occur if the shutdown happened, such an exposure would still not be expected to result in a Level A take and would be brief and not change the number of takes or our evaluation of their likely effects, which are expected to be comparatively minor.

Additionally, the frequent delay and/or cessation of HRG surveys creates operational challenges and impracticalities for applicants.

Altogether, the required measures affect the least practicable adverse impact on the affected species.

Comment 16: For HRG survey activities, a commenter questioned why the NARW is given an exclusion zone for ramp up and ramp down procedures equal to 500 meters, while all other baleen whales that hear in the exact same profile, are only given an exclusion zone range from 100–141 m, even though they hear equally as well as the NARW.

Response: While baleen whales have similar hearing capabilities, given the baseline status and condition of NARW, NMFS determined that enhanced mitigation measures are necessary to affect the least practicable adverse impact on the species. The largest Level B harassment zone for HRG acoustic sources is 141 m. Extending clearance zones for other baleen whales from 100 m to 500 m could result in HRG surveys extending over longer time periods. Extending the time over which surveys are conducted could potentially lead to adverse impacts on marine mammals (*e.g.*, Southall *et al.*, 2021). In consideration of the size of the Level B harassment zone and the potential consequences of extending survey time, NMFS has determined that the mitigation measures for HRG surveys effect the least practicable adverse impact on non-NARW baleen whales.

Comment 17: A commenter recommended prohibiting all planned activities on days or periods where reduced visibility conditions occur, as well as at night due to concerns over the ability to monitor the clearance zone and increased risk of vessel strikes in the case that various construction vessels are operating at night. Another commenter recommended if, under rare circumstances pile driving must proceed after dark for safety reasons, a summary of the frequency of these exceptions be publicly available to ensure they are the exception and not the norm for the project.

Response: NMFS acknowledges the limitations inherent in visual detection of marine mammals at night. In order for Sunrise Wind to conduct nighttime pile driving activities, it must submit and NMFS must approve a Nighttime Monitoring Plan that reliably demonstrates the efficacy of its night vision methods. In this final rule, NMFS has clarified that this includes a description of how Sunrise Wind will monitor pile driving activities during reduced visibility conditions (*e.g.*, rain,

fog) and at night, including proof of the efficacy of monitoring devices (*e.g.*, mounted thermal/infrared camera systems, hand-held or wearable night vision devices NVDs, spotlights) in detecting marine mammals over the full extent of the required clearance and shutdown zones. All impact pile driving activities must have visual monitoring paired with PAM, increasing the likelihood that NARW and opportunistically, other marine mammals, will be detected. NMFS emphasizes that there are benefits to completing the pile driving activities in a shorter total amount of time, in that some number of marine mammals (*i.e.*, those that might intersect the much larger Level B harassment zone) would be exposed to fewer overall days of pile driving noise and potentially a smaller magnitude or severity of behavioral disturbance as a result given repeated exposures would be minimized. Therefore, NMFS has determined the current mitigation measures affect the least practicable adverse impact on marine mammals and their habitat.

Sunrise Wind is also required to submit a Vessel Strike Avoidance Plan, which NMFS will also review in consideration of the vessel strike avoidance monitoring requirements, including the technology it would use to monitor for marine mammals at night and the effectiveness of that technology. NMFS notes any vessel strike would be unlawful, and Sunrise Wind is required to immediately report the incident to NMFS, cease activities, and work with NMFS to determine the best course of action.

NMFS does not plan to make the weekly or monthly reports publicly available; however, it will make the final reports available, which must summarize all of the information contained in the weekly and monthly reports.

The proposed rule and this final rule do not restrict the timing of HRG survey activities. There is no evidence that mortality or Level A harassment is an outcome of HRG survey noise exposure, the Level B harassment zones are small (*i.e.*, no more than 141 m), and HRG survey PSOs are required to use alternative technology to monitor the mitigation zones at night. Therefore, the mitigation zones are able to be effectively monitored at night. Further, ramp-up may occur at nighttime if appropriate visual monitoring has occurred with no detections of marine mammals in the 30 minutes prior to beginning ramp-up. The commenter did not provide justification for why, with the use of two PSOs and alternative detection technology, the mitigation

zones cannot be effectively monitored. Furthermore, restricting the ability of the applicant to begin operations only during daylight hours could result in the applicant failing to collect the data they have determined is necessary within the specific timeframe and, subsequently, may necessitate the need to conduct additional surveys in the future across additional days. No Level A harassment is expected to result from exposure to HRG equipment, even in the absence of mitigation, given the characteristics of the sources planned for use (supported by the very small estimated Level A harassment zones; *i.e.*, <36.5 m (119.8 ft) for all sources).

Regarding Level B harassment, any potential impacts from HRG survey noise exposure are expected to be limited to short-term, minor (*e.g.*, slight avoidance) behavioral responses. In consideration of the effects of the activity on marine mammals, the fact PSOs would utilize alternative technology at night, the potential unintended consequences of the measures as proposed by the commenters, NMFS has determined that the HRG mitigation measures affect the least practicable adverse impact on marine mammals and their habitat and no additional restrictions are warranted.

Comment 18: The Commission recommends that in the final rule, NMFS should: (1) specify which model-estimated zones (*i.e.*, acoustic ranges, exposure ranges, mitigation zones, monitoring zones) and which metrics (*i.e.*, flat R_{max} , flat $R_{95\%}$) should be compared to the *in situ* measured Level A and B harassment zones; (2) specify which type of *in situ* Level A harassment zone (*i.e.*, acoustic or exposure ranges) should be calculated; (3) require Sunrise Wind to conduct additional *in situ* measurements for monopiles that are not represented by the previous three locations (*i.e.*, substrate composition, water depth) or by the hammer energies and numbers of strikes needed to install a pile in a given day or number of piles installed in a given day; and (4) require Sunrise Wind to deploy a minimum of three hydrophones for SFV during impact pile driving of monopiles and two hydrophones and one pressure transducer for SFV during UXO/MEC detonations. The Commission also recommends that NMFS require Sunrise Wind to determine (1) root-mean-square SPL (SPL_{rms}) and single-strike SEL (SEL_{s-s}) source levels and (2) ranges to (a) mortality, (b) Level A harassment based on slight lung injury, slight gastro-intestinal (GI) injury, and permanent threshold shift (PTS), and (c) Level B harassment based on temporary

threshold shift (TTS) and behavior. The also recommended NMFS require Sunrise Wind to include in the interim SFV reports (1) number of strikes for impact pile driving, (2) the type(s) and location(s) of the sound attenuation systems, (3) SEL_{cum} for impact pile driving and UXO detonations, and (4) ranges to (a) Level A harassment (PTS for impact pile driving and UXO detonations) and (b) Level B harassment (TTS for UXO detonations and behavior for impact pile driving and UXO detonations). In the final SFV reports, the Commission recommended Sunrise Wind include (1) the impulse metric (in Pa-sec) for UXO detonations, (2) ranges to Level A harassment (PTS) and Level B harassment (behavior) for impact pile driving, (3) ranges to mortality, Level A harassment (slight lung injury, slight GI injury, and PTS), and Level B harassment (TTS and behavior) for UXO detonations, (4) source levels at 10 m during wind turbine operations, (5) received levels at 50 m, 100 m, and 250 m from the wind turbine during operations, and (6) operational parameters (*i.e.*, direct drive/gearbox information, turbine rotation rate), sea state conditions, and any nearby anthropogenic activities when monitoring operational sound.

Response: NMFS agrees with most of the Commission's recommendations on reporting and have added metrics recommended in this final rule where they were not included or unclear in the proposed rule. The following provides a summary of those recommendations NMFS does not agree with or where NMFS has provided alternative measures. NMFS is not at this time requiring rms source levels as those can be deduced from the SEL levels. NMFS is also not specifying the distances at which operational noise be measured as recommended by the Commission but will assess the proposal by the developer in their SFV plan. In this final rule, NMFS is requiring Sunrise Wind conduct abbreviated SFV on all piles, which is more than is recommended by the Commission. In addition, for complete SFV, NMFS is requiring four recorders (each equipped with two hydrophones) to be used as well as an additional recorder at a 90 degrees (total of 10 hydrophones), which is well above that recommended by the Commission. Sunrise Wind is also required in this final rule to measure pressure during all UXO/MEC detonations with a pressure transducer.

Comment 19: The Commission recommends that NMFS allow for public comment on Sunrise Wind's PAM Plan prior to issuing any final rule; require wind energy applicants to

submit a PAM plan and SFV plans prior to the agency publishing any proposed rule; ensure that any PAM plan include, at a minimum, information on the minimum number, type (*e.g.*, moored, drifting, or towed), location, bandwidth/sampling rate, estimated acoustic detection range, or sensitivity of the hydrophones or the detection software (*e.g.*, PAMGUARD) that would be used; and discuss with Sunrise Wind whether the operator would use vector sensors in addition to hydrophones to enhance detections, particularly of those vocalizations that may be drowned out by the hammer strikes and resulting reverberation.

Response: Due to other concurrent permitting processes and acknowledging the need for flexibility and project-specific implementation, NMFS disagrees these Plans must be submitted prior to promulgating the final rule. The purpose of the Plans is for the developer to provide to NMFS details on how they would satisfy the criteria identified in the rule. These criteria are available for public review and comment. NMFS does not specify the Commission's reporting recommendations; however, it does require a description of all proposed PAM equipment, procedures, and protocols, including evidence that vocalizing NARW will be detected within the clearance and shutdown zones, as well as how the proposed passive acoustic monitoring must follow standardized measurement, processing methods, reporting metrics, and metadata standards for offshore wind. Sunrise Wind's responses to these requirements will address the Commission's recommendations.

Comment 20: Commenters recommended that NMFS should expand the visual monitoring (PSO) and acoustic monitoring (PAM) requirements for the project. They recommended that PSO staffing levels should be increased to a minimum of four PSOs on each monitoring platform, with at least two on duty at all times, and be supplemented with drones during periods of darkness or poor visibility. They also recommended PAM should be required during vibratory pile driving, and HRG surveys; have a minimum detection range of 10,000 m during pile driving; and be undertaken from a vessel other than the pile driving vessel or from a stationary unit to avoid the hydrophone being masked by construction related noise. Finally, the commenters recommended that visual and acoustic monitoring should begin 60 minutes prior to vibratory pile driving.

Response: Regarding the number of PSOs, NMFS notes that the proposed rule required a minimum of four PSOs actively observing marine mammals before, during, and after (specific times described below) the installation of monopiles (two on the pile driving platform and two on a secondary PSO vessel). In light of other public comments regarding monitoring, NMFS has increased this requirement to 3 on-duty PSOs per vessel platform for a minimum of six on-duty PSOs monitoring before, during, and after foundation installation impact pile driving.

NMFS has expanded the visual and acoustic monitoring requirements in this final rule and has established a 10 km PAM monitoring zone for NARW (and opportunistically other marine mammals) during foundation impact pile driving and the PAM system be at least 1 km from the pile driving vessel. In this final rule, NMFS has increased the number of on-duty PSOs on the pile driving vessel from two to three. NMFS notes that the proposed rule and this final rule limit the number of consecutive PSO watch hours and, therefore, Sunrise Wind must ensure it has enough PSOs on staff to meet on-duty requirements. NMFS is not requiring drones to be used at this time and the commenters did not provide information supporting the recommendation that they be used when considering the extensive PSO monitoring required.

NMFS is not requiring PAM during HRG surveys and vibratory pile driving and the commenters do not provide additional scientific information for NMFS to consider to support their recommendation to require PAM during these activities. NMFS disagrees that this measure is warranted during HRG surveys because it is not expected to be effective for use in detecting the species of concern given the noise from the vessel because the flow noise, and the cable noise are in the same frequency band and will mask the vast majority of baleen whale calls. Vessels produce low-frequency noise, primarily through propeller cavitation, with main energy in the 5–300 Hz frequency range. Source levels range from about 140 to 195 decibel (dB) re 1 μ Pa (micropascal) at 1 m (NRC, 2003; Hildebrand, 2009), depending on factors such as ship type, load, and speed, and ship hull and propeller design. Studies of vessel noise show that it appears to increase background noise levels in the 71–224 Hz range by 10–13 dB (Hatch *et al.*, 2012; McKenna *et al.*, 2012; Rolland *et al.*, 2012). PAM systems employ hydrophones towed in streamer cables

approximately 500 m behind a vessel. Noise from water flow around the cables and from strumming of the cables themselves is also low frequency and typically masks signals in the same range. Experienced PAM operators (Thode *et al.*, 2017) emphasized that a PAM operation could easily report no acoustic encounters, depending on species present, simply because background noise levels rendered any acoustic detection impossible. The same report stated that a typical eight-element array towed 500 m behind a vessel could be expected to detect delphinids, sperm whales, and beaked whales at the required range but not baleen whales due to expected background noise levels (including seismic noise, vessel noise, and flow noise).

While NMFS agrees that PAM can be an important tool for augmenting detection capabilities in certain circumstances (*e.g.*, foundation installation), its utility in further reducing impacts during HRG survey activities and vibratory pile driving is limited. For HRG surveys, the area expected to be ensonified above the Level B harassment threshold is relatively small (a maximum of 141 m); this reflects the fact that the source level is comparatively low and the intensity of any resulting impacts would be lower level and, further, it means that inasmuch as PAM will only detect a portion of any animals exposed within a zone, the overall probability of PAM detecting an animal in the harassment zone is low (particularly because of flow noise masking vocalizations). Together, these factors support the limited value of PAM for use in reducing take for activities/sources with smaller zones. Additionally, PAM is only capable of detecting animals that are actively vocalizing, while many marine mammal species vocalize infrequently or during certain activities, which means that only a subset of the animals within the range of the PAM would be detected (and potentially have reduced impacts). Further, localization and range detection can be challenging under certain scenarios. For example, odontocetes are fast moving and often travel in large or dispersed groups which makes localization difficult while porpoises and delphinid echolocation clicks are high frequency with limited detection ranges.

The only vibratory pile driving that would occur is during installation and removal of sheet piles at the cofferdam site and pier pile installation at Smith Point County Park, the latter of which is not expected to result in take of marine mammals. Vibratory installation of sheet piles is a relatively quiet pile

installation method when compared to impact pile driving with lower impacts and would occur over a short durations (*i.e.*, approximately one month intermittently). The use of PAM is not typically required during similar coastal construction pile driving projects, as PSOs are sufficient to monitor for marine mammals. This work would also occur in shallow water; therefore, any marine mammals should be reliably detected within 30 minutes prior to pile driving when PSO monitoring would begin as animals would not be diving to depth that require longer dive times. Further, the commenters did not provide scientific evidence suggesting 30 minutes is not an adequate amount of time to detect marine mammals to enact mitigation, where applicable. Therefore, NMFS is not requiring 60 minutes of monitoring prior to beginning cable landfall pile driving as it has determined it affects the least practicable adverse impact.

Given that the effects to marine mammals from the types of HRG surveys and vibratory pile driving authorized are expected to be limited to low-level, behavioral harassment even in the absence of mitigation and the cost and impracticability of implementing a full-time PAM program, NMFS has determined the current requirements for visual monitoring are sufficient to effect the least practicable adverse impact on the affected species or stocks and their habitat during these activities.

Comment 21: A commenter suggested that NMFS should improve data transparency for the reporting measures by requiring that all reports and data be accessible to the public; require immediate reporting of all visual and acoustic detections of NARW and dead/injured/entangled marine mammals, if possible, to the appropriate authority but no later than the end of the protected species observer's shift; and require reporting to NMFS and the public whenever an exemption was taken to implementing a mitigation measure (*e.g.*, shutdown did not occur due to safety concerns).

Response: The commenter's recommendations to report all visual and acoustic detections of NARW and any dead, injured, or entangled marine mammals to NMFS are consistent with the proposed rule and this final rule. NMFS recognizes the potential for intermittent communication issues at sea and these issues may last longer than a maximum PSO shift (*i.e.*, four hours). Therefore, NMFS is requiring these reports be made as soon as possible but no later than 24 hours.

Neither the MMPA nor its implementing regulations require NMFS

to make monitoring reports publicly available. However, it is NMFS long standing practice to make final incidental take authorization monitoring reports available to the public via our website. In both the proposed rule and this final rule, NMFS requires Sunrise Wind to submit annual marine mammal monitoring reports (which include documenting instances where allowable exemptions were taken) and final SFV monitoring reports; the final versions of these reports will be posted on NMFS' website). NMFS also requires weekly and monthly reporting; however, these reports are a means by which to check compliance with the rule. NMFS does not intend to make these publicly available. Further, as NARW sightings are reported by Sunrise Wind, they will be made publicly available on WhaleMap (<https://whalemap.org/whalemap.html>) while acoustic detections of NARW and other large whale species will be available to the public on NOAA's Passive Acoustic Cetacean Map website (<https://www.fisheries.noaa.gov/resource/data/passive-acoustic-cetacean-map>).

Comment 22: A commenter recommended NMFS should set more frequent reporting requirements for NAS and require independent compliance evaluators.

Response: In addition to the SFV reporting included in the proposed rule for complete SFV, this final rule requires Sunrise Wind to conduct abbreviated SFV on all foundation piles for which complete SFV is not conducted with frequent reporting in weekly reports. Frequent SFV reporting will allow NMFS to evaluate Sunrise Wind's compliance with the need to reduce distances to NMFS harassment isopleths to at or below those modeled assuming 10 dB attenuation. NMFS is not requiring independent compliance evaluators. These reports will be reviewed by NMFS staff with specialized expertise.

Comment 23: A commenter asserted the use of PSOs and PAM is not sufficient or effective, particularly for NARW and calves, as well as during UXO detonations and construction of multiple and adjacent projects and requested the final rule detail the effectiveness of PAM for detecting NARW, including mothers and calves, during pile driving and UXO detonation occurring simultaneously with other projects.

Response: The commenter did not provide any scientific evidence that visual monitoring for NARW is not effective and therefore, is not supported. Regarding the assertion that PAM is also not effective, the commenter cited Parks

et al. (2019). As evident from the title of the paper, "Acoustic cryptsis in communication by NARW mother-calf pairs on calving grounds", all data collected to support the findings from that paper were from calving grounds off the coasts of Georgia and Florida. Habitat use and age classes are different between calving ground and southern New England, which hosts older animals and those engaged in foraging and socialization, making findings in the referenced paper not applicable to the Sunrise Wind project area. Furthermore, there is ample scientific evidence to support PAM is an effective tool for monitoring for NARW (*e.g.*, Davis *et al.*, 2017, Van Parijs *et al.* (2021)) with recent literature indicating PAM was able to detect NARW in the Massachusetts and Rhode Island Wind Energy Areas monitored, including where the Sunrise Wind's Lease Area is located on, in certain months of the year, a daily basis (Davis *et al.* 2023). Together, visual and PAM approaches are well understood to provide best results when combined together (*e.g.*, Barlow and Taylor, 2005; Clark *et al.*, 2010; Gerrodette *et al.*, 2011. For these reasons, NMFS finds that the suite of visual and acoustic monitoring measures in the proposed rule and carried forward in this final rule are based on the best available scientific information and are effective at detecting NARW.

Comment 24: A commenter requested an increase in the frequency of information review for adaptive management to occur on a quarterly basis, that these quarterly reports be made publicly available, and for NMFS develop a mechanism to undertake these reviews on an ad hoc basis if a serious issue is identified.

Response: Regarding the recommendation that NMFS have a mechanism in place to undertake review and adaptive management on an ad hoc basis if a serious issue is identified, there are no timing restrictions in the adaptive management provisions and therefore, NMFS may undertake review and adaptive management actions at any time under the regulations, as written. Regarding the recommendation to increase the frequency of information review, Sunrise Wind is required to submit weekly, monthly, and annual reports that NMFS will review in a timely manner and may act on pursuant to the adaptive management provisions at any time and, therefore, a separate specific quarterly review is unnecessary.

Comment 25: A commenter recommended that sound source validation reports of field measurements must be evaluated by NOAA Fisheries

prior to additional piles being installed and be made publicly available and that SFV be on the first pile installed and from a random sample of piles throughout the construction period.

Response: NMFS notes that, as proposed, this final rule requires that no unmitigated piles can be installed and that SFV is required for piles to ensure that measured sound levels do not exceed those modeled assuming 10 dB of attenuation. NMFS acknowledges the importance of transparency in the reporting process and plans to make all final annual SFV reports available on our website.

Comment 26: A commenter requested that NMFS: (1) explain whether or not Level B necropsies will be conducted on all animals that may wash ashore during construction activities to examine for auditory injury and/or lung and gastrointestinal injury; (2) how or if those results will be made public and available in a timely manner, if such injury is discovered if or how this would be attributed to any particular project or offshore wind construction activity; and (3) what steps NMFS would take as a result.

Response: The MMPA established the Marine Mammal Health and Stranding Response Program (MMHSRP). It coordinates emergency responses to sick, injured, distressed, or dead seals, sea lions, dolphins, porpoises, and whales. The MMHSRP works with volunteer stranding and entanglement networks as well as local, tribal, state, and Federal Government agencies to coordinate and conduct emergency responses to stranded or entangled marine mammals. The networks respond, when safe and feasible, to document and recover carcasses. It does not and cannot respond to every stranded marine mammal, and it is not responsible for disposing of carcasses. The type of examination conducted varies and depends on availability of resources, location, carcass accessibility, and the decomposition state. A necropsy report, when written, includes data which are compiled over several weeks to months and then analyzed for a possible cause of death determination and findings. National and Regional summaries of stranding statistics are available at: <https://www.fisheries.noaa.gov/resource/publication-database/marine-mammal-health-and-stranding-response-program-reports>. NMFS may modify these regulations and the LOA based on new information it considers the best available science. If this science indicates the takings allowed under these regulations may be having more than a negligible impact, NMFS must

suspend or withdraw the LOA after notice and opportunity for public comment.

Comment 27: Several commenters disagreed with NMFS' negligible impact determination, particularly for NARW. Comments claimed that NMFS did not: (1) consider the imperiled population status of NARWs; (2) evaluate the cumulative effects of all projects (e.g., offshore wind construction and operational noise and site characterization surveys and baseline urbanized background levels of ambient noise which result in stress); (3) meaningfully examine the effects of the loss of communication space on marine mammals and, further, seems to misapprehend the spatial and temporal scope of the effects; (4) consider that any effect to the small number of breeding females can adversely affect fecundity and imperil the species; and (5) consider whether abandonment of habitat that was designated with the express purpose of preventing vessel strikes would push the species further into a vessel traffic corridor, thereby elevating the risk to the species nor evaluated all the risks to NARW by habitat displacements as sublethal take has can a measurable effect due to the small population.

Response: NMFS is required to authorize the requested incidental take if it finds the total incidental take of small numbers of marine mammals by U.S. citizens "while engaging in that (specified) activity" within a specified geographic region during the 5-year period (or less) will have a negligible impact on such species or stock and, where applicable, will not have an unmitigable adverse impact on the availability of such species or stock for subsistence uses (16 U.S.C. 1371(a)(5)(A)). Negligible impact is defined 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 effect on annual rates of recruitment or survival" (50 CFR 216.103). Consistent with the preamble of NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are factored into the baseline, which is used in the negligible impact analysis. Here, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline (e.g., as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors).

The preamble of NMFS' implementing regulations also addresses cumulative effects from future, unrelated activities. Such effects are not considered in making the negligible impact determination under section 101(a)(5) of the MMPA. NMFS considers: (1) cumulative effects that are reasonably foreseeable when preparing a National Environmental Policy Act (NEPA) analysis; and (2) reasonably foreseeable cumulative effects under section 7 of the ESA for ESA-listed species, as appropriate. Accordingly, NMFS has adopted and reviewed BOEM's EIS and as part of its inter-agency coordination. This EIS addresses cumulative impacts related to the Project and substantially similar activities in similar locations. Cumulative impacts regarding the promulgation of the regulations and issuance of an LOA for construction activities planned by Sunrise Wind, have been adequately addressed in the adopted EIS that supports NMFS' determination that this action has been appropriately analyzed under NEPA. Separately, the cumulative effects of the Project on ESA-listed species, including the NARW, were analyzed under section 7 of the ESA when NMFS engaged in formal inter-agency consultation with NOAA's Greater Atlantic Regional Fisheries Office (GARFO). The Biological Opinion for the Project determined that NMFS' promulgation of the rulemaking and issuance of an LOA for construction activities, individually and cumulatively, are likely to adversely affect, but not jeopardize, listed marine mammals.

NMFS disagrees that its negligible impact determination is flawed or not supported. NMFS fully disclosed the imperiled status of NARW in the Description of Marine Mammals in the Area of Specified Activity section of the proposed rule. The proposed rule, as well as this final rule by reference, fully explains the impacts to NARW is expected to be limited to low-level behavioral harassment (e.g., temporary avoidance or cessation of foraging). The proposed rule also described the potential effects of behavioral disturbance on marine mammal fitness and that, based on the best available science, behavioral disturbance resulting from Sunrise Wind's activities is not expected to impact individual animals' health or have effects on individual animals' survival or reproduction, thus no detrimental impacts at the population level are anticipated. The commenters do not provide scientific evidence that suggests otherwise. Specifically, the commenters

did not provide evidence that any effect to a breeding female would result in reduced fecundity.

Commenters suggested NMFS did not meaningfully evaluate loss of communication space; however, the Effects on Marine Mammals and Their Habitat section in the proposed rule contained an analysis on the impacts of masking both in general and from the specified activities.

NMFS acknowledges that whales may temporarily avoid the area where the specified activities occur. However, NMFS does not anticipate, based on the best available science, that whales will abandon their habitat, as suggested by a commenter, or be displaced in a manner that would result in a higher risk of vessel strike, and the commenter does not provide evidence that either of these effects should be a reasonably anticipated outcome of the specified activity. The primary activity that is anticipated to result in temporary avoidance of the otherwise used habitat is foundation installation impact pile driving. Not only would this activity be limited to times of year when NARW presence is low, pile driving would be intermittent, and pile driving would only occur for a limited time (i.e., approximately 348 hours plus the installation of an OCS-DC in one day) over the course of two years. Together, these factors further reduce the likelihood that this species would be in close enough proximity to the activity to engage in avoidance behavior to the degree it would move into an area of risk (which would be closer to shore) that it could be struck by another vessel.

Comment 28: Commenters questioned the validity of NMFS' small numbers analysis on the basis that the numbers do not account for the cumulative take numbers from previous, ongoing, or potential projects. One commenter also requested NMFS clarify the definition of and thresholds for a small numbers determination.

Response: NMFS has provided a reasoned approach to small numbers, as described in the final rule, "Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico" (86 FR 5322 at 5438, April 19, 2021). Utilizing that approach, NMFS has made the necessary small numbers finding for all affected species and stocks in this case (Small Numbers section of this preamble for more detail). Neither the MMPA nor our implementing regulations require the small numbers analysis to consider take from previous, ongoing, or potential projects.

Comment 29: Commenters suggested that NMFS failed to account for the cumulative (or additive) impacts on marine mammal species in the Sunrise Wind analysis and that NMFS should evaluate the cumulative impacts of ongoing and future OSW projects rather than evaluating projects individually. They provide that NMFS must consider the total number of takes proposed to be authorized across all wind projects and must fully consider the discrete effects of each activity and the cumulative effects of the suite of approved, proposed, and potential activities on marine mammals, including NARWs, and ensure that the cumulative effects are not excessive before issuing an LOA.

Response: Neither the MMPA nor NMFS' implementing regulations call for consideration of the take resulting from other specified activities in the negligible impact analysis. The preamble to NMFS' implementing regulations states, in response to comments, that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline (54 FR 40338, September 29, 1989). Consistent with that direction, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline (e.g., as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors). The final rule for the MMPA implementing regulations also addressed public comments regarding cumulative effects from future, unrelated activities (54 FR 40338, September 29, 1989). There, NMFS stated that such effects are not considered in making findings under section 101(a)(5) concerning negligible impact. In this case, this incidental take regulation (ITR), as well as other ITRs currently in effect or proposed within the specified geographic region, are appropriately considered an unrelated activity relative to the others. The ITRs are unrelated in the sense that they are discrete actions under section 101(a)(5)(A) of the MMPA issued to discrete applicants. Section 101(a)(5)(A) of the MMPA requires NMFS to make a determination that the take incidental to a "specified activity" will have a negligible impact on the affected species or stocks of marine mammals.

NMFS' implementing regulations require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals

(50 CFR 216.104(a)(1)). Thus, the "specified activity" for which incidental take coverage is being sought under section 101(a)(5)(A) is generally defined and described by the applicant. Here, Sunrise Wind was the applicant for the ITR, and NMFS is responding to the specified activity as described in that application and making the necessary findings on that basis.

Through the response to public comments in the 1989 implementing regulations, NMFS also indicated: (1) that it would consider cumulative effects that are reasonably foreseeable when preparing a National Environmental Policy Act (NEPA) analysis; and (2) that reasonably foreseeable cumulative effects would also be considered under section 7 of the ESA for listed species, as appropriate (54 FR 40338, September 29, 1989). Accordingly, NMFS has adopted an EIS written by BOEM and reviewed by NMFS as part of inter-agency coordination. This EIS addresses cumulative impacts related to Sunrise Wind and substantially similar activities in similar locations. Cumulative impacts regarding the promulgation of the regulations and issuance of a LOA for construction activities, such as those planned by Sunrise Wind, have been adequately addressed under NEPA in the adopted EIS that supports NMFS' MMPA decision. Separately, the cumulative effects of Sunrise Wind on ESA-listed species, including NARW, was analyzed under section 7 of the ESA when NMFS engaged in formal inter-agency consultation with GARFO. The Biological Opinion for Sunrise Wind determined that NMFS' promulgation of the rulemaking and issuance of a LOA for construction activities associated with leasing, individually and cumulatively, are likely to adversely affect, but not jeopardize, listed marine mammals.

Comment 30: Several commenters claimed the request for an ITA should be denied alleging the specified activities kill marine mammals, and some commenters suggested that the ongoing whale UMEs, including the whale deaths occurring in the winter of 2022–2023, are linked with ongoing offshore wind survey work (i.e., HRG surveys). One commenter claimed the burden is on NMFS to prove, with evidence, that there is no association between HRG surveys and whale injuries, including "rectified diffusion" deaths, or otherwise assume that offshore wind activity has contributed to these deaths. A commenter also asserted that the activities covered by the ITR and associated LOA are reasonably likely to result in Level A

take of NARWs that are not covered by the authorization's terms.

Response: Neither the proposed rule nor this final rule allow mortality or serious injury of marine mammals to be authorized. The best available science indicates that the anticipated impacts from the specified activities potentially include avoidance, cessation of foraging or communication, TTS and PTS, stress, masking, etc. (as described in the Effects of the Specified Activities on Marine Mammals and their Habitat section in the proposed rule). NMFS emphasizes that there is no evidence that noise resulting from offshore wind development-related specified activities would cause marine mammal strandings and that there is no evidence linking recent large whale mortalities and currently ongoing offshore wind activities. The commenters offer no such evidence or other scientific information to substantiate their claim. This point has been well supported by other agencies, including BOEM and the Marine Mammal Commission (Marine Mammal Commission Newsletter, Spring 2023).

There is an ongoing UME for humpback whales along the Atlantic coast from Maine to Florida, which includes animals stranded since 2016, and NMFS provides further information on the humpback UME in the humpback whale subsection in the Description of Marine Mammals in the Specific Geographic Region section of this final rule.

Partial or full necropsy examinations were conducted on approximately half of the whales that recently stranded along the U.S. east coast. Necropsies were not conducted on other carcasses because they were too decomposed, not brought to land, or stranded on protected lands (e.g., National and State parks) with limited or no access. Of the whales examined (roughly 90), about 40 percent had evidence of human interaction (i.e., ship strike or entanglement). Vessel strikes and entanglement in fishing gear are the greatest human threats to large whales. The remaining 50 necropsied whales either had an undetermined cause of death (due to a limited examination or decomposition of the carcass) or had other causes of death including parasite-caused organ damage and starvation. The best available science indicates that only Level B harassment, or disruption of behavioral patterns (e.g., avoidance), may occur as a result of Sunrise Wind's HRG surveys. NMFS emphasizes that there is no credible scientific evidence available suggesting that mortality and/or serious injury is a potential outcome of the planned survey activity. More

information about interactions between offshore wind energy projects and whales can be found at: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/frequent-questions-offshore-wind-and-whales>. The proposed rule and this final rule state that no take of NARW by Level A harassment, mortality, or serious injury was requested or proposed for authorization (see the Estimated Take and Negligible Impact Analysis and Determination sections), and they are not expected based on the best available science.

One commenter cited literature as evidence that seismic surveys in the mid to low frequency range can injure, cause decompression sickness (*i.e.*, the bends), and cause rectified diffusion in whales. The Fernandez (2005) paper cited refers to pathology results from necropsies conducted on beaked whales involved in a mass stranding event in the Canary Islands following high intensity military training exercises involving numerous surface warships and several submarines and mid-frequency tactical sonar activities. NMFS acknowledges the effects of these activities described by the commenter are known; however, the activities in that paper are not analogous to HRG surveys that would be conducted by Sunrise Wind to construct the Project, and the information presented by the commenter is not applicable due to many factors (*e.g.*, pile driving is stationary, versus the sound sources cited, and HRG surveys utilize a much lower source level).

Comment 31: Members of the public recommended NMFS consider the impacts of structure presence and operations, including those from operational noise on marine mammals as well as ocean mixing and vibrations on phytoplankton, zooplankton, and the food chain. One commenter suggested that NMFS did not evaluate the long-term operational and maintenance impacts of the project on marine mammals and ignored the best available science demonstrating behavioral impacts to marine mammals from operational turbines; therefore, NMFS' small numbers and negligible impact findings are arbitrary and capricious.

Response: In the proposed rule, NMFS considered the impacts to marine mammals from operational noise and to their habitat, including prey, from the presence of structures and operations based on the best available science. In this final rule, NMFS has supplemented that analysis with new scientific information that has become available regarding these issues since publishing the proposed rule. This new information

does not change our findings. The commenter did not provide scientific evidence that suggests the analysis within the proposed rule was unsupported. NMFS has fully evaluated the potential impacts of both issuing this final rule on marine mammals over the five-year effective period of this rulemaking and the potential impacts from long-term operations via the Biological Opinion. NMFS refers the reader to the Effects of the Specified Activities on Marine Mammals and Their Habitat section and the Negligible Impact Determination section in the proposed and in this final rule for further details.

Comment 32: The Commission recommends that NMFS ensure that all underlying documentation used in the agency's analyses, including PSO reports from previous authorizations, are publicly available on its website prior to publishing any **Federal Register** notice for advance notice of proposed rulemakings or the proposed rules themselves.

Response: Although not required by the MMPA or its implementing regulations, NMFS posts all final reports on our website when approved by NMFS. For reports used in its analysis, NMFS agrees that all underlying documentation should be readily available to the public for review along with the proposed rule. While it anticipates the timing is such that in most cases, NMFS will have a final report posted prior to publishing a proposed rule. In more unusual circumstances, in particular if a report is not due, but some preliminary information is available, it may not be possible to make the report publicly available at the same time as the proposed rule. Therefore, NMFS agrees having underlying documentation to support our analyses available for public review is the goal; however, it recognizes that this may not be practicable in all cases. NMFS does publish a Notice of Receipt as required per NMFS' implementing regulations inviting public input on an adequate and complete application for rulemaking. However, this stage does not include NMFS' analysis or preliminary determinations, and therefore, there is no analysis for which supporting documentation is needed. In general, NMFS aims to post relevant documentation as early as possible.

Comment 33: The Commission understands and supports the Administration's push for wind energy development along the Atlantic coast but is concerned the push is compromising the quality of documents at the sake of adhering to timelines and

milestones. The Commission recommends that NMFS prioritize conducting quality control and general oversight of reviewing the preambles to and the proposed and final rules prior to publication in the **Federal Register**.

Response: NMFS is committed to producing accurate and scientifically-defensible documents that support our management decisions for incidental take authorizations and other actions and will continue to prioritize quality control as appropriate, given available resources.

Comment 34: A commenter requested that NMFS' consideration of LOAs for offshore wind developers be applied equitably across industries and that there be a clear threshold for OSW-related takes regionally and across project phases.

Response: NMFS carefully reviews models and take estimate methodology to authorize a number of takes, by species and manner of take that is a likely outcome of the Project. Sunrise Wind is required to submit frequent reports, which identify the number of takes applied to the Project.

Fishing impacts and NMFS assessment of them generally center on entanglement in fishing gear, which is a very acute, visible, and severe impact (*i.e.*, mortality or serious injury). In contrast, the impacts incidental to the specified activities are primarily acoustic in nature and limited to Level A harassment and Level B harassment, there is no anticipated or authorized serious injury or mortality that the fishing industry could theoretically be held accountable for. Any take resulting from the specified activities would not be associated with take authorizations related to commercial fisheries. Neither the MMPA nor NMFS' implementing regulations require NMFS to analyze impacts to other industries (*e.g.*, fisheries) from issuance of an ITA pursuant to section 101(a)(5)(A) of the MMPA. NMFS notes that the Sunrise Wind Final EIS assesses the impacts of both BOEM's and NMFS' actions (*i.e.*, approving Sunrise Wind's activities and authorizing the associated take of marine mammals, respectively) on the human environment, including to fisheries, and NMFS considered the analysis, as appropriate, in the final decisions under the MMPA. The impacts of commercial fisheries on marine mammals and incidental take for said fishing activities are managed separately from those of non-commercial fishing activities (*e.g.*, offshore wind site characterization surveys) under section 118 of the MMPA.

Comment 35: A commenter expressed concern about how the presence of wind turbines will impact NMFS' ability to conduct low-altitude (*i.e.*, 1,000 m) marine mammal assessment aerial surveys, thus impacting NMFS' ability to continue using current methods to fulfill its mission of precisely and accurately assessing and managing protected species.

Response: NMFS and BOEM have collaborated to establish the "Federal Survey Mitigation Strategy for the Northeast U.S. Region" (Hare *et al.*, 2022). This interagency effort is intended to guide the development and implementation of a program to mitigate impacts of wind energy development on fisheries surveys. For more information on this effort, please see: <https://repository.library.noaa.gov/view/noaa/47925>.

Comment 36: A commenter questioned the consequences and implications of a scenario in which the authorized incidental take levels are exceeded.

Response: In the unlikely scenario that Sunrise Wind exceeds their authorized take levels, any further take would be unauthorized and, therefore, prohibited under the MMPA. Sunrise Wind could request additional incidental take of marine mammals from their specified activities. This would require NMFS to reanalyze its small numbers and negligible impact determinations and may require reinitiation of the BiOp and supplemental NEPA analysis depending on the specific facts.

Comment 37: A commenter recommended that, consistent with the requirement to achieve "the least practicable impact on such species or stock and its habitat," the LOA must include conditions for the survey and construction activities that will first avoid adverse effects on NARW in and around the area and then minimize and mitigate the effects that cannot be avoided.

Response: The MMPA requires that we include measures that will affect the least practicable adverse impact on the affected species and stocks and, in practice, NMFS generally agrees with the approach suggested (*i.e.*, the rule should include conditions for the construction activities that will first avoid adverse effects on NARW in and around the Project Area where practicable and then minimize the effects that cannot be avoided) and has generally considered mitigation in that way. NMFS does not agree that it "must" consider mitigation in this exact manner. NMFS has determined that this final rule meets this requirement to

effect the least practicable adverse impact and described our rationale in the final rule. The commenter does not make any specific recommendations of measures to add to the rulemaking.

Comment 38: A commenter requested that, due to rapid changes for NARW and the need to react quickly to protect the species, NMFS should issue 5-year ITRs but should limit LOAs to 1-year period instead of the proposed 5-year LOA.

Response: While NMFS understands the reasoning behind the commenters' suggestion, it does not think this is necessary because the final rule includes requirements for annual reports (in addition to weekly and monthly requirements) to support frequent evaluation of the activities and monitoring results, and the final rule includes an Adaptive Management provision that allows NMFS to make modifications and adjustments to the measures found in the issued LOA if and when new information that supports necessary modifications becomes available. Because of this, NMFS will issue a single, 5-year LOA and modify it if and when necessary at any point during the effective period of the regulations.

Comment 39: A commenter recommended that NMFS should only issue the ITR and LOA after pending regulatory rules with possible effects to marine mammals are finalized (*e.g.*, BOEM's renewable energy modernization rule, NMFS vessel speed rule); the results of the UME investigations in the area are completed and available; and research and studies on the impacts of offshore wind development on marine mammals are completed as baseline information is lacking. Another commenter recommended no ITRs should be issued until a programmatic analysis of offshore wind is conducted.

Response: The MMPA requires NMFS to evaluate the effects of the specified activities in consideration of the best scientific evidence available and to issue the requested incidental take authorization if it makes the necessary findings (16 U.S.C. 1371(a)(5)(A)(i)). The MMPA does not allow NMFS to delay issuance of the requested authorization on the presumption that new information or new regulations will become available in the future. If new information becomes available in the future, NMFS may modify the mitigation and monitoring measures in an LOA issued under these regulations through the adaptive management provisions. Furthermore, NMFS is required to withdraw or suspend an LOA if, after notice and public comment

unless an emergency exists, it determines the authorized incidental take may be having more than a negligible impact on a species or stock. NMFS has duly considered the best scientific evidence available in its promulgation of the final rule and made the required findings.

Changes From the Proposed to Final Rule

Since the publication of the proposed rule in the **Federal Register** on February 10, 2023 (88 FR 8996), NMFS has made changes, where appropriate, that are reflected in the preamble text of this final rule and in the final regulatory text. These changes are briefly identified below, with more information included in the indicated sections of the preamble to this final rule.

Changes to Information Provided in the Preamble

The information found in the preamble of the Proposed Rule was based on the best available information at the time of publication. Since publication of the Proposed Rule, new information has become available, which has been incorporated into this final rule as discussed below.

The following changes are reflected in the Description of Marine Mammals in the Area of Specified Activities section of the preamble to this final rule:

Given the release of NMFS' draft 2023 SARs (Hayes *et al.* 2024), NMFS has updated the population estimate used in the proposed rule (Hayes *et al.*, 2022) for the NARW (*Eubalaena glacialis*) from 368 to 340 and the total mortality/serious injury (M/SI) amount from 7.7 to 27.2. This increase is due to the inclusion of undetected M/SI (whereas 7.7 accounted only for detected M/SI).

Given the availability of new information, NMFS has made updates to the UME summaries for NARW, humpback whales, minke whales, and phocid seals (pinnipeds).

The following changes are reflected in the Estimated Take section the preamble to this final rule:

Since the proposed rule was published, Sunrise Wind has reduced the number of foundations to be installed from 94 WTGs to 87 (see Reduced WTG Foundations report). Therefore, the exposure estimates and take numbers from this activity have been slightly reduced to account for this reduction in activity. While the number of authorized takes resulting from foundation installation have decreased, the underlying modeling and methodologies to estimate take have not changed since the proposed rule.

Sunrise Wind submitted adjusted take numbers for Level B harassment associated with HRG surveys as part of the Reduced WTG Foundations report. Due to the reduction on WTGs, the amount of HRG survey tracklines have been reduced. This change to the project results, in some cases, in a reduction of the number of takes that would be authorized under this rule. However, species in which take by Level B harassment for HRG was based on mean group size (*i.e.*, Atlantic spotted dolphin, pilot whales, Risso's dolphin, and sperm whale) were originally calculated by halving the mean group size between years 1 and 2 rather than accounting for the total mean group size for each year of HRG survey activity. This correction to using total mean group size for each year resulted in minor increased take to these species.

The total takes by Level B harassment for blue whale was corrected to 8 from 7 due to a summation error (other tables in the Estimated Take section of the proposed rule included correct take numbers for blue whales and correctly added up to 8 total takes).

The following changes are reflected in the Mitigation, and Monitoring and Reporting section in the preamble to this final rule:

Based, in part, on recommendations received from the public, NMFS has revised the minimum visibility, shutdown, and clearance zone sizes for foundation installation (table 32). To simplify the various schedules, NMFS determined that three installation scenarios warranted different zone sizes assuming 10 dB attenuation: (1) sequential (Schedule 1 and 2); (2) concurrent (Schedule 3 and 4); and (3) OCS-DC only (Schedule 5) (see table 32). In addition, the minimum visibility zone is now based on the Level A harassment zone sizes for NARW under the three different construction scenarios. When Schedules were considered together (*e.g.*, Schedules 1 and 2 comprise the "sequential" scenario), the largest zone of the two schedules considered was used to develop mitigation zone sizes (see table 32). For OCS-DC only (Schedule 5), the clearance and shutdown zone sizes were set as the largest distance for the low frequency cetaceans (*i.e.*, fin whale).

NMFS has increased the PSO and PAM clearance and shutdown zone sizes based on the largest Level A harassment threshold distance for low frequency cetaceans (*i.e.*, fin whale) based on the construction scenario and season. NMFS increased the PAM shutdown zone from 3.7 km (summer) and 4.3 km (winter) for NARW and now requires Sunrise Wind to shutdown

foundation pile driving if a NARW is acoustically detected within the 10 km PAM monitoring zone.

Due to the different zone sizes based on the three construction scenarios, NMFS has included a requirement that Sunrise Wind must select the most conservative (largest) zone sizes each day depending on which construction scenario is planned. If the real-world construction scenario for that day occurs that would have had smaller zone sizes than what was planned at the start of the day, Sunrise Wind may not decrease to the smaller zone sizes for that day (*i.e.*, real-world concurrent installation does not occur though was planned at the start of the day and, instead, only sequential installation occurred; Sunrise Wind must still implement the larger concurrent installation zone sizes).

NMFS has included mitigation and monitoring zones specific to the different UXO/MEC charge weights, rather than a single zone size assuming only the largest charge weight, as Ørsted has provided evidence to NMFS that they can reliably identify UXO/MEC charge weights in the field since publication of the proposed rule.

Recognizing the extensive, frequent, and situational monitoring data and report requirements, NMFS clarified the language describing the annual or biennial review of data to inform adaptive management decisions to indicate that adaptive management decisions may be made at any time, as new information warrants it.

Changes in the Regulatory Text

We have made the following changes to the regulatory text, which are reflected, as appropriate, throughout this final rule and described, as appropriate, in the preamble.

The following change is reflected in § 217.310 (Specified activity and specified geographical region):

For clarity and consistency, we revised two paragraphs in § 217.310 Specified activity and specified geographical region of the regulatory text to fully describe the specified activities and specified geographical region.

The following change is reflected in § 217.312 (Permissible Methods of Taking):

NMFS added pneumatic hammering of casing pipes to the list of permissible methods of taking by Level B harassment as it was inadvertently excluded from the regulatory text but fully described and analyzed in preamble.

The following changes are reflected in § 217.314 (Mitigation requirements) and

the associated Mitigation section of the preamble to this final rule:

For clarity and consistency, NMFS has reorganized and revised, as applicable, the paragraphs in § 217.314 (Mitigation requirements).

Based on a recommendation by a commenter, NMFS added a requirement that all project vessels must utilize AIS.

NMFS corrected the limitation on the number of monopiles that could be installed per day from 3 to 4 per day to accurately reflect the scenarios analyzed by Sunrise Wind in their application and as described in table 16 of the proposed rule.

Given that NARW density in the Project Area increases by an order of magnitude from November to December and based on public comment, NMFS is including a requirement that foundation impact pile driving should be avoided in December and may only occur when unforeseen circumstances would otherwise preclude completion of the foundation installation for the project in a given year, and only with prior approval by NMFS. NMFS has also clarified that when a clearance zone is over 5 km, an aerial platform must be used unless Sunrise Wind determines an aerial platform is not practical and, in such case, an additional vessel must be used.

NMFS updated the vessel strike avoidance measures to now specify that the mitigation measure apply to all Project vessels, and that if a NARW is detected, all vessels, not only crew transfer vessels, must travel at 10 kn (11.5 mph) or less. In addition, the regulatory text clarifies that this measure applies only when other speed restrictions are not in place (*e.g.*, no DMA, SMA, or Slow Zone is established). NMFS has also modified a vessel strike measure that had indicated a vessel should slow to 10 kts if it came within an identified separation zone. The measure was changed to indicate that vessels should steer away from slow, and shift engines to neutral if the separation zone is violated. NMFS also clarified the situations under which a safety exemption may be taken from the vessel strike avoidance measures.

For the Smith Point County Park temporary pier, NMFS now includes the required mitigation measures to avoid take by Level A harassment or Level B harassment, as Sunrise Wind has not requested take for these activities. These mitigation and monitoring measures are the same as required of cable landfall. With the addition of these measures, NMFS concurs with Sunrise Wind that take is not expected to occur.

The following changes are reflected in the § 217.315 (Monitoring and reporting

requirements) and the associated Monitoring and Reporting section of the preamble to this final rule:

For clarity and consistency, NMFS has reorganized and revised, as applicable, the paragraphs in § 217.315 (Monitoring and reporting requirements).

NMFS updated the process for obtaining NMFS approval for PSO and PAM Operators and have clarified education, training, and experience necessary to obtain NMFS' approval.

NMFS added a requirement to have at least three PSOs on the pile driving vessel and any dedicated PSO vessel (or equivalent coverage) rather than two PSOs, as was originally described in the proposed rule.

Based on the best available science and a recommendation by the Commission, NMFS added a requirement that increases the time that PAM data must be reviewed prior to all UXO/MEC detonations from 1 to 24 hours (except in emergency cases where the 24-hour delay before the detonation occurred would create risk to human safety).

Based on a recommendation by the Commission, NMFS added a requirement that a double big bubble curtain must be placed at a distance that would avoid damage to the nozzle holes during all UXO/MEC detonations. NMFS also added a requirement that a pressure transducer must be used during all UXO/MEC detonations.

Since publishing the proposed rule, Sunrise Wind has finalized their noise attenuation systems. NMFS modified the NAS requirement stating that Sunrise Wind must use a double bubble curtain with AdBm Helmholtz resonator during monopile installation and, at minimum, a double bubble curtain during jacket foundation pin pile installation.

Consistent with the requirements included in the Sunrise Wind Biological Opinion, NMFS added additional details regarding complete SFV requirements and added a requirement that abbreviated SFV (consisting of a single recorder with a bottom and mid-water column hydrophone) must be conducted on every foundation for

which complete monitoring is not conducted. NMFS also added details regarding SFV reporting requirements. NMFS is now requiring Sunrise Wind to deploy two dedicated PSOs vessels to monitor the clearance and shutdown zones prior to and during impact pile driving installation of monopile foundations. In addition to the three on-duty PSOs on the pile driving platform, three on-duty PSOs must be deployed on each of the dedicated PSO vessels to monitor for marine mammals. Similarly, NMFS is now requiring that Sunrise Wind deploy at least three on-duty PSOs, instead of two on-duty PSOs, on each observation platform for all detonations.

Based on consideration of the Commission recommendation, NMFS has added additional specified reporting requirements for SFV conducted during UXO/MEC detonation and operations and clarified the general SFV reporting metrics to align with the Commission's comments.

Given the new tools that NMFS has made available since publishing the proposed rule, NMFS updated how Sunrise Wind should electronically submit NARW detection (visual and acoustic) reports.

Description of Marine Mammals in the Area of Specified Activities

As noted in the Changes From the Proposed to Final Rule section, since publication of the proposed rule (88 FR 8996, February 10, 2023), updates have been made to the abundance estimate for NARW and the UME summaries of multiple species. These changes are described in detail in the sections below. Otherwise, the Description of Marine Mammals in the Area of Specified Activities section has not changed since the publication of the proposed rule in the **Federal Register** (88 FR 8996, February 10, 2023).

Sections 3 and 4 of Sunrise Wind's application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species (Sunrise Wind, 2021). NMFS fully considered all of this information, and refers the reader

to these descriptions in the application. Additional information regarding population trends and threats may be found in NMFS' SARs at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>, and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website at: <https://www.fisheries.noaa.gov/find-species>.

Table 2 lists all species or stocks for which take is authorized under this final rule and summarizes information related to the species or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. PBR is defined as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population as described in NMFS' SARs (16 U.S.C. 1362(20)). While no mortality is anticipated or allowed to be authorized under this rulemaking, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Atlantic and Gulf of Mexico SARs. All values presented in table 2 are the most recent available data at the time of publication which can be found in NMFS' 2023 draft SARs (Hayes *et al.*, 2024), available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>.

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Table 2 -- Marine Mammal Species that May Occur in the Project Area and be Taken, by Harassment

Common Name	Scientific Name ⁵	Stock	ESA/MMP A status; Strategic (Y/N) ¹	Stock abundance (CV, N _{min} , most recent abundance survey) ²	PBR	Total Annual M/SI ³
<i>Order Artiodactyla – Cetacea – Superfamily Mysticeti (baleen whales)</i>						
<i>Family Balaenidae</i>						
North Atlantic right whale	<i>Eubalaena glacialis</i>	Western Atlantic	E, D, Y	340 (0; 337; 2021) ₆	0.7	27.2 ⁶
<i>Family Balaenopteridae (rorquals)</i>						
Blue whale	<i>Balaenoptera musculus</i>	Western North Atlantic	E, D, Y	UNK (UNK; 402; 1980-2008)	0.8	0
Fin whale	<i>Balaenoptera physalus</i>	Western North Atlantic	E, D, Y	6,802 (0.24; 5,573; 2021)	11	2.05
Humpback whale	<i>Megaptera novaeangliae</i>	Gulf of Maine	-, -, Y	1,396 (0; 1,380; 2016)	22	12.15
Sei whale	<i>Balaenoptera borealis</i>	Nova Scotia	E, D, Y	6,292 (1.02; 3,098; 2021)	6.2	0.6
Minke whale	<i>Balaenoptera acutorostrata</i>	Canadian Eastern Coastal	-, -, N	21,968 (0.31; 17,002; 2021)	170	9.4
<i>Superfamily Odontoceti (toothed whales, dolphins, and porpoises)</i>						
<i>Family Physeteridae</i>						
Sperm whale	<i>Physeter macrocephalus</i>	North Atlantic	E, D, Y	5,895 (0.29; 4,639; 2021)	9.28	0.2
<i>Family Delphinidae</i>						
Atlantic white-sided dolphin	<i>Lagenorhynchus acutus</i>	Western North Atlantic	-, -, N	93,233 (0.71; 54,443; 2021)	544	28
Atlantic spotted dolphin	<i>Stenella frontalis</i>	Western North Atlantic	-, -, N	31,506 (0.28; 25,042; 2021)	250	0
Common bottlenose dolphin	<i>Tursiops truncatus</i>	Western North Atlantic Offshore	-, -, N	64,587 (0.24; 52,801; 2021) ⁷	507	28
Long-finned pilot whales	<i>Globicephala melas</i>	Western North Atlantic	-, -, N	39,215 (0.30; 30,627; 2021)	306	5.7
Risso's dolphin	<i>Grampus griseus</i>	Western North Atlantic	-, -, N	44,067 (0.19; 30,662; 2021)	301	34

Common dolphin	<i>Delphinus delphis</i>	Western North Atlantic	-, -, N	93,100 (0.56; 59,897; 2021)	1,452	414
Family Phocoenidae (porpoises)						
Harbor porpoise	<i>Phocoena phocoena</i>	Gulf of Maine/Bay of Fundy	-, -, N	85,765 (0.53; 56,420; 2021)	649	145
Order Carnivora – Superfamily Pinnipedia						
Family Phocidae (earless seals)						
Gray seal ⁴	<i>Halichoerus grypus</i>	Western North Atlantic	-, -, N	27,911 (0.20; 23,624; 2021)	1,512	4,570
Harbor seal	<i>Phoca vitulina</i>	Western North Atlantic	-, -, N	61,336 (0.08; 57,637; 2018)	1,729	339

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 - NMFS' marine mammal stock assessment reports can be found online at: www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments. CV is the coefficient of variation; Nmin is the minimum estimate of stock abundance.

3 - These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, vessel strike).

4 - NMFS' stock abundance estimate (and associated PBR value) applies to the U.S. population only. Total stock abundance (including animals in Canada) is approximately 394,311. The annual M/SI value given is for the total stock (Hayes et al. 2024).

5 - Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>; Committee on Taxonomy (2023)).

6 - In the proposed rule (87 FR 79072, December 23, 2022), a population estimate of 368 was used which represented the best available science at the time of publication. However, since the publication of the proposed rule, a new estimate (n=340) was released in NMFS' draft 2023 SARs and has been incorporated into this final rule. The current draft SAR includes an estimated population (N best 340) based on sighting history through December 2021 (Hayes et al. 2024). In October 2023, NMFS released a technical report identifying that the NARW population size based on sighting history through 2022 was 356 whales, with a 95 percent credible interval ranging from 346 to 363 (Linden, 2023); Total annual average observed NARW mortality during the period 2017–2021 was 7.1 animals and annual average observed fishery mortality was 4.6 animals. Numbers presented in this table (27.2 total mortality and 17.6 fishery mortality) are 2016–2020 estimated annual means, accounting for undetected mortality and serious injury.

7 - As noted in the draft 2023 SAR (Hayes et al. 2024), abundance estimates may include sightings of the coastal form, although only the offshore stock is anticipated to occur in the project area.

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Of the marine mammal species and/or stocks with geographic ranges that include the western North Atlantic OCS (table 5 in Sunrise Wind ITA application), 23 are not expected to be present or are considered rare or unexpected in the project area based on sighting and distribution data. Therefore, they are not discussed further beyond the explanation provided here. The following species are not expected to occur in the project area due to the location of preferred habitat outside the

project area based on the best scientific information available: Dwarf and pygmy sperm whales (*Kogia sima* and *K. breviceps*), northern bottlenose whale (*hyperoodon ampullatus*), cuvier's beaked whale (*Ziphius cavirostris*), four species of Mesoplodont beaked whales (*Mesoplodon densirostris*, *M. europaeus*, *M. mirus*, and *M. bidens*), killer whale (*Orcinus orca*), false killer whale (*Pseudorca crassidens*), pygmy killer whale (*Feresa attenuata*), short-finned pilot whale (*Globicephalus macrohynchus*), melon-headed whale

(*Peponocephala electra*), Fraser's dolphin (*Lagenodelphis hosei*), white-beaked dolphin (*Lagenorhynchus albirostris*), pantropical spotted dolphin (*Stenella attenuata*), Clymene dolphin (*Stenella clymene*), striped dolphin (*Stenella coeruleoalba*), spinner dolphin (*Stenella longirostris*), rough-toothed dolphin (*Steno bredanensis*), and the northern migratory coastal stock of common bottlenose dolphins (*Tursiops truncatus truncatus*). The following species may occur in the project area but at such low densities that take is not

anticipated: hooded seal (*Cystophora cristata*) and harp seal (*Pagophilus groenlandica*).

There are two pilot whale species, long-finned (*Globicephala melas*) and short-finned (*Globicephala macrorhynchus*), with distributions that overlap in the latitudinal range of the Project Area (Hayes *et al.*, 2003; Roberts *et al.*, 2016). Because it is difficult to differentiate between the two species at sea, sightings, and thus the densities calculated from them, are generally reported together as *Globicephala spp.* (Roberts *et al.*, 2016; Hayes *et al.*, 2023; Hayes *et al.*, 2024). However, based on the best available information, short-finned pilot whales occur in habitats that are both further offshore on the shelf break and further south than the Project Area (Hayes *et al.*, 2020). Therefore, NMFS assumes that any take of pilot whales would be of long-finned pilot whales. Similarly, in the Western North Atlantic, there are two morphologically and genetically distinct common bottlenose morphotypes: the Western North Atlantic Northern Migratory Coastal stock and the Western North Atlantic Offshore stock. The Western North Atlantic Offshore stock is primarily distributed along the outer shelf and slope from Georges Bank to Florida during spring and summer and has been observed in the Gulf of Maine during late summer and fall (Hayes *et al.*, 2020), whereas the Northern Migratory Coastal stock is distributed along the coast between southern Long Island, New York, and Florida (Hayes *et al.*, 2018). Given their distribution, only the offshore stock is likely to occur in the Project Area and is the only stock included in Sunrise Wind's application.

A detailed description of the species likely to be affected by the Project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the proposed rule (88 FR 8996, February 10, 2023). Since that time, a new draft SAR (Hayes *et al.*, 2024) has become available for the NARW. Estimated abundance for the species declined from 368 to 340 and annual M/SI increased from 8.1 to 27.2. This large increase in annual serious injury/mortality is a result of NMFS including undetected annual M/SI in the total annual M/SI. The NARW population remains in decline, as described in the *North Atlantic Right Whale* species section below. NMFS is not aware of any additional changes in the status of the species and stocks listed in table 2; therefore, detailed descriptions are not provided here.

Please refer to the proposed rule for these descriptions (88 FR 8996, February 10, 2023).

Since the publication of the proposed rule, the following updates have occurred to the below species in regard to general information or their active UMEs.

North Atlantic Right Whale

In August 2023, NMFS released its draft 2023 SARs, which updated the population estimate (N_{best}) of NARW from 368 to 340 individuals and the annual M/SI value from 8.1 to 37.2 due to the addition of estimated undetected mortality and serious injury, as described above, which had not been previously included in the SAR. The population estimate is equal to the North Atlantic Right Whale Consortium's 2022 Annual Report Card, which identifies the population estimate as 340 individuals (Pettis *et al.*, 2023). Elevated NARW mortalities have occurred since June 7, 2017, along the U.S. and Canadian coast, with the leading category for the cause of death for this UME determined to be "human interaction," specifically from entanglements or vessel strikes. Since publication of the proposed rule, the number of animals considered part of the UME has increased. As of April 8, 2024, there have been 39 confirmed mortalities (*i.e.*, dead, stranded, or floaters), 1 pending mortality, and 34 seriously injured free-swimming whales for a total of 74 whales. The UME also considers animals with sublethal injury or illness (*i.e.*, "morbidity"; $n=51$) bringing the total number of whales in the UME from 71 to 122. More information about the NARW UME is available online at: <https://www.fisheries.noaa.gov/national/marine-life-distress/active-and-closed-unusual-mortality-events>.

Humpback Whale

Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine to Florida. This event was declared a UME in April 2017. Partial or full necropsy examinations have been conducted on approximately half of the 212 known cases (as of January 5, 2024). Of the whales examined (approximately 90), about 40 percent had evidence of human interaction either from vessel 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. NOAA 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/active-and-closed-unusual-mortality-events>.

Since December 1, 2022, the number of humpback strandings along the mid-Atlantic coast (from North Carolina to New York) has been elevated. In some cases, the cause of death is not yet known. In others, vessel strike has been deemed the cause of death. As the humpback whale population has grown, they are seen more often in the Mid-Atlantic. These whales may be following their prey (small fish) which were reportedly close to shore in the 2022–2023 winter. Changing distributions of prey impact larger marine species that depend on them and result in changing distribution of whales and other marine life. These prey also attract fish that are targeted by recreational and commercial fishermen, which increases the number of boats and amount of fishing gear in these areas. This nearshore movement increases the potential for anthropogenic interactions, particularly as the increased presence of whales in areas traveled by boats of all sizes increases the risk of vessel strikes.

Minke Whale

Since January 2017, a UME has been declared based on elevated minke whale mortalities detected along the Atlantic coast from Maine through South Carolina. As of January 5, 2024, a total of 164 minke whales have stranded during this UME. Full or partial necropsy examinations were conducted on more than 60 percent of the whales. Preliminary findings have shown evidence of human interactions or infectious disease in several of the whales, but these findings are not consistent across all of the whales examined, so more research is needed. This UME has been declared non-active and is pending closure. More information is available at: <https://www.fisheries.noaa.gov/national/marine-life-distress/active-and-closed-unusual-mortality-events>.

Phocid Seals

Since June 2022, elevated numbers of harbor seal and gray seal mortalities have occurred across the southern and central coast of Maine. This event was declared a UME in July 2022 but has since closed. The UME Investigative Team reviewed necropsy, histopathology, and diagnostic findings.

They determined the UME was attributed to spillover events of the highly pathogenic avian influenza H5N1 virus from infected wild birds to harbor and gray seals. An ongoing HPAI H5N1 global outbreak in domestic and wild birds and wild mammals began in 2021. Live seals showed signs of respiratory and neurological disease including nasal and ocular discharge, coughing, unresponsiveness, and seizures. Eighteen percent of the stranded seals (33 out of 180) were tested for avian influenza via polymerase-chain-reaction. A subset of seals was positive for HPAI H5N1, with preliminary findings confirmed by the United States Department of Agriculture's National Veterinary Services Laboratories. Of the 33 seals tested during the UME period 19 (58 percent) were positive for H5N1 (17 harbor seals; 2 gray seals) and 14 (42 percent) tested negative. Twelve H5N1 positive seals had histopathology conducted and 11 of those seals had lesions (primarily respiratory and/or neurologic) suspected or consistent with

avian influenza infection. Sequencing of the H5N1 virus detected in seals suggests the seals were infected from spillover events from infected wild birds to these seals. While the UME was not occurring in the Project Area, the populations affected by the UME were the same as those potentially affected by the Project. Information on this UME is available online at: <https://www.fisheries.noaa.gov/national/marine-life-distress/active-and-closed-unusual-mortality-events>.

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. Current data indicate that 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) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. 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 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 3.

Table 3 -- 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, Kogia, river dolphins, cephalorhynchid, Lagenorhynchus cruciger & L. australis)	275 Hz to 160 kHz
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz
* Represents the generalized hearing range for the entire group as a composite (<i>i.e.</i> , 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 <i>et al.</i> , 2007) and PW pinniped (approximation).	

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.*, 2006; Kastelein *et al.*, 2009; Reichmuth and Holt, 2013). For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

NMFS notes that in 2019a, Southall *et al.* recommended new names for hearing groups that are widely recognized. However, this new hearing group classification does not change the weighting functions or acoustic thresholds (*i.e.*, the weighting functions and thresholds in Southall *et al.* (2019a) are identical to NMFS 2018 Revised Technical Guidance). When NMFS updates our Technical Guidance, it will be adopting the updated Southall *et al.* (2019a) hearing group classification.

Potential Effects of Specified Activities to Marine Mammals and Their Habitat

The effects of underwater noise from the Project's specified activities have the potential to result in the harassment of marine mammals in the specified geographic region. The proposed rule included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from the Project's specified activities on marine mammals and their habitat (88 FR 8996, February

10, 2023). While some new literature has been published since publication of the proposed rule (*e.g.*, HDR, Inc., 2023, Holme *et al.*, 2023, Meyer-Gutbrod *et al.*, 2023, Van Parijs *et al.* 2023, Davis *et al.* 2023), there is no new information that NMFS is aware of that changes the analysis in the proposed rule. The information and analysis included in the proposed rule is referenced and used for this final rule and is not repeated here (88 FR 8996, February 10, 2023).

However, some new papers, which NMFS considers part of the best available science, further informed, though not necessarily changed, its analysis and consideration of mitigation and monitoring measures (*e.g.*, Crowe *et al.*, 2023, Davis *et al.* 2023, Holdman *et al.*, 2023, Van Parijs *et al.* 2023, Westwell *et al.*, 2024). Crowe *et al.* (2023) research evaluated the use and importance of real-time data for detecting NARW. The shift in NARW habitat use motivated the integration of additional ways to detect the presence of NARW and passive acoustic detections of right whale vocalizations reported in near real-time became an increasingly important tool to supplement visual sightings. The proposed rule did include real-time and daily awareness measures and sighting communication protocols, and NMFS did evaluate these measures and added details for clarity or updated the reporting mechanisms, such as in the case of sighting an injured NARW.

Davis *et al.* (2023) analyzed NARW individual upcalls from 2 years of acoustic recordings in southern New England which showed that NARW were detected at least one day every week throughout both years, with highest NARW presence from October to April. Within southern New England, on average NARW persisted for 10 days and recurred again within 11 days. An evaluation of the time period over which it is most effective to monitor prior to commencing pile driving activities showed that with 1 h of pre-construction monitoring there was only 4% likelihood of hearing a NARW, compared to 74% at 18 h. Therefore, monitoring for at least 24 h prior to activity will increase the likelihood of detecting an up-calling NARW. Holdamn *et al.* (2023) studied harbor porpoise habitats in the Gulf of Maine (GOM) and Southern New England waters providing baseline data on the occurrence and foraging activity of porpoises from 2020 to 2022. Harbor porpoises were present year-round in the GOM with peak detections in the summer and fall. The observed seasonal pattern of harbor porpoise occurrence in

this study is consistent with prior information on the general distribution of the GOM/Bay of Fundy stock (Wingfield *et al.*, 2017; NMFS, 2021). In line with previously reported distribution patterns, harbor porpoise occurrence in Southern New England was high in fall, winter, and spring, but porpoises were largely absent in the summer. Results from generalized additive models suggest that time of year, hour of day, lunar illumination, and temperature are significant contributors to harbor porpoise presence (detection mainly through echolocation clicks) and/or foraging effort.

Van Parijs *et al.* (2023), provides 2 years of baseline data on cetacean species' presence, vessel activity, and ambient sound levels in the southern New England wind energy area. With eight species/families present in the area for at least 9 months of the year, this area represents an important habitat for cetaceans. Most species showed seasonality, with peak daily presence in winter (harbor porpoise, North Atlantic right, fin, and humpback whales), summer (sperm whales), spring (sei whales), or spring and fall/autumn (minke whales). Delphinids were continuously present and blue whales present only in January. The NARW was present year-round with high presence in October through April. Westell *et al.* (2024) collected baseline data from 2020 to 2022, with six passive acoustic recorders deployed in the vicinity of Nantucket Shoals and Cox's Ledge. Data were analyzed for sperm whale presence, and demographic composition was assessed using interclick intervals. Presence varied by site, season, and year. Sperm whales were detected year-round but the majority (78%) of days with acoustic occurrences were between May and August. Sound propagation tests were conducted at two sites and predicted detection ranges within 20–40 km indicate that sperm whales were likely in proximity to the WEA. These results provide a baseline for ongoing sperm whale presence, especially that of social groups which may be more sensitive to disturbance.

Separately, since issuance of the proposed rule, a non-peer reviewed report on HRG survey noise has also been released (Rand *et al.*, 2023). The measured data presented in Rand *et al.*, (2023) are consistent with our evaluation of sound levels produced by HRG surveys (*i.e.*, received sound levels at the ranges measured) and vessels and do not change our assessments of potential impacts. The analysis of those data in the Rand *et al.* (2023) report, however, includes methodological

issues and therefore does not support all of their conclusions.

Since the publication of the proposed rule, new scientific information has become available that provides additional insight into the sound fields produced by turbine operation (HDR, Inc., 2023; Holme *et al.*, 2023). Recently, Holme *et al.* (2023) stated that Tougaard *et al.* (2020) and Stöber and Thomsen (2021) extrapolated levels for larger turbines and should be interpreted with caution since both studies relied on data from smaller turbines (0.45 to 6.15 MW) collected over a variety of environmental conditions. They demonstrated that the model presented in Tougaard *et al.* (2020) tends to overestimate levels (up to approximately 8 dB) measured to those in the field, especially with measurements closer to the turbine for larger turbines. Holme *et al.* (2023) measured operational noise from larger turbines (6.3 and 8.3 MW) associated with three wind farms in Europe and found no relationship between turbine activity (*i.e.*, power production, which is proportional to the blade's revolutions per minute) and noise level. However, it was noted that this missing relationship may have been masked by the area's relatively high ambient noise sound levels. Sound levels (*i.e.*, root-mean-square (RMS)) of a 6.3 MW direct-drive turbine were measured to be 117.3 dB at a distance of 70 meters. However, measurements from 8.3 MW turbines were inconclusive as turbine noise was deemed to have been largely masked by ambient noise.

In addition, operational turbine measurements from the Coastal Virginia Offshore Wind pilot pile project indicated that noise levels from two, 7.8 m monopiles WTs were higher when compared to those of the Block Island wind farm, likely due to vibrations associated with the monopiles structure (HDR, Inc., 2023). NMFS notes that this updated information does not change our assessment for impacts of turbine operational sound on marine mammals. As described in the proposed rule, NMFS will require Sunrise Wind to measure operational noise levels, however, is not authorizing take incidental to operational noise from WTs.

In addition, recently, a National Academy of Sciences, Engineering, and Medicine (NASEM) panel of independent experts concluded that the impacts of offshore wind operations on NARW and their habitat in the Nantucket Shoals region (a key winter foraging habitat tens of kilometers to the east of the Project Area) are uncertain due to the limited data available at this

time and recognized what data is available is largely based on models from the North Sea that have not been validated by observations (National Academy of Sciences, 2023). The report also identifies that major oceanographic changes have occurred to the Nantucket Shoals region over the past 25 years, and it will be difficult to isolate from the much larger variability introduced by natural and other anthropogenic sources (e.g., climate change). This report is specific to the Nantucket Shoals region which is unlikely to be influenced by any long-term operational effects of the Sunrise Wind Project; however, the findings in the report align with those presented in the proposed rule. More recently, NMFS concluded ESA consultation on Federal actions associated with the Project, including NMFS' proposal to issue a 5-year LOA to Sunrise Wind and BOEM's approval of the Construction and Operation Plan (COP) which covers the 30 years of the Project's operation and subsequent decommissioning.

Overall, new scientific information regarding the general anticipated effects of OSW construction and operations on marine mammals and their habitat support the findings in the proposed rule. The information and analysis regarding the potential effects on marine mammals and their habitat was included in the proposed rule and is not repeated here (88 FR 8996, February 10, 2023).

Estimated Take

As noted in the Changes From the Proposed to Final Rule section, NMFS has revised the take estimates for several species based on updated information received from Sunrise Wind and its concurrence with comments received on the proposed rule. While distances to thresholds and estimated take have been updated, the underlying methodologies to calculate these values have not changed. This section provides an estimate of the number of incidental takes that may occur through this rulemaking, which informs both NMFS' small numbers and the negligible impact determination. Authorized takes would be primarily by Level B harassment, as use of the acoustic sources (*i.e.*, impact and vibratory pile driving, pneumatic hammering, site characterization surveys, and UXO/MEC detonations) have the potential to result in disruption of marine mammal behavioral patterns due to exposure to elevated noise levels. Impacts such as masking and TTS can contribute to behavioral disturbances. There is also some potential for auditory injury (Level A harassment) to occur in select marine

mammal species incidental to the specified activities (*i.e.*, impact pile driving, and UXO/MEC detonations). As described below, the larger distances to the PTS thresholds, when considering marine mammal weighting functions, demonstrate this potential. For mid-frequency hearing sensitivities, when thresholds and weighting and the associated PTS zone sizes are considered, the potential for PTS from the noise produced by the project is negligible. The required mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable. As described previously, no serious injury or mortality is anticipated or authorized for this project.

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 (as well as impulse metric (Pascal-second) pressure and peak sound pressure level thresholds above which marine mammals may incur non-auditory injury from underwater explosive detonations); (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. NMFS notes that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, NMFS describes the factors considered here in more detail and present the authorized take estimates.

Marine Mammal Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals are likely to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment). Thresholds have also been developed to identify the levels above which animals may incur different types of tissue damage (non-acoustic Level A harassment or mortality) from exposure to pressure waves from explosive detonation. A summary of all NMFS' thresholds can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>.

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.*, other noises in the area) and the receiving animals (*e.g.*, animal 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 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 (table 4). 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 (*e.g.*, conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

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 (*i.e.*, impulsive or non-impulsive). 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 Project includes the use of both impulsive and non-impulsive sources. These thresholds are provided in table 4 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:	www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance . BILLING CODE 3510-22-P

Table 4 -- Onset of Permanent Threshold Shift (PTS) (NMFS, 2018)

Hearing Group	PTS Onset Thresholds* (Received Level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1 $L_{p,0-pk,flat}$: 219 dB $L_{E,p, LF,24h}$: 183 dB	Cell 2 $L_{E,p, LF,24h}$: 199 dB
Mid-Frequency (MF) Cetaceans	Cell 3 $L_{p,0-pk,flat}$: 230 dB $L_{E,p, MF,24h}$: 185 dB	Cell 4 $L_{E,p, MF,24h}$: 198 dB
High-Frequency (HF) Cetaceans	Cell 5 $L_{p,0-pk,flat}$: 202 dB $L_{E,p,HF,24h}$: 155 dB	Cell 6 $L_{E,p, HF,24h}$: 173 dB
Phocid Pinnipeds (PW) (Underwater)	Cell 7 $L_{p,0-pk,flat}$: 218 dB $L_{E,p,PW,24h}$: 185 dB	Cell 8 $L_{E,p,PW,24h}$: 201 dB
* Dual metric 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 are recommended for consideration. Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μPa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μPa²s. In this Table, thresholds are abbreviated to be more reflective of International Organization for Standardization standards (ISO, 2017). The subscript “flat” is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals (<i>i.e.</i>, 7 Hz to 160 kHz). The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level thresholds could be exceeded in a multitude of ways (<i>i.e.</i>, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these thresholds will be exceeded.		

Explosive sources—Based on the best available science, NMFS uses the acoustic and pressure thresholds

indicated in tables 5 and 6 to predict the onset of behavioral harassment, TTS, PTS, tissue damage, and mortality

incidental to explosive detonations. Given that Sunrise Wind would be limited to detonating one UXO/MEC per

day, the TTS threshold is used to estimate the potential for Level B (behavioral) harassment (*i.e.*, individuals exposed above the TTS threshold may also be harassed by behavioral disruption). However, NMFS does not anticipate that any impacts from exposure to UXO/MEC detonation below the TTS threshold would constitute behavioral harassment).

Table 5 -- PTS Onset, TTS Onset, for Underwater Explosives (NMFS, 2018)

Hearing Group	PTS Impulsive Thresholds (Level A harassment)	TTS Impulsive Thresholds (Level B harassment)	Behavioral Threshold (multiple detonations; Level B harassment) ¹
Low-Frequency (LF) Cetaceans	<i>Cell 1</i> $L_{pk,flat}$: 219 dB $L_{E,LF,24h}$: 183 dB	<i>Cell 2</i> $L_{pk,flat}$: 213 dB $L_{E,LF,24h}$: 168 dB	<i>Cell 3</i> $L_{E,LF,24h}$: 163 dB
Mid-Frequency (MF) Cetaceans	<i>Cell 4</i> $L_{pk,flat}$: 230 dB $L_{E,MF,24h}$: 185 dB	<i>Cell 5</i> $L_{pk,flat}$: 224 dB $L_{E,MF,24h}$: 170 dB	<i>Cell 6</i> $L_{E,MF,24h}$: 165 dB
High-Frequency (HF) Cetaceans	<i>Cell 7</i> $L_{pk,flat}$: 202 dB $L_{E,HF,24h}$: 155 dB	<i>Cell 8</i> $L_{pk,flat}$: 196 dB $L_{E,HF,24h}$: 140 dB	<i>Cell 9</i> $L_{E,HF,24h}$: 135 dB
Phocid Pinnipeds (PW) (Underwater)	<i>Cell 10</i> $L_{pk,flat}$: 218 dB $L_{E,PW,24h}$: 185 dB	<i>Cell 11</i> $L_{pk,flat}$: 212 dB $L_{E,PW,24h}$: 170 dB	<i>Cell 12</i> $L_{E,PW,24h}$: 165 dB
* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS/TTS onset. 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 Pa ² s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI, 2013). However, ANSI defines peak sound pressure 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 overall marine mammal 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 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>i.e.</i> , 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.			

*1 – Given Sunrise Wind would be limited to detonating one UXO/MEC per day, the TTS threshold is used to estimate the potential for Level B (behavioral) harassment (*i.e.*, individuals exposed above the TTS threshold may also be harassed by behavioral disruption but we do not anticipate any impacts from exposure to UXO/MEC detonation below the TTS threshold would constitute behavioral harassment*

Additional thresholds for non-auditory injury to lung and gastrointestinal (GI) tracts from the blast shock wave and/or onset of high peak pressures are also relevant (at relatively close ranges) (table 6). These criteria have been developed by the U.S. Navy (DoN (U.S. Department of the Navy) 2017a) and are based on the mass of the animal and the depth at which it is present in the water column. Equations predicting the onset of the associated potential effects are included below (table 6).

Table 6 -- Lung and G.I. Tract Injury Thresholds (DoN, 2017)

Hearing Group	Mortality (Severe lung injury)*	Slight Lung Injury*	G.I. Tract Injury
All Marine Mammals	<i>Cell 1</i> Modified Goertner model; Equation 1	<i>Cell 2</i> Modified Goertner model; Equation 2	<i>Cell 3</i> $L_{pk,flat}$: 237 dB

* Lung injury (severe and slight) thresholds are dependent on animal mass (Recommendation: Table C.9 from DoN (2017) based on adult and/or calf/pup mass by species).

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μ Pa. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI, 2013). However, ANSI defines peak sound pressure 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 overall marine mammal generalized hearing range.

Modified Goertner Equations for severe and slight lung injury (pascal-second)

Equation 1: $103M^{1/3}(1 + D/10.1)^{1/6}$ Pa-s

Equation 2: $47.5M^{1/3}(1 + D/10.1)^{1/6}$ Pa-s

M animal (adult and/or calf/pup) mass (kg) (Table C.9 in DoN, 2017)

D animal depth (meters)

BILLING CODE 3510-22-C*Marine Mammal Density and Occurrence*

In this section, NMFS provides the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations. Depending on the species and as described in the take estimation section for each activity, take estimates may be based on the Roberts *et al.* (2023) density estimates, marine mammal monitoring results from HRG surveys, or average group sizes.

Habitat-based density models produced by the Duke University Marine Geospatial Ecology Laboratory and the Marine-life Data and Analysis Team, based on the best available marine mammal data obtained in a collaboration between Duke University, the Northeast Regional Planning Body, the University of North Carolina Wilmington, the Virginia Aquarium and Marine Science Center, and NOAA (Roberts *et al.*, 2016a, 2016b, 2017, 2018, 2020, 2021a, 2021b, 2023), represent the best available information regarding marine mammal densities in the Project Area. Density data are subdivided into five separate raster data layers for each species: (1) Abundance (density); (2) 95 percent Confidence

Interval of Abundance; (3) 5 percent Confidence Interval of Abundance; (4) Standard Error of Abundance; and (5) Coefficient of Variation of Abundance. The density estimates have not changed since the Proposed Rule.

Below, NMFS describes the observational data from monitoring reports and average group size information, both of which are appropriate to inform take estimates for certain activities or species in lieu of density estimates. As noted above, the density and occurrence information type resulting in the highest take estimate was used, and the explanation and results for each activity are described in the specific activity subsections in the Modeling and Take Estimation section.

For some species and activities, observational data from Protected Species Observers (PSOs) aboard HRG and geotechnical survey vessels indicate that the density-based exposure estimates may be insufficient to account for the number of individuals of a species that may be encountered during the planned activities. PSO data from geophysical and geotechnical surveys conducted in the area surrounding the Sunrise Wind Lease Area and SWEC route from October 2018 through February 2021 (AIS-Inc., 2019; Bennett,

2021; Stevens *et al.*, 2021; Stevens and Mills, 2021) were analyzed to determine the average number of individuals of each species observed per vessel day. For each species, the total number of individuals observed (including the “proportion of unidentified individuals”) was divided by the number of vessel days during which observations were conducted in 2018–2021 HRG surveys (*i.e.*, 407 survey days) to calculate the number of individuals observed per vessel day, as shown in the final columns of tables 7 and 8 as found in the Updated Density and Take Estimation Memo.

For other less-common species, the predicted densities from Roberts and Halpin (2022) are very low and the resulting density-based exposure estimate is less than a single animal or a typical group size for the species. In such cases, the mean group size was considered as an alternative to the density-based or PSO data-based take estimates to account for potential impacts on a group during an activity. Mean group sizes for each species were calculated from recent aerial and/or vessel-based surveys, as shown in table 7. Additional detail regarding the density and occurrence as well as the methodology used to estimate take for

specific activities is included in the activity-specific subsections below.

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Table 7 -- Mean Group Sizes of Species for Which Incidental Take Is Being Requested

Species	Individuals	Sightings	Mean Group Size	Information Source
North Atlantic right whale*	145	60	2.4	Kraus <i>et al.</i> (2016)
Blue whale*	3	3	1.0	Palka <i>et al.</i> (2017)
Fin whale*	155	86	1.8	Kraus <i>et al.</i> (2016)
Humpback whale	160	82	2.0	Kraus <i>et al.</i> (2016)
Minke whale	103	83	1.2	Kraus <i>et al.</i> (2016)
Sei whale*	41	25	1.6	Kraus <i>et al.</i> (2016)
Sperm whale*	208	138	1.5	Palka <i>et al.</i> (2017)
Atlantic spotted dolphin	1,335	46	29.0	Palka <i>et al.</i> (2017)
Atlantic white-sided dolphin	223	8	27.9	Kraus <i>et al.</i> (2016)
Bottlenose dolphin	259	33	7.8	Kraus <i>et al.</i> (2016)
Common dolphin	2,896	83	34.9	Kraus <i>et al.</i> (2016)
Pilot whales	117	14	8.4	Kraus <i>et al.</i> (2016)
Risso’s dolphin	1,215	224	5.4	Palka <i>et al.</i> (2017)
Harbor porpoise	121	45	2.7	Kraus <i>et al.</i> (2016)
Seals (harbor and gray)	201	144	1.4	Palka <i>et al.</i> (2017)

* Denotes species listed under the Endangered Species Act.

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The estimated exposure and take tables for each activity present the density-based exposure estimates, PSO-data derived take estimate, and mean group size for each species. The number of takes by Level B harassment Sunrise

Wind requested and NMFS authorizes is based on the largest of these three values. As mentioned previously, the number of takes by Level A harassment authorized is based strictly on density-based exposure modeling results,

rounded up to the nearest whole number or group size, as appropriate.

Modeling and Take Estimation

Sunrise Wind estimated density-based exposures in two separate ways, depending on the activity. For Level A

and Level B harassment from the noise produced by foundation installation, sophisticated sound and animal movement modeling was conducted to account for the movement and behavior of marine mammals and their exposure to the underwater sound fields produced during impact pile driving, as described below. Sunrise Wind also estimated the potential for Level B harassment from foundation installation using a simplified “static” method wherein the take estimates are the product of density, ensonified area above the NMFS defined threshold levels (e.g., unweighted 160 dB SPLrms), and number of days of installation. Take estimates from landfall construction activities, HRG surveys, and UXOs/MECs detonations were also calculated based on the static method (i.e., animal movement modeling was not conducted for these activities). For some species, observational data from PSOs aboard HRG survey vessels or group size indicated that the density-based take estimates may be insufficient to account for the number of individuals of a species that may be encountered during the planned activities; thus, adjustments were made to the density-based estimates. The “static” take estimates are calculated by multiplying the expected densities of marine mammals in the activity area(s) by the area of water likely to be ensonified above the NMFS defined threshold levels (e.g., unweighted 160 dB SPLrms) by the total number of days each month. The number of days per month is dependent upon the construction schedules (see tables 1–5 in the March 2023 Reduced WTG Foundation Scenario Memo). The results of these calculations were then summed to arrive at the total estimated

exposure from WTG and OCS–DC foundation installations. That is, Sunrise Wind assumed all 87 foundations are installed in the months with the highest densities for each species. For foundation installation, the maximum monthly density is multiplied by the total ensonified area (highest between summer or winter) for the first month of construction of WTG monopile installation. The second highest monthly density is multiplied by the total ensonified area (highest between summer or winter) for the second month of WTG monopile installation. Lastly, the maximum monthly density is multiplied by the total ensonified area for OCS–DC installation. These three values are then added together to derive the “static” take estimate value for all foundation installation. Total ensonified area is calculated by multiplying the single pile ensonified area by the total number of piles installed within the first and second month of construction. For example, if 56 WTG monopiles were assumed to be installed during the month with the highest density (e.g., July) and 46 were installed in the month with the second highest density (e.g., August), the resulting equation would be:

Max monthly density [July] × total ensonified area for first month [summer WTG monopile] + 2nd highest monthly density [August] × total ensonified area for the 2nd month [summer WTG monopile] + max monthly density [July] × total ensonified area for first month [summer OCS–DC] = Total “static” take estimate.

In some cases, the exposure estimates from the animal movement modeling methods described above directly informed the take estimates. In other

cases, adjustments were made based on previously collected monitoring data or average group size as described above. In all cases, Sunrise Wind requested, and this final rule allows for, an amount of take to be authorized that is based on the highest amount of exposures estimated from any given method.

Below, NMFS presents the distances to NMFS thresholds and take estimates associated with each activity (e.g., WTG and OCS–DC foundation installation) as a result of exposure modeling or the static method as described above.

WTG and OCS–DC Foundation Installation—Here, for WTG and OCS–DC monopile foundation installation, NMFS provides summarized descriptions of the modeling methodology used to predict sound levels generated from the Project with respect to harassment thresholds and potential exposures using animal movement, the density and/or occurrence information used to support the take estimates for this activity, and the resulting acoustic and exposure ranges, exposures, and authorized takes. Additional modeling details are available in the proposed rule **Federal Register** notice (88 FR 8996, February 10, 2023).

To complete the Project, Sunrise Wind proposed five total pile installation schedules, as construction schedules cannot be fully predicted due to uncontrollable environmental factors (e.g., weather) and installation schedules include variability (e.g., drivability). Table 8 describes the assumptions in each scenario with regard to how piles are installed relative to each other as well as the amount of pile driving time (days) allocated to each month.

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Table 8 -- Sunrise Wind's Five Potential Foundation Installation Schedules

Schedule Analyzed	Installation Details	Foundation Structure	Configuration	1 st Highest Species Density Month		2 nd Highest Species Density Month	
				Days of piling	Total piles	Days of piling	Total piles
Schedule 1	Sequential operations; assumptions for WTG (one vessel installing two monopiles per day) foundations and the OCS-DC foundation.	OCS-DC	Jacket pin pile, 4 per day	2	8	0	0
		WTG	Monopile, 2 per day	28	56	23	46
Schedule 2	Sequential operations; assumptions for WTG (one vessel installing three monopiles per day) foundations and the OCS-DC foundation	OCS-DC	Jacket pin pile, 4 per day	2	8	0	0
		WTG	Monopile, 3 per day	28	84	6	18
Schedule 3	Concurrent operations; proximal assumptions for concurrent piling of WTG (two vessels, each installing two monopiles per day) foundations, and the OCS-DC foundation	OCS-DC	Jacket pin pile, 4 per day	2	8	-	-
		WTG	2 vessels, each 2 per day	25.5	102	-	-
Schedule 4	Concurrent operations; distal assumptions for concurrent piling of WTG (two vessels, each installing two monopiles per day) foundations, and the OCS-DC foundation.	OCS-DC	Jacket pin pile, 4 per day	2	8	-	-
		WTG	2 vessels, each 2 per day	25.5	102	-	-
Schedule 5	Concurrent operations; proximal assumptions for concurrent piling of WTG (one vessel installing two monopiles per day) and the	OCS-DC & WTG	Jacket pin pile, 4 per day + Monopile, 2 per day	2	8 (pin) + 4 (monopile)	0	0

	OCS-DC foundation (one vessel installing four pin piles per day), and remaining WTG foundations	WTG	Monopile, 2 per day	28	60	21	42

** Note: No specific installation Schedule was carried forward; however, the highest Level A and Level B exposure estimates produced from across all five installation Schedules was selected and summarized as the most conservative for analysis purposes, given uncertainty in the exact construction approach at this stage of the project.*
- not applicable

Sunrise Wind assumed that a maximum of three (if installed sequentially) or four (if installed concurrently) WTG monopile foundations and four pin piles related to the jacket foundation for the OCS-DC

may be driven in 24 hours. It is unlikely that this installation rate would be consistently possible throughout the SRWF construction phase, but this schedule was considered to have the greatest potential for Level A harassment (*i.e.*, PTS) and was, therefore, carried forward into the Level A harassment take estimation. Exposure ranges (ER_{95percent}) to Level A SEL_{cum} thresholds resulting from animal exposure modeling assuming various consecutive pile installation scenarios and 10 dB of attenuation by a NAS are summarized in table 9. In the event two installation vessels are able to work simultaneously, exposure ranges (ER_{95percent}) to Level A SEL_{cum} thresholds from the three concurrent pile installation scenarios and 10 dB of attenuation by a NAS are summarized in table 10. Comparison of the results in table 9 and table 10 show that the scenario assuming consecutive installation of 2 WTG monopiles per day (which assumes the piles are located close to each other) and concurrent installation of 4 WTG monopiles per day at distant locations yield very similar results. This makes logical sense because the close proximity of the two piles installed at each location in the concurrent scenario is very similar to the 2 piles installed in the consecutive installation scenario and animals are unlikely to occur in both locations in the concurrent scenarios when they are far apart. Exposure ranges from the “Proximal” concurrent installation scenario (assuming close distances between concurrent pile installations) are slightly greater than from the “Distal” concurrent installation scenario (assuming long distances between concurrent pile installations) reflecting the fact that animals may be exposed to slightly higher cumulative sound levels when concurrent pile installations occur close to each other.

Table 9 -- Exposure ranges (ER95percent) to Level A cumulative sound exposure level (SELcum) thresholds for marine mammals from sequential installation of two and three 7/12 m WTG monopiles (10,398 strikes each) and four 4-m OCS-DC jacket foundation pin piles (17,088 strikes each) in 1 day during the summer and winter seasons using a IHC S-4000 hammer and assuming 10 dB of broadband noise attenuation

Hearing Group	SEL _{cum} Threshold (dB re 1 μPa ² ·s)	Range (km)					
		WTG Monopile 2-Piles/Day		WTG Monopile 3-Piles/Day		OCS-DC Jacket 4 piles/Day	
		Summer	Winter	Summer	Winter	Summer	Winter
Low-frequency	183						
Fin Whale*		3.91	4.19	3.68	4.24	5.55	6.42
Humpback Whale		3.63	3.8	3.4	3.82	5.13	3.2
Minke Whale		1.98	2.12	1.86	2.02	2.88	6.03
NA Right Whale*		2.66	2.81	2.51	2.9	3.62	4.06
Sei Whale*		2.69	3.09	2.67	3.01	4.22	4.73
Mid-frequency	185	0	0	0	0	0	0
High-frequency	155	0	0	0	0	0.81	0.59
Phocid pinnipeds	185	<0.01	<0.01	0.03	0.03	1.72	1.73

Table 10 -- Exposure ranges (ER95percent) to Level A cumulative sound exposure level (SEL_{cum}) thresholds for marine mammals from concurrent installation scenarios including up to four 7/12 m WTG monopiles (10,398 strikes each) per day in close proximity to each other (“Proximal”) and distant from each other (“Distal”) or two 7/12 m WTG monopiles and four 4-m OCS-DC jacket foundation pin piles (17,088 strikes each) in 1 day during the summer and winter seasons using a IHC S-4000 hammer and assuming 10 dB of broadband noise attenuation

Hearing Group	SEL _{cum} Threshold (dB re 1 μ Pa ² ·s)	Range (km)					
		Proximal WTG Monopiles 4-Piles/Day		Distal WTG Monopiles 4-Piles/Day		2 WTG Monopiles and 4 OCS-DC Jacket	
		Summer	Winter	Summer	Winter	Summer	Winter
Low-frequency	183						
Fin Whale*		4.23	4.83	3.8	3.8	5.25	6.21
Humpback Whale		4.02	4.32	3.66	3.66	4.83	5.68
Minke Whale		2.17	2.37	1.96	1.96	2.71	3.07
NA Right Whale*		2.94	3.31	2.61	2.61	3.49	3.85
Sei Whale*		3.18	3.37	2.74	2.74	3.97	4.65
Mid-frequency	185	0	0	0	0	0	0
High-frequency	155	0	0	0	0	0.61	0.57
Phocid pinnipeds	185	0.22	0.16	0.22	0.22	1.62	1.74

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As described previously, Sunrise Wind also modeled acoustic ranges to NMFS harassment thresholds. Because the Level B harassment threshold is instantaneous, NMFS considers the

acoustic ranges most appropriate to identify areas at which PSOs would determine if a Level B harassment take has occurred, although NMFS notes the differences between the Level B harassment exposure ranges calculated

assuming animal movement modeling and Level B acoustic ranges are negligible. Table 11 presents the acoustic ranges resulting from JASCO's source and propagation models.

Table 11 -- Acoustic Ranges (R95 percent) in km to the Level B, 160 dB re 1 μ Pa sound pressure level (SPL_{rms}) threshold for impact pile driving during 7/12 m WTG monopile and OCS-DC jacket foundation pin pile (4 m) installation using an IHC S-4000 hammer and assuming 10 dB of broadband noise attenuation

WTG Monopile Foundation (3,200 kJ)		WTG Monopile Foundation (4,000 kJ)		OCS-DC Jacket Foundation (4,000 kJ)	
Summer	Winter	Summer	Winter	Summer	Winter
6.07	6.5	6.49	6.97	6.47	6.63

Sunrise Wind modeled potential Level A harassment and Level B

harassment density-based exposure estimates for all five foundation

installation schedules: consecutive pile driving (Schedules 1 and 2) and

concurrent pile driving (Schedules 3, 4, and 5). For both WTG monopile and OCS–DC jacket foundation installation, mean monthly densities for all species were calculated by first selecting density data from 5 x 5 km (3.1 x 3.1 mile) grid cells (Roberts *et al.*, 2016; Roberts *et al.*, 2022) both within the Lease Area and out to 10 km (6.2 mi) from the perimeter of the Lease Area. This is a reduction from the 50 km (31 mi) perimeter used in the Adequate & Complete ITR application from May 2022. The relatively large area selected for density estimation encompasses and

extends approximately to the largest estimated exposure acoustic range (ER_{95percent} to the isopleth corresponding to Level B harassment, assuming 10 dB of noise attenuation) for all hearing groups using the unweighted threshold of 160 dB re 1 µPa (rms). Please see figure 11 in Sunrise Wind's Updated Density and Take Estimation Memo for an example of a density map showing the Roberts *et al.* (2022) density grid cells overlaid on a map of the SRWF.

For monopile installation, the exposure calculations assume 30 days of piling would occur in the highest

density month and that the remaining piling days would occur in the second highest density month for each marine mammal species (excluding January–April). Sunrise Wind assumed that the OCS–DC jacket foundation would be installed in the month with the highest density for each species. Due to differences in the seasonal migration and occurrence patterns, the month selected for each species differs. Table 12 identifies the months and density values used in the exposure estimate models for foundation installation.

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Table 12 -- Maximum Average Monthly Marine Mammal Densities during Foundation Pile Installation

Marine Mammal Species	Maximum Monthly (May- December) Density (Individual/km ²)	Maximum Density Month (May- December)	2 nd Highest Monthly Density (May- December) (Individual/km ²)	2 nd Highest Density Month (May- December)
North Atlantic right whale*	0.0018	May	0.0015	December
Blue whale*	N/A	Annual	N/A	Annual
Fin whale*	0.0043	July	0.037	August
Humpback whale	0.0025	May	0.0024	June
Minke whale	0.0180	May	0.0137	June
Sei whale*	0.0017	May	0.0007	November
Sperm whale*	0.0006	August	0.0004	September
Atlantic spotted dolphin	0.0030	October	0.0015	September
Atlantic white-sided dolphin	0.0270	May	0.0234	June
Bottlenose dolphin	0.0162	August	0.0160	July
Common dolphin	0.1816	September	0.1564	October
Pilot whales	0.0018	Annual	0.0018	Annual
Risso's dolphin	0.0021	December	0.0010	November
Harbor porpoise	0.0529	May	0.0451	December
Seals (Harbor and Gray)	0.1712	May	0.1668	December

* Denotes species listed under the Endangered Species Act.

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For some species, modifications to the densities used were necessary, and these are described here. The estimated monthly density of seals provided in Roberts *et al.* (2022) includes all seal species present in the region as a single guild. To split the resulting “seal” density-based exposure estimate by species (harbor and gray seals), the estimate was multiplied by the proportion of the combined abundance attributable to each species.

Specifically, the SAR N_{best} abundance estimates (Hayes *et al.*, 2021) for the two species (*i.e.*, gray seal = 27,300, harbor seal = 61,336; total = 88,636) were added and divided the total by the estimate for each species to get the proportion of the total for each species (*i.e.*, gray seal = 0.308; harbor seal = 0.692). The total estimated exposure from the pooled seal density provided by Roberts and Halpin (2022) was then multiplied by these proportions to get the species-specific exposure estimates. Monthly densities were unavailable for pilot whales, so the annual mean density was used instead. The blue whale density was considered too low to be carried into exposure estimation so the amount of blue whale take that Sunrise Wind requests (see Estimated Take) is instead based on group size.

The winter acoustic modeling results were used to calculate the ensonified area in cases where the first or second highest monthly density was December (when considering May through December given the seasonal restriction on pile driving). All species expected in the SRWF and SRWEC have the highest and second highest monthly densities occurring in summer months except for the NARW, harbor porpoise, common dolphin, and harbor seal. During foundation installation activities, the NARW, harbor seal, and harbor porpoise densities are highest during May and second highest during the month of

December. Common dolphin densities are highest during the month of September and second highest during December. The resulting take estimate for the two highest months was then summed together with the OCS-DC take estimate to get the total “Static” Level B take for each scenario. These calculations were used for all five scenarios and the highest Level B “Static” exposure estimate from across the five installation scenarios was selected for the final take tables (tables 50 and 51 in the Reduced WTC Foundations report and its correction).

No single schedule resulted in the greatest amount of potential for injury or behavioral harassment. Sunrise Wind identified the following trends when looking across all construction schedules. Schedules 3 and 4 resulted in the highest take estimate due to the fact that the total ensonified area was distributed only into a single month of effort rather than across two months, meaning that all activity would occur within the month with the highest density for each species. This is likely because marine mammals would be exposed to two sources at the same moment and as one event rather than by two separate and distinct construction events. There were no SEL injury exposures at any attenuation level for any construction schedule. Harbor porpoise Level A harassment exposures were consistent regardless of the construction schedule. Schedule 3 tended to result in a reduced amount of take compared to the other construction schedules for phocid pinnipeds. Schedule 5 has similar results to Schedule 1.

As several of these schedules assume nearby concurrent operations, modeling efforts found that, because of the SEL metric used to evaluate PTS and the greater energy accumulated from multiple sources over a larger footprint,

concurrent nearby operations may marginally increase the total number of injurious takes of marine mammals by PTS (Level A harassment) even though the number of days of operations goes down in these situations. Alternately, while the footprint ensonified above the behavioral harassment threshold by two concurrent installations may be larger than that of a single operation, because the behavioral harassment threshold is based on SPL and not accumulated energy, the number of behavioral disruptions of marine mammals (Level B harassment) are reduced when the number of days of pile driving is reduced. The fact that concurrent operations will likely result in the construction activities being completed in a shorter amount of time (fewer days), this is also considered a benefit, and more broadly, in the context of how repeated or longer total duration activities may impact marine mammals and their habitat.

As described above, no single schedule was carried forward specifically for annual take estimates. Sunrise Wind compiled the maximum amount of take modeled for each species from each construction schedule to consider in their take estimates. Moreover, as described above, other factors influenced Sunrise Wind’s take request. However, NMFS notes that final take estimates and the number of takes that NMFS may authorize represent the maximum number of takes that is reasonably likely to occur from any method considered (*e.g.*, exposure modeling, static Level B harassment calculations (*i.e.*, density x ensonified area x days of pile driving), PSO data, or group size). Tables 13 and 14 represent take estimates from all methods for consecutive and concurrent pile driving schedules.

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Table 13 -- Estimated Take by Level A and Level B Harassments from sequential installation of 87, 7/12 m WTG monopile foundations and 1 OCS-DC piled jacket foundation using an IHC-4000 hammer assuming 10 dB of noise attenuation

Marine Mammal Species	Exposure Modeling Take Estimate ^a		Static Level B Take Estimates ^b	PSO Data Take Estimates	Mean Group Size	Highest Take By Level B Harassment
	Level A Harassment	Level B Harassment				
North Atlantic right whale*	6.9	18.4	21.1	1.6	2.4	22
Blue whale*	N/A	N/A	0.1	-	1.0	1
Fin whale*	15.7	33.7	50.5	17.4	1.8	51
Humpback whale*	11.9	23.7	29.7	51.7	2.0	52
Minke whale	103.1	316.5	209.8	6.3	1.2	317
Sei whale*	5.7	15.3	19.5	0.4	1.6	20
Sperm whale*	0.0	6.4	7.1	-	1.5	8
Atlantic spotted dolphin	0.0	7.5	34.2	-	29.0	35
Atlantic white-sided dolphin	0.0	469.7	316.6	5.1	27.9	470
Bottlenose dolphin	0.0	205.3	190.2	56.5	7.8	206
Common dolphin	0.0	4,449.6	2,440.1	1,438.2	34.9	4,450
Pilot whales	0.0	28.8	21.7	-	8.4	29
Risso's dolphin	0.0	26.6	23.9	4.0	5.4	27
Harbor porpoise	3.9	547.3	623.0	1.4	2.7	623
Gray Seal	2.0	382.9	647.8	3.9	1.4	648
Harbor Seal	7.2	1,072.6	1,455.4	5.1	1.4	1,456

* Denotes species listed under the Endangered Species Act.

a - Only 87 WTG foundations would be installed. The values in this table are a result of table 22 in the Reduced WTG Foundations report.

b - "Static" Level B take estimates are from the standard density x area x number of days method, not from exposure modeling.

Table 14 -- Estimated Take by Level A and Level B Harassments from three concurrent installation schedules of 87, 7/12 m WTG monopile foundations and 1 OCS-DC piled jacket foundation using an IHC S-4000 hammer assuming 10 dB of noise attenuation

Species	Proximal WTG Monopiles (4 piles/day)		Distal WTG Monopiles (4 piles/day)		2 WTG Monopiles and 4 OCS-DC Jacket pin piles		Maximum Among All Three Schedules	
	Level A Harassment	Level B Harassment	Level A Harassment	Level B Harassment	Level A Harassment	Level B Harassment	Level A Harassment	Level B Harassment
North Atlantic right whale*	7.3	14.6	7.2	18.8	6.3	17.0	7.3	18.8
Blue whale*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fin whale*	16.3	28.8	16.0	32.0	15.5	30.9	16.3	32.0
Humpback whale*	11.4	19.2	10.4	21.2	11.7	21.7	11.7	21.7
Minke whale	113.1	251.5	103.4	314.2	99.6	289.4	113.1	314.2
Sei whale*	5.8	12.8	5.7	15.0	4.5	12.3	5.8	15.0
Sperm whale*	0.0	5.1	0.0	6.0	0.0	5.5	0.0	6.0
Atlantic spotted dolphin	0.0	15.9	0.0	15.3	0.0	7.3	0.0	15.9
Atlantic white-sided dolphin	0.0	369.9	0.0	464.9	0.0	432.8	0.0	464.9
Bottlenose dolphin	0.0	167.2	0.0	195.8	0.0	199.9	0.0	199.9
Common dolphin	0.0	2,599.5	0.0	4,457.4	0.0	4,289.4	0.0	4,457.4
Pilot whales	0.0	5.1	0.0	6.0	0.0	5.5	0.0	6.0
Risso's dolphin	0.0	20.7	0.0	27.0	0.0	21.2	0.0	27.0

Harbor porpoise	3.9	455.5	3.9	542.4	4.0	527.2	4.0	542.4
Gray Seal	1.6	307.7	1.9	353.5	1.7	372.7	1.9	372.7
Harbor Seal	6.7	927.6	8.1	1,067.0	7.5	1,029.8	8.1	1,067.0

** Denotes species listed under the Endangered Species Act.*
a - Only 87 WTG foundations would be installed. The values in this table are a result of table 23 in the Reduced WTG Foundations report.

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Table 15 presents the maximum number of exposures among all five schedules modeled (see Küsel *et al.* 2022 for exposure estimates for each schedule), results from a static approach to calculate Level B harassment take, other available data to consider (*i.e.*, mean group size and PSO data), and importantly, the number of takes Sunrise Wind requested and NMFS may authorize incidental to installing WTG and OCS-DC foundations. NMFS notes that in its application, Sunrise Wind requested take by Level A harassment for humpback whales only. However, the new Roberts and Halpin (2022) density estimates resulted in Level A harassment takes for other marine mammal species’ (*i.e.*, fin whale, humpback whale, minke whale, sei whale, harbor porpoise, gray seal, harbor seal) during foundation installation, which led to a reevaluation of how Level A harassment takes were determined during the foundation installation associated with the Sunrise Wind proposed project. As it is possible for some animals to occur within the relevant distances for durations long

enough to result in Level A harassment, additional take was evaluated and requested. However, most species will temporarily avoid the area during the foundation installation activities, and in combination with the mitigation and monitoring measures, the potential for Level A harassment is very low. However, there may be some situations where pile driving cannot be stopped due to safety concerns related to pile instability. To estimate the potential for PTS, Sunrise Wind conservatively estimated that some animals may be undetected at distance but within the Level A harassment exposure ranges. Assuming the greatest risk to not detecting marine mammals is within the outer 500 m of the exposure range (or approximately 20 percent of exposure range area), Sunrise Wind estimates that up to 20 percent of the model-predicted Level A harassment take (except NARW) could occur. Given the extensive visual and acoustic monitoring required for all marine mammals, NMFS believes animals will be reliably detected to the degree that PTS can be avoided; however, at Sunrise Wind’s request, this rule would allow for take, by Level A

harassment, to be authorized in the amount of 20 percent of the modeled PTS exposures for each species. However, due to the enhanced mitigation measures for NARW (see Mitigation section), no Level A harassment takes are requested for this species nor is NMFS allowed to authorize any such takes under this rulemaking.
Sunrise Wind assumed that all foundations would be installed in a single year and calculated take based on this schedule. However, the new schedule predicts foundation installation may occur over two years. Regardless, Sunrise Wind’s conservative approaches (*e.g.*, assuming all piles would be installed within the two highest density months for each species) indicate the assumption all piles would be installed in one year is reasonable. Further, it is possible the schedule could shift again. It is anticipated that all foundations would be installed in Year 1; therefore, table 15 represents the maximum number of takes that is reasonably expected to occur in any given year from foundation installation.

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Table 15 -- Maximum estimated take by Level A and Level B harassment from installation of 87, 7/12 m WTG monopile foundations and 1 OCS-DC piled jacket foundation using an IHC S-4000 hammer assuming 10 dB of noise attenuation among the 5 modeled installation schedules^a

Species	Exposure Modeling Take Estimate		Static Level B Take Estimates ^b	PSO Data Take Estimates	Mean Group Size	Authorized Level A Harassment	Authorized Level B Harassment
	Level A Harassment	Level B Harassment					
North Atlantic right whale*	7.3	18.8	21.1	1.6	2.4	0	22
Blue whale*	n/a	n/a	0.1	-	1.0	0	1
Fin whale*	16.3	33.7	50.8	17.4	1.8	4	51
Humpback whale*	11.9	23.7	29.8	51.7	2.0	3	52
Minke whale	113.1	316.5	211.5	6.3	1.2	23	317
Sei whale*	5.8	15.3	19.9	0.4	1.6	2	20
Sperm whale*	0.0	6.4	7.2	-	1.5	0	8
Atlantic spotted dolphin	0.0	15.9	34.7	-	29.0	0	35
Atlantic white-sided dolphin	0.0	469.7	318.0	5.1	27.9	0	470
Bottlenose dolphin	0.0	205.3	190.3	56.5	7.8	0	206
Common dolphin	0.0	4,457.4	2,461.2	1,438.2	34.9	0	4,458
Pilot whales	0.0	28.8	21.7	-	8.4	0	29
Risso's dolphin	0.0	27.0	24.4	4.0	5.4	0	28
Harbor porpoise	4.0	547.3	623.4	1.4	2.7	1	624
Gray Seal	2.0	382.9	647.8	3.9	1.4	1	648
Harbor Seal	8.1	1,072.6	1,455.4	5.1	1.4	2	1,456

** Denotes species listed under the Endangered Species Act.*

a -Sunrise Wind assumed that some animals may go undetected near the outer perimeter of the largest modeled exposure range (approximately within 500 m). Given the area of the water is represented by a band that is around 500-m wide on the inside of the modeled exposure ranges, it was estimated that this made up approximately 20 to 25 percent of the total area of the exposure range. Because of these reasons, Sunrise Wind evaluated that up to 20 percent of the model predicted Level A harassment take could occur. Level B harassment exposure modeling take estimates are based on the unweighted distances to the 160 dB level. “Static” Level B harassment estimates are from the standard density x area method described in the text, not from exposure modeling.

b - “Static” Level B take estimates are from the standard density x area x number of days method, not from exposure modeling.

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Export Cable Landfall Construction

NMFS previously described Sunrise Wind’s acoustic modeling methodologies and identified that Sunrise Wind applied the static method to estimate take (*i.e.*, no exposure modeling was conducted for cable landfall construction work). Here, NMFS presents the results from that modeling. Table 16 identifies the modeled acoustic ranges to the PTS (SEL_{cum}) thresholds from pneumatic

hammering of the casing pipe. Level A harassment (SPL_{pk}) thresholds were not exceeded in the model and, therefore, will not be discussed further. The modeled Level B harassment threshold distance is 920 m (table 16).

Modeled distances to PTS thresholds are larger than distances to the Level B harassment threshold due to the high strike rate of the pneumatic hammer (table 16). However, low-frequency cetaceans are not expected to occur frequently close to this nearshore site and individuals of any species (including seals) are not expected to remain within the estimated SEL_{cum} threshold distances for the entire 3-hour duration of piling in a day. Furthermore, with the implementation of planned monitoring and mitigation (see Mitigation and Monitoring section), the potential for PTS incidental to pneumatic hammering is not anticipated. Sunrise Wind did not request nor is NMFS authorizing Level A harassment incidental to installation of the casing pipe.

Table 16 -- Acoustic Ranges (R_{95percent}) In Meters To Level A Harassment (PTS) and Level B Harassment Thresholds From Pneumatic Hammering During Casing Pipe Installation For Marine Mammal Functional Hearing Groups, Assuming A Winter Sound Speed Profile

Hearing Group	Level A Harassment SEL _{cum} Thresholds (dB re 1 μPa ² ·s)	Level B Harassment SPL _{rms} Threshold (120 dB re 1 μPa)
Low-frequency cetaceans	3,870	920
Mid-frequency cetaceans	230	
High-frequency cetaceans	3,950	
Phocid pinnipeds	1,290	

Each casing pipe would be supported by six goal posts to allow the borehole exit point to remain clear of mud. Each goal post would be supported by two vertical sheet piles (a total of 12 sheet piles) that would be installed using a vibratory hammer (*i.e.*, an American Piledriving Equipment model 300 or similar), with a potential for up to 10 additional sheet piles being installed to support ongoing construction activities (a total of 22 sheet piles). Sunrise Wind

anticipates installing the 22 sheet piles over 6 days (approximately four piles per day). Each sheet pile would take up to 2 hours to install for a total of 8 hours per day. Removal timelines would be similar (up to six days total), equating to a total of 12 days for both installation and removal.

Similar to the modeling approach for foundation impact pile driving, distances to harassment thresholds are reported as R_{95percent} values. Given the

nature of vibratory pile driving and the very small distances to Level A harassment thresholds (*i.e.*, 0–190 m) (table 17), which accounts for eight hours of vibratory pile driving per day, vibratory driving is not expected to result in Level A harassment. Sunrise Wind did not request, nor is NMFS authorizing, any Level A harassment incidental to installation or removal of sheet piles.

Table 17 -- Acoustic Ranges ($R_{95\text{percent}}$) In Meters To Level A Harassment (PTS) and Level B Harassment Thresholds From Vibratory Pile Driving During Sheet Pile Installation For Marine Mammal Functional Hearing Groups, Assuming A Winter Sound Speed Profile

Hearing Group	Level A Harassment SEL_{cum} Thresholds (dB re 1 $\mu\text{Pa}^2 \cdot \text{s}$)	Level B Harassment SPL_{rms} Threshold (120 dB re 1 μPa)
Low-frequency cetaceans	50	9,740
Mid-frequency cetaceans	-	
High-frequency cetaceans	190	
Phocid pinnipeds	10	

Note: Sunrise Wind estimates no more than eight hours of vibratory pile driving per day for sheet pile installation.

The acoustic ranges to the Level B harassment threshold were used to calculate the ensonified area around the cable landfall construction site. The Ensonified Area is calculated as the following:

$$\text{Ensonified Area} = \pi r^2,$$

where r is the linear acoustic range distance from the source to the isopleth to the Level B harassment thresholds.

Based on the duration of both the installation/removal of the sheet piles and the casing pipe, different daily ensonified values are necessary for this calculation for the cable landfall take analysis. For the vibratory pile driving associated with the sheet pile installation and removal, the calculated daily ensonified area was 149 km^2

(57.53 mi^2) or a total ensonified area of 1,788 km^2 (1,111 mi^2). For impact pile driving associated with the casing pipe by the pneumatic hammer, the calculated daily ensonified area was 0.92 km^2 (0.36 mi^2) with a total ensonified area of 10.6 km^2 (6.58 mi^2) to result.

To estimate marine mammal density around the nearshore landfall site, the greatest ensonified area plus a 10-km buffer was then intersected with the density grid cells for each individual species to select all of those grid cells that the buffer intersects (Figure 10 in Sunrise Wind's Updated Density and Take Estimation Memo). Since the timing of landfall construction activities may vary somewhat from the proposed schedule, the highest average monthly

density from January through December for each species was selected and used to estimate exposures from landfall construction (table 18).

For some species where little density information is available (*i.e.*, blue whales, pilot whales), the annual density was used instead. Given overlap with the pinniped density models as the Roberts and Halpin (2022) dataset does not distinguish between species, a collective "pinniped" density was used and then split based on the relative abundance for each species for the estimated take (Roberts *et al.*, 2016). These approaches were the same as described in the WTG and OCS-DC Foundation Installation section.

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Table 18 -- Maximum Average Monthly Marine Mammal Densities Within 10 km of the Landfall Location and the Month in Which Each Maximum Density Occurs

Species	Maximum Monthly Density (Individual/km ²)	Maximum Density Month
North Atlantic right whale*	0.0009	February
Blue whale*	0.000	Annual
Fin whale*	0.0013	January
Humpback whale*	0.0016	December
Minke whale	0.0072	May
Sei whale*	0.0006	December
Sperm Whale*	0.0002	November
Atlantic Spotted Dolphin	0.000	September
Atlantic White-sided Dolphin	0.0040	May
Bottlenose Dolphin	0.0540	July
Common Dolphin	0.0336	November
Pilot Whales	0.0000	Annual
Risso's Dolphin	0.0001	December
Harbor Porpoise	0.0384	January
Seals (Harbor and Gray)	0.3789	June

* Denotes species listed under the Endangered Species Act.

Note: Values are derived from table 26 in the December 2022 Updated Density and Take Estimation Memo.

To calculate exposures, the average marine mammal densities (table 18) were multiplied by the daily ensonified area (149 km²) for installation/removal of sheet piles and for the installation/removal of the casing pipe (0.92 km²). Given that use of the vibratory hammer during sheet pile installation and removal may occur on up to 12 days, the daily estimated take (which is the product of density $\times$ ensonified area) was multiplied by 12 to produce the

results shown in table 19. The same approach was undertaken for the use of the pneumatic hammer for the casing pipe with the exception that the 8 total days was used.

To be conservative, Sunrise Wind has requested take by Level B harassment based on the highest exposures predicted by the density-based, PSO based, or average group size-based estimates, and the take to be authorized is indicated in the last column of table

19. As described above, given the small distances to Level A harassment isopleths, Level A harassment incidental to this activity is not anticipated, even absent mitigation, although mitigation measures are required that would further reduce the risk. Therefore, Sunrise Wind is not requesting and NMFS is not authorizing Level A harassment related to cable landfall construction activities.

Table 19 -- Estimated Take by Level B Harassment from Export Cable Landfall Construction

Species	Density-based Take Estimate		Total Density-based Take Estimate	PSO Data Take Estimate	Mean Group Size	Highest Level B Takes
	Sheet Piles	Casing Pipe				
North Atlantic right whale*	1.7	0.0	1.7	0.3	2.4	3
Blue whale*	0.0	0.0	0.0	-	1.0	1
Fin whale	2.3	0.0	2.3	3.1	1.8	4
Humpback whale	2.9	0.0	2.9	9.3	2.0	10
Minke whale	12.8	0.1	12.9	1.1	1.2	13
Sei whale*	1.0	0.0	1.0	0.1	1.6	2
Sperm whale*	0.3	0.0	0.3	-	1.5	2
Atlantic spotted dolphin	0.1	0.0	0.1	-	29.0	29
Atlantic white-sided dolphin	7.2	0.0	7.2	0.9	27.9	28
Bottlenose dolphin	96.6	0.6	97.2	10.2	7.8	98
Common dolphin	60.0	0.4	60.4	258.5	34.9	259
Pilot whales	0.0	0.0	0.0	-	8.4	9
Risso's dolphin	0.2	0.0	0.2	0.7	5.4	6
Harbor porpoise	68.7	0.4	69.1	0.3	2.7	70
Gray Seal	208.7	1.2	209.9	0.7	1.4	210
Harbor Seal	468.9	2.8	471.7	0.9	1.4	472

* Denotes species listed under the Endangered Species Act.

Note: Bolded value is corrected from the proposed rule due to a typographical error.

UXO/MEC Detonation

Sunrise Wind may detonate up to three UXO/MECs within the Project's Lease Area over the 5-year effective period of the final rule. To assess the impacts from UXO/MEC detonations, JASCO conducted acoustic modeling based on previous underwater acoustic assessment work that was performed jointly between NMFS and the United States Navy. JASCO evaluated the effects thresholds for TTS, PTS, non-auditory injury, and mortality based on the following three appropriate metrics: (1) peak sound pressure level; (2) weighted cumulative SEL; and (3) acoustic impulse. Charge weights of 2.3 kg (5.1 pounds (lbs)), 9.1 kg (20.1 lbs), 45.5 kg (100.3 lbs), 227 kg (500 lbs), and 454 kg (1,000.9 lbs) (which is the largest charge the Navy considers for the purposes of its analyses) (see the Description of the Specified Activities section in the proposed rule), were modeled to determine the ranges to mortality, gastrointestinal injury, lung injury, PTS, and TTS thresholds. These charge weights were modeled at four different locations and associated water depths in the Project Area (12 m (Site S1), 20 m (Site S2), 30 m (Site S3), and 45 m (Site S4)). Sites S3 (30 m depth) and S4 (45 m depth) were deemed to be representative of the Sunrise Wind Lease Area where detonations could

occur (see figure 1 in Hannay and Zykov, 2022).

Here, NMFS presents the distances to PTS and TTS thresholds for all UXO/MEC charge weights (tables 20 and 21). In the proposed rule, NMFS only described the distances to thresholds for the largest E12 charge weight. However, Sunrise Wind will be able to identify and mitigate at the relevant distances for each specific charge weight, so NMFS has incorporated the maximum values for each size herein. As described below, in consideration of the distances to the associated thresholds and the implementation of the required mitigation and monitoring measures, Sunrise Wind did not request, and NMFS does not anticipate and is not authorizing, take by mortality or non-auditory injury from any activity. All modeling results, including mortality and non-auditory injury, can be found in the supplementary report for Sunrise Wind's ITA application titled "Underwater Acoustic Modeling of Detonations of Unexploded Ordnance (UXO) for Ørsted Wind Farm Construction, US East Coast" (UXO/MEC acoustic modeling report; Hannay and Zykov, 2022). Information on UXO/MEC detonation risk evaluation and charge weight identification can be found in the supplementary report "Supplementary Unexploded Ordnance (UXO) Information for Ørsted Wind

Farm Construction, US East Coast" (UXO/MEC Charge Weight report), as found on NMFS' website at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-sunrise-wind-llc-construction-and-operation-sunrise-wind>.

JASCO selected the largest distances to the PTS and TTS isopleths modeled for the project area (S3 and S4) to carry forward for take estimation (Hannay and Zykov, 2022). This same approach was used to determine the largest distances to these isopleths for the Lease Area (tables 46 and 48 in ITA application). For all species, the distance to the SEL threshold isopleth exceeded that for the SPL peak isopleth (see section 9 in Hannay and Zykov, 2022). Sunrise Wind has committed to use a noise abatement system capable of 10-dB attenuation (at minimum a double bubble curtain) during all detonations. As a result, the 10 dB mitigated UXO/MEC scenario is the one carried forward into exposure and take estimation here. Additional information can be found in the UXO/MEC modeling report (Hannay and Zykov, 2022)) and the Updated Density and Take Estimation Memo for Sunrise Wind on NMFS' website at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-sunrise-wind-llc-construction-and-operation-sunrise-wind>.

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Table 20 – Maximum SEL-based R_{95%} PTS-Onset Ranges, in Meters, from all Site Modeled During UXO/MEC Detonation by Charge Weight, Assuming 10-dB Sound Attenuation

Marine Mammal Hearing Group	2.3 kg (5.1 lbs)		9.1 kg (20.1 lbs)		45.5 kg (100.3 lbs)		227 kg (500 lbs)		454 kg (1,000.9 lbs)	
	R _{max} ^a	R _{95%} ^b	R _{max}	R _{95%}	R _{max}	R _{95%}	R _{max}	R _{95%}	R _{max}	R _{95%}
LFC	632	552	1,230	982	2,010	1,730	3,370	2,970	4,270	3,780
MFC	<50	<50	79	75	175	156	419	337	535	461
HFC	2,100	1,820	3,020	2,590	4,400	3,900	6,130	5,400	6,960	6,200
PP	192	182	413	357	822	690	1,410	1,220	1,830	1,600

Note: LFC = low-frequency cetaceans; MFC = mid-frequency cetaceans; HFC = high-frequency cetaceans; PP = phocid pinnipeds

a- Represents the maximum distance in any direction that the threshold was exceeded. This metric is often overly conservative for take estimates because it reflects the influence of coherent constructive interference effects, produced by most propagation loss models, due to model approximations of highly uniform environments. In practice, these coherent effects are almost always disrupted by rough interfaces and ocean inhomogeneities.

b- Represents the radius of a circle that encompasses 95% of the area predicted by the model to exceed the threshold. The circle radius is typically larger than the maximum distances in most directions, but it cuts off “fingers” of ensonification that protrude in a small number of directions. This metric is typically also conservative, but less so than the R_{max} distance.

Table 21 – Maximum SEL-based R_{95%} TTS-Onset Ranges, in Meters, from all Site Modeled During UXO/MEC Detonation by Charge Weight, Assuming 10-dB Sound Attenuation

Marine Mammal Hearing Group	2.3 kg (5.1 lbs)		9.1 kg (20.1 lbs)		45.5 kg (100.3 lbs)		227 kg (500 lbs)		454 kg (1,000.9 lbs)	
	R _{max} ^a	R _{95%} ^b	R _{max}	R _{95%}	R _{max}	R _{95%}	R _{max}	R _{95%}	R _{max}	R _{95%}
LFC	3,140	2,820	5,230	4,680	8,160	7,490	11,700	10,500	13,500	11,900
MFC	535	453	910	773	1,520	1,240	2,400	2,120	2,930	2,550
HFC	6,920	6,160	8,970	8,000	11,300	10,300	14,600	12,900	15,600	14,100
PP	1,730	1,470	2,710	2,350	4,340	3,820	6,640	5,980	7,820	7,020

Note: LFC = low-frequency cetaceans; MFC = mid-frequency cetaceans; HFC = high-frequency cetaceans; PP = phocid pinnipeds

a- Represents the maximum distance in any direction that the threshold was exceeded. This metric is often overly conservative for take estimates because it reflects the influence of coherent constructive interference effects, produced by most propagation loss models, due to model approximations of highly uniform environments. In practice, these coherent effects are almost always disrupted by rough interfaces and ocean inhomogeneities.

b- Represents the radius of a circle that encompasses 95% of the area predicted by the model to exceed the threshold. The circle radius is typically larger than the maximum distances in most directions, but it cuts off “fingers” of ensonification that protrude in a small number of directions. This metric is typically also conservative, but less so than the R_{max} distance.

injury, and onset of mortality can be found in the supplementary report for Sunrise Wind's ITA application titled "UXO/MEC acoustic modeling report (Hannay and Zykov, 2022)," as found on NMFS' website at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-sunrise-wind-llc-construction-and-operation-sunrise-wind>.

NMFS concurs with Sunrise Wind's analysis, and neither expects nor authorizes any non-auditory injury, serious injury, or mortality of marine mammals from UXO/MEC detonation. The modeled distances to the mortality threshold for all UXO/MECs sizes for all animal masses are small enough that they can be effectively monitored (*i.e.*, 5–353 m; see tables 35–38 in Hannay and Zykov, 2022) and these types of impacts avoided, given the robust mitigation and monitoring measures required. The modeled distances to gastrointestinal and lung injuries (*i.e.*, non-auditory injury) thresholds range from 5–648 m (see tables 30–34 in Hannay and Zykov, 2022). Sunrise Wind will be required to conduct extensive monitoring using both PSOs and PAM operators and clear an area of marine mammals prior to detonating any UXO/MEC. Given that Sunrise Wind will be employing multiple platforms to visually monitor marine mammals as well as conducting passive

acoustic monitoring, it is reasonable to conclude that marine mammals will be reliably detected within approximately 660 m of the UXO/MEC being detonated and mortality or non-auditory injury is not likely to occur.

Sunrise Wind did not request, and NMFS is not authorizing, take by mortality or non-auditory injury. For this reason, NMFS is not presenting all modeling results here; however, they can be found in Sunrise Wind's UXO/MEC acoustic modeling report (Hannay and Zykov, 2022).

To estimate the maximum ensonified zones that could result from UXO/MEC detonations, the largest acoustic range ($R_{95\text{percent}}$; assuming 10dB attenuation) to PTS and TTS thresholds of a E12 UXO/MEC charge weight were used as radii to calculate the area of a circle ($\pi \times r^2$; where r is the range to the threshold level) for each marine mammal hearing group. The results represent the largest area potentially ensonified above threshold levels from a single detonation within the SRWEC. The same method was used to calculate the maximum ensonified area from a single detonation in the Lease Area, based on the distances in tables 46 and 47 in the ITA application. Again, acoustic and exposure modeling results are presented here for mitigated (*i.e.*, assuming 10 dB and including seasonal restrictions) detonations of UXO/MECs.

Regarding the marine mammal density and occurrence data used in the take estimates for UXO/MECs, to avoid any *in situ* detonations of UXO/MECs during periods when NARW densities are highest in and near the SWEC corridor and Lease Area, this rule includes a seasonal temporal restriction on detonation of UXO/MECs in Federal waters from December 1 through April 30, annually. Accordingly, for each species, the highest average monthly marine mammal density between May and November from Roberts *et al.*, 2023 was used to conservatively estimate exposures from UXO/MEC detonation for a given species in any given year (*i.e.*, assumed all three UXO/MECs would be detonated in the month with the greatest average monthly density). Furthermore, given that UXO/MECs detonations have the potential to occur anywhere within the Lease Area, a 10 km (6.21 mi) perimeter was applied around the Lease Area. In some cases where monthly densities were unavailable, annual densities were used instead for some species (*i.e.*, blue whales, pilot whale *spp.*). Table 22 provides those densities and the associated months in which the species-specific densities are highest for the Sunrise Wind Lease Area (table 41 in the December 2022 Updated Density and Take Estimation Memo for Sunrise Wind).

Table 22 -- Maximum Average Monthly Marine Mammal Densities (Individuals/km²) Within 10 km of the Sunrise Wind Lease Area from May through November, and the Month in Which the Maximum Density Occurs

Marine Mammal Species	Maximum Average Monthly Density (Individual/km ²)	Maximum Density Month
North Atlantic right whale*	0.0018	May
Blue whale*	0.0000	Annual
Fin whale*	0.0042	July
Humpback whale	0.0025	May
Minke whale	0.0178	May
Sei whale*	0.0017	May
Sperm whale*	0.0006	August
Atlantic spotted dolphin	0.0033	October
Atlantic white-sided dolphin	0.0268	May
Bottlenose dolphin	0.0160	August
Common dolphin	0.1824	September
Pilot whales	0.0018	Annual
Risso's dolphin	0.0020	December
Harbor porpoise	0.0517	May
Seals (Harbor and Gray)	0.1730	May

* Denotes species listed under the Endangered Species Act.

To estimate take incidental to UXO/MEC detonations in Sunrise Wind's Lease Area, the maximum ensouffled areas based on the largest R_{95percent} to Level A harassment (PTS) and Level B harassment (TTS) thresholds (assuming 10 dB attenuation) from a single detonation (assuming the largest UXO/MEC charge weight) in the Lease Area, as shown in tables 20 and 21 and xx, were multiplied by three (the maximum number of UXOs/MECs that are expected to be detonated in the Sunrise Wind Lease Area) and then multiplied by the marine mammal densities shown in table 22, resulting in the take estimates in table 23. As described above, Sunrise Wind based the number of requested takes on the number of exposures estimated assuming 10 dB attenuation using a NAS, and NMFS agrees the distances to thresholds (which are considered in the take

estimate) based on this assumption are reasonable.

The likelihood of marine mammal exposures above the PTS threshold is low, especially considering the instantaneous nature of the acoustic signal and the fact that there will be no more than three. Further, the rule includes required mitigation and monitoring measures intended to avoid the potential for PTS for most marine mammal species and the extent and severity of Level B harassment (see Mitigation and Monitoring and Reporting sections below). However, given the relatively large distances to the high-frequency cetacean Level A harassment (PTS, SEL_{cum}) isopleth applicable to harbor porpoises and the difficulty detecting this species at sea, Sunrise Wind is requesting, and NMFS is authorizing, 19 Level A harassment takes of harbor porpoise from UXO/MEC

detonations. Similarly, seals are difficult to detect at longer ranges, and although the distance to the phocid hearing group SEL PTS threshold is not as large as those for high-frequency cetaceans, it may not be possible to detect all seals within the PTS threshold distances even with the required monitoring measures. Therefore, Sunrise Wind is requesting, and NMFS would authorize under this rule, take by Level A harassment of 2 gray seals and 3 harbor seals incidental to UXO/MEC detonation.

While there would be no more than 3 detonations of UXO/MECs, each of which would be of very short duration (approximately 1 second), UXO/MEC detonations have a higher potential to cause mortality and injury than other Project activities and therefore, have specific mitigation measures designed to prevent mortality and/or injury of marine mammals, including: (1) time of

year/seasonal restrictions; (2) time of day restrictions; (3) use of PSOs to visually observe for NARW; (4) use of PAM to acoustically detect NARW; (5) implementation of clearance zones; (6) use of noise mitigation technology; and

(7) post-detonation monitoring visual and acoustic monitoring by PSOs and PAM operators.

The mitigation measures Sunrise Wind must implement during any UXO/MEC detonations are expected to reduce the likelihood of Level A harassment

(PTS) and, to a degree, Level B harassment, to the extent practicable. However, as described above, there remains potential for Level A harassment (PTS) for multiple species.

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Table 23 -- Estimated Level A Harassment (PTS) and Level B Harassment (TTS, Behavior) Takes Authorized for All Potential UXO/MEC Detonations¹ Assuming 10 dB Noise Attenuation for the Project

Species	Total Level A Density-based Take Estimate	Total Level B Density-based Take Estimate	PSO Data Take Estimate	Mean Group Size	Level A Harassment Take ²	Level B Harassment Take
North Atlantic right whale*	0.2	2.3	0.1	2.4	0	3
Blue whale*	0.0	0.0	-	1.0	0	1
Fin whale*	0.5	5.5	0.6	1.8	0	6
Humpback whale	0.3	3.3	1.7	2.0	0	4
Minke whale	2.2	23.4	0.2	1.2	0	24
Sei whale*	0.2	2.2	0.0	1.6	0	3
Sperm whale*	0.0	0.0	-	1.5	0	2
Atlantic spotted dolphin	0.0	0.2	-	29.0	0	29
Atlantic white-sided dolphin	0.0	1.6	0.2	27.9	0	28
Bottlenose dolphin	0.0	0.9	1.9	7.8	0	8
Common dolphin	0.3	10.6	48.5	34.9	0	49
Pilot whales	0.0	0.1	-	8.4	0	9
Risso's dolphin	0.0	0.1	0.1	5.4	0	6
Harbor porpoise	18.7	91.4	0.0	2.7	19	92
Gray seal	1.1	24.8	0.1	0.4	2	25
Harbor seal	2.5	55.6	0.2	1.0	3	56

* Denotes species listed under the Endangered Species Act.

1 - Sunrise Wind only expects up to three UXO/MECs to necessitate high-order removal (detonation) and only expects that these would be found in the Lease Area, not the export cable corridor. These values can be found in table 48 of the December 2022 Updated Density and Take Estimation Memo.
2- NMFS’ Biological Opinion analyzed and agreed that given the distances to the Level A harassment threshold (less than 4 km), the clearance zone (10 km) and the extensive mitigation measures that will ensure that detonation does not occur if any whales are close enough to the detonation site to be exposed to noise above the Level A harassment threshold, exposure of any ESA-listed whales to noise that could result in PTS is extremely unlikely to occur.

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HRG Surveys
Sunrise Wind’s HRG survey activity includes the use of impulsive (*i.e.*, boomers and sparkers) and non-impulsive (*e.g.*, CHIRP SBPs) sources (table 24).

Table 24 -- Representative HRG Survey Equipment and Operating Frequencies

Equipment Type	Representative Equipment Model	Operating Frequency (kHz)
Sub-bottom Profiler	EdgeTech 216	2 - 16
	EdgeTech 424	4 - 24
	EdgeTech 512	0.7 - 12
	GeoPulse 5430A	2 - 17
	Teledyne Benthos Chirp III – TTV 170	2 - 7
Sparker	Applied Acoustics Dura-spark UHD (400 tip, 500 J)	0.3 - 1.2
Boomer	Applied Acoustics triple plate S-Boom (700-1,000 J)	0.1 - 5

Authorized takes would be by Level B harassment in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to noise from certain HRG acoustic sources. Based primarily on the characteristics of the signals produced by the acoustic sources planned for use, Level A harassment is neither anticipated, even absent mitigation, nor authorized. Therefore, the potential for Level A harassment from HRG surveys is not evaluated further in this document. Sunrise Wind did not request, and NMFS is not authorizing, take by Level A harassment incidental to HRG surveys. Please see Sunrise Wind's application for details of a quantitative exposure analysis (*i.e.*, calculated distances to Level A harassment isopleths and Level A harassment exposures).

Specific to HRG surveys, in order to better consider the narrower and directional beams of the sources, NMFS has developed a tool for determining the sound pressure level (SPL_{rms}) at the 160 dB isopleth for the purposes of estimating the extent of Level B harassment isopleths associated with HRG survey equipment (NMFS, 2020). This methodology incorporates frequency-dependent absorption and some directionality to refine estimated ensonified zones. Sunrise Wind used NMFS' methodology with additional modifications to incorporate a seawater absorption formula and account for

energy emitted outside of the primary beam of the source. For sources that operate with different beamwidths, the maximum beam width was used, and the lowest frequency of the source was used when calculating the frequency-dependent absorption coefficient.

NMFS considers the data provided by Crocker and Fratantonio (2016) to represent the best scientific information available on source levels associated with HRG equipment and, therefore, recommends that source levels provided by Crocker and Fratantonio (2016) be incorporated in the method described above to estimate ranges to the Level A harassment and Level B harassment isopleths. In cases when the source level for a specific type of HRG equipment is not provided in Crocker and Fratantonio (2016), NMFS recommends that either the source levels provided by the manufacturer be used or in instances where source levels provided by the manufacturer are unavailable or unreliable, a proxy from Crocker and Fratantonio (2016) be used instead. Sunrise Wind utilized the following criteria for selecting the appropriate inputs into the NMFS User Spreadsheet Tool (NMFS, 2018):

For equipment that was measured in Crocker and Fratantonio (2016), the reported SL for the most likely operational parameters was selected. For equipment not measured in Crocker and Fratantonio (2016), the best available manufacturer specifications

were selected. Use of manufacturer specifications represent the absolute maximum output of any source and do not adequately represent the operational source. Therefore, they should be considered an overestimate of the sound propagation range for that equipment. For equipment that was not measured in Crocker and Fratantonio (2016) and did not have sufficient manufacturer information, the closest proxy source measured in Crocker and Fratantonio (2016) was used.

The Dura-spark measurements and specifications provided in Crocker and Fratantonio (2016) were used for all sparker systems proposed for the HRG surveys. These included variants of the Dura-spark sparker system and various configurations of the GeoMarine Geo-Source sparker system. The data provided in Crocker and Fratantonio (2016) represent the most applicable data for similar sparker systems with comparable operating methods and settings when manufacturer or other reliable measurements are not available. Crocker and Fratantonio (2016) provide S-Boom measurements using two different power sources (CSP-D700 and CSP-N). The CSP-D700 power source was used in the 700 joules (J) measurements but not in the 1,000 J measurements. The CSP-N source was measured for both 700 J and 1,000 J operations but resulted in a lower source level; therefore, the single maximum source level value was used

for both operational levels of the S-Boom.

Table 25 identifies all the representative survey equipment that operates below 180 kHz (*i.e.*, at frequencies that are audible and have

the potential to disturb marine mammals) that may be used in support of planned survey activities and are likely to be detected by marine mammals given the source level,

frequency, and beamwidth of the equipment. This table also provides all operating parameters used to calculate the distances to threshold for marine mammals.

Table 25 -- Summary of Representative HRG Survey Equipment and Operating Parameters

Equipment Type	Representative Equipment Model	Operating Frequency (kHz)	Source Level SPL rms (dB)	Source Level 0-pk (dB)	Pulse Duration (rms)	Repetition Rate (Hz)	Beamwidth (degrees)	Information Source
Sub-bottom Profiler	EdgeTech 216	2 - 16	195	-	20	6	24	MAN
	EdgeTech 424	4 - 24	176	-	3.4	2	71	CF
	EdgeTech 512	0.7 - 12	179	-	9	8	80	CF
	GeoPulse 5430A	2 - 17	196	-	50	10	55	MAN
	Teledyn Benthos Chirp III - TTV 170	2 - 17	197	-	60	15	100	MAN
Sparker	Applied Acoustics DuraSpark UHD (400 tips, 500 J)	0.3 - 1.2	203	211	1.1	4	Omni	CF
Boomer	Applied Acoustics triple plate S-Boom (700–1,000 J)	0.1 - 5	205	211	0.6	4	80	CF

- = not applicable; CF = Crocker and Fratantonio (2016); MAN = Manufactures Specifications
Source Levels are given in dB re 1 μ Pa @ 1m

Results of modeling using the methodology described above indicated that, of the HRG equipment planned for use by Sunrise Wind that has the potential to result in Level B harassment of marine mammals, sound produced by the Applied Acoustics sparkers and Applied Acoustics triple-plate S-Boom would propagate furthest to the Level B

harassment isopleth (141 m; table 26). For the purposes of take estimation, it was conservatively assumed that sparkers and/or boomers would be the dominant acoustic source for all survey days (although, again, this may not always be the case). Thus, the range to the isopleth corresponding to the threshold for Level B harassment for

and the boomer and sparkers (141 m) was used as the basis of take calculations for all marine mammals. This is a conservative approach as the actual sources used on individual survey days or during a portion of a survey day may produce smaller distances to the Level B harassment isopleth.

Table 26 -- Distances to the Level B Harassment Thresholds in Meters for Each HRG Sound Source or Comparable Sound Source Category for Each Marine Mammal Hearing Group

Equipment Type	Representative Model	All (SPL _{rms})
Sub-bottom Profiler	EdgeTech 216	9
	EdgeTech 424	4
	EdgeTech 512	6
	GeoPulse 5430A	21
	Teledyn Benthos Chirp III - TTV 170	48
Sparker	Applied Acoustics Dura-Spark UHD (700 tips, 1,000 J)	34
	Applied Acoustics Dura-Spark UHD (400 tips, 500 J)	141
Boomer	Applied Acoustics triple plate S-Boom (700–1,000 J)	141

To estimate densities for the HRG surveys occurring both within the Lease Area and within the SWEC based on Roberts and Halpin (2022), a 5-km (3.11 mi) perimeter was applied around each

area (see Figures 11 and 12 of the Updated Density and Take Estimation Memo for Sunrise Wind) using GIS (ESRI, 2017). Given that HRG surveys could occur at any point year-round, the

annual average density for each species was calculated using average monthly densities from January through December (table 27).

Table 27 – Annual Average Marine Mammal Densities within 5 km of the Export Cable Corridor (SWEC) and Sunrise Wind Lease Area (SRWF)¹

Marine Mammal Species	SWEC Corridor Annual Average Density (Individual per km ²)	Lease Area Annual Average Density (Individual per km ²)
North Atlantic Right Whale*	0.0004	0.0016
Blue whale*	0.0000	0.0000
Fin Whale*	0.0022	0.0020
Humpback Whale	0.0011	0.0012
Minke Whale	0.0052	0.0051
Sei Whale*	0.0004	0.0005
Sperm Whale*	0.0001	0.0002
Atlantic Spotted Dolphin	0.0006	0.0005
Atlantic White-sided Dolphin	0.0117	0.0144
Bottlenose Dolphin	0.0127	0.0091
Common Dolphin	0.0827	0.0802
Pilot Whales	0.0011	0.0021
Risso's Dolphin	0.0005	0.0005
Harbor Porpoise	0.0297	0.0372
Seals (Harbor and Gray)	0.0910	0.0917

* Denotes species listed under the Endangered Species Act.

1 - Values presented in this table are from the Sunrise Wind Updated Density and Take Estimation Memo (tables 34 and 35), which can be found on NMFS' website.

The maximum range (*i.e.*, 141 m) to the Level B harassment threshold and the estimated trackline distance traveled per day by a given survey vessel (*i.e.*, 70 km) were then used to calculate the daily ensonified area or zone of influence (ZOI) around the survey vessel.

The ZOI is a representation of the maximum extent of the ensonified area around a HRG sound source over a 24-hr period. The ZOI for each piece of equipment operating at or below 180 kHz was calculated per the following formula:

$$ZOI = (Distance/day \times 2r) + \pi \times r^2$$

Where *r* is the linear distance from the source to the harassment isopleth.

The largest daily ZOI (19.8 km² (7.64 mi²)), associated with the proposed use of boomers, was applied to all planned survey days.

At the time of the proposed rule, the Project previously assumed 12,604 km of HRG surveys to occur within the SRWF. Based on the reduced number of WTG foundations, as described in the March 2023 Sunrise Wind ITR Application—Reduced WTG Foundations report, 10,940.3 km of HRG surveys are now expected to occur within the Lease Area (previously 12,604 km). Potential Level B density-based harassment exposures are estimated by multiplying the average annual density of each species within

the survey area by the daily ZOI. That product was then multiplied by the number of planned survey days in each sector during the approximately 2-year construction timeframe (*i.e.*, 156.3 days in the SWEC corridor and 180 days in the Lease Area), and the product was rounded to the nearest whole number. This assumed a total ensonified area of 3,094.9 km² (1,194.95 mi²) in the Lease Area and 3,380 km² (1,305.03 mi²) along the SWEC corridor. Given that the HRG surveys are anticipated to occur over 2 years of construction activities, the total survey effort and associated ensonified areas were split equally across 2 years. These results can be found in table 28.

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Table 28 -- Estimated Take, by Level B Harassment, Incidental to HRG Surveys during the 2-Year Construction Period (with Information Presented for Both Years of Construction Activities)

Species	Year 1 Construction Phase Take by Survey		Year 2 Construction Phase Take by Survey		Total Density-Based Take Estimate	PSO Data Take Estimate	Mean Group Size	Highest Annual Take by Level B Harassment For Year 1	Highest Annual Take by Level B Harassment For Year 2
	SRWF Lease Area	SRWF EC Corridor	SRWF Lease Area	SRWF EC Corridor					
North Atlantic Right Whale*	2.5	0.7	2.5	0.7	3.1	-	2.4	4	4
Blue Whale*	0.0	0.0	0.0	0.0	0.0	-	1.0	1	1
Fin Whale*	3.1	3.7	3.1	3.7	6.8	4.9	1.8	7	7
Humpback Whale	1.8	1.9	1.8	1.9	3.7	12.3	2.0	13	13
Minke Whale	7.8	8.7	7.8	8.7	16.6	4.4	1.2	17	17
Sei Whale*	0.7	0.7	0.7	0.7	1.4	-	1.6	2	2
Sperm Whale*	0.3	0.2	0.3	0.2	0.6	-	1.5	2	2
Atlantic Spotted Dolphin	0.8	1.1	0.8	1.1	1.9	-	29.0	29	29
Atlantic White-sided Dolphin	22.2	19.8	22.2	19.8	42.1	-	27.9	43	43
Bottlenose Dolphin	14.1	21.5	14.1	21.5	35.6	74.8	7.8	75	75
Common Dolphin	124.1	139.8	124.1	139.8	263.9	1,759.4	34.9	1,760	1,760

Pilot Whales	3.2	1.9	3.2	1.9	5.1	-	8.4	9	9
Risso’s Dolphin	0.8	0.9	0.8	0.9	1.7	1.7	5.4	6	6
Harbor Porpoise	57.6	50.1	57.6	50.1	107.7	-	2.7	108	108
Gray Seal	43.7	47.4	43.7	47.4	91.1	5.7	1.4	92	92
Harbor Seal	98.2	106.4	98.2	106.4	204.6	8.3	0.0	205	205

** Denotes species listed under the Endangered Species Act.*
Note: This table has been updated since the proposed rule as a result of Sunrise Wind’s submission of their March 2023 Sunrise Wind ITR Application-Reduced WTG Foundations report (report table 39). Values that have changed are in **bold**.

As mentioned previously, HRG surveys would also routinely be carried out during the period of time following construction of Sunrise Wind’s Lease Area and SWEC corridor, which, for the purposes of exposure modeling, Sunrise

Wind assumed to be three years. Generally, Sunrise followed the same approach as described above for HRG surveys occurring during the two years of construction activities with the only modification during the three-year operations years being a difference in the survey effort. During the three years of operations, Sunrise Wind estimates that HRG surveys would cover 2,471.4 km (1,535.66 mi) within the Lease Area and 3,413 km (2,120.74 mi) along the SWEC corridor annually. Maintaining that 70 km (43.5 mi) are surveyed per day, this amounts to 35.3 days of survey

activity in the Lease Area and 48.8 days of survey activity along the SWEC corridor each year (an annual ensonified area of 699.1 km²; 269.9 mi²). The amount of HRG survey work was reduced from the proposed rule given the number of foundations has been reduced. Over the three years of operations that would occur during the five-year period covered by this rulemaking, the total ensonified area in the SRWF would be 2,097.4 km² (809.8 mi²).

Density-based take estimates were derived by multiplying the daily ZOI by

the annual average densities and separately by the number of survey days planned for the SWEC and Sunrise Wind Lease Area. Using the same approach described above, Sunrise Wind estimated a conservative amount of annual take by Level B harassment based on the highest exposures predicted by the density-based, PSO based, or average group size-based estimates. The highest predicted exposure value was multiplied by three to yield the amount of take Sunrise Wind requested and that is to be authorized, as shown in table 29 below.

Table 29 -- Estimate Take, by Level B Harassment, Incidental to HRG Surveys during the 3-Year Operations Period

Species	Annual Operations Phase Take by Survey Area		Annual Total Density-Based Take Estimate	Annual PSO Data Take Estimate	Mean Group Size	Highest Annual Level B Take	Total Level B Take Over 3 Years of HRG Surveys
	SRWF	SWEC Corridor					
North Atlantic Right Whale*	1.1	0.4	1.5	-	2.4	3	9
Blue Whale*	0.0	0.0	0.0	-	1.0	1	3
Fin Whale*	1.4	2.1	3.5	2.5	1.8	4	12
Humpback Whale	0.8	1.1	1.9	6.3	2.0	7	21
Minke Whale	3.5	5.0	8.5	2.3	1.2	9	27
Sei Whale*	0.3	0.4	0.7	-	1.6	2	6
Sperm Whale*	0.1	0.1	0.3	-	1.5	2	6
Atlantic Spotted Dolphin	0.4	0.6	1.0	-	29.0	29	87
Atlantic White-sided Dolphin	10.1	11.3	21.4	-	27.9	28	84
Bottlenose Dolphin	6.4	12.3	18.7	38.5	7.8	39	117
Common Dolphin	56.1	79.9	136.0	904.8	34.9	905	2,715
Pilot Whales	1.4	1.1	2.5	-	8.4	9	27
Risso's Dolphin	0.4	0.5	0.9	0.9	5.4	6	18
Harbor Porpoise	26.0	28.6	54.6	-	2.7	55	165
Gray Seal	19.7	27.1	46.8	2.7	1.4	47	141
Harbor Seal	44.4	60.8	105.2	4.3	1.4	106	318

* Denotes species listed under the Endangered Species Act.

Note: This table has been updated since the proposed rule as a result of Sunrise Wind's submission of their March 2023 Sunrise Wind ITR Application- Reduced WTG Foundations report (report table 40). Values that have changed are in **bold**.

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Total Authorized Take Across All Activities

The number of Level A harassment and Level B harassment takes NMFS

allows to be authorized under this rulemaking incidental to all project activities combined during the impact pile driving of monopile and OCS-DC

foundations; pneumatic hammering casing pipe; vibratory pile driving for sheet pile and goal post installation and removal; HRG surveys; and potential UXO/MEC detonations are provided by year in table 30. NMFS also presents the 5-year total number of takes for each species in table 31. Table 31 additionally depicts the number of takes relative to each stock assuming that each individual is taken only once, which specifically informs the small numbers determination.

Table 30 shows the annual take for authorization, given that specific activities are expected to occur within specific years. Sunrise Wind is currently planning for all construction activities related to permanent structures (*i.e.*, WTG foundations, OCS–DC foundation installation, cable landfall structures) to occur within the first year of the project. As a conservative assumption, the Year 1 take includes the installation of all WTGs and OCS–DC foundations, cable landfall construction, one year of HRG surveys, and up to three high-order

detonations of UXOs/MECs. All activities are expected to be completed in 2029, equating to the 5 years of activities as described in this preamble.

To inform the negligible impact analysis, NMFS assesses the greatest number of takes of marine mammals allowable within any given year (which, in the case of this rule, is based on the predicted Year 1 for all species), as well as the total allowable take across all five years of the rule.

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Table 30 -- Level A Harassment and Level B Harassment Takes for All Activities to be Conducted During the Construction and Development of the Sunrise Wind Project Over 5 Years. Year 1 Represents the Maximum Number of Takes Allowed in any Given Year

Species	NMFS Stock Abundance	Year 1 (Max Annual)			Year 2			Year 3			Year 4			Year 5		
		Level A harassment	Level B harassment	Percent of Stock ^a	Level A harassment	Level B harassment	Percent of Stock	Level A harassment	Level B harassment	Percent of Stock	Level A harassment	Level B harassment	Percent of Stock	Level A harassment	Level B harassment	Percent of Stock
North Atlantic Right whale* ^c	340	0	32	9.41	0	4	1.18	0	3	0.88	0	3	0.88	0	3	0.88
Blue whale*	402 ^b	0	4	1.00	0	1	0.25	0	1	0.25	0	1	0.25	0	1	0.25
Fin whale*	6,802	4	68	1.06	0	7	0.10	0	4	0.06	0	4	0.06	0	4	0.06
Humpback whale	1,396	3	79	5.87	0	13	0.93	0	7	0.50	0	7	0.50	0	7	0.50
Sei whale*	6,292	2	27	0.46	0	2	0.03	0	2	0.03	0	2	0.03	0	2	0.03
Minke whale	21,968	23	371	1.79	0	17	0.08	0	9	0.04	0	9	0.04	0	9	0.04
Sperm whale*	5,895	0	14	0.24	0	2	0.03	0	2	0.03	0	2	0.03	0	2	0.03
Atlantic white-sided dolphin	93,233	0	569	0.61	0	43	0.05	0	28	0.03	0	28	0.03	0	28	0.03
Atlantic spotted dolphin	31,506	0	122	0.39	0	29	0.09	0	29	0.09	0	29	0.09	0	29	0.09

Common bottlenose dolphin	62,851	0	387	0.62	0	75	0.12	0	39	0.06	0	39	0.06	0	39	0.06
Long-finned pilot whales	39,215	0	56	0.14	0	9	0.02	0	9	0.02	0	9	0.02	0	9	0.02
Risso's dolphin	44,067	0	46	0.10	0	6	0.01	0	6	0.01	0	6	0.01	0	6	0.01
Common dolphin	93,100	0	6,526	7.01	0	1,760	1.89	0	905	0.97	0	905	0.97	0	905	0.97
Harbor porpoise	85,765	20	894	1.07	0	108	0.13	0	55	0.06	0	55	0.06	0	55	0.06
Gray seal	27,911	3	975	3.50	0	92	0.33	0	47	0.17	0	47	0.17	0	47	0.17
Harbor Seal	61,336	5	2,189	3.58	0	205	0.33	0	106	0.17	0	106	0.17	0	106	0.17

* Denotes species listed under the Endangered Species Act.

a – The percent of stock impacted is the annual sum of the Level A harassment and Level B harassment divided by the stock abundance estimate then multiplied by 100. The best available stock abundance estimates are derived from the NMFS Stock Assessment Reports (Hayes *et al.*, 2024). Year 1 has the maximum expected annual take authorized.

b- The minimum blue whale population is estimated at 402 (Hayes *et al.*, 2024), although the exact value is not known. NMFS is utilizing this value for our small numbers determination.

c- NMFS notes that the 2022 North Atlantic Right Whale Annual Report Card (Pettis *et al.*, 2023; n=340) is the same as the draft 2023 SAR (Hayes *et al.*, 2024). While NMFS acknowledges the estimate found on the North Atlantic Right Whale Consortium's website (<https://www.narwc.org/report-cards.html>) matches, we have used the value presented in the draft 2023 SARs as the best available science for this final action (88 FR 5495, January 29, 2024, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>; nmin=340).

Table 31 -- Total 5-Year Takes of Marine Mammals (by Level A Harassment and Level B Harassment) for All Activities to be Conducted During the Construction and Development of the Project

Species	Level A harassment	Level B harassment	Total Combined
North Atlantic Right whale*	0	45	45
Blue whale*	0	8	8
Fin whale*	4	87	91
Humpback whale	3	113	116
Sei whale*	2	35	37
Minke whale	23	415	438
Sperm whale*	0	22	22
Atlantic White-sided dolphin	0	696	696
Atlantic Spotted dolphin	0	238	238
Bottlenose dolphin	0	579	579
Pilot whales	0	92	92
Risso's dolphin	0	70	70
Common dolphin	0	11,001	11,001
Harbor porpoise	20	1,167	1,187
Gray seal	3	1,208	1,211
Harbor seal	5	2,712	2,717

* Denotes species listed under the Endangered Species Act.

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In making the negligible impact determination, NMFS assesses both the maximum annual total number of takes (Level A harassment and Level B harassment) of each marine mammal species or stocks in any one year, which in the case of this rule is in Year 1, and the total taking of each marine mammal species or stock allowed during the five-year effective period of the rule. NMFS recognizes that certain activities could shift within the 5-year effective period of the rule. However, the rule allows for that flexibility, and the takes are not expected to exceed those shown in table 30 in any one year.

Mitigation

As noted in the Changes From the Proposed to Final Rule section, NMFS

has added several new mitigation requirements and clarified a few others. Specifically, as described in greater detail below, NMFS has increased the updated clearance zones (table 32), designated the PAM clearance zone and PAM shutdown zones for NARW as “Any Distance” clarified that if species other than NARW are able to be detected within the 10km PAM monitoring zone, they should be (e.g., use humpback detectors as well as NARW detectors). Additionally, NMFS has clarified that the shutdown and clearance zones in table 32 apply to both visual and auditory detection, and these changes are described in detail in the sections below. Other than the changes described, the required mitigation measures remain the same as

those described in the proposed rule. NMFS has also re-organized and simplified this section of the preamble to avoid full duplication of the specific requirements that are fully described in the regulatory text.

In order to promulgate a rulemaking under section 101(a)(5)(A) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable adverse 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, we carefully consider 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 (e.g., likelihood, scope, range) of the potential adverse impact being mitigated. 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 (i.e., probability of implementation as planned); and,

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The mitigation strategies described below are consistent with those required and successfully implemented under previous incidental take authorizations issued in association with in-water construction activities (e.g., soft-start, establishing shutdown zones). NMFS has also specifically considered information gathered from the marine mammal and acoustic monitoring, including SFVs, conducted pursuant to those authorizations. Additional measures have also been incorporated to account for the fact that the construction activities would occur offshore. Modeling was performed to estimate harassment zones, which were used to inform mitigation measures for the project's activities to minimize Level A harassment and Level B harassment to the extent practicable, while providing estimates of the areas within which harassment might occur.

Generally speaking, the mitigation measures considered and required here fall into three categories: temporal (seasonal and daily) work restrictions, real-time measures (shutdown,

clearance, and vessel strike avoidance), and noise attenuation/reduction measures. Seasonal work restrictions are designed to avoid or minimize operations when marine mammals are concentrated or engaged in behaviors that make them more susceptible or make impacts more likely, in order to reduce both the number and severity of potential takes and are effective in reducing both chronic (longer-term) and acute effects. Real-time measures, such as implementation of shutdown and clearance zones, as well as vessel strike avoidance measures, are intended to reduce the probability or severity of harassment by taking steps in real time once a higher-risk scenario is identified (e.g., once animals are detected within an impact zone). Noise attenuation measures, such as bubble curtains, are intended to reduce the noise at the source, which reduces both acute impacts, as well as the contribution to aggregate and cumulative noise that may result in longer-term chronic impacts.

Below, NMFS briefly describes the required training, coordination, and vessel strike avoidance measures that apply to all specified activities and then in the following subsections and the measures that apply specifically to foundation installation, nearshore installation, and removal activities for cable laying, HRG surveys, and UXO/MEC detonation. Details on specific requirements can be found in Part 217—Regulations Governing The Taking And Importing Of Marine Mammals at the end of this rulemaking.

Training and Coordination

NMFS requires all Project employees and contractors conducting activities on the water, including, but not limited to, all vessel captains and crew are trained in marine mammal detection and identification, communication protocols, and all required measures to minimize impacts on marine mammals and support Sunrise Wind's compliance with the LOA, if issued. Additionally, all relevant personnel and the marine mammal species monitoring team(s) are required to participate in joint, onboard briefings prior to the beginning of project activities. The briefing must be repeated whenever new relevant personnel (e.g., new PSOs, construction contractors, relevant crew) join the project before work commences. During this training, Sunrise Wind is required to instruct all project personnel regarding the authority of the marine mammal monitoring team(s). For example, the HRG acoustic equipment operator, pile driving personnel, etc., is required to immediately comply with any call for a delay or shut down by the

Lead PSO. Any disagreement between the Lead PSO and the project personnel must only be discussed after delay or shutdown has occurred. In particular, all vessel operators and vessel crew must be trained in marine mammal detection and vessel strike avoidance measures to ensure marine mammals are not struck by any project or project-related vessel.

Prior to the start of in-water construction activities, vessel operators and crews would receive training about marine mammals and other protected species known or with the potential to occur in the Project Area, making observations in all weather conditions, and vessel strike avoidance measures. In addition, training would include information and resources available regarding applicable Federal laws and regulations for protected species. Sunrise Wind will provide documentation of training to NMFS.

North Atlantic Right Whale Awareness Monitoring

Sunrise Wind must use available sources of information on NARW presence, including daily monitoring of the Right Whale Sightings Advisory System, monitoring of U.S. Coast Guard very high frequency (VHF) Channel 16 throughout each day to receive notifications of any sightings, and information associated with any regulatory management actions (e.g., establishment of a zone identifying the need to reduce vessel speeds). Maintaining daily awareness and coordination affords increased protection of NARW by understanding NARW presence in the area through ongoing visual and passive acoustic monitoring efforts and opportunities (outside of Sunrise Wind's efforts), and allows for planning of construction activities, when practicable, to minimize potential impacts on NARW.

Vessel Strike Avoidance Measures

This final rule contains numerous vessel strike avoidance measures that reduce the risk that a vessel and marine mammal could collide. While the likelihood of a vessel strike is generally low, such strikes are one of the most common ways that marine mammals are seriously injured or killed by human activities. Therefore, enhanced mitigation and monitoring measures are required to avoid vessel strikes to the extent practicable. While many of these measures are proactive intending to avoid the heavy use of vessels during times when marine mammals of particular concern may be in the area, several are reactive and occur when Project personnel sight a marine

mammal. The mitigation requirements are described generally here and in detail in § 217.314(b) of the regulation text at the end of this final rule. Sunrise Wind must comply with the following vessel strike avoidance measures unless it's unsafe to do so.

While a vessel is underway, Sunrise Wind is required to monitor for and maintain a minimum separation distance from marine mammals and operate vessels in a manner that reduces the potential for vessel strike. Regardless of the vessel's size, all vessel operators, crews, and dedicated visual observers (*i.e.*, PSO or trained crew member) must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course (as appropriate) to avoid striking any marine mammal. The dedicated visual observer, equipped with suitable monitoring technology (*e.g.*, binoculars, night vision devices), must be located at an appropriate vantage point for ensuring vessels are maintaining required vessel separation distances from marine mammals (*e.g.*, 500 m from NARW).

All project vessels, regardless of size, must maintain the following minimum separation zones: 500 m from NARW; 100 m from sperm whales and non-NARW baleen whales; and 50 m from all delphinid cetaceans and pinnipeds (an exception is made for those species that approach the vessel (*i.e.*, bow-riding dolphins)). If any of these species are sighted within their respective minimum separation zone, the underway vessel must shift its engine to neutral and the engines must not be engaged until the animal(s) have been observed to be outside of the vessel's path and beyond the respective minimum separation zone. If a NARW is observed at any distance by any project personnel or acoustically detected, project vessels must reduce speeds to 10 kn. Additionally, in the event that any project-related vessel, regardless of size, observes any large whale (other than a NARW) within 500 m of an underway vessel, the vessel is required to shift engines into neutral. The vessel shall remain in neutral until the NARW has moved beyond 500 m and the 10 kn speed restriction will remain in effect as outlined in § 217.314(b) in the regulatory text below.

All of the Project-related vessels are required to comply with the measures within this rulemaking for operating vessels around NARW and other marine mammals, as well as existing NMFS vessel speed and approach regulations for NARW and the measures within this rulemaking for operating vessels around NARW and other marine mammals.

When NMFS vessel speed restrictions are not in effect and a vessel is traveling at greater than 10 kn, in addition to the required dedicated visual observer, Sunrise Wind is required to monitor the crew transfer vessel transit corridor (*i.e.*, the path crew transfer vessels take from port to any work area) in real-time with PAM prior to and during transits. To maintain awareness of NARW presence, vessel operators, crew members, and the marine mammal monitoring team would monitor U.S. Coast Guard VHF Channel 16, WhaleAlert, the Right Whale Sighting Advisory System (RWSAS), and the PAM system. Any marine mammal observed by Project personnel must be immediately communicated to any on-duty PSOs, PAM operator(s), and all vessel captains. Any NARW or large whale observation or acoustic detection by PSOs or PAM operators must be conveyed to all vessel captains. All vessels would be equipped with an AIS and Sunrise Wind must report all Maritime Mobile Service Identify (MMSI) numbers to NMFS Office of Protected Resources prior to initiating in-water activities. Sunrise Wind must submit a NMFS-approved Marine Mammal Vessel Strike Avoidance Plan at least 180 days prior to commencement of vessel use.

Compliance with these measures will reduce the likelihood of vessel strike to the extent practicable. These measures increase awareness of marine mammals in the vicinity of project vessels and require project vessels to reduce speed when marine mammals are detected by PSOs, PAM, and/or through another source (*e.g.*, RWSAS) and maintain separation distances when marine mammals are encountered. While visual monitoring is useful, reducing vessel speed is one of the most effective, feasible options available to reduce the likelihood of, and effects from, a vessel strike. Numerous studies have indicated that slowing the speed of vessels reduces the risk of lethal vessel collisions, particularly in areas where right whales are abundant and vessel traffic is common and otherwise traveling at high speeds (Vanderlaan and Taggart, 2007; Conn and Silber, 2013; Van der Hoop *et al.*, 2014; Martin *et al.*, 2015; Crum *et al.*, 2019).

Seasonal and Daily Restrictions

Temporal and spatial restrictions in places where marine mammals are concentrated, engaged in biologically important behaviors, and/or present in sensitive life stages are effective measures for reducing the magnitude and severity of human impacts. The restrictions required here are built around NARW protection. Based upon

the best scientific information available (Roberts *et al.*, 2023), the highest densities of NARW in the specified geographic region are expected during the months of January through April with an increase in density starting in December and continuing through May. However, NARW may be present in the specified geographic region throughout the year.

NMFS is requiring seasonal work restrictions to minimize the risk of noise exposure to NARW incidental to certain specified activities to the extent practicable. These seasonal work restrictions are expected to greatly reduce the number of takes of NARW. These seasonal restrictions also afford protection to other marine mammals that are known to use the Project Area with greater frequency during winter months, including other baleen whales.

As described previously, no foundation impact pile driving activities may occur January 1 through April 30. A new measure included in this final rule requires that Sunrise Wind avoid pile driving to the maximum extent practicable in December (*i.e.*, it must not be planned but may have to occur in the case of unforeseen circumstances) and, it may only occur if necessary to complete the project within any given year with prior approval by NMFS. Sunrise Wind must notify NMFS in writing by September 1 of that year that circumstances are expected to necessitate pile driving in December. NMFS is not requiring any seasonal restrictions for cable landfall work due to the relatively short duration of work, nearshore location, and low associated impacts to marine mammals. However, all cable landfall work must be conducted during daylight hours when marine mammals can be visually detected. Similarly, there are no time of year restrictions for the temporary pier or Smith Point County Park pile driving activities, but the work must be conducted during daylight hours when the entire Level B harassment zones are visible to ensure no take of marine mammals from the activities.

There is no specific time of year that UXOs/MECs would be detonated as detonations would be considered on a case-by-case basis. However, Sunrise Wind will be restricted from detonating UXO/MECs November 1 through April 30 to reduce impacts to NARW during peak migratory periods. NMFS is not adding seasonal restrictions to HRG surveys; however, Sunrise Wind would only perform a predetermined amount of 24-hour survey days within specific years, as previously described.

NMFS is also requiring temporal and spatial restrictions for some other

specified activities. Within a day, Sunrise Wind would be limited to installing no more than four monopile foundations. Sunrise Wind had requested to initiate pile driving during nighttime when detection of marine mammals is visually challenging. Since the publication of the proposed rule, Sunrise Wind has continued conversations with NMFS and BOEM regarding field trials it has been performing to prove the efficacy of their nighttime monitoring methods and systems. These field trials have provided information and evidence that their systems are capable of detecting marine mammals, particularly large whales, at distances necessary to ensure that the required mitigation measures are effective. NMFS is requiring Sunrise Wind to submit and obtain approval on a Nighttime Pile Driving Plan before any piling may be initiated at night. NMFS also continues to encourage Sunrise Wind to further investigate and test advanced technology detection systems. Any and all vibratory pile driving associated with sheet piles and goal posts installation and removal would only occur during daylight hours. Any UXO/MEC detonations will also be limited to daylight hours only. Lastly, given the very small Level B harassment zone associated with HRG survey activities and no anticipated or authorized Level A harassment, NMFS is not requiring any daily restrictions for HRG surveys.

More information on activity-specific seasonal and daily restrictions can be found in the regulatory text at the end of this rulemaking.

Noise Abatement Systems

Sunrise Wind is required to employ noise abatement systems (NAS), also known as noise attenuation systems, during all foundation installation (*i.e.*, impact pile driving) and UXO/MEC detonation activities to reduce the sound pressure levels that are transmitted through the water in an effort to reduce ranges to acoustic thresholds and minimize, to the extent practicable, any acoustic impacts resulting from these activities. Sunrise Wind proposed, and is required to use, a double big bubble curtain and AdBm Helmholtz resonator, as well as the adjustment of operational protocols to minimize noise levels. For UXO/MEC detonation, a double big bubble curtain must be used and the hoses must be placed at distances to avoid damage to the bubble curtain during detonation. Should the research and development phase of newer systems demonstrate effectiveness, as part of adaptive management, Sunrise Wind may submit

data on the effectiveness of these systems and request approval from NMFS to use them during foundation installation and UXO/MEC detonation activities.

Two categories of NAS exist: primary and secondary. A primary NAS would be used to reduce the level of noise produced by foundation installation activities at the source, typically through adjustments on to the equipment (*e.g.*, hammer strike parameters). Primary NAS are still evolving and will be considered for use during mitigation efforts when the NAS has been demonstrated as effective in commercial projects. However, as primary NAS are not fully effective at eliminating noise, a secondary NAS would be employed. The secondary NAS is a device or group of devices that would reduce noise as it was transmitted through the water away from the pile, typically through a physical barrier that would reflect or absorb sound waves and, therefore, reduce the distance the higher energy sound propagates through the water column. Together, these systems must reduce noise levels to those not exceeding modeled ranges to Level A harassment and Level B harassment isopleths corresponding to those modeled assuming 10-dB sound attenuation, pending results of SFV (see *Sound Field Verification* section below and Part 217—Regulations Governing The Taking And Importing Of Marine Mammals).

Noise abatement systems, such as bubble curtains, are used to decrease the sound levels radiated from a source. Bubbles create a local impedance change that acts as a barrier to sound transmission. The size of the bubbles determines their effective frequency band, with larger bubbles needed for lower frequencies. There are a variety of bubble curtain systems, confined or unconfined bubbles, and some with encapsulated bubbles or panels. Attenuation levels also vary by type of system, frequency band, and location. Small bubble curtains have been measured to reduce sound levels, but effective attenuation is highly dependent on depth of water, current, and configuration and operation of the curtain (Austin *et al.*, 2016; Koschinski and Lüdemann, 2013). Bubble curtains vary in terms of the sizes of the bubbles and those with larger bubbles tend to perform a bit better and more reliably, particularly when deployed with two separate rings (Bellmann, 2014; Koschinski and Lüdemann, 2013; Nehls *et al.*, 2016). Encapsulated bubble systems (*i.e.*, Hydro Sound Dampers (HSDs)), can be effective within their

targeted frequency ranges (*e.g.*, 100–800 Hz), and when used in conjunction with a bubble curtain appear to create the greatest attenuation. The literature presents a wide array of observed attenuation results for bubble curtains. The variability in attenuation levels is the result of variation in design as well as differences in site conditions and difficulty in properly installing and operating in-water attenuation devices.

The literature presents a wide array of observed attenuation results for bubble curtains. The variability in attenuation levels is the result of variation in design as well as differences in site conditions and difficulty in properly installing and operating in-water attenuation devices. Dähne *et al.* (2017) found that single bubble curtains that reduce sound levels by 7 to 10 dB reduced the overall sound level by approximately 12 dB when combined as a double bubble curtain for 6-m steel monopiles in the North Sea. During installation of monopiles (consisting of approximately 8-m in diameter) for more than 150 WTGs in comparable water depths (≤ 25 m) and conditions in Europe indicate that attenuation of 10 dB is readily achieved (Bellmann, 2019; Bellmann *et al.*, 2020) using single BBCs for noise attenuation. When a double big bubble curtain is used (noting a single bubble curtain is not allowed), Sunrise Wind is required to maintain numerous operational performance standards. These standards are defined in the regulatory text at the end of this rulemaking, and include, but are not limited to, construction contractors' requirement to train personnel in the proper balancing of airflow to the bubble ring and Sunrise Wind mandatory submission of a performance test and maintenance reports to NMFS. Corrections to the attenuation device to meet regulatory requirements must occur prior to use during foundation installation activities and UXO/MEC detonation. In addition, a full maintenance check (*e.g.*, manually clearing holes) must occur prior to each pile being installed or any UXO/MEC detonated.

Sunrise Wind is required to submit an SFV plan to NMFS for approval at least 180 days prior to installing foundations or detonating UXO/MECs. It is also required to submit interim and final SFV data results to NMFS and make corrections to the noise attenuation systems in the case that any SFV measurements demonstrate noise levels are above those modeled assuming 10 dB. These frequent and immediate reports allow NMFS to better understand the sound fields to which marine mammals are being exposed and require immediate corrective action

should they be misaligned with anticipated noise levels within our analysis.

Noise abatement devices are not required during HRG surveys, cofferdam (sheet pile) installation and removal, and goal post (pipe pile) installation and removal. Regarding cofferdam sheet pile and goal post pipe pile installation and removal, NAS is not practicable to implement due to the physical nature of linear sheet piles and angled pipe piles, and is of low risk for impacts to marine mammals due to the short work duration and lower noise levels produced during the activities. Regarding HRG surveys, NAS cannot practicably be employed around a moving survey ship, but Sunrise Wind is required to make efforts to minimize source levels by using the lowest energy settings on equipment that has the potential to result in harassment of marine mammals (e.g., sparkers, boomers) and turn off equipment when not actively surveying. Overall, minimizing the amount and duration of noise in the ocean from any of the project's activities through use of all means necessary and practicable will effect the least practicable adverse impact on marine mammals.

Clearance and Shutdown Zones

NMFS requires the establishment of both clearance and, where technically feasible, shutdown zones during project activities that have the potential to result in harassment of marine mammals. The purpose of "clearance" of a particular zone is to minimize potential instances of auditory injury and more severe behavioral disturbances by delaying the commencement of an activity if marine mammals are near the activity. The purpose of a shutdown is to prevent a specific acute impact, such as auditory injury or severe behavioral disturbance of sensitive species, by halting the activity.

All relevant clearance and shutdown zones during project activities would be monitored by NMFS-approved PSOs and/or PAM operators (as described in the regulatory text at the end of this rulemaking). At least one PAM operator must review data from at least 24 hours prior to foundation installation or any UXO/MEC detonations (based on new information in Davis et al. (2023) and must actively monitor hydrophones for 60 minutes prior to commencement of these activities. Any sighting or acoustic detection of a NARW triggers a delay to commencing pile driving and shutdown.

Prior to the start of certain specified activities (i.e., foundation installation, casing pipe, goal post, and sheet pile install and removal, HRG surveys, UXO/MEC detonations), Sunrise Wind must ensure designated areas (i.e., clearance zones (tables 32–36)) are clear of marine mammals prior to commencing activities to minimize the potential for, and degree of, harassment. For foundation installation and UXO/MEC detonation, PSOs must visually monitor clearance zones for marine mammals for a minimum of 60 minutes, where the zone must be confirmed free of marine mammals at least 30 minutes directly prior to commencing these activities. Clearance zones represent the largest Level A harassment zone for each species group, rounded up for PSO clarity, and are based upon the longest range to threshold for the construction scenario (i.e., sequential or concurrent).

For monopile foundation installation, the minimum visibility zone would extend 2,700 to 3,500 m from the pile during summer months, depending on construction scenario, and 3,000 to 4,000 m during December, depending on construction scenario (table 32). For OCS–DC foundation installation, the minimum visibility zone would extend 3,700 m from the pile during summer months and 4,100 m during December (table 32). These values correspond to the modeled maximum $ER_{95\%}$ distances to the Level A harassment threshold for low-frequency cetaceans, assuming 10 dB of attenuation.

For cofferdam and goal post pile driving and HRG surveys, monitoring must be conducted for 30 minutes prior to initiating activities and the clearance zones must be free of marine mammals during that time.

For any other in-water construction heavy machinery activities (e.g., trenching, cable laying, etc.), if a marine mammal is on a path towards or comes within 10 m (32.8 ft) of equipment, Sunrise Wind is required to cease operations until the marine mammal has moved more than 10 m on a path away from the activity to avoid direct interaction with equipment.

Once an activity begins, any marine mammal entering their respective shutdown zone would trigger the activity to cease. In the case of pile driving, the shutdown requirement may be waived if it is not practicable due to imminent risk of injury or loss of life to an individual or risk of damage to a vessel that creates risk of injury or loss of life for individuals or the lead engineer determines there is pile refusal

or pile instability. Because UXO/MEC detonations are instantaneous, no shutdown is possible; therefore, there are clearance zones but no shutdown zones for UXO/MEC detonations (table 34). In situations when shutdown is called for during impact pile driving but Sunrise Wind determines shutdown is not practicable due to aforementioned emergency reasons, reduced hammer energy must be implemented when the lead engineer determines it is practicable. Specifically, pile refusal or pile instability could result in not being able to shut down pile driving immediately. Pile refusal occurs when the pile driving sensors indicate the pile is approaching refusal, and a shutdown would lead to a stuck pile which then poses an imminent risk of injury or loss of life to an individual, or risk of damage to a vessel that creates risk for individuals. Pile instability occurs when the pile is unstable and unable to stay standing if the piling vessel were to "let go." During these periods of instability, the lead engineer may determine a shutdown is not feasible because the shutdown combined with impending weather conditions may require the piling vessel to "let go" which then poses an imminent risk of injury or loss of life to an individual, or risk of damage to a vessel that creates risk for individuals. Sunrise Wind must document and report to NMFS all cases where the emergency exemption is taken.

After shutdown, impact pile driving may be reinitiated once all clearance zones are clear of marine mammals for the minimum species-specific periods, or, if required to maintain pile stability, at which time the lowest hammer energy must be used to maintain stability. If pile driving has been shut down due to the presence of a NARW, pile driving must not restart until the NARW has neither been visually nor acoustically detected for 30 minutes. Upon re-starting pile driving, soft-start protocols must be followed if pile driving has ceased for 30 minutes or longer.

The clearance and shutdown zone sizes vary by species groups. Sunrise Wind is allowed to request modification to these zone sizes pending results of sound field verification (see regulatory text at the end of this rulemaking). Any changes to zone size would be part of adaptive management and would require NMFS' approval.

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Table 32 – Minimum Visibility, Clearance, Shutdown Zones During Impact Pile Driving of Foundation Installation

Zone ⁷	Species	Monopile (sequential, 2 or 3 piles per day, km) ¹		Concurrent (all foundation types, km) ²		OCS-DC only (km) ³	
		Summer	Winter	Summer	Winter	Summer	Winter
Minimum Visibility Zone (km) ⁴	All marine mammals	2.7	3.0	3.5	4.0	3.7	4.1
Visual and Acoustic Clearance Zone (km) ⁵	North Atlantic right whale	Any distance visual detection by foundation installation PSOs, any acoustic detection within PAM monitoring zone (10 km)					
	Other large whales	4.0	4.3	5.3	6.3	5.6	6.5
	Delphinids	0.2	0.2	0.2	0.2	0.2	0.2
	Harbor Porpoise	0.2	0.2	0.7	0.6	0.9	0.6
	Pinnipeds	0.1	0.1	1.7	1.8	1.8	1.8
Visual and Acoustic Shutdown Zone (km) ⁵	North Atlantic right whale	Any distance visual detection by foundation installation PSOs, any acoustic detection within PAM monitoring zone (10 km)					
	Other large whales	4.0	4.3	5.3	6.3	5.6	6.5
	Delphinids	0.2	0.2	0.2	0.2	0.2	0.2
	Harbor Porpoise	0.2	0.2	0.7	0.6	0.9	0.6
	Pinnipeds	0.1	0.1	1.7	1.8	1.8	1.8

- 1- Level A ER95% exposure ranges for two sequential monopile schedules; 2 piles per day (Schedule 1) and 3 piles per day (Schedule 2) in summer and winter. The schedule resulting in the larger distances was used here.
- 2-Level A harassment ER95% exposure ranges for proximal installation of monopiles (one vessel installing two monopiles per day) and the OCS-DC foundation (one vessel installing four pin piles per day) (Scenario 5).
- 3-Level A harassment ER95% exposure ranges considering installing up to four pin piles per day for the OCS-DC jacket foundation.
- 4- The minimum visibility zone represents the largest ER95% distance for NARWs modeled under the different construction scenarios. PSOs must be able to visually detect marine mammals within the minimum visibility zone.
- 5- The clearance and shutdown zones for “other large whales” represent the largest Level A harassment threshold (ER95%) for all large whales. If the clearance and shutdown zone distances are smaller than the distance at which the outer bubble curtain ring is deployed, clearance and shutdown must occur before an animal breaches the bubble curtain. The PAM system must be able to detect NARWs out to 10 km; however, any opportunistic detection of other species within their respective clearance and shutdown zones would also trigger mitigative action (*i.e.*, it is not required that the PAM system detect all marine mammals to 10 km).
- 6- Sunrise Wind must select the most conservative (largest) zone sizes each day depending on which construction scenario is planned. If the real-world construction scenario for that day occurs that would have had smaller zone sizes than what was planned at the start of the day, Sunrise Wind may not decrease to the smaller zone sizes for that day. These zone sizes may be adjusted based on SFV.

Table 33 – Clearance and Shutdown Zones During Vibratory Pile Driving of Sheet Piles and/or Pneumatic Hammering of Casing Pipe Piles For Cofferdams and Goal Posts^a

Installation	Hearing Groups	Clearance Zone ^b (m)	Shutdown Zone ^c (m)
Sheet Piles	Low-frequency cetaceans	200	50
	Mid-frequency cetaceans	200	50
	High-frequency cetaceans	200	200
	Phocid Pinnipeds	200	10
Casing Pipe	Low-frequency cetaceans	500	500
	Mid-frequency cetaceans	100	100
	High-frequency cetaceans	500	500
	Phocid Pinnipeds	100	100

a – Although Sunrise Wind is also building temporary goal posts in some locations to aid their nearshore installation work, they have committed to using the same zones previously proposed for temporary cofferdams as they are considered more conservative and protective.

b – The clearance zones for large whales, porpoises, and seals are based upon the maximum Level A harassment zone for temporary cofferdams (table 17) and rounded up for PSO clarity.

c – The shutdown zones for large whales (including NARWs) and porpoises are based upon the maximum Level A harassment zone for each group and rounded up for PSO clarity. Shutdown zones for other dolphins and pilot whales were set using precautionary distances.

could be identified in the water. Since the proposed rule, Sunrise Wind has reliably demonstrated that it can identify charge weights in the field to allow for charge weight-specific mitigative zones. Because of this, Sunrise Wind is required to implement the As Low as Reasonably Practicable (ALARP) process, as described in the UXO/MEC Charge Weight Memo. This process requires Sunrise Wind to undertake “lift-and-shift” (*i.e.*, physical removal) and then lead up to *in situ* disposal, as necessary, which could include low-order (deflagration) to high-order (detonation) methods of removal. Another approach involves the cutting of the UXO/MEC to extract any explosive components. Implementing the ALARP approach would minimize potential impacts to marine mammals as UXOs/MECs would only be detonated

as a last resort. Sunrise Wind will follow a Risk Management Framework designed to align with the ALARP principle which includes historical research/hazard profiling, communication with all relevant State and Federal Agencies, and the standards within their removal plan (see the UXO/MEC Charge Weight Memo). Sunrise Wind has demonstrated it will be able to identify charge weights in the field. Furthermore, NMFS believes that this approach will ensure the least practicable adverse impact on marine mammals by mitigating the potential for TTS for each charge weight. The UXO/MEC Charge Weight Memo is found on NMFS’ website at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-sunrise-wind-llc-construction-and-operation-sunrise-wind>.

Following this charge weight-specific approach, Sunrise Wind is required to clear the relevant zones as described in table 34. These zones are based on, but are not equal to, the greatest TTS threshold distances for each charge weight at any modeled site. NMFS notes that harbor porpoises and seals are difficult to detect at great distances but, due to the UXO/MEC detonation time of year restrictions, their abundance is likely to be relatively low. These zone sizes may be adjusted based on SFV and confirmation of the UXO/MEC or donor charge sizes after approval by NMFS.

No minimum visibility zone is required for UXO/MEC detonation as the entire visual clearance zone must be clear given the potential for lung and gastrointestinal tract injury.

Table 34 – Clearance, Level A Harassment, and Level B Harassment Zones During UXO/MEC Detonations, by Charge Weight and Assuming 10 dB of Sound Attenuation

UXO/MEC Charge Weights		Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid Pinnipeds
E4 (2.3 kg)	Level A harassment (m)	552	50	1,820	182
	Level B harassment (m)	2,82	453	6,160	1,470
	Clearance Zone (m) ^{a, b}	2,500	500	2,500	1,000
E6 (9.1 kg)	Level A harassment (m)	982	75	2,590	357
	Level B harassment (m)	4,680	773	8,000	2,350
	Clearance Zone (m) ^{a, b}	4,000	600	4,000	1,500
E8 (45.5 kg)	Level A harassment (m)	1,730	156	3,900	690
	Level B harassment (m)	7,490	1,240	10,300	3,820
	Clearance Zone (m) ^{a, b}	6,000	1,000	6,000	3,000
E10 (227 kg)	Level A harassment (m)	2,970	337	5,400	1,220
	Level B harassment (m)	10,500	2,120	12,900	5,980
	Clearance Zone (m) ^{a, b}	9,000	1,500	9,000	4,000
E12 (454 kg)	Level A harassment (m)	3,780	461	6,200	1,600
	Level B harassment (m)	11,900	2,550	14,100	7,020
	Clearance Zone (m) ^{a, b}	10,000	2,000	10,000	5,000

a – The clearance zones presented here for the Level B harassment thresholds were derived based on an approximate proportion of the size of the Level B harassment isopleth.

b – Some of the zones have been rounded for PSO clarity.

For HRG surveys, the Level B harassment zone and mitigation zone

sizes remain the same as that included in the proposed rule (table 35).

Table 35 – Level B Harassment Threshold Ranges and Mitigation Zones During HRG Surveys

Species	Level B Harassment Zone Boomer/Sparker (m)	Level B Harassment Zone CHIRPs (m)	Clearance Zone (m)	Shutdown Zone (m)
North Atlantic right whale	141	48	500	500
Other low-frequency cetaceans (non-North Atlantic right whale species)			100	100
Mid-frequency cetaceans	141	48	100	100 ^a
High-frequency cetaceans	141	48	100	100 ^b
Phocid Pinnipeds	141	48	100	100

a – An exception is noted for bow-riding delphinids of the following genera: *Delphinus*, *Stenella*, *Lagenorhynchus*, and *Tursiops*.

Soft-Start/Ramp-Up

The use of a soft-start or ramp-up procedure is believed to provide additional protection to marine mammals by warning them or providing them with a chance to leave the area prior to the hammer or HRG equipment operating at full capacity. Soft-start typically involves initiating hammer operation at a reduced energy level (relative to full operating capacity) followed by a waiting period. Sunrise Wind must utilize a soft-start protocol for all impact pile driving. For foundation installation, NMFS notes that it is difficult to specify a reduction in energy for any given hammer because of variation across drivers and installation conditions. The final methodology will be developed by Sunrise Wind considering final design details including site-specific soil properties and other considerations. HRG survey operators are also required to ramp-up sources when the acoustic sources are used unless the equipment operates on a binary on/off switch. Given the instantaneous nature of UXO/MEC detonations, no ramp-up/soft-start protocol is possible; therefore, it is not required.

Soft-start and ramp-up will be required at the beginning of each day's

activity and at any time following a cessation of activity of 30 minutes or longer. Prior to soft-start or ramp-up beginning, the operator must receive confirmation from the PSO that the clearance zone is clear of any marine mammals.

Should Sunrise Wind use an ASV for HRG survey operations, the ASV must be within 800 m (2,625 ft) of the primary vessel while conducting survey operations. Two PSOs would be stationed aboard the mother vessel at the best vantage points to monitor the clearance and shutdown zones around the ASV. A dual thermal/high definition camera would be installed on the mother vessel, facing forward and angled in a direction to provide a field of view ahead of the vessel and around the ASV. PSOs would monitor the real-time camera output on hand-held tablets. A monitor would also be installed on the bridge, displaying the real-time image from the thermal/HD camera installed on the ASV itself, providing an additional forward field of view from the ASV. Night-vision goggles with thermal clip-ons, and a hand-held spotlight would be used to monitor the ASV during survey operations during periods of reduced visibility (e.g., darkness, rain, fog).

Fishery Monitoring Surveys

While the likelihood of Sunrise Wind's fishery monitoring surveys impacting marine mammals is minimal, NMFS requires Sunrise Wind to adhere to gear and vessel mitigation measures to reduce potential impacts to the extent practicable. In addition, all crew undertaking the fishery monitoring survey activities are required to receive protected species identification training prior to activities occurring and attend the aforementioned onboarding training. The specific requirements that NMFS has set for the fishery monitoring surveys can be found in the regulatory text at the end of this rulemaking.

Smith Point County Park Temporary Pier Construction

To avoid take of marine mammals, Sunrise Wind would delay or shutdown pile driving if a marine mammal is observed entering or within the Level B harassment zones identified in table 36 (i.e., the Level B harassment zone equates to the clearance and shutdown zones). At least one PSO must be on duty 30 minutes prior to, during and 30 minutes after pile driving to implement this mitigation.

Table 36 - Clearance and Shutdown Zones for Temporary Pier at Smith Point County Park

	Vibratory Pile Driving	Impact Pile Driving
Temporary Pier	800 m (extending to opposite shoreline of Intracoastal Waterway)	300 m

Note- Clearance and shutdown zones extend the entire Level B harassment area to avoid take (see the Sunrise Wind Temporary Pier Memo, dated March 2023, as described in the proposed rule)

Based on an evaluation of the mitigation measures, as well as other measures considered by NMFS, NMFS has determined that these measures will provide the means of affecting 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.

Monitoring and Reporting

As noted in the Changes From the Proposed to Final Rule section, NMFS has added, modified, and clarified a number of monitoring and reporting measures since the proposed rule. These changes are described in detail in the sections below and, otherwise, the marine mammal monitoring and reporting requirements have not changed since the proposed rule.

In order to promulgate a rulemaking for an activity, section 101(a)(5)(A) 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 in the Project Area. 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:

1. Occurrence of marine mammal species or stocks in the area in which take is anticipated (e.g., presence, abundance, distribution, density);

2. 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 action; or (4) biological or behavioral context of exposure (e.g., age, calving or feeding areas);

3. Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;

4. How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

5. Effects on marine mammal habitat (e.g., marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and/or

6. Mitigation and monitoring effectiveness.

Separately, monitoring is also regularly used to support mitigation implementation, which is referred to as mitigation monitoring, and monitoring plans typically include measures that both support mitigation implementation and increase our understanding of the impacts of the activity on marine mammals.

During the planned activities, visual monitoring by NMFS-approved PSOs would be conducted before, during, and after all impact pile driving, vibratory pile driving, pneumatic hammering, UXO/MEC detonations, and HRG surveys. PAM would also be conducted during impact pile driving and UXO/MEC detonations. Visual observations and acoustic detections would be used to support the activity-specific

mitigation measures (e.g., clearance zones). To increase understanding of the impacts of the activity on marine mammals, PSOs must record all incidents of marine mammal occurrence at any distance from the piling locations, near the HRG acoustic sources, and during UXO/MEC detonations. PSOs would document all behaviors and behavioral changes, in concert with distance from an acoustic source. Further, SFV during foundation installation and UXO/MEC detonation is required to ensure compliance and that the potential impacts are within the bounds of that analyzed. The required monitoring, including PSO and PAM Operator qualifications, is described below, beginning with PSO measures that are applicable to all the aforementioned activities and PAM (for specific activities).

Protected Species Observer and PAM Operator Requirements

Sunrise Wind is required to employ NMFS-approved PSOs and PAM operators. PSOs are trained professionals who are tasked with visually monitoring for marine mammals during pile driving, UXO/MEC detonation, and HRG surveys. The primary purpose of a PSO is to carry out the monitoring, collect data, and, when appropriate, call for the implementation of mitigation measures. In addition to visual observations, NMFS requires Sunrise Wind to conduct PAM by PAM operators during impact pile driving, UXO/MEC detonations, and vessel transit.

The inclusion of PAM, which would be conducted by NMFS-approved PAM operators, following a standardized measurement, processing methods, reporting metrics, and metadata standards for offshore wind, combined with visual data collection, is a valuable way to provide the most accurate record of species presence as possible and, together, these two monitoring methods

are well understood to provide best results when combined together (*e.g.*, Barlow and Taylor, 2005; Clark *et al.*, 2010; Gerrodette *et al.*, 2011; Van Parijs *et al.*, 2021). Acoustic monitoring (in addition to visual monitoring) increases the likelihood of detecting marine mammals within the shutdown and clearance zones of project activities, which, when applied in combination with required shutdowns, helps to further reduce the risk of marine mammals being exposed to sound levels that could otherwise result in acoustic injury or more intense behavioral harassment. The exact configuration and number of PAM systems depends on the size of the zone(s) being monitored, the amount of noise expected in the area, and the characteristics of the signals being monitored.

NMFS does not formally administer any PSO or PAM operator training program or endorse specific providers but will approve PSOs and PAM operators that have successfully completed courses that meet the curriculum and trainer requirements referenced below and further specified in the regulatory text at the end of this rulemaking.

NMFS will provide PSO and PAM operator approvals in the context of the need to ensure that PSOs and PAM operators have the necessary training and/or experience to carry out their duties competently. In order for PSOs and PAM operators to be approved, NMFS must review and approve PSO and PAM operator resumes indicating successful completion of an acceptable training course. PSOs and PAM operators must have previous experience observing marine mammals and must have the ability to work with all required and relevant software and equipment. NMFS may approve PSOs and PAM operators as conditional or unconditional. A conditional approval may be given to one who is trained but has not yet attained the requisite experience. An unconditional approval is given to one who is trained and has attained the necessary experience. The specific requirements for conditional and unconditional approval can be found in the regulatory text at the end of this rulemaking.

Conditionally-approved PSOs and PAM operators would be paired with an unconditional-approved PSO (or PAM operator, as appropriate) to ensure that the quality of marine mammal observations and data recording is kept consistent. Additionally, activities requiring PSO and/or PAM operator monitoring must have a lead on duty. The visual PSO field team, in conjunction with the PAM team (*i.e.*,

marine mammal monitoring team), would have a lead member (designated as the “Lead PSO” or “Lead PAM operator”) who would be required to meet the unconditional approval standard.

Although PSOs and PAM operators must be approved by NMFS, third-party observer providers and/or companies seeking PSO and PAM operator staffing should expect that those having satisfactorily completed acceptable training and with the requisite experience (if required) will be quickly approved. Sunrise Wind is required to request PSO and PAM operator approvals 60 days prior to those personnel commencing work. An initial list of previously approved PSO and PAM operators must be submitted by Sunrise Wind at least 30 days prior to the start of the Project. Should Sunrise Wind require additional PSOs or PAM operators throughout the Project, Sunrise Wind must submit a subsequent list of pre-approved PSOs and PAM operators to NMFS at least 15 days prior to planned use of that PSO or PAM operator. A PSO may be trained and/or experienced as both a PSO and PAM operator and may perform either duty, pursuant to scheduling requirements (and vice versa).

A minimum number of PSOs would be required to actively observe for the presence of marine mammals during certain project activities with, generally speaking, more PSOs required as the mitigation zone sizes increase. A minimum number of PAM operators would be required to actively monitor for the presence of marine mammals during foundation installation and UXO/MEC detonation. The types of equipment required (*e.g.*, big eyes on the pile driving vessel) are also designed to increase marine mammal detection capabilities. In summary, at least three PSOs and one PAM operator per acoustic data stream (equivalent to the number of acoustic buoys) must be on-duty and actively monitoring per platform during foundation installation and any UXO/MEC detonation event; at least two PSOs must be on duty during cable landfall construction vibratory pile installation and removal and pneumatic hammering; at least one PSO must be on-duty during HRG surveys conducted during daylight hours; and at least two PSOs must be on-duty during HRG surveys conducted during nighttime.

In addition to monitoring duties, PSOs and PAM operators are responsible for data collection. The data collected by PSO and PAM operators and subsequent analysis provide the necessary information to inform an

estimate of the amount of take that occurred during the project, better understand the impacts of the project on marine mammals, address the effectiveness of monitoring and mitigation measures, and to adaptively manage activities and mitigation in the future. Data reported includes information on marine mammal sightings, activity occurring at time of sighting, monitoring conditions, and if mitigative actions were taken. Specific data collection requirements are contained within the regulations at the end of this rulemaking.

Sunrise Wind is required to submit a Pile Driving and UXO/MEC Marine Mammal Monitoring Plan and a PAM Plan to NMFS 180 days in advance of foundation installation activities. The Plan must include details regarding PSO and PAM monitoring protocols and equipment proposed for use. More specifically, the PAM Plan must include a description of all proposed PAM equipment, address how the proposed passive acoustic monitoring must follow standardized measurement, processing methods, reporting metrics, and metadata standards for offshore wind as described in NOAA and BOEM *Minimum Recommendations for Use of Passive Acoustic Listening Systems in Offshore Wind Energy Development Monitoring and Mitigation Programs* (Van Parijs *et al.*, 2021). NMFS must approve the plan prior to foundation installation activities or UXO/MEC detonation commencing. Specific details on NMFS’ PSO or PAM operator qualifications and requirements can be found in Part 217—Regulations Governing The Taking And Importing Of Marine Mammals at the end of this rulemaking. Additional information can be found in Sunrise Wind’s Protected Species Mitigation and Monitoring Plan (PSMMP) on NMFS’ website at: <https://www.fisheries.noaa.gov/action/incidental-take-authorisation-sunrise-wind-llc-construction-and-operation-sunrise-wind>.

Sound Field Verification

Sunrise Wind must conduct SFV measurements during all UXO/MEC detonations and all foundation installation. At minimum, the first three monopile foundations and all pin piles for the OCS–DC must be monitored with complete SFV. SFV measurements must continue until at least three consecutive piles demonstrate distances to thresholds are at or below those modeled (assuming 10 dB of attenuation). Subsequent complete SFV measurements are also required should larger piles be installed or additional piles be driven that are anticipated to

produce longer distances to harassment isopleths than those previously measured (e.g., higher hammer energy, greater number of strikes, etc.). The required reporting metrics associated with complete SFV can be found in the regulatory text at the end of this rule.

The requirements are extensive to ensure monitoring is conducted appropriately and the reporting frequency is such that Sunrise Wind is required to make adjustments quickly (e.g., ensure bubble curtain hose maintenance, check bubble curtain air pressure supply, add additional sound attenuation, etc.) to ensure marine mammals are not experiencing noise levels above those considered in this analysis. For recommended SFV protocols for impact pile driving, please consult ISO 18406 *Underwater acoustics—Measurement of radiated underwater sound from percussive pile driving* (2017). Sunrise Wind must conduct abbreviated SFV on all piles for which complete SFV is not conducted. The reporting requirements and frequency of reporting can be found in the regulatory text below. Sunrise Wind must also conduct SFV during operations to better understand the sound fields and potential impacts on marine mammals associated with turbine operations.

As described in the proposed rule, in addition to the aforementioned monitoring requirements, Sunrise Wind plans to conduct a long-term ecological monitoring project using bottom-mounted passive acoustic monitoring equipment during the effective period of this rule to better understand the long-term distribution of marine mammals in the project area with a focus on detecting NARW. This long-term study will contribute to the understanding of the potential impacts of the project and inform any potential adaptive management strategies. NMFS is not requiring this study as part of monitoring requirements.

Reporting

Prior to any construction activities occurring, Sunrise Wind will provide a report to NMFS Office of Protected Resources that demonstrates that all required training for Sunrise Wind personnel, which includes the vessel crews, vessel captains, PSOs, and PAM operators, have completed all required trainings.

NMFS will require standardized and frequent reporting from Sunrise Wind during the life of the regulations and LOA. All data collected relating to the Project will be recorded using industry-standard software (e.g., Mysticetus or a similar software) installed on field

laptops and/or tablets. Sunrise Wind is required to submit weekly, monthly, annual, situational, and final reports. The specifics of what NMFS requires to be reported can be found in the regulatory text at the end of this final rule.

Weekly Report—During foundation installation activities, Sunrise Wind will be required to compile and submit weekly marine mammal monitoring reports for foundation installation pile driving to NMFS Office of Protected Resources that document the daily start and stop of all pile-driving activities, the start and stop of associated observation periods by PSOs, details on the deployment of PSOs, a record of all detections of marine mammals (acoustic and visual), any mitigation actions (or if mitigation actions could not be taken, provide reasons why), and details on the noise abatement system(s) (e.g., system type, distance deployed from the pile, bubble rate, etc.), and abbreviated SFV results. Weekly reports will be due on Wednesday for the previous week (Sunday to Saturday). The weekly reports are also required to identify which turbines become operational and when (a map must be provided). Once all foundation pile installation is complete, weekly reports will no longer be required. If UXO/MEC detonation occurs, all relevant information should be included in the weekly report.

Monthly Report—Sunrise Wind is required to compile and submit monthly reports to NMFS Office of Protected Resources that include a summary of all information in the weekly reports, including project activities carried out in the previous month, vessel transits (number, type of vessel, and route), number of piles installed, all detections of marine mammals, and any mitigative actions taken. Monthly reports will be due on the 15th of the month for the previous month. The monthly report would also identify which turbines become operational and when (a map must be provided). Once all foundation pile installation is complete, monthly reports would no longer be required.

Annual Reporting—Sunrise Wind is required to submit an annual marine mammal monitoring (both PSO and PAM) report to NMFS Office of Protected Resources by March 31, annually, describing, in detail, all of the information required in the monitoring section above for the previous calendar year. A final annual report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report.

Final Reporting—Sunrise Wind must submit its draft 5-year report(s) to NMFS Office of Protected Resources. The

report must contain, but is not limited to, a description of activities conducted (including GIS files where relevant), and all visual and acoustic monitoring, including SFV and monitoring effectiveness, conducted under the LOA within 90 calendar days of the completion of activities occurring under the LOA. A final 5-year report must be prepared and submitted within 60 calendar days following receipt of any NMFS comments on the draft report.

Situational Reporting—Specific situations encountered during the development of the Project require immediate reporting. For instance, if a NARW is observed at any time by PSOs or project personnel, the sighting must be immediately (if not feasible, as soon as possible, and no longer than 24 hours after the sighting) reported to NMFS. If a NARW is acoustically detected at any time via a project-related PAM system, the detection must be reported as soon as possible and no longer than 24 hours after the detection to NMFS via the 24-hour NARW Detection Template at: <https://www.fisheries.noaa.gov/resource/document/passive-acoustic-reporting-system-templates>. Calling the hotline is not necessary when reporting PAM detections via the template.

If a sighting of a stranded, entangled, injured, or dead marine mammal occurs, the sighting will be reported to NMFS Office of Protected Resources, the NMFS Greater Atlantic Stranding Coordinator for the New England/Mid-Atlantic area (866-755-6622), and the U.S. Coast Guard, within 24 hours. If the injury or death was caused by a project activity, Sunrise Wind must immediately cease all activities until NMFS Office of Protected Resources is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the LOA. NMFS Office of Protected Resources may impose additional measures to minimize the likelihood of further prohibited take and ensure MMPA compliance. Sunrise Wind may not resume their activities until notified by NMFS Office of Protected Resources.

In the event of a vessel strike of a marine mammal by any vessel associated with the Project, Sunrise Wind must immediately report the strike incident. If the strike occurs in the Greater Atlantic Region (Maine to Virginia), Sunrise Wind must call the NMFS Greater Atlantic Stranding Hotline. Separately, Sunrise Wind must also and immediately report the incident to NMFS Office of Protected Resources and GARFO. Sunrise Wind must immediately cease all on-water activities until NMFS Office of

Protected Resources is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the LOA. NMFS Office of Protected Resources may impose additional measures to minimize the likelihood of further prohibited take and ensure MMPA compliance. Sunrise Wind may not resume their activities until notified by NMFS.

In the event of any lost gear associated with the fishery surveys, Sunrise Wind must report to the GARFO as soon as possible or within 24 hours of the documented time of missing or lost gear. This report must include information on any markings on the gear and any efforts undertaken or planned to recover the gear.

The specifics of what NMFS Office of Protected Resources requires to be reported is listed at the end of this rulemaking in the regulatory text.

Sound Field Verification—Sunrise Wind is required to submit interim SFV reports after each foundation installation and UXO/MEC detonation monitored as soon as possible, but within 48 hours. A final SFV report for all monopile foundation installation and UXO/MEC detonations would be required within 90 days following completion of acoustic monitoring.

Adaptive Management

The regulations governing the take of marine mammals incidental to Sunrise Wind's construction activities contain an adaptive management component. Our understanding of the effects of offshore wind construction activities (e.g., acoustic and explosive stressors) on marine mammals continues to evolve, which makes the inclusion of an adaptive management component both valuable and necessary within the context of 5-year regulations.

The monitoring and reporting requirements in this final rule will provide NMFS with information that helps us to better understand the impacts of the project's activities on marine mammals and informs our consideration of whether any changes to mitigation and monitoring are appropriate. The use of adaptive management allows NMFS to consider new information and modify mitigation, monitoring, or reporting requirements, as appropriate, with input from Sunrise Wind regarding practicability, if such modifications will have a reasonable likelihood of more effectively accomplishing the goals of the measures.

The following are some of the possible sources of new information to

be considered through the adaptive management process: (1) results from monitoring reports, including the weekly, monthly, situational, and annual reports required; (2) results from research on marine mammals, noise impacts, or other related topics; and (3) any information that reveals that marine mammals may have been taken in a manner, extent, or number not authorized by these regulations or subsequent LOA. Adaptive management decisions may be made at any time, as new information warrants it. NMFS may consult with Sunrise Wind regarding the practicability of the modifications.

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" by mortality, serious injury, Level A harassment, and Level B harassment, NMFS considers other factors, such as the likely nature of any behavioral responses (e.g., intensity, duration), the context of any such responses (e.g., critical reproductive time or location, migration), effects on habitat, and the likely effectiveness of mitigation. NMFS also assesses 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 environmental 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).

In the Estimated Take section to this preamble, NMFS discusses the estimated maximum number of takes by Level A harassment and Level B harassment that could occur incidental to Sunrise Wind's specified activities based on the methods described. The impact that any given take would have is dependent on many case-specific

factors that need to be considered in the negligible impact analysis (e.g., the context of behavioral exposures such as duration or intensity of a disturbance, the health of impacted animals, the status of a species that incurs fitness-level impacts to individuals, *etc.*). In this final rule, NMFS evaluates the likely impacts of the enumerated harassment takes that are authorized in the context of the specific circumstances surrounding these predicted takes. NMFS also collectively evaluates this information, as well as other more tax-specific information and mitigation measure effectiveness, in group-specific discussions that support our negligible impact conclusions for each stock. As described above, no serious injury or mortality is expected or authorized for any species or stock.

The Description of the Specified Activities section of this preamble describes Sunrise Wind's specified activities that may result in take of marine mammals and an estimated schedule for conducting those activities. On February 22, 2024, Sunrise Wind provided NMFS an updated construction schedule, which shifts foundation pile installation from one year to two years. However, schedules may shift for a variety of reasons (e.g., weather or supply delays). The total number of takes would not exceed the maximum annual total in any given year or the 5-year totals as indicated in tables 30 and 31, respectively.

NMFS bases its analysis and negligible impact determination on the maximum number of takes that could occur annually and across the 5-year effective period of these regulations, as well as extensive qualitative consideration of other contextual factors that influence the severity and nature of impacts have on the affected individuals and the number and context of individuals affected. As stated before, the number of takes, both maximum annual and 5-year total, alone are only a part of the analysis.

To avoid repetition, NMFS provides some general analysis in this Negligible Impact Analysis and Determination section that applies to all the species listed in table 2, given that some of the anticipated effects of Sunrise Wind's construction activities on marine mammals are expected to be relatively similar in nature. Then, it is subdivided into more detailed discussions for mysticetes, odontocetes, and pinnipeds which have broad life-history traits that support an overarching discussion of some factors considered within the analysis for those groups (e.g., habitat-use patterns, high-level differences in feeding strategies).

Lastly, NMFS provides a negligible impact determination for each species or stock, providing species or stock-specific information or analysis, where appropriate (e.g., for NARW, given their population status). Organizing our analysis by grouping species or stocks that share common traits or that would respond similarly to effects of Sunrise Wind's activities, and then providing species- or stock-specific information allows NMFS to avoid duplication while ensuring that we have analyzed the effects of the specified activities on each affected species or stock. It is important to note that in the group or species sections, the majority of the impacts are associated with WTG foundation and OCS-DC foundation installation, which may occur over two years per Sunrise Wind's updated schedule (2024 through 2025) (with maximum annual take assuming all foundation piles are installed in a single year). The take in the other years is expected to be notably less.

As described previously, no serious injury or mortality is anticipated or would be authorized in any LOA issued under this rule. Non-auditory injury (e.g., lung injury or gastrointestinal injury from UXO/MEC detonation) is also not anticipated and would not be authorized in any LOA issued under this rule. Any Level A harassment authorized would be in the form of auditory injury (i.e., PTS).

The number of takes by harassment Sunrise Wind has requested and NMFS may authorize in a LOA is based on exposure models that consider the outputs of acoustic source and propagation models. Several conservative parameters and assumptions are ingrained into the models, such as assuming forcing functions that consider direct contact with piles (i.e., no cushion allowances), and no consideration to the benefits of mitigation measures, other than 10 dB sound attenuation and seasonal restrictions, or an avoidance response. The number of takes requested and may be authorized in a LOA also reflects careful consideration of other data (e.g., group size data, PSO data). For all species, the number of takes authorized represents the maximum amount of Level A harassment and Level B harassment reasonably expected to occur.

Behavioral Disturbance

In general, NMFS anticipates that impacts on an individual that has been harassed are likely to be more intense when exposed to higher received levels and for a longer duration (though this is not a strictly linear relationship for

behavioral effects across species, individuals, or circumstances) and less severe impacts result when exposed to lower received levels and for a brief duration. However, there is also growing evidence of the importance of contextual factors such as distance from a source in predicting marine mammal behavioral response to sound—i.e., sounds of a similar level emanating from a more distant source have been shown to be less likely to evoke a response of equal magnitude (DeRuiter and Doukara, 2012; Falcone *et al.*, 2017). As described in the Potential Effects to Marine Mammals and their Habitat section of the proposed rule, the intensity and duration of any impact resulting from exposure to Sunrise Wind's activities is dependent upon a number of contextual factors including, but not limited to, sound source frequencies, whether the sound source is stationary or moving towards the animal, hearing ranges of marine mammals, behavioral state at time of exposure, status of individual exposed (e.g., reproductive status, age class, health) and an individual's experience with similar sound sources. Southall *et al.* (2021), Ellison *et al.* (2012) and Moore and Barlow (2013), among others, emphasize the importance of context (e.g., behavioral state of the animals, distance from the sound source) in evaluating behavioral responses of marine mammals to acoustic sources. Harassment of marine mammals may result in behavioral modifications (e.g., avoidance, temporary cessation of foraging or communicating, changes in respiration or group dynamics, masking) or may result in auditory impacts such as hearing loss. In addition, some of the lower-level physiological stress responses (e.g., change in respiration, change in heart rate), as described in the proposed rule, would likely co-occur with the behavioral modifications, although these physiological responses are more difficult to detect and fewer data exist relating these responses to specific received levels of sound. Takes by Level B harassment, then, may have a stress-related physiological component as well. However, NMFS would not expect Sunrise Wind's activities to produce conditions of long-term and continuous exposure to noise leading to long-term physiological stress responses in marine mammals that could affect reproduction or survival.

In the range of exposures that might result in Level B harassment (which by nature of the way it is modeled/counted, occurs within 1 day), the less severe end might include exposure to comparatively lower levels of a sound,

at a greater distance from the animal, for a few or several minutes. A less severe exposure of this nature could result in a behavioral response such as avoiding a small area that an animal would otherwise have chosen to move through or feed in for some amount of time or breaking off one or a few feeding bouts. More severe effects could occur if an animal receives comparatively higher levels at very close distances, is exposed continuously to one source for a longer time or is exposed intermittently throughout the day. Such exposure might result in an animal having a more severe avoidance response and leaving a larger area for an extended duration, potentially, for example, losing feeding opportunities for a day or more. Such severe behavioral effects are expected to occur infrequently due to extensive mitigation and monitoring measures included in this rule.

Many species perform vital functions, such as feeding, resting, traveling, and socializing on a diel cycle (i.e., 24-hour cycle). Behavioral reactions to noise exposure, when taking place in a biologically important context, such as disruption of critical life functions, displacement, or avoidance of important habitat, are more likely to be significant if they last more than 1 day or recur on subsequent days (Southall *et al.*, 2007) due to diel and lunar patterns in diving and foraging behaviors observed in many cetaceans (Baird *et al.*, 2008; Barlow *et al.*, 2020; Henderson *et al.*, 2016; Schorr *et al.*, 2014). It is important to note the water depth in the Project Area is shallow (ranging from 5.7 to 67 m (18.7 to 219.8 ft) in the SRWEC and 35 to 62 m (115–203 ft) in the Lease Area) and deep diving species, such as sperm whales, are not expected to be engaging in deep foraging dives when exposed to noise above NMFS harassment thresholds during the specified activities. Therefore, NMFS does not anticipate impacts to deep foraging behavior to be impacted by the specified activities.

It is important to identify that the estimated number of takes for each stock does not necessarily equate to the number of individual marine mammals expected to be harassed (which may be lower, depending on the circumstances), but rather to the instances of take (e.g., exposures above the Level B harassment thresholds) that may occur. These instances may represent either brief exposures of seconds for UXO/MEC detonations, seconds to minutes for HRG surveys, or, in some cases, longer durations of exposure within (but not exceeding) a day (e.g., pile driving). Some members of a species or stock may experience one exposure (i.e., be taken

on one day) as they move through an area, while other individuals may experience recurring instances of take over multiple days throughout the year, in which case the number of individuals taken is smaller than the total estimated take for that species or stock. In short, for species that are more likely to be migrating through the area and/or for which only a comparatively smaller number of takes are predicted (*e.g.*, some of the mysticetes), it is more likely that each take represents a different individual. However, for non-migrating species and/or species with a larger number of estimated take, NMFS expects that the total estimated takes represent exposures of a smaller number of individuals of which some would be taken across multiple days.

For Sunrise Wind, impact pile driving of foundation piles is most likely to result in a higher magnitude and severity of behavioral disturbance than other activities (*i.e.*, vibratory pile driving, pneumatic hammering, UXO/MEC detonations, and HRG surveys). Impact pile driving, in general, and especially in the case of foundation installation, produces higher source levels than the other aforementioned activities. HRG survey equipment also produces much higher frequencies than pile driving, resulting in minimal sound propagation. While UXO/MEC detonations may have higher source levels than other activities, the number of UXO/MEC detonations is limited (three over five years) and they produce instantaneous noise levels (*i.e.*, a total of approximately three seconds of blast noise and pressure would occur) as compared to multiple hours of pile driving or HRG surveys in a given day.

While foundation installation impact driving is anticipated to be most impactful due to high source levels and multiple hour duration in a day, pile driving would not be occurring all day every day. In total, up to 348 hours (87 WTG foundations x 4 hours) of monopile foundation installation impact pile driving may occur within the 5-year effective duration of this final rule while an OCS-DC jacket foundation (comprised of pin piles that produce lower noise levels) would also be installed in a day. As described in the construction schedule scenarios, there may be cases where the WTG foundations are installed concurrently, further reducing the overall amount of time over which impact pile driving noise is being transmitted into marine mammal habitat. Impacts will be minimized through implementation of mitigation measures, including use of a sound attenuation system, soft-starts, and the implementation of clearance

and shutdown zones that either delay or suspend, respectively, pile driving when marine mammals are detected at specified distances. Further, given sufficient notice through the use of soft-start, marine mammals are expected to move away from a pile driving sound source prior to becoming exposed to very loud noise levels. The requirement to couple visual monitoring (using multiple PSOs) and PAM before and during all foundation installation and UXO/MEC detonations will increase the overall capability to detect marine mammals compared to one method alone. Measures such as the requirement to apply sound attenuation devices and implement clearance zones also apply to UXO/MEC detonation(s), which also have the potential to elicit more severe behavioral reactions in the unlikely event that an animal is relatively close to the explosion in the instant that it occurs; hence, severity of behavioral responses are expected to be lower than would be the case without mitigation.

Occasional, milder behavioral reactions are unlikely to cause long-term consequences for individual animals or populations. Even if some smaller subset of the takes are in the form of a longer (several hours or a day) and more severe response, impacts to individual fitness are not anticipated if the taking is not expected to be repeated over numerous or sequential days. Also, the effect of disturbance is strongly influenced by whether it overlaps with biologically important habitats when individuals are present—avoiding biologically important habitats will reduce the likelihood of more significant behavioral impacts (*e.g.*, reduced or lost foraging) (Keen *et al.*, 2021). Nearly all studies and experts agree that infrequent exposures of a single day or less are unlikely to impact an individual's overall energy budget (Farmer *et al.*, 2018; Harris *et al.*, 2017; King *et al.*, 2015; National Academy of Science, 2017; New *et al.*, 2014; Southall *et al.*, 2007; Villegas-Amtmann *et al.*, 2015). *Temporary Threshold Shift (TTS)*

TTS is one form of Level B harassment that marine mammals may incur through exposure to Sunrise Wind's activities and, as described earlier, the takes by Level B harassment may represent takes in the form of direct behavioral disturbance, TTS, or both. As discussed in the Potential Effects of Specified Activities on Marine Mammals and their Habitat section of the proposed rule, in general, TTS can last from a few minutes to days, be of varying degree, and occur across different frequency bandwidths, all of which determine the severity of the

impacts on the affected individual, which can range from minor to more severe. Impact and vibratory pile driving and UXO/MEC detonations are broadband noise sources but generate sounds in the lower frequency ranges (with most of the energy below 1–2 kHz, but with a small amount of energy ranging up to 20 kHz); therefore, in general and all else being equal, NMFS anticipates the potential for TTS is higher in low-frequency cetaceans (*i.e.*, mysticetes) than other marine mammal hearing groups and is more likely to occur in frequency bands in which they communicate. Additionally, though the frequency range of TTS that marine mammals might sustain would overlap with some of the frequency ranges of their vocalizations, the frequency range of TTS from Sunrise Wind's pile driving and UXO/MEC detonation activities would not typically span the entire frequency range of one vocalization type, much less span all types of vocalizations, and entire hearing range for any particular species, or the other critical auditory cues for any given species. The required mitigation measures further reduce the potential for TTS.

Generally, both the degree of TTS and the duration of TTS would be greater if the marine mammal is exposed to a higher level of energy (which would occur when the peak dB level is higher or the duration is longer). The threshold for the onset of TTS was discussed previously (see the Estimated Take section of this preamble). However, source level alone is not a predictor of TTS. An animal would have to approach closer to the source or remain in the vicinity of the sound source appreciably longer to increase the received SEL, which would be difficult considering the required mitigation and the nominal speed of the receiving animal relative to the stationary sources such as impact pile driving. The recovery time of TTS is also important when considering the potential impacts from TTS. In TTS laboratory studies (as discussed in the Potential Effects of the Specified Activities on Marine Mammals and their Habitat section of the proposed rule), some using exposures of almost an hour in duration or up to 217 SEL, almost all individuals recovered within 1 day or less, but often in minutes. While the pile-driving activities last for hours a day, it is unlikely that most marine mammals would stay in the close vicinity of the source long enough to incur more severe TTS. UXO/MEC detonations also have the potential to result in TTS. However, given the duration of exposure is

extremely short (milliseconds), the degree of TTS (*i.e.*, the amount of dB shift) is expected to be small and TTS duration is expected to be short (minutes to hours).

Overall, given the small number of times that any individual might incur TTS, the low degree of TTS and the short anticipated duration, and that any TTS is not anticipated to overlap the entirety of a critical hearing range, it is unlikely that TTS (of the nature expected to result from the project's activities) would result in behavioral changes or other impacts that would impact any individual's (of any hearing sensitivity) reproduction or survival.

Permanent Threshold Shift (PTS)

NMFS is authorizing a very small number of takes by PTS to some marine mammal individuals. The numbers of authorized annual takes by Level A harassment are relatively low for all marine mammal stocks and species (tables 30 and 31). The only activities incidental to which NMFS anticipates PTS may occur is from exposure to impact pile driving and up to three UXO/MEC detonations, which produce sounds that are both impulsive and primarily concentrated in the lower frequency ranges (below 1 kHz) (David, 2006; Krumpel *et al.*, 2021). PTS would consist of minor degradation of hearing capabilities occurring predominantly at frequencies one-half to one octave above the frequency of the energy produced by pile driving or instantaneous UXO/MEC detonation (*i.e.*, the low-frequency region below 2 kHz) (Cody and Johnstone, 1981; McFadden, 1986; Finneran, 2015), not severe hearing impairment. If hearing impairment occurs from either impact pile driving or UXO/MEC detonation, it is most likely that the affected animal would lose a few decibels in its hearing sensitivity, which in most cases is not likely to meaningfully affect its ability to forage and communicate with conspecifics.

Sunrise Wind estimates three UXOs/MECs may be detonated and the exposure analysis conservatively assumes that all of the UXOs/MECs found would consist of the largest charge weight of UXO/MEC (E12; 454 kg). However, it is highly unlikely that all charges would be the maximum size; thus, the number of takes by Level A harassment that may occur incidental to the detonation of the UXOs/MECs is likely less than what is estimated here.

There are no PTS data on cetaceans and only one recorded instance of PTS being induced in older harbor seals (Reichmuth *et al.*, 2019). However, available TTS data (of mid-frequency

hearing specialists exposed to mid- or high-frequency sounds (Southall *et al.*, 2007; NMFS, 2018; Southall *et al.*, 2019) suggest that most threshold shifts occur in the frequency range of the source up to one octave higher than the source. NMFS anticipates a similar result for PTS. Further, no more than a small degree of PTS is expected to be associated with any of the incurred Level A harassment, given it is unlikely that animals would stay in the close vicinity of pile driving for a duration long enough to produce more than a small degree of PTS and given sufficient notice through use of soft-start prior to implementation of full hammer energy during impact pile driving, marine mammals are expected to move away from a sound source that is disturbing prior to it resulting in severe PTS. Given UXO/MEC detonation is instantaneous, the potential for PTS is not a function of duration. NMFS recognizes the distances to PTS thresholds may be large for certain species (*e.g.*, over 4 km based on the largest charge weights; table 20); however, there would be multiple vessels equipped with at minimum 3 PSOs each as well as PAM requirements to observe and acoustically detect marine mammals. A marine mammal within the PTS zone would trigger a delay to detonation; thereby minimizing potential for PTS for all marine mammal species.

Auditory Masking or Communication Impairment

The ultimate potential impacts of masking on an individual are similar to those discussed for TTS (*e.g.*, decreased ability to communicate, forage effectively, or detect predators), but an important difference is that masking only occurs during the time of the signal, as opposed to TTS, which continues beyond the duration of the signal. Also, though, masking can result from the sum of exposure to multiple signals, none of which might individually cause TTS. Fundamentally, masking is referred to as a chronic effect because one of the key potential harmful components of masking is its duration—the fact that an animal would have reduced ability to hear or interpret critical cues becomes much more likely to cause a problem the longer it is occurring. Inherent in the concept of masking is the fact that the potential for the effect is only present during the times that the animal and the source are in close enough proximity for the effect to occur (and further, this time period would need to coincide with a time that the animal was utilizing sounds at the masked frequency).

As the analysis has indicated, for this project NMFS expects that impact pile driving foundations have the greatest potential to mask marine mammal signals, and this pile driving may occur for several, albeit intermittent, hours per day, for multiple days per year. Masking is fundamentally more of a concern at lower frequencies (which are pile-driving dominant frequencies), because low frequency signals propagate significantly further than higher frequencies and because they are more likely to overlap both the narrower low frequency calls of mysticetes, as well as many non-communication cues related to fish and invertebrate prey, and geologic sounds that inform navigation. However, the area in which masking would occur for all marine mammal species and stocks (*e.g.*, predominantly in the vicinity of the foundation pile being driven) is small relative to the extent of habitat used by each species and stock. In summary, the nature of Sunrise Wind's activities, paired with habitat use patterns by marine mammals, does not support the likelihood that the level of masking that could occur would have the potential to affect reproductive success or survival.

Impacts on Habitat and Prey

Construction activities and UXO/MEC detonation may result in fish and invertebrate mortality or injury very close to the source, and all Sunrise Wind's activities may cause some fish to leave the area of disturbance. It is anticipated that any mortality or injury would be limited to a very small subset of available prey and the implementation of mitigation measures such as the use of a noise attenuation system during impact pile driving and UXO/MEC detonation would further limit the degree of impact. Behavioral changes in prey in response to construction activities could temporarily impact marine mammals' foraging opportunities in a limited portion of the foraging range but, because of the relatively small area of the habitat that may be affected at any given time (*e.g.*, around a pile being driven), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Cable presence is not anticipated to impact marine mammal habitat as these would be buried, and any electromagnetic fields emanating from the cables are not anticipated to result in consequences that would impact marine mammals prey to the extent they would be unavailable for consumption.

The presence and operations of wind turbines within the Lease Area could

have longer-term impacts on marine mammal habitat, as the project would result in the persistence of the structures within marine mammal habitat for more than 30 years. For piscivorous marine mammal species, the presence of structures could result in a beneficial reef effect which may lead to increases in the availability of prey. However, turbine presence and operation are, in general, likely to result in certain oceanographic effects in the marine environment and may alter aggregations and distribution of marine mammal zooplankton prey through changing the strength of tidal currents and associated fronts, changes in stratification, primary production, the degree of mixing, and stratification in the water column (Chen *et al.*, 2021; Johnson *et al.*, 2021; Christiansen *et al.*, 2022; Dorrell *et al.*, 2022). In the recently released BOEM and NOAA Fisheries North Atlantic Right Whale Strategy, the agencies identify the conceptual pathway by which changes to ocean circulation could potentially lead to fitness reduction of NARW, who primarily forage on copepods (see Figure 2). As described in the proposed rule, there is uncertainty regarding the intensity (or magnitude) and spatial extent of turbine operation impacts on marine mammals habitat, including planktonic prey. Recently, a National Academy of Sciences, Engineering, and Medicine panel of independent experts concluded that the impacts of offshore wind operations on NARW and their habitat in the Nantucket Shoals region (a key winter foraging habitat tens of kilometers to the east of the Project Area), is uncertain due to the limited data available at this time, and recognized what data is available is largely based on models from the North Sea that have not been validated by observations (National Academy of Sciences, 2023). The report also identifies that major oceanographic changes have occurred to the Nantucket Shoals region over the past 25 years and it will be difficult to isolate from the much larger variability introduced by natural and other anthropogenic sources (including climate change).

The Project would consist of no more than 88 foundations (87 WTGs and 1 OCS-DC) in the Lease Area (which includes foraging habitat for NARW but is not located near more productive foraging habitat around Nantucket Shoals), which will gradually become operational during construction in batches with all turbines online after construction is complete. The Sunrise Wind Biological Opinion provided a comprehensive evaluation of the best

available science and, based on those data, presented an assessment on the impacts related to presence and operation of the Project over the life of the project on, among other species, marine mammals and their prey (NMFS, 2023). Overall, the Biological Opinion concluded that the Project is not anticipated to adversely impact availability of free-swimming marine mammal prey (*e.g.*, fish) but is anticipated to result in localized effects to the distribution and aggregation of the planktonic prey. However, these impacts are not likely to translate to any overall reduction in the amount of prey in the Project Area. Because changes in the biomass of zooplankton are not anticipated, any higher trophic level impacts are also not anticipated. The Biological Opinion also concluded that effects to listed marine mammal species from the entrainment of ichthyoplankton at the OCS-DC will be so small that they cannot be meaningfully measured, evaluated, or detected and are therefore, insignificant and any impacts, if they occur, from the thermal plume resulting from water discharge would be insignificant.

The ESA-listed marine mammal species in the Biological Opinion include species that forage on a range on prey species (*e.g.*, copepods, fish, invertebrates) and, therefore, the findings in the Biological Opinion also inform our understanding of the anticipated impacts on non-listed marine mammals such as small whales, dolphins, porpoises, and seals. Further, the Biological Opinion assesses the impacts to habitat over the life of the Project; wherein this final rule is effective for only 5 years and turbine operations would occur for only a portion of that time (2–3 years). Overall, in consideration of the Sunrise Wind Lease Area location and the assessment within the Biological Opinion, NMFS does not anticipate that impacts to marine mammal habitat, including prey, would result in meaningful impacts on marine mammals.

Mitigation To Reduce Impacts on All Species

This proposed rulemaking includes a variety of mitigation measures designed to minimize, to the extent practicable, impacts on all marine mammals, with a focus on NARW (the latter is described in more detail below). For impact pile driving of foundation piles and UXO/MEC detonations, ten overarching mitigation and monitoring measures are required, which are intended to reduce both the number and intensity of marine mammal takes: (1) seasonal/time of day work restrictions; (2) use of multiple

PSOs to visually observe for marine mammals (with any detection within specifically designated zones that would trigger a delay or shutdown); (3) use of PAM to acoustically detect marine mammals, with a focus on detecting baleen whales (with any detection within designated zones triggering delay or shutdown); (4) implementation of clearance zones; (5) implementation of shutdown zones; (6) use of soft-starts; (7) use of noise attenuation technology; (8) maintaining situational awareness of marine mammal presence through the requirement that any marine mammal sighting(s) by Sunrise Wind personnel must be reported to PSOs; (9) sound field verification monitoring; and (10) Vessel Strike Avoidance measures to reduce the risk of a collision with a marine mammal and vessel. For casing pipes, sheet piles and goal post installation and removal, NMFS is requiring five overarching mitigation measures: (1) seasonal/time of day work restrictions; (2) use of multiple PSOs to visually observe for marine mammals (with any detection with specifically designated zones that would trigger a delay or shutdown); (3) implementation of clearance zones; (4) implementation of shutdown zones; and (5) maintaining situational awareness of marine mammal presence through the requirement that any marine mammal sighting(s) by Sunrise Wind personnel must be reported to PSOs. Lastly, for HRG surveys, NMFS is requiring six measures: (1) measures specifically for Vessel Strike Avoidance; (2) specific requirements during daytime and nighttime HRG surveys; (3) implementation of clearance zones; (4) implementation of shutdown zones; (5) use of ramp-up of acoustic sources; and (6) maintaining situational awareness of marine mammal presence through the requirement that any marine mammal sighting(s) by Sunrise Wind personnel must be reported to PSOs.

The Mitigation section discusses the manner in which the required mitigation measures reduce the magnitude and/or severity of takes of marine mammals. Seasonal restrictions on select activities avoid impacts from the activities. For activities with large harassment isopleths, Sunrise Wind is required to reduce the noise levels generated to the lowest levels practicable and is required to ensure that they do not exceed a noise footprint above that which was modeled, assuming a 10-dB attenuation. Use of a soft-start during impact pile driving will allow animals to move away from (*i.e.*, avoid) the sound source prior to applying higher hammer energy levels

needed to install the pile and Sunrise Wind will not use a hammer energy greater than necessary to install piles. Similarly, ramp-up during HRG surveys would allow animals to move away and avoid the acoustic sources before they reach their maximum energy level. For all activities (with some exception for UXO/MEC detonations, which would not have a shutdown zone), clearance zone and shutdown zone implementation, which are required when marine mammals are within given distances associated with certain impact thresholds for all activities, will reduce the magnitude and severity of marine mammal take. Additionally, the use of multiple PSOs (for WTG and OCS-DC foundation installation, temporary casing pipes, sheet piles, and goal post installation and removal, UXO/MEC detonations, HRG surveys), PAM operators (for impact foundation installation and UXO/MEC detonations), and maintaining awareness of marine mammal sightings reported in the region (for WTG and OCS-DC foundation installation, temporary casing pipes, sheet piles, and goal post installation and removal, UXO/MEC detonations, HRG surveys) will aid in detecting marine mammals that would trigger the implementation of the mitigation measures. The reporting requirements including SFV reporting (for foundation installation, foundation operation, and UXO/MEC detonations), will assist NMFS in identifying if impacts beyond those analyzed in this final rule are occurring, potentially leading to the need to enact adaptive management measures in addition to or in place of the mitigation measures.

Mysticetes

Six mysticete species (comprising six stocks) of cetaceans (NARW, blue whale, humpback whale, fin whale, sei whale, and minke whale) may be taken by harassment. These species, to varying extents, utilize the specified geographic region, including the Project Area, for the purposes of migration, foraging, and socializing. Mysticetes are in the low-frequency hearing group.

Behavioral data on mysticete reactions to pile driving noise are scant. Kraus *et al.* (2019) predicted that the three main impacts of offshore wind farms on marine mammals would consist of displacement, behavioral disruptions, and stress. Broadly, NMFS can look to studies that have focused on other noise sources such as seismic surveys and military training exercises, which suggest that exposure to loud signals can result in avoidance of the sound source (or displacement if the activity continues for a longer duration

in a place where individuals would otherwise have been staying, which is less likely for mysticetes in this area), disruption of foraging activities (if they are occurring in the area), local masking around the source, associated stress responses, and impacts to prey, as well as TTS or PTS in some cases.

Mysticetes encountered in the Project Area are expected to be migrating through and/or engaged in foraging behavior. The extent to which an animal engages in these behaviors in the area is species-specific and varies seasonally. Many mysticetes are expected to predominantly be migrating through the Project Area towards or from primary feeding habitats (*e.g.*, Cape Cod Bay, Great South Channel, and Gulf of St. Lawrence). While NMFS has acknowledged above that mortality, hearing impairment, or displacement of mysticete prey species may result locally from impact pile driving and UXO/MEC detonations, given the very short duration of and broad availability of prey species in the area and the availability of alternative suitable foraging habitat for the mysticete species most likely to be affected, any impacts on mysticete foraging are expected to be minor. Whales temporarily displaced from the Project Area are expected to have sufficient remaining feeding habitat available to them, and would not be prevented from feeding in other areas within the biologically important feeding habitats, including to the east near Nantucket Shoals. In addition, any displacement of whales or interruption of foraging bouts would be expected to be relatively temporary in nature.

The potential for repeated exposures is dependent upon the residency time of whales with migratory animals unlikely to be exposed on repeated occasions and animals remaining in the area to be more likely exposed repeatedly. For mysticetes, where relatively low numbers of species-specific take by Level B harassment are predicted (compared to the abundance of each mysticete species or stock; see table 30) and movement patterns suggest that individuals would not necessarily linger in a particular area for multiple days, each predicted take likely represents an exposure of a different individual, with perhaps a subset of takes for a few species potentially representing a few repeated of a limited number of individuals across multiple days. In other words, the behavioral disturbance to any individual mysticete would, therefore, be expected to mostly likely occur within a single day within a year, or potentially across a few days, and is not expected to impact reproduction or

survival. In general, the duration of exposures would not be continuous throughout any given day, and pile driving would not occur on all consecutive days within a given year due to weather delays or any number of logistical constraints Sunrise Wind has identified. Species-specific analysis regarding potential for repeated exposures and impacts is provided below.

Humpback whales, minke whales, fin whales, and sei whales are the mysticete species for which PTS is anticipated and authorized. As described previously, PTS for mysticetes from some project activities may overlap frequencies used for communication, navigation, or detecting prey. However, given the nature and duration of the activity, the mitigation measures, and likely avoidance behavior, any PTS is expected to be of a small degree, would be limited to frequencies where pile driving noise is concentrated (*i.e.*, only a small subset of their expected hearing range) and would not be expected to impact reproductive success or survival.

North Atlantic Right Whale

NARW are listed as endangered under the ESA and the western Atlantic stock is considered depleted and strategic under the MMPA. As described in the Potential Effects to Marine Mammals and Their Habitat section of the proposed rule, NARW are threatened by a low population abundance, higher than average mortality rates, and lower than average reproductive rates. Recent studies have reported individuals showing high stress levels (*e.g.*, Corkeron *et al.*, 2017) and poor health, which has further implications on reproductive success and calf survival (Christiansen *et al.*, 2020; Stewart *et al.*, 2021; Stewart *et al.*, 2022). As described below, a UME has been designated for NARW. Given this, the status of the NARW population is of heightened concern and, therefore, merits additional analysis and consideration. No Level A harassment, serious injury, or mortality is anticipated or authorized for this species.

For NARW, this rule authorizes up to 45 takes by Level B harassment over the 5-year period, with a maximum annual allowable take of 32 (equating to approximately 9.41 percent of the stock abundance, if each take were considered to be of a different individual), with far lower numbers expected in the years following foundation installation (*e.g.*, years when only HRG surveys would be occurring). Less than half of all takes (*i.e.*, 22) that would be authorized under this rule would be incidental to foundation installation impact pile

driving, the activity for which NMFS anticipates would result in the most intense behavioral responses. A similar number of takes (*i.e.*, 17) would be incidental to HRG surveys, an activity for which the severity of any behavioral harassment is expected to be very low. The remaining takes would occur incidental to three instantaneous UXO/MEC detonations (*i.e.*, 3 takes) and cable landfall construction (*i.e.*, 3 takes).

Southern New England, including the Project Area, is part of a known migratory corridor for NARW and may be a stopover site for migrating NARW moving to or from southeastern calving grounds and northern foraging grounds. However, NARW range outside of the Project Area for their main feeding, breeding, and calving activities. Additional qualitative observations in southern New England include animals feeding and socializing (Quintana-Rizzo *et al.*, 2021). NARW are primarily concentrated in the northeastern and southeastern sections of the Massachusetts Wind Energy Area (MA WEA) (*i.e.*, east of the Project Area) during the summer (June–August) and winter (December–February) while distribution likely shifts to the west, closer to the Project Area, into the Rhode Island/Massachusetts Wind Energy Area (RI/MA WEA) in the spring (March–May) (Quintana-Rizzo *et al.*, 2021). Approximately 23 percent of the NARW population is present in southern New England from December through May, and the mean residence time has tripled to an average of 13 days during these months (Quintana-Rizzo *et al.*, 2021).

In general, NARW in the Project Area are expected to be engaging in migratory, feeding, and/or social behavior. Migrating whales would typically be moving through the Project Area, rather than lingering for extended periods of time (thereby limiting the potential for repeat exposures); however, foraging whales may remain in the Project Area, with an average residence time of 13 days between December and May (Quintana-Rizzo *et al.*, 2021). It is important to note that the activities that would occur from December through April that may impact NARW using the habitat for foraging or migration would be primarily HRG surveys, of which impacts are expected to be minor given the rapid transmission loss resulting in the small (*i.e.*, less than 150 m) Level B harassment zone. Across all years, if an individual were to be exposed during a subsequent year, the impact of that exposure is likely independent of the previous exposure given the duration between exposures.

As described in the Description of Marine Mammals in the Geographic Area section of the proposed rule, NARW are presently experiencing an ongoing UME (beginning in June 2017). Preliminary findings support human interactions, specifically vessel strikes and entanglements, as the cause of death for the majority of NARW. Given the current status of the NARW, the loss of even one individual could significantly impact the population. No mortality, serious injury, or injury of NARW as a result of the Project is expected or may be authorized under this rule. Any disturbance to NARW due to the Project's activities is expected to result in temporary avoidance of the immediate area of construction. As no injury, serious injury, or mortality is expected or authorized and Level B harassment of NARW will be reduced to the level of least practicable adverse impact through use of mitigation measures, the authorized number of takes of NARW would not exacerbate or compound the effects of the ongoing UME.

As described in the general *Mysticetes* section above, foundation installation is likely to result in the highest number of annual takes and is of greatest concern given loud source levels. Sunrise Wind anticipates installing multiple foundations per day; therefore, the number of days with active pile driving is likely to be fewer than 87 (*i.e.*, the number of turbines). This activity is currently scheduled to occur over the course of 2 years, though this rule conservatively assumes all foundation installation would occur in one year; thus, the maximum annual take amount considered in the analysis is the highest number based on all foundations being installed in a single year. Foundation installation would also only occur during times when, based on the best available scientific data, NARW are less frequently encountered and less likely to be engaged in critical foraging behavior (although NMFS recognizes NARW may be present and forage year-round in the Project Area). The potential types, severity, and magnitude of impacts are also anticipated to mirror that described in the general *Mysticetes* section above, including avoidance (the most likely outcome), changes in foraging or vocalization behavior, masking, a small amount of TTS, and temporary physiological impacts (*e.g.*, change in respiration, change in heart rate). Importantly, the effects of the activities are expected to be sufficiently low-level and localized to specific areas as to not meaningfully impact important behaviors such as migration and

foraging for NARW. These takes are expected to result in temporary behavioral disturbance, such as slight displacement (but not abandonment) of migratory habitat or temporary cessation of feeding. Further, given many of these exposures are generally expected to occur to different individual right whales migrating through (*i.e.*, many individuals would not be impacted on more than one day in a year), with some subset potentially being exposed on no more than a few days within the year, they are unlikely to result in energetic consequences that could affect reproduction or survival of any individuals.

Overall, NMFS expects that any behavioral harassment of NARW incidental to the specified activities would not result in changes to their migration patterns or foraging success, as only temporary avoidance of an area during construction is expected to occur. As described previously, NARW migrate, forage, or socialize in the Project Area but are not expected to remain in this habitat for extensive durations relative to core foraging habitats to the east, south of Nantucket and Martha's Vineyard, Cape Cod Bay, or the Great South Channel (Quintana-Rizzo *et al.*, 2021). Any temporarily displaced animals would be able to return to or continue to travel through the Project Area and subsequently utilize this habitat once activities have ceased.

Although acoustic masking may occur in the vicinity of the foundation installation activities, based on the acoustic characteristics of noise associated with pile driving (*e.g.*, frequency spectra, short duration of exposure) and construction surveys (*e.g.*, intermittent signals), NMFS expects masking effects to be minimal during impact pile driving, pneumatic hammering and, for HRG surveys, would not appreciably occur given the directionality of the signals for the HRG survey equipment planned for use and the brief period for when an individual mammal would likely be exposed. Masking is expected to be of low consequence and intermittent within a day and confined to the months in which NARW are at lower densities and primarily moving through the area, the anticipated mitigation effectiveness, and likely avoidance behaviors. TTS is another potential form of Level B harassment that could result in brief periods of slightly reduced hearing sensitivity affecting behavioral patterns by making it more difficult to hear or interpret acoustic cues within the frequency range (and slightly above) of sound produced during impact pile

driving; however, any TTS would likely be of low amount, limited duration, and limited to frequencies where most construction noise is centered (below 2 kHz). NMFS expects that right whale hearing sensitivity would return to pre-exposure levels shortly after migrating through the area or moving away from the sound source.

As described in the Potential Effects to Marine Mammals and Their Habitat section of the proposed rule, the distance of the receiver to the source influences the severity of response with greater distances typically eliciting less severe responses. NMFS recognizes that NARW migrating could be pregnant females (in the fall) and cows with older calves (in the spring), and that these animals may slightly alter their migration course in response to any foundation pile driving; however, NMFS anticipates that course diversion would be of small magnitude. Hence, while some avoidance of the pile-driving activities may occur, NMFS anticipates that any avoidance behavior of migratory NARW would be similar to that of gray whales (Tyack *et al.*, 1983), on the order of hundreds of meters up to 1 to 2 km. This diversion from a migratory path otherwise uninterrupted by the project's activities is not expected to result in meaningful energetic costs that would impact annual rates of recruitment or survival. NMFS expects that NARW would be able to avoid areas during periods of active noise production while not being forced out of this portion of their habitat.

NARW presence in the Project Area is year-round. However, abundance during summer months is lower compared to the winter months with spring and fall serving as "shoulder seasons" wherein abundance waxes (fall) or wanes (spring). Given this year-round habitat usage, in recognition that where and when whales may actually occur during project activities is unknown, as it depends on the annual migratory behaviors, NMFS is requiring a suite of mitigation measures designed to reduce impacts to NARW to the maximum extent practicable. These mitigation measures (*e.g.*, seasonal/daily work restrictions, vessel separation distances, reduced vessel speed) would not only avoid the likelihood of vessel strikes but also would minimize the severity of behavioral disruptions by minimizing impacts (*e.g.*, through sound reduction using attenuation systems and reduced temporal overlap of project activities and NARW). This would further ensure that the number of takes by Level B harassment that are estimated to occur are not expected to affect reproductive success or survivorship by detrimental

impacts to energy intake or cow/calf interactions during migratory transit. However, even in consideration of recent habitat-use and distribution shifts, Sunrise Wind would still be installing foundations when the presence of NARW is expected to be lower.

As described in the Description of Marine Mammals in the Area of Specified Activities section in the preamble of this rule, Sunrise Wind would be constructed within the NARW migratory corridor BIA, which represents areas and months within which a substantial portion of a species or population is known to migrate. The Lease Area is relatively small compared with the migratory BIA area (approximately 351 km² for OCS-A-0487 versus the size of the full NARW migratory BIA, 269,448 km²) and the BIA extends far to the east of the Lease Area (to approximately the shelf edge) where impacts from the Project would not occur. Overall, NARW migration is not expected to be impacted by the planned activities. Although NARW forage to some degree in the Project Area, there are no known breeding or calving areas within the Project Area. Prey species are mobile (*e.g.*, calanoid copepods can initiate rapid and directed escape responses) and are broadly distributed throughout the Project Area. Therefore, any impacts to prey that may occur are also unlikely to impact marine mammals.

The most significant measure to minimize impacts to individual NARW is the seasonal moratorium on all foundation installation activities from January 1 through April 30 and the limitation on these activities in December (*e.g.*, only work with approval from NMFS) when NARW abundance in the Project Area is expected to be highest. NMFS also expects this measure to greatly reduce the potential for mother-calf pairs to be exposed to impact pile driving noise above the Level B harassment threshold during their annual spring migration through the Project Area from calving grounds to primary foraging grounds (*e.g.*, Cape Cod Bay). UXO/MEC detonations are also restricted from December 1 through April 30, annually. NMFS expects that the severity of any take of NARW would be reduced due to the mitigation measures that would ensure that any exposures above the Level B harassment threshold would result in only short-term effects to individuals exposed.

Pile driving and UXO/MEC detonations may only begin in the absence of NARW (based on visual and passive acoustic monitoring). If pile driving or UXO/MEC detonations have

commenced, NMFS anticipates NARW would avoid the area, utilizing nearby waters to carry on pre-exposure behaviors. However, foundation installation activities must be shut down if a NARW is sighted at any distance or acoustically detected within the PAM monitoring zone, unless a shutdown is not feasible due to risk of injury or loss of life. Shutdown may occur anywhere if NARW are seen within or beyond the Level B harassment zone, further minimizing the duration and intensity of exposure. NMFS anticipates that if NARW go undetected and they are exposed to foundation installation or UXO/MEC detonation noise, it is unlikely a NARW would approach the sound source locations to the degree that they would purposely expose themselves to very high noise levels. This is because typical observed whale behavior demonstrates likely avoidance of harassing levels of sound where possible (Richardson *et al.*, 1985). These measures are designed to avoid PTS and also reduce the severity of Level B harassment, including the potential for TTS. While some TTS could occur, given the mitigation measures (*e.g.*, delay pile driving upon a sighting or acoustic detection and shutting down upon a sighting or acoustic detection), the potential for TTS to occur is low.

The clearance and shutdown measures are most effective when detection efficiency is maximized, as the measures are triggered by a sighting or acoustic detection. To maximize detection efficiency during foundation installation, and in consideration of the offshore location of the activities and relatively large mitigation zones, NMFS requires the combination of PAM and visual observers. NMFS is requiring communication protocols with other project vessels and other heightened awareness efforts (*e.g.*, daily monitoring of NARW sighting databases) such that as a NARW approaches the source (and thereby could be exposed to higher noise energy levels), PSO detection efficacy would increase, the whale would be detected, and a delay to commencing foundation installation or shutdown (if feasible) would occur. In addition, the implementation of a soft-start for impact pile driving would provide an opportunity for whales to move away from the source if they are undetected, reducing received levels. The UXO/MEC detonations mitigation measures described above would further reduce the potential to be exposed to high received levels. Clearance and shutdown zones, monitored via PSOs, are also required for cable landfall and

temporary pier activities. Given the nearshore/inshore location of these activities, the smaller mitigation zones, and that the severity of impacts is relatively low, PSOs are able to effectively monitor for marine mammals and PAM is not required.

For HRG surveys, the maximum distance to the Level B harassment threshold is 141 m. The estimated take by Level B harassment associated with HRG surveys is to account for any potential exposures of NARW to active acoustic sources should there be a delay shutting it down (if called for). However, the authorized Level B harassment takes do not account for mitigation and monitoring, and because of the short maximum distance to the Level B harassment threshold, the requirement that vessels maintain a distance of 500 m from any NARW, the fact whales are unlikely to remain in close proximity to an HRG survey vessel for any length of time, and that the acoustic source would be shut down if a NARW is observed within 500 m of the source, any exposure to noise levels above the harassment threshold (if any) would be very brief. To further minimize exposures, ramp-up of sub-bottom profilers must be delayed during the clearance period if PSOs detect a NARW within 500 m of the acoustic source. With implementation of the mitigation requirements, take by Level A harassment is not anticipated and therefore, not authorized. Potential impacts associated with Level B harassment would include low-level, temporary behavioral modifications, most likely in the form of avoidance behavior. Given the high level of precautions taken to minimize both the number and intensity of Level B harassment on NARW, it is unlikely that the anticipated low-level exposures would lead to reduced reproductive success or survival.

As described above, no serious injury or mortality, or Level A harassment of NARW is anticipated or allowed to be authorized under this rule. Extensive NARW-specific mitigation measures (beyond the robust suite required for all species) are expected to further minimize the number and severity of takes by Level B harassment. Given the documented habitat use within the Project Area, many of the individuals predicted to be taken (including no more than 45 instances of take, by Level B harassment) over the course of the 5-year rule (with an annual maximum of no more than 32) would be impacted on only 1 or 2 days in a year, although it is possible that repeated exposures beyond this may occur should NARW briefly use the Project Area as a

'stopover' site and stay or swim in and out of the areas with pile driving for more than day. Further, any impacts to NARW are expected to be in the form of lower-level behavioral disturbance.

Given the magnitude and severity of the impacts discussed above, and in consideration of the required mitigation and other information presented, Sunrise Wind's activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, we have determined that the take (by Level B harassment) anticipated and allowed to be authorized under this rule will have a negligible impact on the NARW.

Blue Whale

The blue whale is listed as endangered under the ESA, and the Western North Atlantic stock is considered depleted and strategic under the MMPA. There are no known areas of specific biological importance in or around the Project Area, and there is no ongoing UME. The actual abundance of the stock is likely significantly greater than what is reflected in the SAR because the most recent population estimates are primarily based on surveys conducted in U.S. waters and the stock's range extends well beyond the U.S. exclusive economic zone (EEZ). No serious injury or mortality is anticipated or authorized for this species.

The rule authorizes up to eight takes, by Level B harassment, over the 5-year period. The maximum annual allowable take by Level B harassment is 4, which equates to approximately 1.00 percent of the stock abundance if each take were considered to be of a different individual. Based on the migratory nature of blue whales, and the fact that there are neither feeding nor reproductive areas documented in or near the Project Area, and in consideration of the very low number of predicted annual takes, it is unlikely that the predicted instances of takes would represent repeat takes of any individual. In other words, each take likely represents one whale exposed on one day within a year.

With respect to the severity of those individual takes by Level B harassment, NMFS would anticipate impacts to be limited to low-level, temporary behavioral responses with avoidance and potential masking impacts in the vicinity of the turbine installation to be the most likely type of response. Any potential TTS would be concentrated at half or one octave above the frequency band of pile driving noise (most sound is below 2 kHz) which does not include

the full predicted hearing range of blue whales. Any hearing ability temporarily impaired from TTS is anticipated to return to pre-exposure conditions within a relatively short time period after the exposures cease. Any avoidance of the Project Area due to the activities would be expected to be temporary.

Given the magnitude and severity of the impacts discussed above, and in consideration of the required mitigation and other information presented, Sunrise Wind's activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, NMFS has determined that the take by Level B harassment anticipated and authorized will have a negligible impact on the western North Atlantic stock of blue whales.

Fin Whale

The fin whale is listed as endangered under the ESA, and the western North Atlantic stock is considered both depleted and strategic under the MMPA. No UME has been designated for this species or stock. No serious injury or mortality is anticipated or authorized for this species.

The rule authorizes up to 91 takes, by harassment only, over the 5-year period. The maximum annual allowable take by Level A harassment and Level B harassment, is 4 and 68, respectively (combined, this annual take ($n=72$) equates to approximately 1.06 percent of the stock abundance, if each take were considered to be of a different individual), with far lower numbers than that expected in the years without foundation installation (*e.g.*, years when only HRG surveys would be occurring). Given the project overlaps a small portion of a fin whale feeding BIA (2,933 km²) in the months the project will occur (March-October) and that southern New England is generally considered a feeding area, it is likely that some subset of the individual whales exposed could be taken several times annually.

Level B harassment is expected to be in the form of behavioral disturbance, primarily resulting in avoidance of the Project Area where foundation installation is occurring and some low-level TTS and masking that may limit the detection of acoustic cues for relatively brief periods of time. Any potential PTS would be minor (limited to a few dB) and any TTS would be of short duration and concentrated at half or one octave above the frequency band of pile driving noise (most sound is below 2 kHz) which does not include

the full predicted hearing range of fin whales.

Fin whales are present in the waters off of New England year-round and are one of the most frequently observed large whales and cetaceans in continental shelf waters, principally from Cape Hatteras, North Carolina in the Mid-Atlantic northward to Nova Scotia, Canada (Sergeant, 1977; Sutcliffe and Brodie, 1977; CETAP, 1982; Hain *et al.*, 1992; Geo-Marine, 2010; BOEM 2012; Edwards *et al.*, 2015; Hayes *et al.*, 2022). In the Project Area, fin whales densities are highest in the winter and summer months (Roberts *et al.*, 2023) though detections do occur in spring and fall (Watkins *et al.*, 1987; Clark and Gagnon, 2002; Geo-Marine, 2010; Morano *et al.*, 2012). However, fin whales feed more extensively in waters in the Great South Channel north to the Gulf of Maine into the Gulf of St. Lawrence, areas north and east of the Project Area (Hayes *et al.*, 2024).

As described in the proposed rule, the Project Area overlaps approximately 12 percent of a small fin whale feeding BIA (2,933 km²) east of Montauk Point, New York (Figure 2.3 in LaBrecque *et al.*, 2015) that is active from March to October. Foundation installations and UXO/MEC detonations have seasonal work restrictions (*i.e.*, spatial and temporal) such that the temporal overlap between the specified activities and the active BIA timeframe would exclude the months of March and April. A separate larger year-round feeding BIA (18,015 km²) located to the east in the southern Gulf of Maine does not overlap with the Project Area and would thus not be impacted by project activities. NMFS anticipates that if foraging is occurring in the Project Area and foraging whales are exposed to noise levels of sufficient strength, they would avoid the Project Area and move into the remaining area of the feeding BIA that would be unaffected to continue foraging without substantial energy expenditure or, depending on the time of year, travel to the larger year-round feeding BIA.

Given the documented habitat use within the area, some of the individuals taken would likely be exposed on multiple days. However, low level impacts are generally expected from any fin whale exposure. Given the magnitude and severity of the impacts discussed above (including no more than 91 takes over the course of the 5-year rule, and a maximum annual allowable take by Level A harassment and Level B harassment, of 4 and 68, respectively), and in consideration of the required mitigation and other information presented, Sunrise Wind's

activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, NMFS has determined that the take by harassment anticipated and authorized will have a negligible impact on the western North Atlantic stock of fin whales.

Humpback Whale

The West Indies Distinct Population Segments (DPS) of humpback whales is not listed as threatened or endangered under the ESA but the Gulf of Maine stock, which includes individuals from the West Indies DPS, is considered strategic under the MMPA. However, as described in the Description of Marine Mammals in the Area of Specified Activities section of the preamble to this final rule, humpback whales along the Atlantic Coast have been experiencing an active UME as elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida since January 2016. Of the cases examined, approximately 40 percent had evidence of human interaction (vessel strike or entanglement). The UME does not yet provide cause for concern regarding population-level impacts and take from vessel strike and entanglement is not authorized. Despite the UME, the relevant population of humpback whales (*i.e.*, the West Indies breeding population, or DPS of which the Gulf of Maine stock is a part) remains stable at approximately 12,000 individuals.

The rule authorizes up to 116 takes, by harassment only, over the 5-year period. The maximum annual allowable take by Level A harassment and Level B harassment, is 3 and 79, respectively (combined, this maximum annual take ($n = 82$) equates to approximately 5.87 percent of the stock abundance, if each take were considered to be of a different individual), with far lower numbers than that expected in the years without foundation installation (*e.g.*, years when only HRG surveys would be occurring). Given that feeding is considered the principal activity of humpback whales in southern New England waters, it is likely that some subset of the individual whales exposed could be taken several times annually.

Among the activities analyzed, impact pile driving is likely to result in the highest number of Level A harassment annual take ($n = 3$) of humpback whales. The maximum number of authorized annual take by Level B harassment is highest for impact pile driving ($n = 79$; WTG plus OCS-DC foundations).

In the western North Atlantic, humpback whales feed during spring,

summer, and fall over a geographic range encompassing the eastern coast of the U.S. Feeding is generally considered to be focused in areas north of the Project Area, including in a feeding BIA in the Gulf of Maine/Stellwagen Bank/Great South Channel, but has been documented off the coast of southern New England and as far south as Virginia (Swingle *et al.*, 2006). Foraging animals tend to remain in the area for extended durations to capitalize on the food sources.

Assuming humpback whales who are feeding in waters within or surrounding the Project Area behave similarly, we expect that the predicted instances of disturbance could consist of some individuals that may be exposed on multiple days if they are utilizing the area as foraging habitat. Also similar to other baleen whales, if migrating, such individuals would likely be exposed to noise levels from the project above the harassment thresholds only once during migration through the Project Area.

For all the reasons described in the *Mysticetes* section above, NMFS anticipates any potential PTS and TTS would be concentrated at half or one octave above the frequency band of pile driving noise (most sound is below 2 kHz) which does not include the full predicted hearing range of baleen whales. If TTS is incurred, hearing sensitivity would likely return to pre-exposure levels relatively shortly after exposure ends. Any masking or physiological responses would also be of low magnitude and severity for reasons described above.

Given the magnitude and severity of the impacts discussed above (including no more than 116 takes over the course of the 5-year rule, and a maximum annual allowable take by Level A harassment and Level B harassment, of 3 and 79 respectively), and in consideration of the required mitigation measures and other information presented, Sunrise Wind's activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, NMFS has determined that the take by harassment anticipated and authorized will have a negligible impact on the Gulf of Maine stock of humpback whales.

Minke Whale

Minke whales are not listed under the ESA, and the Canadian East Coast stock is neither considered depleted nor strategic under the MMPA. There are no known areas of specific biological importance in or adjacent to the Project Area. As described in the Description of

Marine Mammals in the Area of Specified Activities section of this preamble, a UME has been designated for this species but is pending closure. No serious injury or mortality is anticipated or authorized for this species.

The rule authorizes up to 23 takes by Level A harassment and 415 takes by Level B harassment over the 5-year period. The maximum annual allowable take by Level A harassment and Level B harassment is 23 and 371, respectively (combined, this annual take ($n = 394$) equates to approximately 1.79 percent of the stock abundance, if each take were considered to be of a different individual), with far lower numbers than that expected in the years without foundation installation (e.g., years when only HRG surveys would be occurring). As described in the Description of Marine Mammals in the Area of Specified Activities section, minke whales inhabit coastal waters during much of the year and are common offshore the U.S. Eastern Seaboard with a strong seasonal component in the continental shelf and in deeper, off-shelf waters (CETAP, 1982; Hayes *et al.*, 2022; Hayes *et al.*, 2024). Spring through fall are times of relatively widespread and common acoustic occurrence on the continental shelf. From September through April, minke whales are frequently detected in deep-ocean waters throughout most of the western North Atlantic (Clark and Gagnon, 2002; Risch *et al.*, 2014; Hayes *et al.*, 2024). Because minke whales are migratory and their known feeding areas are north and east of the Project Area, including a feeding BIA in the southwestern Gulf of Maine and George's Bank, they would be more likely to be transiting through (with each take representing a separate individual), though it is possible that some subset of the individual whales exposed could be taken up to a few times annually.

As previously detailed in the Description of Marine Mammals in the Area of Specified Activities section, there is a UME for minke whales along the Atlantic coast, from Maine through South Carolina, with the highest number of deaths in Massachusetts, Maine, and New York. Preliminary findings in several of the whales have shown evidence of human interactions or infectious diseases. However, NMFS notes that the population abundance is greater than 21,000, and the take by harassment authorized through this action is not expected to exacerbate the UME. NMFS anticipates that the impacts of this harassment to follow those described in the general *Mysticetes* section above. Any potential PTS would

be minor (*i.e.*, limited to a few dB) and any TTS would be of short duration and concentrated at half or one octave above the frequency band of pile driving noise (most sound is below 2 kHz) which does not include the full predicted hearing range of minke whales. Level B harassment would be temporary, with primary impacts being temporary displacement of the Project Area but not abandonment of any migratory or foraging behavior.

Given the magnitude and severity of the impacts discussed above (e.g., no more than 438 takes of the course of the 5-year rule, and a maximum annual allowable take by Level A harassment and Level B harassment, of 23 and 371, respectively), and in consideration of the required mitigation and other information presented, Sunrise Wind's activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, NMFS has determined that the take by harassment anticipated and authorized will have a negligible impact on the Canadian Eastern Coastal stock of minke whales.

Sei Whale

Sei whales are listed as endangered under the ESA, and the Nova Scotia stock is considered both depleted and strategic under the MMPA. There are no known areas of specific biological importance in or adjacent to the Project Area, and no UME has been designated for this species or stock. No serious injury or mortality is anticipated or authorized for this species. The rule authorizes up to 37 takes by harassment over the 5-year period. The maximum annual allowable take by Level A harassment and Level B harassment, are 2 and 27, respectively (combined, this annual take ($n = 29$) equates to approximately 0.46 percent of the stock abundance if each take were considered to be of a different individual). As described in the Description of Marine Mammals in the Area of Specified Activities section of this preamble, most of the sei whale distribution is concentrated in Canadian waters and seasonally in northerly U.S. waters, although they are uncommonly observed in the waters off of New York. Because sei whales are migratory and their known feeding areas are east and north of the Project Area (e.g., there is a feeding BIA in the Gulf of Maine), they would be more likely to be moving through and, considering this and the very low number of total takes, it is unlikely that any individual would be exposed more than once within a given year.

With respect to the severity of those individual takes by Level B harassment, NMFS anticipate impacts to be limited to low-level, temporary behavioral responses with avoidance and potential masking impacts in the vicinity of the WTG installation to be the most likely type of response. Any potential PTS and TTS would likely be concentrated at half or one octave above the frequency band of pile driving noise (most sound is below 2 kHz) which does not include the full predicted hearing range of sei whales. Moreover, any TTS would be of a small degree. Any avoidance of the Project Area due to the Project's activities would be expected to be temporary.

Given the magnitude and severity of the impacts discussed above (including no more than 37 takes of the course of the 5-year rule, and a maximum annual allowable take by Level A harassment and Level B harassment, of 2 and 27, respectively), and in consideration of the required mitigation and other information presented, Sunrise Wind's activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, NMFS has determined that the take by harassment anticipated and authorized will have a negligible impact on the Nova Scotia stock of sei whales.

Odontocetes

In this section, NMFS includes information here that applies to all of the odontocete species and stocks addressed below. Odontocetes include dolphins, porpoises, and all other whales possessing teeth and NMFS further divides them into the following subsections: sperm whales, dolphins and small whales, and harbor porpoise. These sub-sections include more specific information, as well as conclusions for each stock represented.

The authorized takes of odontocetes are incidental to Sunrise Wind's specified activities. No serious injury or mortality is anticipated or authorized. NMFS anticipates that, given ranges of individuals (*i.e.*, that some individuals remain within a small area for some period of time) and non-migratory nature of some odontocetes in general (especially as compared to mysticetes), a larger subset of these takes are more likely to represent multiple exposures of some number of individuals than is the case for mysticetes, though some takes may also represent one-time exposures to an individual. Foundation installation is likely to disturb odontocetes to the greatest extent compared to UXO/MEC detonations and

HRG surveys. While NMFS expects animals to avoid the area during foundation installation and UXO/MEC detonations, their habitat range is extensive compared to the area ensonified during these activities. In addition, as described above, UXO/MEC detonations are instantaneous; therefore, any disturbance would be very limited in time.

As described earlier, Level B harassment may include direct disruptions in behavioral patterns (e.g., avoidance, changes in vocalizations (from masking) or foraging), as well as those associated with stress responses or TTS. Odontocetes are highly mobile species, and similar to mysticetes, NMFS expects any avoidance behavior to be limited to the area near the sound source. While masking could occur during foundation installation, it would only occur in the vicinity of and during the duration of the activity and would not generally occur in a frequency range that overlaps most odontocete communication or any echolocation signals. The mitigation measures (e.g., use of sound attenuation systems, implementation of clearance and shutdown zones) would also minimize received levels such that the severity of any behavioral response would be expected to be less than exposure to unmitigated noise exposure.

Any masking or TTS effects are anticipated to be of low severity. First, while the frequency range of pile driving, the most impactful planned activity in terms of response severity, falls within a portion of the frequency range of most odontocete vocalizations, odontocete vocalizations span a much wider range than the low frequency construction activities planned for the project. Also, as described above, recent studies suggest odontocetes have a mechanism to self-mitigate the impacts of noise exposure (i.e., reduce hearing sensitivity), which could potentially reduce TTS impacts. Any masking or TTS is anticipated to be limited and would typically only interfere with communication within a portion of an odontocete's range and as discussed earlier, the effects would only be expected to be of a short duration and for TTS, a relatively small degree.

Furthermore, odontocete echolocation occurs predominantly at frequencies significantly higher than low frequency construction activities. Therefore, there is little likelihood that threshold shift would interfere with feeding behaviors. For HRG surveys, the sources operate at higher frequencies than foundation installation activities and UXO/MEC detonations. However, sounds from these sources attenuate very quickly in

the water column, as described above. Therefore, any potential for PTS and TTS and masking is very limited. Further, odontocetes (e.g., common dolphins, spotted dolphins, bottlenose dolphins) have demonstrated an affinity to bow-ride actively surveying HRG surveys. Therefore, the severity of any harassment, if it does occur, is anticipated to be minimal based on the lack of avoidance previously demonstrated by these species.

The waters off the coast of New York are used by several odontocete species. However, none except the sperm whale are listed under the ESA and there are no known habitats of particular importance. In general, odontocete habitat ranges are far-reaching along the Atlantic coast of the U.S. and the waters off of New England, including the Project Area, do not contain any particularly unique odontocete habitat features.

Sperm Whales

Sperm whales are listed as endangered under the ESA, and the North Atlantic stock is considered both depleted and strategic under the MMPA. The North Atlantic stock spans the East Coast out into oceanic waters well beyond the U.S. EEZ. Although listed as endangered, the primary threat faced by the sperm whale across its range (i.e., commercial whaling) has been eliminated. Current potential threats to the species globally include vessel strikes, entanglement in fishing gear, anthropogenic noise, exposure to contaminants, climate change, and marine debris. There is no currently reported trend for the stock and although the species is listed as endangered under the ESA, there are no current related issues or events associated with the status of the stock that cause particular concern (e.g., no UMEs). There are no known areas of biological importance (e.g., critical habitat or BIAs) in or near the Project Area. No mortality or serious injury is anticipated or authorized for this species. The rule authorizes up to 22 takes by Level B harassment over the 5-year period. The maximum annual allowable take by Level B harassment is 14, which equates to approximately 0.24 percent of the stock abundance, if each take were considered to be of a different individual, with lower numbers than that expected in the years without foundation installation (e.g., years when only HRG surveys would be occurring). Given sperm whale's preference for deeper waters, especially for feeding, it is unlikely that individuals will remain in the Project Area for multiple days, and therefore, the estimated takes likely

represent exposures of different individuals on 1 day each annually.

If sperm whales are present in the Project Area during any Project activities, they will likely be only transient visitors and not engaging in any significant behaviors. Further, the potential for TTS is low for reasons described in the general *Odontocete* section, but if it does occur, any hearing shift would be small and of a short duration. Because whales are not expected to be foraging in the Project Area, any TTS is not expected to interfere with foraging behavior.

Given the magnitude and severity of the impacts discussed above (including no more than 22 takes by Level B harassment over the course of the 5-year rule, a maximum annual allowable take of 14, and in consideration of the required mitigation and other information presented, Sunrise Wind's activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, NMFS has determined that the take by Level B harassment anticipated and authorized will have a negligible impact on the North Atlantic stock of sperm whales.

Dolphins and Small Whales (including delphinids)—The six species and stocks included in this group (which are indicated in table 2 in the *Delphinidae* family) are not listed under the ESA, nor are they listed as depleted or strategic under the MMPA. There are no known areas of specific biological importance in or around the Project Area. As described above for any of these species and no UMEs have been designated for any of these species. No serious injury or mortality is anticipated or authorized for these species.

The six delphinid species (constituting six stocks) with takes authorized for the Project are Atlantic white-sided dolphin, Atlantic spotted dolphin, bottlenose dolphin, long-finned pilot whale, Risso's dolphin, and common dolphin. The rule would allow for the total authorization of 70 to 11,001 takes (depending on species) by Level B harassment, over the 5-year period. The maximum annual allowable take for these species by Level B harassment, would range from 46 (Risso's dolphin) to 6,526 (common dolphin). Overall, this annual take equates to approximately 0.10 (Risso's dolphin) to 7.01 (common dolphin) percent of the stock abundance (if each take were considered to be of a different individual, which is not likely the case) depending on the species, with far lower numbers than that expected in the years without foundation installation

(e.g., years when only HRG surveys would be occurring).

The number of takes, likely movement patterns of the affected species, and the intensity of any Level B harassment, combined with the availability of alternate nearby foraging habitat suggests that the likely impacts would not impact the reproduction or survival of any individuals. While delphinids may be taken on several occasions, none of these species are known to have small home ranges within the Project Area or known to be particularly sensitive to anthropogenic noise. Some TTS can occur, but it would be limited to the frequency ranges of the activity and any loss of hearing sensitivity is anticipated to return to pre-exposure conditions shortly after the animals move away from the source or the source ceases.

Across these species, the maximum number of incidental takes, by Level B harassment (no Level A harassment is anticipated or authorized), authorized in any one year ranges between 46 (Risso's dolphin) to 6,526 (common dolphin). The number of takes authorized in the Year 2 through Year 5 of the rule is notably less and the 5-year total number of take (by Level B harassment) authorized ranges between 70 (Risso's dolphin) and 11,001 (common dolphin). Further, though the estimated numbers of take are comparatively higher than the numbers for mysticetes, NMFS notes that for all species they are relatively low relative to the population abundance.

For the common dolphin, given both the comparatively higher number of takes and the higher number of takes relative to the stock abundance, as well as the residential tendencies of this species, while some of the takes likely represent exposures of different individuals on 1 or 2 days a year, it is likely that some subset of the individuals exposed could be taken several times annually. As described above for odontocetes broadly, given the comparatively higher number of estimated takes for some species and the behavioral patterns of odontocetes, NMFS anticipates that a fair number of these instances of take in a day represent multiple exposures of a smaller number of individuals, meaning the actual number of individuals taken is lower. Although some amount of repeated exposure to some individuals is likely given the duration of activity planned for the specified activities, the intensity of any Level B harassment combined with the availability of alternate nearby foraging habitat suggests that the likely impacts would not impact the reproduction or survival of any individuals.

Overall, the populations of all delphinid and small whale species and stocks for which NMFS authorizes take are stable (no declining population trends). None of these stocks are experiencing existing UMEs. No mortality, serious injury, or Level A harassment is anticipated or authorized for any of these species. Given the magnitude and severity of the impacts discussed above and in consideration of the required mitigation and other information presented, as well as the status of these stocks, the specified activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, NMFS has determined that the take by harassment anticipated and authorized will have a negligible impact on all of the following species and stocks: Atlantic white-sided dolphins, Atlantic spotted dolphins, bottlenose dolphins, long-finned pilot whales, Risso's dolphins, and common dolphins.

Harbor Porpoises—Harbor porpoises are not listed as threatened or endangered under the ESA, and the Gulf of Maine/Bay of Fundy stock is neither considered depleted or strategic under the MMPA. The stock is found predominantly in northern U.S. coastal waters (less than 150 m depth) and up into Canada's Bay of Fundy (between New Brunswick and Nova Scotia). Although the population trend is not known, there are no current related issues or events associated with the status of the stock that cause particular concern (e.g., no UMEs). No mortality or non-auditory injury are anticipated or authorized for this stock.

The rule authorizes up to 1,187 takes, by harassment only, over the 5-year period. The maximum annual allowable take by Level A harassment and Level B harassment, would be 20 and 894, respectively (combined, this annual take ($n = 914$) equates to approximately 1.07 percent of the stock abundance, if each take were considered to be of a different individual), with lower numbers than that expected in the years without foundation installation (e.g., years when only HRG surveys would be occurring). Given the number of takes, while many of the takes likely represent exposures of different individuals on 1 day a year, some subset of the individuals exposed could be taken up to a few times annually.

Regarding the severity of takes by Level A harassment and Level B harassment, because harbor porpoises are particularly sensitive to noise, it is likely that a fair number of the responses could be of a moderate

nature, particularly to pile driving, UXO/MEC detonations, and pneumatic hammering. In response to pile driving, harbor porpoises are likely to avoid the area during construction, as previously demonstrated in Tougaard *et al.* (2009) in Denmark, in Dahne *et al.* (2013) in Germany, and in Vallejo *et al.* (2017) in the United Kingdom, although a study by Graham *et al.* (2019) may indicate that the avoidance distance could decrease over time. However, foundation installation is scheduled to occur off the coast of New York and given alternative foraging areas, any avoidance of the area by individuals is not likely to impact the reproduction or survival of any individuals. Regarding UXO/MEC detonations and pneumatic hammering, any TTS or behavioral response would be brief and of low severity given only 1 UXO/MEC would be detonated on any given day and only up to 3 UXO/MECs could be detonated under these regulations and the brevity of pneumatic hammering required for installation and removal of both casing pipes, as previously described in the proposed rule.

With respect to PTS and TTS, the effects on an individual are likely relatively low, given the frequency bands of pile driving (most energy below 2 kHz) compared to harbor porpoise hearing (150 Hz to 160 kHz peaking around 40 kHz). Specifically, TTS is unlikely to impact hearing ability in their more sensitive hearing ranges or the frequencies in which they communicate and echolocate. NMFS expects that any PTS that may occur to be within the very low end of their hearing range where harbor porpoises are not particularly sensitive, and any PTS would be of small magnitude. As such, any PTS would not interfere with key foraging or reproductive strategies necessary for reproduction or survival.

As discussed in Hayes *et al.* (2022), harbor porpoises are seasonally distributed. During fall (October through November) and spring (April through June), harbor porpoises are widely dispersed from New Jersey to Maine with lower densities farther north and south. During winter (January to March), intermediate densities of harbor porpoises can be found in waters off New Jersey to North Carolina, and lower densities are found in waters off New York to New Brunswick, Canada. In non-summer months they have been seen from the coastline to deep waters (>1800 m; Westgate *et al.*, 1998), although the majority are found over the continental shelf. While harbor porpoises are likely to avoid the area during any of the project's construction activities, as demonstrated during

European wind farm construction, the time of year in which most work would occur is when harbor porpoises are not in highest abundance, and any work that does occur would not result in the species' abandonment of the waters off of New York.

Given the magnitude and severity of the impacts discussed above, and in consideration of the required mitigation and other information presented, the specified activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, NMFS has determined that the take by harassment anticipated and authorized will have a negligible impact on the Gulf of Maine/Bay of Fundy stock of harbor porpoises.

Phocids (Harbor Seals and Gray Seals)

The harbor seal and gray seal are not listed under the ESA, and neither the western North Atlantic stock of gray seal nor the western North Atlantic stock of harbor seal are considered depleted or strategic under the MMPA. There are no known areas of specific biological importance in or around the Project Area. As described in the Description of Marine Mammals in the Area of Specified Activities section of this preamble, a UME has been designated for harbor seals and gray seals and is described further below. No serious injury or mortality is anticipated or authorized for this species.

For the two seal species, the rule authorizes up to between 1,211 (gray seals) and 2,717 (harbor seals) takes, by harassment only, over the 5-year period. The maximum annual allowable take for each species by Level A harassment and Level B harassment, would range from 5 to 2,189 (harbor seals), and 3 to 975 (gray seals), respectively (combined, this annual take ($n = 2,194$ and 978) equates to approximately 3.50 to 3.58 percent of the stock abundance, if each take were considered to be of a different individual), with far lower numbers than that expected in the years without foundation installation (*e.g.*, years when only HRG surveys would be occurring). Though gray seals and harbor seals are considered migratory and no specific feeding areas have been defined for the area, the higher number of takes relative to the stock abundance suggests that while some of the takes likely represent exposures of different individuals on one day a year, it is likely that some subset of the individuals exposed could be taken several times annually.

Harbor and gray seals occur in southern New England waters most often from December through April. Seals are more likely to be close to shore

(*e.g.*, closer to the edge of the area encompassed above NMFS' harassment threshold), such that exposure to foundation installation would be expected to be at comparatively lower levels. Seals are known to haulout in New York. However, neither Sunrise Wind nor NMFS expect in-air sounds produced to cause take of hauled out pinnipeds at distances greater than several hundred meters. NMFS does not expect any harassment to occur and has not authorized any take from in-air impacts on hauled out seals.

As described in the Potential Effects to Marine Mammals and Their Habitat section in the proposed rule, construction of wind farms in Europe resulted in pinnipeds temporarily avoiding construction areas but returning within short time frames after construction was complete (Carroll *et al.*, 2010; Hamre *et al.*, 2011; Hastie *et al.*, 2015; Russell *et al.*, 2016; Brasseur *et al.*, 2010). Effects on pinnipeds that are taken by Level B harassment in the Project Area would likely be limited to avoidance of the area and reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring). Most likely, individuals would simply move away from the sound source and be temporarily displaced from those areas (Lucke *et al.*, 2006; Edren *et al.*, 2010; Skeate *et al.*, 2012; Russell *et al.*, 2016). Given the low anticipated magnitude of impacts from any given exposure (*e.g.*, temporary avoidance), even repeated Level B harassment across a few days of some small subset of individuals, which could occur, is unlikely to result in impacts on the reproduction or survival of any individuals. Moreover, pinnipeds would benefit from the mitigation measures described in § 217.315 of the regulations below.

As described above, noise from pile driving is mainly low frequency, and while any PTS and TTS that does occur would fall within the lower end of pinniped hearing ranges (50 Hz to 86 kHz), PTS and TTS would not occur at frequencies around 5 kHz where pinniped hearing is most susceptible to noise-induced hearing loss (Kastelein *et al.*, 2018). In summary, any PTS and TTS would be of small degree and not occur across the entire, or even most sensitive, hearing range. Hence, any impacts from PTS and TTS are likely to be of low severity and not interfere with behaviors critical to reproduction or survival. Given the magnitude and severity of the impacts of the Sunrise Project discussed above, and in consideration of the required mitigation and other information presented,

Sunrise Wind's activities are not expected to result in impacts on the reproduction or survival of any individuals, much less affect annual rates of recruitment or survival. For these reasons, NMFS has determined that the take by harassment anticipated and authorized will have a negligible impact on harbor and gray seals.

Negligible Impact Determination

No mortality or serious injury is anticipated to occur or authorized. As described in the analysis above, the impacts resulting from the Project's activities cannot be reasonably expected to, and are not reasonably likely to, adversely affect any of the species or stocks through effects on annual rates of recruitment or survival. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and, taking into consideration the implementation of the required mitigation and monitoring measures, NMFS finds that the marine mammal take from all of the specified activities combined will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take 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 maximum number of individuals estimated to be taken in a year to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is less than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

NMFS is authorizing incidental take by Level A harassment and/or Level B harassment of 16 species of marine mammals (with 16 managed stocks). The maximum number of instances of takes by combined Level A harassment and Level B harassment possible within any 1 year relative to the best available population abundance is less than one-third for all species and stocks potentially impacted. For 8 stocks, 1 percent or less of the stock abundance is authorized to be annually taken by

harassment; for the other 8 stocks, less than 10 percent of the stock abundance is authorized to be annually taken by harassment. Specific to the NARW, the maximum number of annual takes, which is by Level B harassment as no Level A harassment is anticipated or authorized, is 32, or 9.41 percent of the stock abundance, assuming that each instance of take represents a different individual. Please see table 30 for information relating to this small numbers analysis.

Based on the analysis contained herein of the activities (including the required mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

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.

Classification

Endangered Species Act (ESA)

Section 7(a)(2) of the ESA of 1973 (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 promulgation of rulemakings, NMFS consults internally whenever it proposes to authorize take for endangered or threatened species, in this case with the NOAA GARFO.

There are five marine mammal species under NMFS jurisdiction that are listed as endangered or threatened under the ESA that may be taken (by harassment) incidental to construction of the project: NARW, sei whale, fin whale, blue whale, and sperm whale. The Permit and Conservation Division requested initiation of section 7 consultation on April 11, 2023 with GARFO on the issuance of the Sunrise Wind regulations and the associated 5-year LOA under section 101(a)(5)(A) of the MMPA.

NMFS issued a Biological Opinion on September 28, 2023, concluding that the promulgation of the rule and issuance of

LOAs thereunder is not likely to jeopardize the continued existence of threatened and endangered species under NMFS' jurisdiction and is not likely to result in the destruction or adverse modification of designated or proposed critical habitat. The Biological Opinion is available at: <https://repository.library.noaa.gov/view/noaa/55726>.

Sunrise Wind is required to abide by the promulgated regulations, as well as the reasonable and prudent measures and terms and conditions of the Biological Opinion and Incidental Take Statement, as issued by NMFS.

National Environmental Policy Act (NEPA)

To comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order 216-6A, NMFS must evaluate the proposed action (*i.e.*, promulgation of regulation) and alternatives with respect to potential impacts on the human environment. NMFS participated as a cooperating agency on the BOEM final Environmental Impact Statement (FEIS) for the Sunrise Wind project, which was finalized on December 16, 2023 (88 FR 86927) and is available at: <https://www.boem.gov/renewable-energy/state-activities/sunrise-wind>. In accordance with 40 CFR 1506.3, NMFS independently reviewed and evaluated the 2023 Sunrise Wind FEIS and determined that it is adequate and sufficient to meet our responsibilities under NEPA for the promulgation of this rule and issuance of the associated LOA. NMFS, therefore, has adopted the 2023 Sunrise Wind FEIS through a joint Record of Decision (ROD) with BOEM. The joint ROD for adoption of the 2023 Sunrise Wind FEIS and promulgation of this final rule and subsequent issuance of a LOA can be found at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>.

Executive Order 12866

The Office of Management and Budget has determined that this rule is not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small

entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. These requirements have been approved by OMB under control number 0648-0151 and include applications for regulations, subsequent LOA, and reports. Send comments regarding any aspect of this data collection, including suggestions for reducing the burden, to NMFS.

Coastal Zone Management Act (CZMA)

The Coastal Zone Management Act requires that any applicant for a required Federal license or permit to conduct an activity, within the coastal zone or within the geographic location descriptions (*i.e.*, areas outside the coastal zone in which an activity would have reasonably foreseeable coastal effects), affecting any land or water use or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. NMFS determined that Sunrise Wind's application for an incidental take regulations is an unlisted activity, and thus is not subject to Federal consistency requirements in the absence of the receipt and prior approval of an unlisted activity review request from the state by the Director of NOAA's Office for Coastal Management. Pursuant to 15 CFR 930.54, NMFS published notice of receipt of Sunrise Wind's application in the **Federal Register** on June 2, 2022 (87 FR 33470) and published notice of the proposed rule on February 10, 2023 (88 FR 8996). The States of New York, Rhode Island, and Massachusetts did not request approval from the Director of NOAA's Office for Coastal Management to review Sunrise Wind's application as an unlisted activity, and the time period for making such request has expired. Therefore, NMFS has determined the incidental take authorization is not subject to Federal consistency review.

List of Subjects in 50 CFR Part 217

Administrative practice and procedure, Endangered and threatened species, Fish, Fisheries, Marine mammals, Penalties, Reporting and recordkeeping requirements, Wildlife.

Dated: May 2, 2024.

Samuel D. Rauch III,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

For reasons set forth in the preamble,
NMFS amends 50 CFR part 217 as
follows:

PART 217—REGULATIONS
GOVERNING THE TAKING AND
IMPORTING OF MARINE MAMMALS

■ 1. The authority citation for part 217
continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless
otherwise noted.

■ 2. Add subpart FF, consisting of
§§ 217.310 through 217.319, to read as
follows:

Subpart FF—Taking Marine Mammals
Incidental to the Sunrise Wind Offshore
Wind Farm Project Offshore Rhode Island

Sec.

- 217.310 Specified activity and specified
geographical region.
- 217.311 Effective dates.
- 217.312 Permissible methods of taking.
- 217.313 Prohibitions.
- 217.314 Mitigation requirements.
- 217.315 Monitoring and reporting
requirements.
- 217.316 Letter of Authorization.
- 217.317 Modifications of Letter of
Authorization.
- 217.318–217.319 [Reserved]

Subpart AF—Taking Marine Mammals
Incidental to the Sunrise Wind
Offshore Wind Farm Project Offshore
New York

§ 217.310 Specified activity and specified
geographical region.

(a) Regulations in this subpart apply
only to activities associated with the
Sunrise Wind Offshore Wind Farm
Project by Sunrise Wind, LLC (Sunrise
Wind) and those persons Sunrise Wind
authorizes or funds to conduct activities
on its behalf in the area outlined in
paragraph (b) of this section.
Requirements imposed on Sunrise Wind
must be implemented by those persons
it authorizes or funds to conduct
activities on its behalf.

(b) The specified geographical region
is the Mid-Atlantic Bight, which
extends between Cape Hatteras, North
Carolina, and Martha's Vineyard,
Massachusetts, extending westward into
the Atlantic to the 100-m isobath, and
includes, but is not limited to, the
Bureau of Ocean Energy Management
(BOEM) Lease Area Outer Continental
Shelf (OCS)–A–0487 Commercial Lease
of Submerged Lands for Renewable
Energy Development, one export cable
route, and one sea-to-shore transition
point at Smith Point County Park in
Shirley, New York.

(c) The specified activities are impact
pile driving wind turbine generator
(WTG) and offshore converter substation
(OCS–DC) foundations; pneumatic
hammering for installation and removal
of temporary casing pipes; vibratory pile
driving for installation and removal of
temporary goal post and sheet piles;
impact and vibratory pile driving
associated with the Smith Point County
Park temporary pier, high-resolution
geophysical (HRG) site characterization
surveys; detonation of unexploded
ordnances (UXOs) or munitions and

explosives of concern (MECs); fisheries
and benthic monitoring surveys;
placement of scour protection;
trenching, laying, and burial activities
associated with the installation of the
export cable from the OCS–DC to shore
based converter stations and inter-array
cables between WTG foundations;
vessel transit within the specified
geographical region to transport crew,
supplies, and materials; and WTG
operations.

§ 217.311 Effective dates.

Regulations in this subpart are
effective from June 21, 2024, through
June 20, 2029.

§ 217.312 Permissible methods of taking.

Under a LOA issued pursuant to
§§ 216.106 and 217.316, Sunrise Wind
and those persons it authorizes or funds
to conduct activities on its behalf, may
incidentally, but not intentionally, take
marine mammals within the specified
geographic area in the following ways,
provided Sunrise Wind is in compliance
with all terms, conditions, and
requirements of the regulations in this
subpart and the appropriate LOA.

(a) By Level B harassment associated
with the acoustic disturbance of marine
mammals by impact pile driving WTG
and OCS–DC foundations; pneumatic
hammering of casing pipes; vibratory
pile driving of goal posts and sheet
piles; UXOs/MEC detonations, and HRG
site characterization surveys.

(b) By Level A harassment associated
with impact pile driving WTG and
OCS–DC foundations and UXO/MEC
detonations.

(c) The incidental take of marine
mammals by the activities listed in
paragraphs (a) and (b) of this section is
limited to the following species and
stocks:

TABLE 1 TO PARAGRAPH (c)

Marine mammal species	Scientific name	Stock
Blue whale	<i>Balaenoptera musculus</i>	Western North Atlantic.
Fin whale	<i>Balaenoptera physalus</i>	Western North Atlantic.
Sei whale	<i>Balaenoptera borealis</i>	Nova Scotia.
Minke whale	<i>Balaenoptera acutorostrata</i>	Canadian East Stock.
North Atlantic right whale	<i>Eubalaena glacialis</i>	Western North Atlantic.
Humpback whale	<i>Megaptera novaeangliae</i>	Gulf of Maine.
Sperm whale	<i>Physeter macrocephalus</i>	North Atlantic.
Atlantic spotted dolphin	<i>Stenella frontalis</i>	Western North Atlantic.
Atlantic white-sided dolphin	<i>Lagenorhynchus acutus</i>	Western North Atlantic.
Bottlenose dolphin	<i>Tursiops truncatus</i>	Western North Atlantic Offshore.
Common dolphin	<i>Delphinus delphis</i>	Western North Atlantic.
Harbor porpoise	<i>Phocoena phocoena</i>	Gulf of Maine/Bay of Fundy.
Long-finned pilot whale	<i>Globicephala melas</i>	Western North Atlantic.
Risso's dolphin	<i>Grampus griseus</i>	Western North Atlantic.
Gray seal	<i>Halichoerus grypus</i>	Western North Atlantic.
Harbor seal	<i>Phoca vitulina</i>	Western North Atlantic.

§ 217.313 Prohibitions.

Except for the takings described in § 217.312 and authorized by a LOA issued under § 217.316 or § 217.317, it is unlawful for any person to do any of the following in connection with the activities described in this subpart.

(a) Violate or fail to comply with the terms, conditions, and requirements of this subpart or a LOA issued under §§ 217.316 and 217.317.

(b) Take any marine mammal not specified in § 217.312(c).

(c) Take any marine mammal specified in § 217.312(c) in any manner other than specified in § 217.312(a) and (b).

(d) Take any marine mammal, as specified in § 217.312(c), after NMFS determines such taking results in more than a negligible impact on the species or stocks of such marine mammals.

§ 217.314 Mitigation requirements.

When conducting the specified activities identified in §§ 217.310(c) and 217.312, Sunrise Wind must implement the following mitigation measures contained in this section and any LOA issued under § 217.316 or § 217.317. These mitigation measures include, but are not limited to:

(a) *General conditions.* Sunrise Wind must comply with the following general measures:

(1) A copy of any issued LOA must be in the possession of Sunrise Wind and its designees, all vessel operators, visual protected species observers (PSOs), passive acoustic monitoring (PAM) operators, pile driver operators, and any other relevant designees operating under the authority of the issued LOA;

(2) Sunrise Wind must conduct training for construction supervisors, construction crews, and the PSO and PAM team prior to the start of all construction activities and when new personnel join the work in order to explain responsibilities, communication procedures, marine mammal monitoring and reporting protocols, and operational procedures. A description of the training program must be provided to NMFS at least 60 days prior to the initial training before in-water activities begin. Confirmation of all required training must be documented on a training course log sheet and reported to NMFS Office of Protected Resources prior to initiating project activities;

(3) PSOs and PAM operators have the authority to call for a delay or shutdown to an activity and Sunrise Wind must instruct all personnel regarding the authority of the PSOs and PAM operators. If a shutdown of an activity is called for by a PSO or PAM operator, Sunrise Wind must take the required

mitigative action unless shutdown would result in imminent risk of injury or loss of life to an individual, pile refusal, or pile instability. Any disagreements between the PSO, PAM operator, and the activity operator regarding delays or shutdowns must only be discussed after the mitigative action has occurred;

(4) Sunrise Wind and PSOs are required to use available sources of information on North Atlantic right whale presence to aid in monitoring efforts. These include daily monitoring of the Right Whale Sighting Advisory System, consulting of the WhaleAlert app, and monitoring of the Coast Guard's VHF Channel 16 to receive notifications of marine mammal sightings and information associated with any Dynamic Management Areas (DMA) and Slow Zones;

(5) Any marine mammal observation by project personnel must be immediately communicated to any on-duty PSOs and PAM operator(s). Any large whale observation or acoustic detection must be conveyed to all vessel captains;

(6) If an individual from a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized take number has been met, is observed entering or within the relevant clearance zone prior to beginning a specified activity, the activity must be delayed. If an activity is ongoing and an individual from a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized take number has been met, is observed entering or within the relevant shutdown zone, the activity must be shut down (*i.e.*, cease) immediately, unless shutdown would result in imminent risk of injury or loss of life to an individual, pile refusal, or pile instability. The activity must not commence or resume until the animal(s) has been confirmed to have left the clearance or shutdown zones and is on a path away from the applicable zone or after 30 minutes for all baleen whale species and sperm whales, and 15 minutes for all other species;

(7) In the event that a large whale is sighted or acoustically detected that cannot be confirmed as a non-North Atlantic right whale, it must be treated as if it were a North Atlantic right whale for purposes of mitigation;

(8) For in-water construction heavy machinery activities listed in section 1(a)(1), if a marine mammal is detected within, or about to enter, 10 meters (m) (32.8 feet (ft)) of equipment, Sunrise Wind must cease operations until the

marine mammal has moved more than 10 m on a path away from the activity to avoid direct interaction with equipment;

(9) All vessels must be equipped with a properly installed, operational Automatic Identification System (AIS) device and Sunrise Wind must report all Maritime Mobile Service Identify (MMSI) numbers to NMFS Office of Protected Resources;

(10) By accepting a LOA, Sunrise Wind consents to on-site observation and inspections by Federal agency personnel (including NOAA personnel) during activities described in this subpart, for the purposes of evaluating the implementation and effectiveness of measures contained within this subpart and the LOA; and

(11) It is prohibited to assault, harm, harass (including sexually harass), oppose, impede, intimidate, impair, or in any way influence or interfere with a PSO, PAM operator, or vessel crew member acting as an observer, or attempt the same. This prohibition includes, but is not limited to, any action that interferes with an observer's responsibilities, or that creates an intimidating, hostile, or offensive environment. Personnel may report any violations to the NMFS Office of Law Enforcement.

(b) *Vessel strike avoidance measures.* Sunrise Wind must comply with the following vessel strike avoidance measures while in the specific geographic region, unless a deviation is necessary to maintain safe maneuvering speed and justified because the vessel is in an area where oceanographic, hydrographic, and/or meteorological conditions severely restrict the maneuverability of the vessel; an emergency situation presents a threat to the health, safety, life of a person; or when a vessel is actively engaged in emergency rescue or response duties, including vessel-in-distress or environmental crisis response. An emergency is defined as a serious event that occurs without warning and requires immediate action to avert, control, or remedy harm.

(1) Prior to the start of the Project's activities involving vessels, all vessel personnel must receive a protected species training that covers, at a minimum, identification of marine mammals that have the potential to occur in the specified geographical region; detection and observation methods in both good weather conditions (*i.e.*, clear visibility, low winds, low sea states) and bad weather conditions (*i.e.*, fog, high winds, high sea states, with glare); sighting communication protocols; all vessel

strike avoidance mitigation requirements; and information and resources available to the project personnel regarding the applicability of Federal laws and regulations for protected species. This training must be repeated for any new vessel personnel who join the project;

(2) Confirmation of the vessel personnel's training and understanding of the LOA requirements must be documented on a training course log sheet and reported to NMFS within 30 days of completion of training;

(3) All vessel operators and dedicated visual observers must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course to avoid striking any marine mammal;

(4) All transiting vessels, operating at any speed must have a dedicated visual observer on duty at all times to monitor for marine mammals within a 180° direction of the forward path of the vessel (90° port to 90° starboard) located at an appropriate vantage point for ensuring vessels are maintaining appropriate separation distances. Dedicated visual observers may be PSOs or crew members, but crew members responsible for these duties must be provided sufficient training by Sunrise Wind to distinguish marine mammals from other phenomena and must be able to identify a marine mammal as a North Atlantic right whale, other large whale (defined in this context as sperm whales or baleen whales other than North Atlantic right whales), or other marine mammals. Dedicated visual observers must be equipped with alternative monitoring technology (*e.g.*, night vision devices, infrared cameras) for periods of low visibility (*e.g.*, darkness, rain, fog, *etc.*). The dedicated visual observer must not have any other duties while observing and must receive prior training on protected species detection and identification, vessel strike avoidance procedures, how and when to communicate with the vessel captain, and reporting requirements in this subpart;

(5) All vessel operators and dedicated visual observers must continuously monitor US Coast Guard VHF Channel 16 at the onset of transiting through the duration of transit. At the onset of transiting and at least once every 4 hours, vessel operators and/or trained crew member(s) must monitor the project's Situational Awareness System, (if applicable), WhaleAlert, and relevant NOAA information systems such as the Right Whale Sighting Advisory System (RWSAS) for the presence of North Atlantic right whales;

(6) All vessel operators must abide by vessel speed regulations (50 CFR 224.105). Nothing in this subpart exempts vessels from any other applicable marine mammal speed or approach regulations;

(7) In the event that a DMA or Slow Zone is established that overlaps with an area where a project-associated vessel is operating, that vessel, regardless of size, must transit that area at 10 kn or less;

(8) Between November 1st and April 30th, all vessels, regardless of size, must operate port to port (specifically from ports in New Jersey, New York, Maryland, Delaware, and Virginia) at 10 kn or less, except for vessels while transiting in Narragansett Bay or Long Island Sound;

(9) All vessels, regardless of size, must immediately reduce speed to 10 kn or less when any large whale, (other than a North Atlantic right whale), mother/calf pairs, or large assemblages of non-delphinid cetaceans are observed within 500 m (0.31 mi) of a transiting vessel;

(10) All vessel operators must immediately reduce speed to 10 kn (11.5 mph) or less for at least 24 hours when a North Atlantic right whale is sighted, at any distance, by any project-related personnel or acoustically detected by any project-related PAM system. Each subsequent observation or acoustic detection shall trigger an additional 24-hour period. If a vessel is traveling at speed greater than 10 kn (11.5 mph) (*i.e.*, no speed restrictions are enacted) in the transit corridor (defined as from a port to the Lease Area or return), in addition to the required dedicated visual observer, Sunrise Wind must monitor the transit corridor in real-time with PAM prior to and during transits. If a North Atlantic right whale is detected via visual observation or PAM within or approaching the transit corridor, all vessels in the transit corridor must travel at 10 kn (11.5 mph) or less for 24 hours following the detection. Each subsequent detection shall trigger a 24-hour reset. A slowdown in the transit corridor expires when there has been no further North Atlantic right whale visual or acoustic detection in the transit corridor in the past 24 hours; All vessels must maintain a minimum separation distance of 500 m from North Atlantic right whales. If underway, all vessels must steer a course away from any sighted North Atlantic right whale at 10 kn (11.5 mph) or less such that the 500-m minimum separation distance requirement is not violated. If a North Atlantic right whale is sighted within 500 m of an underway vessel, that vessel must turn away from the whale(s), reduce speed and shift the

engine to neutral. Engines must not be engaged until the whale has moved outside of the vessel's path and beyond 500 m;

(11) All vessels must maintain a minimum separation distance of 100 m (328 ft) from sperm whales and non-North Atlantic right whale baleen whales. If one of these species is sighted within 100 m of an underway vessel, the vessel must turn away from the whale(s), reduce speed, and shift the engine(s) to neutral. Engines must not be engaged until the whale has moved outside of the vessel's path and beyond 100 m;

(12) All vessels must maintain a minimum separation distance of 50 m (164 ft) from all delphinid cetaceans and pinnipeds with an exception made for those that approach the vessel (*e.g.*, bow-riding dolphins). If a delphinid cetacean or pinniped is sighted within 50 m of a transiting vessel, that vessel must turn away from the animal(s), reduce speed, and shift the engine to neutral, with an exception made for those that approach the vessel (*e.g.*, bow-riding dolphins). Engines must not be engaged until the animal(s) has moved outside of the vessel's path and beyond 50 m;

(13) All vessels underway must not divert or alter course to approach any marine mammal;

(14) Prior to transit, vessel operators must check for information regarding the establishment of Seasonal and Dynamic Management Areas, Slow Zones, and any information regarding North Atlantic right whale sighting locations; and

(15) Sunrise Wind must submit a Marine Mammal Vessel Strike Avoidance Plan 180 days prior to the planned start of vessel activity that provides details on all relevant mitigation and monitoring measures for marine mammals, vessel speeds and transit protocols from all planned ports, vessel-based observer protocols for transiting vessels, communication and reporting plans, and proposed alternative monitoring equipment in varying weather conditions, darkness, sea states, and in consideration of the use of artificial lighting. If Sunrise Wind plans to implement PAM in any transit corridor to allow vessel transit above 10 kn the plan must describe how PAM, in combination with visual observations, will be conducted. If a plan is not submitted and approved by NMFS prior to vessel operations, all project vessels must travel at speeds of 10 kn (11.5 mph) or less. Sunrise Wind must comply with any approved Marine Mammal Vessel Strike Avoidance Plan.

(c) *Wind turbine generator (WTG) and offshore converter substation (OCS-DC) foundation installation.* The requirements in paragraphs (c)(1) through (27) of this section apply to impact pile driving activities associated with the installation of WTG and OCS-DC foundations:

(1) Foundation impact pile driving activities must not occur January 1 through April 30, annually. Foundation impact pile driving must not be planned in December; however, it may only occur if necessary to complete the Project within a given year with prior approval by NMFS. Sunrise Wind must notify NMFS in writing by September 1 of that year that pile driving cannot be avoided, and circumstances are expected to necessitate pile driving in December;

(2) No more than four monopiles may be installed per day;

(3) Monopiles must be no larger than a tapered 7/12 m monopile design. The minimum amount of hammer energy necessary to effectively and safely install and maintain the integrity of the piles must be used. Hammer energies must not exceed 4,000 kilojoules (kJ);

(4) Sunrise Wind must not initiate pile driving earlier than 1 hour after civil sunrise or later than 1.5 hours prior to civil sunset, unless Sunrise Wind submits, and NMFS approves, a Nighttime Pile Driving Plan, that demonstrates the efficacy of their night vision devices to effectively monitor the mitigation zones. Sunrise Wind must submit this Plan or Plans (if separate Daytime Reduced Visibility and Nighttime Monitoring Plans are prepared) to NMFS Office of Protected Resources at least 180 calendar days before impact pile driving is planned to begin. This Plan(s) must include, but is not limited to, a complete description of how Sunrise Wind will monitor pile driving activities during reduced visibility conditions (e.g. rain, fog) and at night, including proof of the efficacy of monitoring devices (e.g., mounted thermal/infrared camera systems, hand-held or wearable night vision devices NVDs, spotlights) in detecting marine mammals over the full extent of the required clearance and shutdown zones, including demonstration that the full extent of the minimum visibility zones can be effectively and reliably monitored. The Plan must identify the efficacy of the technology at detecting marine mammals in the clearance and shutdown zones under all the various conditions anticipated during construction, including varying weather conditions, sea states, and in consideration of the use of artificial lighting. If the plan does not include a

full description of the proposed technology, monitoring methodology, and data demonstrating to NMFS Office of Protected Resources's satisfaction that marine mammals can reliably and effectively be detected within the clearance and shutdown zones for monopiles before and during impact pile driving, nighttime pile driving (unless a pile was initiated 1.5 hours prior to civil sunset) may not occur. Additionally, this Plan must contain a thorough description of how Sunrise Wind will monitor pile driving activities during daytime when unexpected changes to lighting or weather occur during pile driving that prevent visual monitoring of the full extent of the clearance and shutdown zones;

(5) Sunrise Wind must utilize a soft-start protocol at the beginning of foundation installation for each impact pile driving event and at any time following a cessation of impact pile driving of 30 minutes or longer;

(6) Sunrise Wind must deploy, at minimum, a double bubble curtain and AdBm during all monopile foundation pile driving and, at minimum, a double bubble curtain during all jacket foundation pile driving; (i) The double bubble curtain must distribute air bubbles using an air flow rate of at least $0.5 \text{ m}^3/(\text{min} \cdot \text{m})$. The double bubble curtain must surround 100 percent of the piling perimeter throughout the full depth of the water column. In the unforeseen event of a single compressor malfunction, the offshore personnel operating the bubble curtain(s) must make appropriate adjustments to the air supply and operating pressure such that the maximum possible sound attenuation performance of the bubble curtain(s) is achieved.

(ii) The lowest bubble ring must be in contact with the seafloor for the full circumference of the ring, and the weights attached to the bottom ring must ensure 100-percent seafloor contact.

(iii) No parts of the ring or other objects may prevent full seafloor contact with a bubble curtain ring.

(iv) Sunrise Wind must inspect and carry out appropriate maintenance on the noise attenuation system prior to every pile driving event and prepare and submit a Noise Attenuation System (NAS) inspection/performance report. For piles for which complete SFV is carried out, this report must be submitted as soon as it is available, but no later than when the interim SFV report is submitted for the respective pile. Performance reports for all subsequent piles must be submitted with the weekly pile driving reports. All

reports must be submitted by email to pr.itp.monitoringreports@noaa.gov. For any noise mitigation device in addition to the bubble curtain, Sunrise Wind must inspect and carry out appropriate maintenance on the system and ensure the system is functioning properly prior to every pile driving event.

(7) Sunrise Wind must utilize PSO(s). Each pile driving platform, including a minimum of a secondary, PSO-dedicated vessel, must have at least three on-duty PSOs;

(8) Concurrent with visual monitoring, Sunrise Wind must utilize at least one PAM operator who must be actively monitoring for marine mammals one hour before, during and 30 minutes after impact pile driving with PAM. PAM operators must immediately communicate all detections of marine mammals to the Lead PSO, including any determination regarding species identification, distance, and bearing and the degree of confidence in the determination;

(9) Sunrise Wind must utilize NMFS-approved PAM systems. The PAM system components (*i.e.*, acoustic buoys) must not be placed closer than 1 km (0.6 mi) to the pile being driven so that the activities do not mask the PAM system. Sunrise Wind must demonstrate and prove the detection range of the system they plan to deploy while considering potential masking from concurrent pile-driving and vessel noise. The PAM system must be able to detect a vocalization of North Atlantic right whales up to 10 km (6.2 mi);

(10) Sunrise Wind must submit a Passive Acoustic Monitoring Plan (PAM Plan) to NMFS Office of Protected Resources for review and approval at least 180 days prior to the planned start of foundation installation activities and abide by the Plan if approved. The PAM Plan must include, but is not limited to, a description of all proposed PAM equipment; the calibration data; bandwidth capability; and sensitivity of hydrophones address how the proposed passive acoustic monitoring must follow standardized measurement, processing methods, reporting metrics, and metadata standards for offshore wind. The Plan must describe all proposed PAM equipment, procedures, and protocols including proof that vocalizing North Atlantic right whales will be detected within the clearance and shutdown zones, including, deployment locations, procedures, detection review methodology, and protocols; hydrophone detection ranges with and without foundation installation activities and data supporting those ranges; communication time between call and

detection, and data transmission rates between PAM Operator and PSOs on the pile driving vessel; where PAM Operators will be stationed relative to hydrophones and PSOs on pile driving vessel calling for delay/shutdowns; and a full description of all proposed software, call detectors, and filters. The Plan must also include a description of Sunrise Wind's evaluation of the planned acoustic detection software using the PAM Atlantic baleen whale annotated data set available at National Centers for Environmental Information (NCEI) and provide evaluation/performance metrics (*e.g.*, false negatives/positives);

(11) Sunrise Wind must establish clearance and shutdown zones, which must be measured using the radial distance around the pile being driven. PSOs must visually monitor clearance zones for marine mammals for a minimum of 60 minutes prior to commencing pile driving. At least one PAM operator must review data from at least 24 hours prior to pile driving and actively monitor hydrophones for 60 minutes prior to pile driving, at all times during pile driving, and for 30 minutes after pile driving. All clearance zones must be confirmed to be free of marine mammals for 30 minutes immediately prior to the beginning of soft-start procedures. If a marine mammal is detected within or about to enter the applicable clearance zones, during this 30-minute time period, impact pile driving, including soft-start, must be delayed until the animal has been visually observed exiting the clearance zone or until a specific time period has elapsed with no further sightings. The specific time periods are 30 minutes for all baleen whale species and sperm whales and 15 minutes for all other species;

(12) For North Atlantic right whales, any visual observation by a PSO at any distance or acoustic detection within the 10 km PAM Monitoring Zone must trigger a delay to the commencement of pile driving;

(13) PSOs must be able to visually clear (*i.e.*, confirm no marine mammals are present), at minimum, the minimum visibility zone. The entire minimum visibility zone must be visible (*i.e.*, not obscured by dark, rain, fog, *etc.*) for a full 30 minutes immediately prior to commencing impact pile driving;

(14) If a marine mammal is detected (visually or acoustically) entering or within the respective shutdown after pile driving has begun, the PSO or PAM operator must call for a shutdown of pile driving and Sunrise Wind must stop pile driving immediately, unless shutdown is not practicable due to

imminent risk of injury or loss of life to an individual or risk of damage to a vessel that creates risk of injury or loss of life for individuals, or the lead engineer determines there is risk of pile refusal or pile instability. If pile driving is not shut down due to one of these situations, Sunrise Wind must reduce hammer energy to the lowest level practicable;

(15) If pile driving has been shut down due to the presence of a marine mammal other than a North Atlantic right whale, pile driving must not restart until either the marine mammal(s) has voluntarily left the specific clearance zones and has been visually or acoustically confirmed beyond that clearance zone, or, when specific time periods have elapsed with no further sightings or acoustic detections have occurred. The specific time periods are 30 minutes for all baleen whale species and sperm whales and 15 minutes for all other species. In cases where these criteria are not met, pile driving may restart only if necessary to maintain pile stability at which time Sunrise Wind must use the lowest hammer energy practicable to maintain stability.

(16) Sunrise Wind must submit a Foundation Installation Pile Driving Marine Mammal Monitoring Plan to NMFS Office of Protected Resources for review and approval at least 180 days prior to planned start of foundation pile driving and abide by the Plan if approved. Sunrise Wind must obtain both NMFS Office of Protected Resources and NMFS Greater Atlantic Regional Fisheries Office Protected Resources Division's concurrence with this Plan prior to the start of any pile driving. The Plan must detail all plans and procedures for sound attenuation, including procedures for adjusting the noise attenuation system(s) and available contingency noise attenuation measures/systems if distances to modeled isopleths of concern are exceeded during SFV. The Plan must include a description of all monitoring equipment and PAM operator and PSO protocols (including number and location of PSOs and PAM operators) for all foundation pile driving and an informal guide to aid personnel in identifying species if they are observed in the vicinity of the project area;

(17) Sunrise Wind must perform complete sound field verification (SFV) measurements during installation of, at minimum, the first three monopile WTC foundations and all OCS-DC foundation pin piles;

(18) Complete SFV measurements must continue until at least three consecutive piles demonstrate noise levels are at or below those modeled,

assuming 10 decibels (dB) of attenuation. Subsequent complete SFV measurements are also required should larger piles be installed or if additional monopiles are driven that may produce louder sound fields than those previously measured (*e.g.*, from higher hammer energy, greater number of strikes, harder substrate composition, deeper water *etc.*);

(i) Complete SFV measurements must be made at a minimum of four distances from the pile(s) being driven, along a single transect, in the direction of lowest transmission loss (*i.e.*, projected lowest transmission loss coefficient), including, but not limited to, 750 m (2,460 ft) and three additional ranges, including, at least, the modeled Level B harassment isopleth assuming 10-dB attenuation. At least one additional measurement at an azimuth 90 degrees from the array at 750 m must be made;

(ii) At each measurement distance, there must be a near bottom and mid-water column hydrophone (measurement system); and

(iii) Sunrise Wind must submit complete SFV interim reports within 48 hours after each foundation is measured and before an additional foundation is installed. If any of the interim SFV reports submitted indicate that distances to the Level A harassment and Level B harassment thresholds exceed those modeled assuming 10-dB attenuation, then Sunrise Wind must implement additional measures on all subsequent foundations to ensure the measured Level A and Level B harassment isopleths do not exceed those modeled for foundation installation, assuming 10-dB attenuation. Sunrise Wind must also increase clearance and shutdown zone sizes to those identified by NMFS until SFV measurements on at least three additional foundations demonstrate acoustic distances to harassment thresholds meet or are less than those modeled assuming 10-dB of attenuation. For every 1,500 m that a marine mammal clearance or shutdown zone is expanded, additional PSOs must be deployed from additional platforms/vessels to ensure adequate and complete monitoring of the expanded shutdown and/or clearance zone with each observer responsible for maintaining watch in no more than 120° and of an area with a radius no greater than 1,500 m. Sunrise Wind must optimize the sound attenuation systems (*e.g.*, ensure hose maintenance, pressure testing, *etc.*) to, at least, meet noise levels modeled, assuming 10-dB attenuation, within three piles or else foundation installation activities must cease until NMFS and Sunrise Wind can evaluate

the situation and ensure future piles will not exceed noise levels modeled assuming 10-dB attenuation;

(19) Sunrise Wind also must conduct abbreviated SFV, using at least one acoustic recorder (consisting of a bottom and mid-water column hydrophone) for every foundation for which complete SFV monitoring is not conducted. Abbreviated SFV reports must be included in weekly reports. Any indications that distances to the identified Level A harassment and Level B harassment thresholds for marine mammals may be exceeded based on this abbreviated monitoring must be addressed by Sunrise Wind in the weekly report, including an explanation of factors that contributed to the exceedance and corrective actions that were taken to avoid exceedance on subsequent piles. Sunrise Wind must meet with NMFS within two business days of Sunrise Wind's submission of a report that includes an exceedance to discuss if any additional action is necessary;

(20) The SFV measurement systems must have a sensitivity appropriate for the expected sound levels from pile driving received at the nominal ranges throughout the installation of the pile. The frequency range of SFV measurement systems must cover the range of at least 20 hertz (Hz) to 20 kilohertz (kHz). The SFV measurement systems must be designed to have omnidirectional sensitivity so that the broadband received level of all pile driving exceeds the system noise floor by at least 10-dB. The dynamic range of the SFV measurement system must be sufficient such that at each location, and the signals avoid poor signal-to-noise ratios for low amplitude signals and avoid clipping, nonlinearity, and saturation for high amplitude signals;

(21) All hydrophones used in SFV measurements systems are required to have undergone a full system, traceable laboratory calibration conforming to International Electrotechnical Commission (IEC) 60565, or an equivalent standard procedure, from a factory or accredited source to ensure the hydrophone receives accurate sound levels, at a date not to exceed 2 years before deployment. Additional *in situ* calibration checks using a pistonphone are required to be performed before and after each hydrophone deployment. If the measurement system employs filters via hardware or software (e.g., high-pass, low-pass, *etc.*), which is not already accounted for by the calibration, the filter performance (*i.e.*, the filter's frequency response) must be known, reported, and the data corrected before analysis;

(22) Sunrise Wind must be prepared with additional equipment (e.g., hydrophones, recording devices, hydrophone calibrators, cables, batteries), which exceeds the amount of equipment necessary to perform the measurements, such that technical issues can be mitigated before measurement;

(23) If any of the SFV measurements from any pile indicate that the distance to any isopleth of concern is greater than those modeled assuming 10-dB attenuation before the next pile is installed Sunrise Wind must implement the following measures as applicable: identify and propose for review and concurrence: additional, modified, and/or alternative noise attenuation measures or operational changes that present a reasonable likelihood of reducing sound levels to the modeled distances; provide a written explanation to NMFS Office of Protected Resources supporting that determination and requesting concurrence to proceed; and, following NMFS Office of Protected Resources's concurrence, deploy those additional measures on any subsequent piles that are installed (e.g., if threshold distances are exceeded on pile 1 then additional measures must be deployed before installing pile 2);

(24) If acoustic measurements indicate that ranges to isopleths corresponding to the Level A harassment and Level B harassment thresholds are less than the ranges predicted by modeling (assuming 10-dB attenuation), Sunrise Wind may request to NMFS Office of Protected Resources a modification of the mitigation zones for non-North Atlantic right whale species;

(25) Sunrise Wind must conduct SFV measurements upon commencement of turbine operations to estimate turbine operational source levels and transmission loss rates, in accordance with a NMFS-approved Foundation Installation Pile Driving SFV Plan;

(26) Sunrise Wind must submit a SFV Plan to NMFS Office of Protected Resources for review and approval at least 180 days prior to planned start of foundation installation activities and abide by the Plan if approved. At minimum, the SFV Plan must describe how Sunrise Wind would ensure that the first three monopile foundation installation sites selected for SFV measurements are representative of the rest of the monopile installation sites such that future pile installation events are anticipated to produce similar sound levels to those piles measured. In the case that these sites/scenarios are not determined to be representative of all other pile installation sites, Sunrise Wind must include information in the

SFV Plan on how additional sites/scenarios would be selected for SFV measurements. This SFV Plan must also include methodology for collecting, analyzing, and preparing SFV measurement data for submission to NMFS Office of Protected Resources and describe how the effectiveness of the sound attenuation methodology would be evaluated based on the results. Pile driving may not occur until NMFS approves the SFV Plan for this activity; and

(27) If a subsequent monopile installation location is selected that was not represented by previous three locations (*i.e.*, substrate composition, water depth), complete SFV must be conducted.

(d) *Cable landfall construction.* Sunrise Wind must comply with the following measures during cable landfall construction activities:

(1) Sunrise Wind must conduct vibratory pile driving and pneumatic hammering during daylight hours only;

(2) Sunrise Wind must have a minimum of two PSOs on active duty 30 minutes before, during, and 30 minutes after any installation and removal of the temporary sheet piles, casing pipes and goal posts. These PSOs must always be located at the best vantage point(s) on the vibratory pile driving, pneumatic hammering, or secondary platform in the immediate vicinity of the vibratory pile driving or pneumatic hammering platform in order to ensure that appropriate visual coverage is available for the entire visual clearance zone and as much of the Level B harassment zone, as possible;

(3) Sunrise Wind must establish clearance and shutdown zones. If a marine mammal(s) is observed entering or is observed within the clearance zones, before vibratory pile driving or pneumatic hammering has begun, the activity must not commence until the animal(s) has exited the zone at its own volition or a specific amount of time has elapsed since the last sighting. The specific time periods are 30 minutes for all baleen whale species and sperm whales, and 15 minutes for all other species;

(4) If a marine mammal is observed entering or within the respective shutdown zone after pile driving has begun, the PSO must call for a shutdown of pile driving and Sunrise Wind must stop pile driving immediately, unless shutdown is not practicable due to imminent risk of injury or loss of life to an individual or risk of damage to a vessel that creates risk of injury or loss of life for individuals, or the lead engineer determines there is risk of pile refusal

or pile instability. If pile driving is not shut down due to one of these situations, Sunrise Wind must reduce hammer energy to the lowest level practicable;

(5) Pile driving must not restart until either the marine mammal(s) has voluntarily left and have been visually confirmed beyond the clearance zone, or, when specific time periods have elapsed with no further sightings or acoustic detections have occurred. The specific time periods are 30 minutes for all baleen whale species and sperm whales, and 15 minutes for all other species; and

(6) Sunrise Wind must employ a soft-start for all impact pile driving of goal posts. Soft start requires contractors to provide an initial set of three strikes at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets.

(e) *UXO/MEC detonation.* Sunrise wind must comply with the measures related to UXO/MEC detonation in paragraphs (e)(1) through (12) of this section:

(1) Sunrise Wind may only detonate a maximum of three UXO/MECs, of varying sizes;

(2) Sunrise Wind must not detonate UXOs/MECs from December 1 through April 30, annually;

(3) Sunrise Wind must only detonate UXO/MECs during daylight hours (1 hour after civil sunrise through 1.5 hours prior to civil sunset);

(4) Upon encountering a UXO/MEC of concern, Sunrise Wind may only resort to high-order removal (*i.e.*, detonation) if all other means of removal are impracticable;

(5) Sunrise Wind must utilize a dual noise abatement system (*e.g.*, double bubble curtain) around all UXO/MEC detonations and operate that system in a manner that achieves the maximum noise attenuation levels practicable. If a double bubble curtain is used, it must be placed at a distance such that the nozzle hose remains undamaged;

(6) A pressure transducer must be used to monitor pressure levels during all UXO/MEC detonations;

(7) Sunrise Wind must use at least 3 visual PSOs on each PSO platform and one PAM operator to monitor for marine mammals in the clearance zones prior to detonation. If the clearance zone is larger than 2 km (based on charge weight), Sunrise Wind must deploy a secondary PSO vessel. If the clearance is larger than 5 km (based on charge weight), an aerial platform must be used unless Sunrise Wind determines an aerial platform is not practical and, in such case, an additional vessel must be used;

(8) Sunrise Wind must establish and implement clearance zones for UXO/MEC detonation using both visual and acoustic monitoring. Clearance zones must be fully visible for at least 60 minutes and all marine mammal(s) must be confirmed to be outside of the clearance zone for at least 30 minutes prior to detonation. PAM must also be conducted for at least 60 minutes prior to detonation and the zone must be acoustically cleared during this time;

(9) If a marine mammal is observed entering or within the clearance zone prior to detonation, the activity must be delayed. Detonation may only commence if all marine mammals have been confirmed to have voluntarily left the clearance zones and been visually confirmed to be beyond the clearance zone, or when 60 minutes have elapsed without any redetections for whales (including the North Atlantic right whale) or 15 minutes have elapsed without any redetections of delphinids, harbor porpoises, or seals;

(10) During each UXO/MEC detonation, Sunrise Wind must conduct SFV, in accordance with a NMFS-approved UXO/MEC SFV Plan, at a minimum of three locations, with two water depths at each location, from each detonation in a direction toward deeper water to empirically determine source levels (peak and cumulative sound exposure level), the ranges to the isopleths corresponding to the Level A harassment and Level B harassment thresholds, and estimated transmission loss coefficient(s);

(11) If SFV measurements on any of the detonations indicate that the ranges to Level A harassment and Level B harassment thresholds are larger than those modeled, assuming 10-dB attenuation, Sunrise Wind must modify the clearance zones, with approval from NMFS, and apply additional noise attenuation measures (*e.g.*, improve efficiency of bubble curtain(s)) before the next detonation event of similar size; and

(12) Sunrise Wind must prepare and submit a UXO/MEC Marine Mammal Monitoring Plan to NMFS for review and approval at least 180 days before the start of any UXO/MEC detonations. The plan must include final project design and all information related to visual and PAM PSO monitoring protocols for UXO/MEC detonations.

(f) *HRG surveys.* The following requirements apply to HRG surveys operating sub-bottom profilers (SBPs) (*i.e.*, boomers, sparkers, and Compressed High Intensity Radiated Pulse (CHIRPS)) (hereinafter referred to as "acoustic sources"):

(1) Sunrise Wind must abide by the relevant Project Design Criteria (PDCs 4, 5, and 7) of the programmatic consultation completed by NMFS' Greater Atlantic Regional Fisheries Office on June 29, 2021 (revised September 2021), pursuant to section 7 of the Endangered Species Act (ESA) or otherwise updated. To the extent that any relevant Best Management Practices (BMPs) described in these PDCs are more stringent than the requirements herein, those BMPs supersede these requirements;

(2) Acoustic sources must be deactivated when not acquiring data or preparing to acquire data except as necessary for testing. Acoustic sources must be used at the lowest practicable source level to meet the survey objective;

(3) Sunrise Wind must use at least one PSO during daylight operations and two PSOs during nighttime operations, per vessel;

(4) PSOs must begin visually monitoring 30 minutes prior to the initiation of the specified acoustic source (including ramp-up, if applicable), through 30 minutes after the use of the specified acoustic source has ceased;

(5) Prior to starting the survey and after receiving confirmation from the PSOs that the clearance zone is clear of any marine mammals, Sunrise Wind is required to ramp-up acoustic sources to half power for 5 minutes prior to commencing full power, unless the equipment operates on a binary on/off switch (in which case ramp-up is not required). Any ramp-up of acoustic sources may only commence when visual clearance zones are fully visible (*e.g.*, not obscured by darkness, rain, fog, *etc.*) and clear of marine mammals, as determined by the Lead PSO, for at least 30 minutes immediately prior to the initiation of survey activities using a specified acoustic source. Ramp-ups must be scheduled so as to minimize the time spent with the source activated;

(6) Prior to a ramp-up procedure starting, the acoustic source operator must notify the Lead PSO of the planned start of ramp-up. The notification time must not be less than 60 minutes prior to the planned ramp-up or activation in order to allow the PSO(s) time to monitor the clearance zone(s) for 30 minutes prior to the initiation of ramp-up or activation (pre-start clearance). During this 30-minute pre-start clearance period, the entire applicable clearance zones must be visible;

(7) A PSO conducting pre-start clearance observations must be notified again immediately prior to reinitiating

ramp-up procedures and the operator must receive confirmation from the PSO to proceed;

(8) If a marine mammal is observed within a clearance zone during the 30 minute clearance period, ramp-up or acoustic surveys may not begin until the animal(s) has been observed voluntarily exiting its respective clearance zone or until a specific time period has elapsed with no further sighting. The specific time periods are 30 minutes for all baleen whale species and sperm whales, and 15 minutes for all other species;

(9) In any case when the clearance process has begun in conditions with good visibility, including via the use of night vision/reduced visibility condition equipment (infrared (IR)/ thermal camera), and the Lead PSO has determined that the clearance zones are clear of marine mammals, survey operations may commence (*i.e.*, no delay is required) despite periods of inclement weather and/or loss of daylight. Ramp-up may occur at times of poor visibility, including nighttime, if appropriate visual monitoring has occurred with no detections of marine mammals in the 30 minutes prior to beginning ramp-up;

(10) Once the survey has commenced, Sunrise Wind must shut down acoustic sources if a marine mammal enters a respective shutdown zone. In cases when the shutdown zones become obscured for brief periods (less than 30 minutes) due to inclement weather, survey operations would be allowed to continue (*i.e.*, no shutdown is required) so long as no marine mammals have been detected. The shutdown requirement does not apply to small delphinids of the following genera: *Delphinus*, *Stenella*, *Lagenorhynchus*, and *Tursiops*. If there is uncertainty regarding the identification of a marine mammal species (*i.e.*, whether the observed marine mammal belongs to one of the delphinid genera for which shutdown is waived), the PSOs must use their best professional judgment in making the decision to call for a shutdown. Shutdown is required if a delphinid that belongs to a genus other than those specified in this paragraph of this section is detected in the shutdown zone. If there is uncertainty regarding the identification of a marine mammal species (*e.g.*, whether the observed marine mammal belongs to one of the delphinid genera for which shutdown is waived), the PSOs must use their best professional judgment in making the decision to call for a shutdown;

(11) If an acoustic source has been shut down due to the presence of a marine mammal, the use of an acoustic source may not commence or resume

until the animal(s) has been confirmed to have left the Level B harassment zone or until a full 30 minutes for all baleen whale species and sperm whales, and 15 minutes for all other species have elapsed with no further sighting. If an acoustic source is shut down for reasons other than mitigation (*e.g.*, mechanical difficulty) for less than 30 minutes, it may be activated again without ramp-up only if PSOs have maintained constant observation and no additional detections of any marine mammal occurred within the respective shutdown zones. If an acoustic source is shut down for a period longer than 30 minutes, then all clearance and ramp-up procedures must be initiated;

(12) If multiple HRG vessels are operating concurrently, any observations of marine mammals must be communicated to PSOs on all nearby survey vessels; and

(13) Should an autonomous survey vehicle (ASV) be used during HRG surveys, the ASV must remain with 800 m (2,635 ft) of the primary vessel while conducting survey operations; two PSOs must be stationed on the mother vessel at the best vantage points to monitor the clearance and shutdown zones around the ASV; at least one PSO must monitor the output of a thermal high-definition camera installed on the mother vessel to monitor the field-of-view around the ASV using a hand-held tablet, and during periods of reduced visibility (*e.g.*, darkness, rain, or fog), PSOs must use night-vision goggles with thermal clip-ons and a hand-held spotlight to monitor the clearance and shutdown zones around the ASV.

(g) *Fisheries monitoring surveys.* The requirements in paragraphs (g)(1) through (12) of this section apply to fishery monitoring surveys:

(1) Marine mammal monitoring must be conducted by the captain and/or a member of the scientific crew before (within 1 nautical mile (nmi) (1.85 km) and 15 minutes prior to deploying gear), during, and after haul back;

(2) Survey gear must be deployed as soon as possible once the vessel arrives on station. Gear must not be deployed if there is a risk of interaction with marine mammals. Gear may be deployed after 15 minutes of no marine mammal sightings within 1 nautical mile (nmi; 1,852 m) of the sampling station;

(3) Sunrise Wind must implement the following “move-on” rule. If marine mammals are sighted within 1 nm (nmi (1.2 mi)) of the planned location in the 15 minutes before gear deployment, then Sunrise Wind must move the vessel away from the marine mammal to a different section of the sampling area.

If, after moving on, marine mammals are still visible from the vessel, Sunrise Wind and its cooperating institutions, contracted vessels, or commercially hired captains must move again or to skip the station;

(4) All captains and crew conducting fishery surveys will be trained in marine mammal detection and identification;

(5) If a marine mammal is at risk of interacting with deployed gear, all gear must be immediately removed from the water. If marine mammals are sighted before the gear is fully removed from the water, the vessel must slow its speed and maneuver the vessel away from the animals to minimize potential interactions with the observed animal;

(6) Sunrise Wind must maintain visual marine mammal monitoring effort during the entire period of time that gear is in the water (*i.e.*, throughout gear deployment, fishing, and retrieval);

(7) Trawl tows must be limited to a maximum of 20 minute trawl-time;

(8) All gear must be emptied as close to the deck/sorting area and as quickly as possible after retrieval in order to avoid injury to animals that may be caught in the gear;

(9) All fisheries monitoring gear must be fully cleaned and repaired (if damaged) before each use/deployment;

(10) All in-water survey gear, including buoys, must be properly labeled with the scientific permit number or identification as Sunrise Wind’s research gear. All labels and markings on the gear, buoys, and buoy lines must also be compliant with the applicable regulations, and all buoy markings must comply with instructions received by the NOAA Greater Atlantic Regional Fisheries Office Protected Resources Division. Any lost gear associated with the fishery surveys must be reported to the NOAA Greater Atlantic Regional Fisheries Office Protected Resources Division within 24 hours;

(11) All survey gear must be removed from the water whenever not in active survey use (*i.e.*, no wet storage); and

(12) All reasonable efforts, that do not compromise human safety, must be undertaken to recover gear.

(h) *Temporary pier construction.* The following requirements apply to impact and vibratory pile driving during temporary pier construction at Smith Point County Park:

(1) Sunrise Wind must delay or shutdown pile driving if a marine mammal is observed entering or within the Level B harassment zones; and

(2) At least one PSO must be on duty monitoring for marine mammals 30 minutes prior to, during and 30 minutes after pile driving.

§ 217.315 Monitoring and reporting requirements.

Sunrise Wind must implement the following monitoring and reporting requirements when conducting the specified activities (see § 217.310(c)): (a) Protected species observer (PSO) and passive acoustic monitoring (PAM) operator qualifications: Sunrise Wind must implement the following measures applicable to PSOs and PAM operators:

(1) Sunrise Wind must use independent, NMFS-approved PSOs and PAM operators, meaning that the PSOs and PAM operators must be employed by a third-party observer provider, must have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant personnel with regard to the presence of protected species and mitigation requirements;

(2) All PSOs and PAM operators 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. The educational requirements may be waived if the PSO or PAM operator has acquired the relevant skills through a suitable amount of alternate experience. Requests for such a waiver must be submitted to NMFS Office of Protected Resources and must include written justification containing alternative experience. Alternate experience that may be considered includes, but is not limited to, previous work experience conducting academic, commercial, or government-sponsored marine mammal visual and/or acoustic surveys; or previous work experience as a PSO/PAM operator;

(3) PSOs must have visual acuity in both eyes (with correction of vision being permissible) sufficient enough to discern moving targets on the water's surface with the ability to estimate the target size and distance (binocular use is allowable); ability to conduct field observations and collect data according to the assigned protocols; sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations; writing skills sufficient to document observations, including but not limited to, the number and species of marine mammals observed, the dates and times of when in-water construction activities were conducted, the dates and time when in-water construction activities were suspended to avoid potential incidental take of marine mammals from construction noise within a defined shutdown zone, and marine mammal

behavior; and the ability to communicate orally, by radio, or in-person, with project personnel to provide real-time information on marine mammals observed in the area;

(4) All PSOs must be trained in northwestern Atlantic Ocean marine mammal identification and behaviors and must be able to conduct field observations and collect data according to assigned protocols. Additionally, PSOs must have the ability to work with all required and relevant software and equipment necessary during observations described in paragraphs (b)(2) and (3) of this section;

(5) All PSOs and PAM operators must successfully complete a relevant training course within the last 5 years and obtain a certificate of course completion;

(6) PSOs and PAM operators are responsible for obtaining NMFS' approval. NMFS may approve PSOs as conditional or unconditional. A conditionally approved PSO may be one who has completed training in the last 5 years but has not yet attained the requisite field experience. An unconditionally approved PSO is one who has completed training within the last 5 years and attained the necessary experience (*i.e.*, demonstrate experience with monitoring for marine mammals at clearance and shutdown zone sizes similar to those produced during the respective activity). A conditionally approved PSO must be paired with an unconditionally approved PSO;

(7) PSOs for cable landfall and temporary pier construction (*i.e.*, vibratory and impact pile installation and removal; pneumatic hammering) and HRG surveys may be unconditionally or conditionally approved. PSOs and PAM operators for foundation installation and UXO detonation must be unconditionally approved;

(8) At least one on-duty PSO for each activity (*e.g.*, foundation installation, cable landfall and temporary pier construction, and HRG surveys) must be designated as the Lead PSO. The Lead PSO must meet the minimum requirements described in paragraphs (a)(2) through (5) of this section, have a minimum of ninety days of at-sea experience working in the Northwest Atlantic Ocean and have no more than eighteen months elapsed since the conclusion of their last at-sea experience;

(9) Sunrise Wind must submit NMFS previously approved PSOs and PAM operators to NMFS Office of Protected Resources for review and confirmation of their approval for specific roles at least 30 days prior to commencement of

the activities requiring PSOs/PAM operators or 15 days prior to when new PSOs/PAM operators are required after activities have commenced;

(10) For prospective PSOs and PAM operators not previously approved, or for PSOs and PAM operators whose approval is not current, Sunrise Wind must submit resumes for approval at least 60 days prior to PSO and PAM operator use. Resumes must include information related to relevant education, experience, and training, including dates, duration, location, and description of prior PSO or PAM operator experience. Resumes must be accompanied by relevant documentation of successful completion of necessary training;

(11) To be approved as a PAM operator, the person must meet the following qualifications: the PAM operator must demonstrate that they have prior experience with real-time acoustic detection systems and/or have completed specialized training for operating PAM systems, including experience with relevant Project acoustic software and equipment. They must also demonstrate experience detecting and identifying Atlantic Ocean marine mammals sounds, including North Atlantic right whale sounds, humpback whale sounds and deconflicting them from similar North Atlantic right whale sounds and other co-occurring species' sounds in the area. The PAM operator must be able to review and classify acoustic detections in real-time (prioritizing North Atlantic right whales and noting detection of other cetaceans) during the real-time monitoring periods and must be able to distinguish between whether a marine mammal or other species sound is detected, possibly detected, not detected. Where localization of sounds or deriving bearings and distance are possible, the PAM operators must demonstrate experience in using this technique. PAM operators must have the qualifications and relevant experience/training to safely deploy and retrieve equipment and program the software, as necessary and test software and hardware functionality prior to operation; and

(12) PSOs may work as PAM operators and vice versa, pending NMFS-approval; however, they may only perform one role at any one time and must not exceed work time restrictions, which must be tallied cumulatively.

(b) *General PSO and PAM operator requirements.* The following measures apply to PSOs and PAM operators and must be implemented by Sunrise Wind:

(1) All PSOs must be located at the best vantage point(s) on any platform, as determined by the Lead PSO, in order to collectively obtain 360-degree visual coverage of the entire clearance and shutdown zones around the activity area, and as much of the Level B harassment zone as possible. PAM operators may be located on a vessel or remotely on-shore, but must have the appropriate equipment (*i.e.*, computer station equipped with a data collection software system and acoustic data analysis software) available wherever they are stationed, and data or data products must be streamed in real-time or in near real-time to allow PAM operators to provide assistance to on-duty visual PSOs;

(2) PSOs must use high magnification (25x) binoculars, standard handheld (7x) binoculars, and the naked eye to search continuously for marine mammals. During foundation installation, at least two PSOs on the pile driving-dedicated PSO vessel must be equipped with functional Big Eye binoculars (*e.g.*, 25 x 150; 2.7 view angle; individual ocular focus; height control). These must be pedestal mounted on the deck at the best vantage point that provides for optimal sea surface observation and PSO safety. PAM operators must use a NMFS-approved PAM system to conduct monitoring;

(3) During periods of low visibility (*e.g.*, darkness, rain, fog, poor weather conditions, *etc.*), PSOs must use alternative technology (*e.g.*, infrared or thermal cameras) to monitor the mitigation zones;

(4) PSOs and PAM operators must not exceed 4 consecutive watch hours on duty at any time, must have a 2-hour (minimum) break between watches, and must not exceed a combined watch schedule of more than 12 hours in a 24-hour period;

(5) For UXO/MEC detonation areas larger than 2 km, Sunrise Wind must use a secondary PSO vessel to monitor for marine mammals. For any additional vessels determined to be necessary, three PSOs must be used and located at the appropriate vantage point on the vessel. These additional PSOs would maintain watch during the same time period as the PSOs on the primary monitoring vessel. For detonation areas larger than 5 km, Sunrise Wind must use an aircraft or additional PSO vessels in addition to the primary monitoring vessel to monitor for marine mammals. If an aircraft is used, two PSOs must be used and located at the appropriate vantage point on the aircraft. These additional PSOs would maintain watch

during the same time period as the PSOs on the primary monitoring vessel;

(6) During foundation installation and UXO/MEC detonation, Sunrise Wind must conduct PAM for at least 24 hours immediately prior to pile driving activities. The PAM operator must review all detections from the previous 24-hour period immediately prior to pile driving;

(7) During cable landfall construction, at least two PSOs must be on active duty 30 minutes prior to, during, and 30 minutes after all pile driving activities; and

(8) Sunrise Wind must ensure that visual PSOs conduct, as rotation schedules allow, observations for comparison of sighting rates and behavior with and without use of the specified acoustic sources. Off-effort PSO monitoring must be reflected in the PSO monitoring reports.

(c) *Reporting.* Sunrise Wind must comply with the reporting measures in paragraphs (c)(1) through (20) of this section:

(1) Prior to initiation of project activities, Sunrise Wind must demonstrate in a report submitted to NMFS Office of Protected Resources (pr.itp.monitoringreports@noaa.gov) that all required training for Sunrise Wind personnel, including the vessel crews, vessel captains, PSOs, and PAM operators has been completed;

(2) Sunrise Wind must use a standardized reporting system. All data collected related to the Project must be recorded using industry-standard software that is installed on field laptops and/or tablets. Unless stated otherwise, all reports must be submitted to NMFS Office of Protected Resources (PR.ITP.MonitoringReports@noaa.gov), dates must be in MM/DD/YYYY format, and location information must be provided in Decimal Degrees and with the coordinate system information (*e.g.*, NAD83, WGS84, *etc.*);

(3) For all visual monitoring efforts and marine mammal sightings, the following information must be collected and reported to NMFS Office of Protected Resources: the date and time that monitored activity begins or ends; the construction activities occurring during each observation period; the watch status (*i.e.*, sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform); the PSO who sighted the animal; the time of sighting; the weather parameters (*e.g.*, wind speed, percent cloud cover, visibility); the water conditions (*e.g.*, Beaufort sea state, tide state, water depth); all marine mammal sightings, regardless of distance from the construction activity; species (or lowest possible taxonomic

level possible); the pace of the animal(s); the estimated number of animals (minimum/maximum/high/low/best); the estimated number of animals by cohort (*e.g.*, adults, yearlings, juveniles, calves, group composition, *etc.*); the description (*i.e.*, 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); the description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling) and observed changes in behavior, including an assessment of behavioral responses thought to have resulted from the specific activity; the animal's closest distance and bearing from the pile being driven or specified HRG equipment and estimated time entered or spent within the Level A harassment and/or Level B harassment zone(s); the activity at time of sighting (*e.g.*, pile driving, construction surveys), use of any noise attenuation device(s), and specific phase of activity (*e.g.*, ramp-up of HRG equipment, HRG acoustic source on/off, soft-start for pile driving, active pile driving, *etc.*); the marine mammal occurrence in Level A harassment or Level B harassment zones; the description of any mitigation-related action implemented, or mitigation-related actions called for but not implemented, in response to the sighting (*e.g.*, delay, shutdown, *etc.*) and time and location of the action; other human activity in the area, and; other applicable information, as required in any LOA issued under section 5 herein;

(4) If a marine mammal is acoustically detected during PAM monitoring, the following information must be recorded and reported to NMFS: species identification (if possible); call type and number of calls (if known); temporal aspects of vocalization (date, time, duration, *etc.*; date times in ISO 8601 format); confidence of detection (detected, or possibly detected); comparison with any concurrent visual sightings; location and/or directionality of call (if determined) relative to acoustic recorder or construction activities; location of recorder and construction activities at time of call and site name; name and version of detection or sound analysis software used, with protocol reference; minimum and maximum frequencies viewed/monitored/used in detection (in Hz); name of PAM operator(s) on duty; bottom depth and depth of recording unit (in meters); recorder (model & manufacturer) and platform type (*i.e.*, bottom-mounted, electric glider, *etc.*),

and instrument ID of the hydrophone and recording platform (if applicable); time zone for sound files and recorded date/times in data and metadata (in relation to Universal Coordinated Time (UTC); *i.e.*, Eastern Standard Time (EST) time zone is UTC-5); duration of recordings (start/end dates and times; in International Organization for Standardization (ISO) 8601 format, yyyy-mm-ddTHH:MM:SS.sssZ); deployment/retrieval dates and times (in ISO 8601 format); recording schedule (must be continuous); hydrophone and recorder sensitivity (in dB re. 1 microPascal (μPa)); calibration curve for each recorder; bandwidth/sampling rate (in Hz); sample bit-rate of recordings; and detection range of equipment for relevant frequency bands (in meters);

(5) Full marine mammal acoustic detection data, metadata, and location of recorders (or GPS tracks, if applicable) from all real-time hydrophones used for monitoring during construction must be submitted within 90 calendar days following completion of activities requiring PAM for mitigation via the International Organization for Standardization (ISO) standard metadata forms available on the NMFS Passive Acoustic Reporting System website (<https://www.fisheries.noaa.gov/resource/document/passive-acoustic-reporting-system-templates>). Submit the completed data templates to nmfs.nec.pacmdata@noaa.gov. The full acoustic recordings from real-time systems must also be sent to the National Centers for Environmental Information (NCEI) for archiving within 90 days following completion of activities requiring PAM for mitigation. Submission details can be found at: <https://www.ncei.noaa.gov/products/passive-acoustic-data>;

(6) Sunrise Wind must compile and submit weekly reports during foundation installation to NMFS Office of Protected Resources that document SFV results, the daily start and stop of all pile driving HRG survey, or UXO/MEC detonation activities associated with the Project; the start and stop of associated observation periods by PSOs, details on the deployment of PSOs, a record of all detections of marine mammals (acoustic and visual); any mitigation actions (or if mitigation actions could not be taken, provide reasons why), and details on the noise attenuation system(s) used and its performance. Weekly reports are due on Wednesday for the previous week (Sunday–Saturday) and must include the information required under this section. The weekly report must identify

which turbines become operational and when (a map must be provided);

(7) Sunrise Wind must compile and submit monthly reports to NMFS Office of Protected Resources during foundation installation (PR.ITP.monitoringreports@noaa.gov) that include a summary of all information in the weekly reports, including project activities carried out in the previous month, vessel transits (number, type of vessel, MMIS number, and route), number of piles installed, number of UXO/MEC detonations, all detections of marine mammals, and any mitigative action taken. Monthly reports are due on the 15th of the month for the previous month. The monthly report must also identify which turbines become operational and when (a map must be provided). Full PAM detection data and metadata must also be submitted monthly on the 15th of every month for the previous month via the webform on the NMFS North Atlantic Right Whale Passive Acoustic Reporting System website at <https://www.fisheries.noaa.gov/resource/document/passive-acoustic-reporting-system-templates>.

(8) Sunrise Wind must submit draft annual marine mammal monitoring report to NMFS (PR.ITP.monitoringreports@noaa.gov) no later than March 31, annually. Sunrise Wind must submit a draft annual SFV report to NMFS (PR.ITP.monitoringreports@noaa.gov) no later than 90 days after SFV is completed for the year. The annual marine mammal monitoring report must detail the following: the total number of marine mammals of each species/stock detected and how many were within the designated Level A harassment and Level B harassment zone(s) with comparison to authorized take of marine mammals for the associated activity type; marine mammal detections and behavioral observations before, during, and after each activity; what mitigation measures were implemented (*i.e.*, number of shutdowns or clearance zone delays, *etc.*) or, if no mitigative actions were taken, why not; operational details (*i.e.*, days and duration of impact and vibratory pile driving, days, days and amount of HRG survey effort, *etc.*); any PAM systems used; the results, effectiveness, and which noise attenuation systems were used during relevant activities (*i.e.*, foundation pile driving); summarized information related to situational reporting; and any other important information relevant to the Project, including additional information that may be identified through the adaptive management process. The annual SFV report must

summarize all reporting during complete and abbreviated monitoring for the construction year. The final annual reports must be prepared and submitted within 30 calendar days following the receipt of any comments from NMFS on the draft report;

(9) Sunrise Wind must submit its draft final 5-year report to NMFS (PR.ITP.monitoringreports@noaa.gov) on all visual and acoustic monitoring, including SFV, conducted within 90 calendar days of the completion of the specified activities. A 5-year report must be prepared and submitted within 30 calendar days following receipt of any NMFS Office of Protected Resources comments on the draft report. The draft and final 5-year report must include, but is not limited to: the total number (annually and across all five years) of marine mammals of each species/stock detected and how many were detected within the designated Level A harassment and Level B harassment zone(s) with comparison to authorized take of marine mammals for the associated activity; a summary table(s) indicating the amount of each activity type (*e.g.*, pile installation, HRG) completed in each of the five years and total; GIS shapefile(s) of the final location of all piles, cable routes, and other permanent structures including an indication of what year installed and began operating; GIS shapefile of all North Atlantic right whale sightings, including dates and group sizes; a five-year summary and evaluation of all SFV data collected; a five-year summary and evaluation of all PAM and SFV data collected; a five-year summary and evaluation of marine mammal behavioral observations; a five-year summary and evaluation of mitigation and monitoring implementation and effectiveness; and a list of recommendations to inform environmental compliance assessments for future offshore wind actions.

(10) For those foundations requiring complete SFV measurements, Sunrise Wind must provide the initial results of the SFV measurements to NMFS Office of Protected Resources in an interim report after each foundation installation event as soon as they are available and prior to any subsequent foundation installation, but no later than 48 hours after each completed foundation installation event. The report must include hammer energies/schedule used during pile driving or UXO/MEC weight (including donor charge weight), the model-estimated acoustic ranges ($R_{0.5\%}$) to compare with the real-world sound field measurements, estimated source levels at 1 m and/or 10 m, peak sound pressure level (SPL_{pk}) and median,

mean, maximum, and minimum root-mean-square sound pressure level that contains 90 percent of the acoustic energy (SPL_{rms}) and sound exposure level (SEL, in single strike for pile driving (SEL_{s-s}) and SELcum) for each hydrophone, including at least the maximum, arithmetic mean, minimum, median (L50) and L5 (95 percent exceedance) statistics for each metric; estimated marine mammal Level A harassment and Level B harassment acoustic isopleths, calculated using the maximum-over-depth L5 (95 percent exceedance level, maximum of both hydrophones) of the associated sound metric; comparison of modeled results assuming 10-dB attenuation against the measured marine mammal Level A harassment and Level B harassment acoustic isopleths; estimated transmission loss coefficients; pile identifier name, location of the pile and each hydrophone array in latitude/longitude; depths of each hydrophone; one-third-octave band single strike SEL spectra; if filtering is applied, full filter characteristics must be reported; and hydrophone specifications including the type, model, and sensitivity. Sunrise Wind must also report any immediate observations which are suspected to have a significant impact on the results including but not limited to: observed noise mitigation system issues, obstructions along the measurement transect, and technical issues with hydrophones or recording devices. If any *in situ* calibration checks for hydrophones reveal a calibration drift greater than 0.75 dB, pistonphone calibration checks are inconclusive, or calibration checks are otherwise not effectively performed, Sunrise Wind must indicate full details of the calibration procedure, results, and any associated issues in the 48-hour interim reports;

(11) All abbreviated SFV results must be included in the weekly reports. The report must include estimated source levels at 1 m or 10 m and the measured SELcum noise levels at distance. Any indications that distances to the identified Level A harassment and Level B harassment thresholds for marine mammals were exceeded must be addressed by Sunrise Wind, including an explanation of factors that contributed to the exceedance and corrective actions that were taken to avoid exceedance on subsequent piles;

(12) The final results of all SFV measurements from each foundation installation must be submitted as soon as possible, but no later than 90 days following completion of all annual SFV measurements. The final reports must include all details included in the

interim report and descriptions of any notable occurrences, explanations for results that were not anticipated, or actions taken during foundation installation. The final report must also include at least the maximum, mean, minimum, median (L50) and L5 (95 percent exceedance) statistics for each metric; the SEL and SPL power spectral density and/or one-third octave band levels (usually calculated as decade band levels) at the receiver locations should be reported; range of transmission loss coefficients; the local environmental conditions, such as wind speed, transmission loss data collected on-site (or the sound velocity profile); baseline pre- and post-activity ambient sound levels (broadband and/or within frequencies of concern); a description of depth and sediment type, as documented in the Construction and Operation Plan (COP), at the recording and foundation installation locations; the extents of the measured Level A harassment and Level B harassment zone(s); hammer energies required for pile installation and the number of strikes per pile; the hydrophone equipment and methods (*i.e.*, recording device, bandwidth/sampling rate; distance from the pile where recordings were made; the depth of recording device(s)); a description of the SFV measurement hardware and software, including software version used, calibration data, bandwidth capability and sensitivity of hydrophone(s), any filters used in hardware or software, any limitations with the equipment, and other relevant information; the spatial configuration of the noise attenuation device(s) relative to the pile; a description of the noise abatement system and operational parameters (*e.g.*, bubble flow rate, distance deployed from the pile, *etc.*), and any action taken to adjust the noise abatement system. A discussion which includes any observations which are suspected to have a significant impact on the results including but not limited to: observed noise mitigation system issues, obstructions along the measurement transect, and technical issues with hydrophones or recording devices. Sunrise Wind must submit a revised report within 30 days following receipt of NMFS' comments on the draft final report;

(13) Sunrise Wind must submit SFV results from UXO/MEC detonation monitoring in a report prior to detonating a subsequent UXO/MEC or within the relevant weekly report, whichever comes first. The report must include, at minimum, the size of UXO/MEC detonated and doner charge

weight, why detonation was necessary, current speeds, SELcum, a description of the noise abatement system and operational parameters (*e.g.*, bubble flow rate, distance deployed from the detonation, *etc.*) and any action taken to adjust the noise abatement system, modeled and SFV-based estimated ranges to all relevant NMFS explosive thresholds (including those from pressure transducer measurements);

(14) If at any time during the project Sunrise Wind becomes aware of any issue or issues which may to any reasonable subject-matter expert, including the persons performing the measurements and analysis call into question the validity of any measured Level A harassment or Level B harassment isopleths to a significant degree, which were previously transmitted or communicated to NMFS Office of Protected Resources, Sunrise Wind must inform NMFS Office of Protected Resources within 1 business day of becoming aware of this issue or before the next pile is driven, whichever comes first;

(15) Performance reports for each bubble curtain deployed must include water depth (m), current speed (m/s) and direction (degrees), wind speed (m/s) and direction (degrees), Beaufort sea state, bubble curtain deployment/retrieval date and time (UTC), bubble curtain hose length (m), bubble curtain radius (distance from pile) (m), diameter of holes and hole spacing (metric units), air supply hose length (m), compressor type (including rated Cubic Feet per Minute (CFM) and model number), number of operational compressors, performance data from each compressor (including Revolutions Per Minute (RPM), pressure, start and stop times [UTC]), free air delivery (m^3/min), total hose air volume ($m^3/(min\ m)$), schematic of GPS waypoints during hose laying, maintenance procedures performed and results (pressure tests, inspections, flushing, re-drilling, and any other hose or system maintenance) before and after installation and start and stop times of those tests (UTC), and the length of time the bubble curtain was on the seafloor prior to the associated foundation installation, and confirmation that the bubble curtain was in full contact with the seafloor throughout the use. Additionally, the report must include any important observations regarding performance (before, during, and after pile installation), such as any observed weak areas of low pressure, corrective measures conducted to ensure the system is working sufficiently. The report may also include any relevant video and/or photographs of the bubble

curtain(s) operating during all pile driving;

(16) Sunrise Wind must provide NMFS Office of Protected Resources with notification of planned UXO/MEC detonation as soon as possible but at least 48 hours prior to the planned detonation unless this 48-hour notification would create delays to the detonation that would result in imminent risk of human life or safety. This notification must include the coordinates of the planned detonation, the estimated charge size, and any other information available on the characteristics of the UXO/MEC.

(17) Sunrise Wind must submit situational reports if specific circumstances occur, including but not limited to the following:

(i) All instances wherein an exemption is taken must be reported to the NMFS Office of Protected Resources within 24 hours.

(ii) If a North Atlantic right whale is sighted with no visible injuries or entanglement by PSOs or project personnel, Sunrise Wind must immediately report the sighting to NMFS; if immediate reporting is not possible, the report must be submitted as soon as possible but no later than 24 hours after the initial sighting. All North Atlantic right whale acoustic detections within a 24-hour period should be collated into one spreadsheet and reported to NMFS as soon as possible but no later than 24 hours. To report sightings and acoustic detections, download and complete the *Real-Time North Atlantic Right Whale Reporting Template* spreadsheet found at: <https://www.fisheries.noaa.gov/resource/document/template-datasheet-real-time-north-atlantic-right-whale-acoustic-and-visual>. Save the spreadsheet as a .csv file and email it to NMFS NEFSC-PSD (ne.rw.survey@noaa.gov), NMFS GARFO-PRD (nmfs.gar.incidental-take@noaa.gov), and NMFS Office of Protected Resources (PR.ITP.MonitoringReports@noaa.gov). If the sighting is in the Southeast (North Carolina through Florida), report via the template and to the Southeast Hotline 877-WHALE-HELP (877-942-5343) with the observation information provided below (PAM detections are not reported to the Hotline). If unable to report a sighting through the spreadsheet within 24 hours, call the relevant regional hotline (Greater Atlantic Region [Maine through Virginia] Hotline 866-755-6622; Southeast Hotline 877-WHALE-HELP) with the observation information provided below (PAM detections are not reported to the Hotline). The visual sighting report must, at minimum,

include the following information: the time (note time format), date (MM/DD/YYYY), location (latitude/longitude in decimal degrees; coordinate system used) of the observation, number of whales, animal description/certainty of observation (follow up with photos/video if taken), reporter's contact information, and lease area number/project name, PSO/personnel name who made the observation, and PSO provider company (if applicable) (PAM detections are not reported to the Hotline). If unable to report via the template or the regional hotline, enter the sighting via the WhaleAlert app (<http://www.whalealert.org/>). If this is not possible, report the sighting to the U.S. Coast Guard via channel 16. The report to the Coast Guard must include the same information as would be reported to the Hotline. PAM detections are not reported to WhaleAlert or the U.S. Coast Guard;

(iii) If a non-NARW large whale is observed, report the sighting via WhaleAlert app (<https://www.whalealert.org/>) as soon as possible but within 24 hours;

(18) In the event that personnel involved in the Project discover a stranded, entangled, injured, or dead marine mammal, the Sunrise Wind must immediately report the observation to NMFS. If in the Greater Atlantic Region (Maine through Virginia), call the NMFS Greater Atlantic Stranding Hotline (866-755-6622), and if in the Southeast Region (North Carolina through Florida) call the NMFS Southeast Stranding Hotline (877-WHALE-HELP (877-942-5343)). Separately, the LOA Holder must report, within 24 hours, the incident to NMFS Office of Protected Resources (PR.ITP.MonitoringReports@noaa.gov) and, if in the Greater Atlantic Region to the NMFS Greater Atlantic Regional Fisheries Office (GARFO; nmfs.gar.incidental-take@noaa.gov) or if in the Southeast Region, to the NMFS Southeast Regional Office (SERO; secmammalreports@noaa.gov). Note, the stranding hotline may request the report be sent to the local stranding network response team. The report must include contact information (e.g., name, phone number, etc.); time, date, and location (i.e., specify coordinate system) 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); photographs or video footage of the animal(s) (if available); and general circumstances under which the animal was discovered;

(19) In the event of a suspected or confirmed vessel strike of a marine mammal by any vessel associated with the Project or other means by which Project activities caused a non-auditory injury or death of a marine mammal, Sunrise Wind must immediately report the incident to NMFS. If in the Greater Atlantic Region (Maine through Virginia), call the NMFS Greater Atlantic Stranding Hotline (866-755-6622), and if in the Southeast Region (North Carolina through Florida) call the NMFS Southeast Stranding Hotline (877-WHALE-HELP (877-942-5343)). Separately, the Sunrise Wind must immediately report the incident to NMFS Office of Protected Resources (PR.ITP.MonitoringReports@noaa.gov) and, if in the Greater Atlantic Region to the NMFS Greater Atlantic Regional Fisheries Office (GARFO; nmfs.gar.incidental-take@noaa.gov) or if in the Southeast Region, to the NMFS Southeast Regional Office (SERO; secmammalreports@noaa.gov). The report must include time, date, and location (i.e., specify coordinate system) of the incident; species identification (if known) or description of the animal(s) involved (i.e., identifiable features including animal color, presence of dorsal fin, body shape and size, etc.); vessel strike reporter information (name, affiliation, email for person completing the report); vessel strike witness (if different than reporter) information (e.g., name, affiliation, phone number, platform for person witnessing the event, etc.); vessel name and/or MMSI number; vessel size and motor configuration (inboard, outboard, jet propulsion); vessel's speed leading up to and during the incident; vessel's course/heading and what operations were being conducted (if applicable); part of vessel that struck marine mammal (if known); vessel damage notes; status of all sound sources in use at the time of the strike; if the marine mammal was seen before the strike event; description of behavior of the marine mammal before the strike event (if seen) and behavior immediately following the strike; description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike; environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, visibility, etc.) immediately preceding the strike; estimated (or actual, if known) size and length of marine mammal that was struck; if available, description of the presence and behavior of any other marine mammals immediately preceding the

strike; other animal-specific details if known (*e.g.*, length, sex, age class); behavior or estimated fate of the marine mammal post-strike (*e.g.*, dead, injured but alive, injured and moving, external visible wounds (linear wounds, propellor wounds, non-cutting blunt-force trauma wounds), blood or tissue observed in the water, status unknown, disappeared); to the extent practicable, any photographs or video footage of the marine mammal(s); and, any additional notes the witness may have from the interaction. For any numerical values provided (*i.e.*, location, animal length, vessel length, *etc.*), please provide if values are actual or estimated. The Sunrise Wind must immediately cease activities until the NMFS Office of Protected Resources is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the LOA(s). NMFS Office of Protected Resources may impose additional measures to minimize the likelihood of further prohibited take and ensure MMPA compliance. Sunrise Wind may not resume their activities until notified by NMFS Office of Protected Resources; and

(20) Sunrise Wind must report any lost gear associated with the fishery surveys to the NOAA Greater Atlantic Regional Fisheries Office Protected Resources Division (nmfs.gar.incidentaltake@noaa.gov) as soon as possible or within 24 hours of the documented time of missing or lost gear. This report must include information on any markings on the gear and any efforts undertaken or planned to recover the gear.

§ 217.316 Letter of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, Sunrise Wind must apply for and obtain an LOA; (b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed the effective period of this subpart;

(c) If an LOA expires prior to the expiration date of these regulations, Sunrise Wind may apply for and obtain a renewal of the LOA; and

(d) In the event of projected changes to the activity or to mitigation and

monitoring measures required by an LOA, Sunrise Wind must apply for and obtain a modification of the LOA as described in § 217.317.

(e) The LOA must set forth:

(1) Permissible methods of incidental taking;

(2) Means of effecting the least practicable adverse impact (*i.e.*, mitigation) on the species, its habitat, and on the availability of the species for subsistence uses; and

(3) Requirements for monitoring and reporting.

(f) Issuance of the LOA must be based on a determination that the level of taking must be consistent with the findings made for the total taking allowable under this subpart. (g) Notice of issuance or denial of an LOA must be published in the **Federal Register** within 30 days of a determination.

§ 217.317 Modifications of Letter of Authorization.

(a) A LOA issued under §§ 216.106 and 217.316 of this section for the activities identified in § 217.310(c) shall be modified upon request by Sunrise Wind, provided that:

(1) The specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for this subpart (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section); and

(2) NMFS determines that the mitigation, monitoring, or reporting measures required by the previous LOA under this subpart were implemented.

(b) For a LOA modification request by the applicant that includes changes to the activity or the mitigation, monitoring, or reporting measures (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section), the LOA shall be modified, provided that:

(1) NMFS determines that the changes to the activity or the mitigation, monitoring, or reporting do not change the findings made for the regulations in this subpart and do not result in more than a minor change in the total estimated number of takes (or distribution by species or years); and

(2) NMFS may publish a notice of proposed modified LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) A LOA issued under § 216.106 of this chapter and § 217.316 for the activities identified in § 217.310(c) may be modified by NMFS under the circumstances in paragraphs (c)(1) and (2) of this section:

(1) Through adaptive management, NMFS may modify (including remove, revise, or add to) the existing mitigation, monitoring, or reporting measures after consulting with Sunrise Wind regarding the practicability of the modifications, if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring measures set forth in this subpart.

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA include, but are not limited to:

(A) Results from Sunrise Wind's monitoring;

(B) Results from other marine mammals and/or sound research or studies; and

(C) Any information that reveals marine mammals may have been taken in a manner, extent, or number not authorized by this subpart or subsequent LOA.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS shall publish a notice of proposed LOA in the **Federal Register** and solicit public comment; and

(2) If NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in the LOA issued pursuant to § 216.106 of this chapter and § 217.316, a LOA may be modified without prior notice or opportunity for public comment. Notice would be published in the **Federal Register** within 30 days of the action.

§§ 217.318–217.319 [Reserved]

[FR Doc. 2024–09902 Filed 5–21–24; 8:45 am]

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Part V

Federal Communications Commission

47 CFR Parts 8 and 20

Safeguarding and Securing the Open Internet; Restoring Internet Freedom;
Final Rule

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 8 and 20**

[WC Docket Nos. 23–320, 17–108; FCC 24–52, FR ID 219926]

Safeguarding and Securing the Open Internet; Restoring Internet Freedom

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) adopts a *Declaratory Ruling, Report and Order, Order, and Order on Reconsideration* that reestablishes the Commission's authority over broadband internet access service (BIAS). The *Declaratory Ruling* classifies broadband internet access service as a telecommunications service under Title II of the Communications Act, providing the Commission with additional authority to safeguard national security, advance public safety, protect consumers, and facilitate broadband deployment. The *Order* establishes broad, tailored forbearance of the Commission's application of Title II to broadband providers while maintaining Title II provisions the Commission needs to fulfill its obligations and objectives. The *Report and Order* reinstates straightforward, clear rules that prohibit blocking, throttling, or engaging in paid or affiliated prioritization arrangements, adopts certain enhancements to the transparency rule, and reinstates a general conduct standard that prohibits unreasonable interference or unreasonable disadvantage to consumers or edge providers. The *Order on Reconsideration* partially grants and otherwise dismisses as moot four petitions for reconsideration filed in response to the 2020 *Restoring Internet Freedom Remand Order*.

DATES: Effective July 22, 2024, except for amendatory instruction 7 (revisions to 47 CFR 8.2(a) and (b)), which is delayed indefinitely. The FCC will publish a document in the **Federal Register** announcing the effective date.

As of September 19, 2024, China Mobile International (USA) Inc., China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, Pacific Networks Corp., and ComNet (USA) LLC, and their affiliates and subsidiaries as defined pursuant to 47 CFR 2.903(c), shall discontinue any and all provision of broadband internet access service.

ADDRESSES: Federal Communications Commission, 45 L Street SW,

Washington, DC 20554. In addition to filing comments with the Office of the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to Nicole Ongele, Federal Communications Commission, 45 L Street SW, Washington, DC 20554, or send an email to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For further information, contact Chris Laughlin, Wireline Competition Bureau at 202–418–2193. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to PRA@fcc.gov or contact Nicole Ongele, Nicole.Ongele@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Declaratory Ruling, Order, Report and Order, and Order on Reconsideration in WC Docket Nos. 23–320 and 17–108, FCC 24–52, adopted on April 25, 2024, and released on May 7, 2024. The full text of the document is available on the Commission's website at <https://docs.fcc.gov/public/attachments/FCC-24-52A1.pdf>. To request materials in accessible formats for people with disabilities (e.g., braille, large print, electronic files, audio format, etc.), send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice).

Paperwork Reduction Act of 1995 Analysis

This document contains new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public to comment on the information collection requirements contained in the Report and Order as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

In the Report and Order, we adopt the transparency rule originally adopted in 2010 and reaffirmed in 2015, which caters to a broader relevant audience of interested parties than the audience identified in the *Restoring Internet Freedom (RIF) Order* (83 FR 7852 (Feb. 22, 2018)). We reinstate enhancements to the transparency rule disclosures

pertaining to network practices and performance characteristics. Specifically, with regard to network practices, we reaffirm that the transparency rule requires that BIAS providers disclose any practices applied to traffic associated with a particular user or user group (including any application-agnostic degradation of service to a particular end user), and requires that disclosures of user-based or application-based practices must include the purpose of the practice; which users or data plans may be affected; the triggers that activate the use of the practice; the types of traffic that are subject to the practice; and the practice's likely effects on end users' experiences. In addition, we require BIAS providers to disclose any zero-rating practices.

We reinstate the enhanced performance characteristics disclosures eliminated in 2017 to require BIAS providers to disclose packet loss and to require that performance characteristics be reported with greater geographic granularity and be measured in terms of average performance over a reasonable period of time and during times of peak usage. We also require BIAS providers to directly notify end users if their individual use of a network will trigger a network practice, based on their demand prior to a period of congestion, that is likely to have a significant impact on the end user's use of the service. We temporarily exempt (with the potential to become permanent) BIAS providers that have 100,000 or fewer BIAS subscribers as per their most recent FCC Form 477, aggregated over all affiliates of the provider, from the requirements to disclose packet loss and report their performance characteristics with greater geographic granularity and in terms of average performance over a reasonable period of time and during times of peak usage, as well as from the direct notification requirement to provide them additional time to develop appropriate systems. We delegate to the Consumer and Governmental Affairs Bureau (CGB) the authority to determine whether to maintain the exemption, and if so, the appropriate bounds of the exemption. We require providers to disclose all information required by the transparency rule on a publicly available, easily accessible website and that all transparency disclosures made pursuant to the transparency rule also be made available in machine-readable format.

In addition, to provide upfront clarity, guidance, and predictability, we adopt an updated process for providers seeking an advisory opinion from Commission staff regarding the open

internet rules, through which any BIAS provider may request an advisory opinion regarding the permissibility of its proposed policies and practices affecting access to BIAS.

Congressional Review Act

The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

I. Declaratory Ruling: Classification of Broadband Internet Access Services

1. We reinstate the telecommunications service classification of BIAS under Title II of the Act. Reclassification will enhance the Commission's ability to ensure internet openness, defend national security, promote cybersecurity, safeguard public safety, monitor network resiliency and reliability, protect consumer privacy and data security, support consumer access to BIAS, and improve disability access. We find that classification of BIAS as a telecommunications service represents the best reading of the text of the Act in light of how the service is offered and perceived today, as well as the factual and technical realities of how BIAS functions. Classifying BIAS as a telecommunications service also accords with Commission and court precedent and is fully and sufficiently justified under the Commission's longstanding authority and responsibility to classify services subject to the Commission's jurisdiction, as necessary. We also ensure that consumers receive the same protections when using fixed and mobile BIAS by reclassifying mobile BIAS as a commercial mobile service.

A. Reclassification Enhances the Commission's Ability To Fulfill Key Public Interest Obligations and Objectives

2. As the record overwhelmingly demonstrates, BIAS connections are absolutely essential to modern day life, facilitating employment, education, healthcare, commerce, community-building, communication, and free expression. The "forced digitization" of the COVID-19 pandemic served to underscore the importance of BIAS connections in society as essential

activities moved online, and the increased importance of BIAS connections has only persisted in the wake of the pandemic. It has therefore never been more important that the Commission have both the necessary authority to oversee this essential service to protect consumers, strengthen national security, and support public safety, and the full complement of tools to facilitate access to BIAS.

3. While our conclusion that classifying BIAS as a telecommunications service represents the best reading of the Act is itself sufficient grounds for our decision, we separately conclude that important policy considerations also support this determination. In particular, our reclassification decision will ensure the Commission can fulfill statutory obligations and policy objectives to ensure internet openness, defend national security, promote cybersecurity, safeguard public safety, monitor network resiliency and reliability, protect consumer privacy and data security, support consumer access to BIAS, and improve disability access. As such, these policy obligations and objectives, each independently and collectively, support the reclassification of BIAS as a telecommunications service. We therefore reject arguments that we should address other issues instead of reclassifying BIAS, particularly since reclassification will enhance the Commission's ability to address many of the issues commenters raise.

1. Ensuring Internet Openness

4. We find that reclassification of BIAS as a telecommunications service enables the Commission to more effectively safeguard the open internet. In addition to protecting free expression, an open internet encourages competition and innovation, and is critical to public safety. As we explain below, we find that a safe, secure, and open internet is too important to consumers and innovators to leave without the protection of Federal regulatory oversight.

5. Upon this document's reclassification of BIAS as a Title II telecommunications service, we rely on our authority in sections 201 and 202 of the Act, along with the related enforcement authorities of sections 206, 207, 208, 209, 216, and 217, for the open internet rules we adopt in the Declaratory Ruling, Order, Report and Order, and Order (Order) to address practices that are unjust, unreasonable, or unreasonably discriminatory. Specifically, we reinstate rules that prohibit BIAS providers from blocking

or throttling the information transmitted over their networks or engaging in paid or affiliated prioritization arrangements, and reinstate a general conduct standard that prohibits practices that cause unreasonable interference or unreasonable disadvantage to consumers or edge providers. As discussed more fully below, these rules, in concert with strong transparency requirements, establish clear standards for BIAS providers to maintain internet openness and give the Commission a solid basis on which to take enforcement actions against conduct that prevents consumers from fully accessing all of the critical services available through the internet. The reclassification also enables the Commission to establish a nationwide framework of open internet rules for BIAS providers and thereby exercise our authority to preempt any state or local measures that interfere or are incompatible with the Federal regulatory framework we establish in the Order, while at the same time ensuring that all consumers are protected from conduct harmful to internet openness.

2. Defending National Security and Law Enforcement

6. The reclassification of BIAS enhances the Commission's ability to protect the Nation's communications networks from entities that pose threats to national security and law enforcement. The *RIF Order's* classification of BIAS as an information service under Title I raised concerns about the Commission's authority to take certain regulatory actions to address risks to BIAS providers and vulnerabilities in broadband networks. As the National Telecommunications and Information Administration (NTIA) highlights, "the Commission has encountered challenges that have hampered its ability to fully protect the public from serious national security threats." For example, NTIA describes cases where the Commission identified such threats and revoked the authority of certain foreign-owned adversarial service providers to provide Title II telecommunications services (including "traditional telephony") in the United States pursuant to its section 214 authority, but was not able to stop them from providing BIAS or other internet-based services that were then classified as Title I services. Classifying BIAS under Title II alleviates those concerns, restoring a broader range of regulatory tools and enhancing the Commission's jurisdiction to cover broadband services, providers, and networks. We also find that reclassification will enable the

Commission to make more significant national security contributions as we continue our longstanding coordination with our Federal partners.

7. We find that reclassification will significantly bolster the Commission's ability to carry out its statutory responsibilities to safeguard national security and law enforcement. Congress created the Commission, among other reasons, "for the purpose of the national defense." The Commission's national security responsibilities are well established. Presidential Policy Directive 21 (PPD-21) describes the Commission's roles as including "identifying communications sector vulnerabilities and working with industry and other stakeholders to address those vulnerabilities . . . [and] to increase the security and resilience of critical infrastructure within the communications sector." The President's recent National Security Memorandum, NSM-22, recognized the Commission's role in securing critical infrastructure: "The Federal Communications Commission will, to the extent permitted by law and in coordination with DHS and other Federal departments and agencies: (1) identify and prioritize communications infrastructure by collecting information regarding communications networks; (2) assess communications sector risks and work to mitigate those risks by requiring, as appropriate, regulated entities to take specific actions to protect communications networks and infrastructure; and (3) collaborate with communications sector industry members, foreign governments, international organizations, and other stakeholders to identify best practices and impose corresponding regulations."

8. There can be no question about the importance to our national security of maintaining the integrity of our critical infrastructure, including communications networks. As PPD-21 explains:

The Nation's critical infrastructure provides the essential services that underpin American society. Proactive and coordinated efforts are necessary to strengthen and maintain secure, functioning, and resilient critical infrastructure—including assets, networks, and systems—that are vital to public confidence and the Nation's safety, prosperity, and well-being The Federal Government also has a responsibility to strengthen the security and resilience of its own critical infrastructure, for the continuity of national essential functions, and to organize itself to partner effectively with and add value to the security and resilience efforts of critical infrastructure owners and operators It is the policy of the United States to strengthen the security and

resilience of its critical infrastructure against both physical and cyber threats.

Developments in recent years have only highlighted national security concerns arising in connection with the U.S. communications sector. These security threats also impact BIAS providers and broadband networks. PPD-21 recognizes that "communications systems [are] uniquely critical due to the enabling functions they provide across all critical infrastructure sectors," which highlights the importance of protecting communications infrastructure—including broadband networks. Disruptions of communications can easily have significant cascading effects on other critical infrastructure sectors that rely on communications. The PPD-21 states, "U.S. efforts shall address the security and resilience of critical infrastructure in an integrated, holistic manner to reflect this infrastructure's interconnectedness and interdependency. This directive also identifies energy and communications systems as uniquely critical due to the enabling functions they provide across all critical infrastructure sectors." We find that reclassification of BIAS under Title II will enable the Commission to more fully utilize its regulatory authority and rely on its subject matter expertise and operational capabilities to address these concerns and strengthen the security posture of the United States. As NTIA explains, the "lightning-fast evolutions of our communications technologies and our growing dependence on these offerings necessitate a whole-of-government approach to security that engages all available federal government resources."

9. The Commission has on multiple occasions carried out its responsibilities to protect the Nation's communications networks from threats to national security and law enforcement by taking regulatory actions under Title II regarding the provision of traditional telecommunications services, including voice. For example, the Commission denied an application for international section 214 authority and revoked the section 214 authority of, certain entities that are majority-owned and controlled by the Chinese government, based on recommendations and comments from interested Executive Branch agencies regarding evolving national security and law enforcement concerns. In the *China Mobile USA Order*, *China Telecom Americas Order on Revocation and Termination*, *China Unicom Americas Order on Revocation*, and *Pacific Networks and ComNet Order on*

Revocation and Termination, the Commission found that these entities are subject to exploitation, influence, and control by the Chinese government, and that mitigation would not address the national security and law enforcement concerns. In the *China Telecom Americas Order on Revocation and Termination*, *China Unicom Americas Order on Revocation*, and *Pacific Networks and ComNet Order on Revocation and Termination*, the Commission also found that the significant national security and law enforcement risks associated with those entities' retention of their section 214 authority "pose a clear and imminent threat to the security of the United States." More recently, the Commission adopted the *Evolving Risks Notice of Proposed Rulemaking (NPRM)* (88 FR 50486 (Aug. 1, 2023)), which, among other things, proposed rules that would require carriers to renew, every 10 years, their international section 214 authority. In the alternative, the Commission sought comment on adopting rules that would require all international section 214 authorization holders to periodically update information enabling the Commission to review the public interest and national security implications of those authorizations based on that updated information. As stated in the *Evolving Risks NPRM*, the overarching objective of that proceeding is to adopt rule changes "that will enable the Commission, in close collaboration with relevant Executive Branch agencies, to better protect telecommunications services and infrastructure in the United States in light of evolving national security, law enforcement, foreign policy, and trade policy risks."

10. The reclassification of BIAS as a Title II service, and our decision below to decline to forbear from the entry certification requirements of section 214, will enable the Commission to exercise its section 214 authority with respect to BIAS providers, and will enhance the Commission's ability to protect the Nation's communications networks from entities that pose threats to national security and law enforcement. Section 214(a) of the Act prohibits any carrier from constructing, acquiring, or operating any line, and from engaging in transmission through any such line, without first obtaining a certificate from the Commission "that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such . . . line" The Supreme Court has determined that the Commission has

considerable discretion in deciding how to make its section 214 public interest findings. As we discuss elsewhere, while we grant blanket section 214 authority for the provision of BIAS to all current and future BIAS providers, with exceptions, this grant of blanket authority is subject to the Commission's reserved power to revoke such authority, consistent with established statutory directives and longstanding Commission determinations with respect to section 214 authorizations. The Commission has explained that it grants blanket section 214 authority, rather than forbearing from application or enforcement of section 214 entirely, in order to remove barriers to entry without relinquishing its ability to protect consumers and the public interest by withdrawing such grants on an individual basis. And we find that the Commission's determinations, based on thorough record development, in the denial and revocation actions discussed below, in which the Commission extensively evaluated national security and law enforcement considerations associated with those entities, support our decision to exclude from this blanket section 214 authority for the provision of BIAS those same entities whose application for international section 214 authority was previously denied or whose domestic and international section 214 authority was previously revoked by the Commission because of national security and law enforcement concerns. As discussed below, we find that excluding those entities and their current and future affiliates and subsidiaries from blanket section 214 authority for the provision of BIAS is warranted based on the Commission's determinations in those proceedings that the present and future public interest, convenience, and necessity would no longer be served by the retention of those entities' section 214 authority, or that the public interest would not be served by the grant of international section 214 authority. The Commission's actions in those proceedings were based on recommendations and comments regarding evolving national security and law enforcement concerns from Executive Branch agencies, including from Members of, or Advisors to, the Committee for the Assessment of Foreign Participation in the U.S. Telecommunications Sector (Committee) created pursuant to Executive Order 13913. Our action in the Order will enable the Commission to use its section 214 authority to address threats to communications networks, working cooperatively with our Federal

partners and leveraging all investigative tools at our disposal.

11. Reclassification will also enhance the Commission's ability to obtain information from BIAS providers that will enable the Commission to assess national security risks, through reliance on section 214 of the Act, along with sections 201, 202, 218, 219, and 220. The Commission relies on sections 201 and 202 of the Act, and section 706 of the 1996 Act, for its authority to collect information. Additionally, section 218 of the Act authorizes the Commission to seek "full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created." Section 219 of the Act provides that "[t]he Commission is authorized to require annual reports from all carriers subject to this chapter, and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, any such carrier, to prescribe the manner in which such reports shall be made, and to require from such persons specific answers to all questions upon which the Commission may need information." Section 220(c) of the Act provides that "[t]he Commission shall at all times have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers, and the provisions of this section." As one example, in the *Evolving Risks Order* (88 FR 85514 (Dec. 8, 2023)), the Commission adopted a one-time collection of foreign ownership information from international section 214 authorization holders, pursuant to sections 218 and 219 of the Act, among other statutory provisions. Reclassification grants the Commission additional authority to develop information collection requirements pursuant to applicable provisions under Title II with regard to BIAS providers.

12. We anticipate as well that Title II authority, such as that provided in section 201 of the Act, will be important in addressing national security and law enforcement concerns involving internet Points of Presence (PoPs), which are usually located within data centers, as those relate to the provision of BIAS. Today, internet service providers (ISPs) provide BIAS through PoPs. There are serious national security and law enforcement risks associated with PoPs that are owned or operated by entities that present threats to national security and law enforcement interests and potential harms related to the services

provided by such entities. For instance, in the *China Telecom Americas Order on Revocation and Termination*, the Commission addressed concerns that China Telecom (Americas) Corporation's (CTA) PoPs in the United States "are highly relevant to the national security and law enforcement risks associated with CTA" and that "CTA's PoPs in the United States provide CTA with the capability to misroute traffic and, in so doing, access and/or manipulate that traffic." The Commission also stated that "CTA, like any similarly situated provider, can have both physical and remote access to its customers' equipment needed to provide such services," and "[t]his physical access to customers' equipment would allow CTA to monitor and record sensitive information." The Commission concluded that CTA's provision of services pursuant to its section 214 authority, "whether offered individually or as part of a suite of services—combined with CTA's physical presence in the United States, CTA's ultimate ownership and control by the Chinese government, and CTA's relationship with its indirect parent [China Telecommunications Corporation], which itself maintains a physical presence in the United States—present unacceptable national security and law enforcement risks to the United States," and it reached similar conclusions in the other proceedings. In the *China Telecom Americas Order on Revocation and Termination*, the Commission stated that "[i]n cases where [China Telecom Americas' (CTA's)] PoPs reside in IX points, CTA can potentially access and/or manipulate data where it is on the preferred path for U.S. customer traffic, through its services provided pursuant to section 214 authority and those services not authorized under section 214 authority." The Commission also noted that "[t]he Executive Branch agencies refer to public reports that CTA's network misrouted large amounts of information and communications traffic over long periods, often several months, sometimes involving U.S. government traffic." Notably, CTA's website indicates that the company operates 23 PoPs in the United States and offers a number of services that may be available in the United States, including colocation, broadband, internet access, IP transit, and data center services. We conclude that the same national security and law enforcement concerns identified in that revocation proceeding are at least as likely to be present in the context of BIAS offerings when used to route or exchange BIAS traffic. In the *China*

Telecom Americas Order on Revocation and Termination, the Commission concluded that CTA's provision of services pursuant to its section 214 authority, "whether offered individually or as part of a suite of services—combined with CTA's physical presence in the United States, CTA's ultimate ownership and control by the Chinese government, and CTA's relationship with its indirect parent [China Telecommunications Corporation], which itself maintains a physical presence in the United States—present unacceptable national security and law enforcement risks to the United States." We expect that reclassification of BIAS under Title II will enable the Commission to exercise authority when necessary to prohibit a BIAS provider from exchanging internet traffic with third parties that present threats to U.S. national security and law enforcement, such as CTA.

13. This document's reclassification decision also will provide the Commission with broader authority under Title II to safeguard BIAS providers, networks, and infrastructure from equipment and services that pose national security threats. The Commission has undertaken significant efforts to improve supply chain security pursuant to its universal service authority in section 254 of the Act, its authority to regulate equipment in sections 302 and 303 of the Act, and new mandates established by Congress through the Secure and Trusted Communications Networks Act of 2019, as amended, and the Secure Equipment Act of 2021. In particular, the Commission has taken action to: prohibit the use of universal service fund (USF) support to purchase or obtain any equipment or services produced or provided by companies posing a national security threat; prohibit the use of Federal subsidies administered by the Commission and used for capital expenditures to provide advanced communications service to purchase, rent, lease, or otherwise obtain such equipment or services; create and maintain a list of communications equipment and services that pose an unacceptable risk to the national security ("covered equipment and services"); administer the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program) to reimburse the costs providers incur to remove, replace, and dispose of covered Huawei and ZTE equipment and services from their networks; and prohibit the authorization of equipment that poses a

threat and the marketing and importation of such equipment in the United States. Reclassification furthers these efforts by enhancing the Commission's ability to address issues raised by the use in our networks of equipment and services that pose a threat to national security and law enforcement. Notably, the Commission stated that the definition of "provider of advanced communication services" for purposes of the Reimbursement Program did not limit program eligibility to providers who offer service to end users, and included intermediate providers that carry traffic for other carriers only and do not originate or terminate traffic.

14. We are unpersuaded by commenters who argue that Title II classification is unjustified for national security purposes because they question this policy rationale, argue that market forces are sufficient to address national security risks, or contend that potential national security regulations under Title II would be costly or burdensome for BIAS providers. The Commission's national security concerns are not new. As evidenced by the discussion above, the Commission has engaged in numerous and ongoing actions to address these risks. The Nation's communications networks are critical infrastructure, and therefore too important to leave entirely to market forces that may sometimes, but not always, align with necessary national security measures. Arguments regarding costs and burdens are unpersuasive given that, at this point, they represent only speculation about hypothetical costs and burdens. To the extent there are costs and burdens associated with any ultimate action the Commission may undertake, we anticipate that the benefits to national security will outweigh those costs.

15. We also disagree with those commenters that reject the national security justification for reclassification on the grounds that there are no gaps that need to be filled or problems that need to be solved by the Commission, that argue that the Commission has a marginal role in protecting national security, or that contend Commission action would undermine the existing whole-of-government national security approach. These commenters fail to recognize, as noted above, that Congress made clear, when creating the Commission, that one of its enumerated purposes was to further the "national defense." Additionally, these commenters ignore the Commission's significant contributions to the whole-of-government approach to national security. In addition to the regulatory actions discussed above, the

Commission is actively engaged in several Federal interagency working groups and policy committees that address a diverse range of national security topics, including cybersecurity, critical infrastructure resilience, emergency preparedness and response, supply chain risk management, and space systems cybersecurity. Commission staff receive classified briefings from the Intelligence Community on threats to the communications sector, exchange relevant information with Federal partners, and coordinate with law enforcement agencies to support various national security initiatives. The Commission also supports National Special Security Events (NSSE) and Security Event Assessment Rating (SEAR) 1 events and conducts investigations to determine if communications are being transmitted lawfully, if spectrum is being used appropriately, or if radio-frequency devices are authorized for operation. As a result of the Commission's collaborative efforts, we have learned that there are segments of the communications sector that are not subject to sufficient Federal regulatory oversight, including BIAS, due to the *RIF Order's* misclassification of the service in 2017. This lack of sufficient oversight allows security vulnerabilities to go undiscovered—and unaddressed—which can produce negative consequences for the communications sector, as well as other critical infrastructure sectors. As articulated above, reclassification directly supports the Commission's role in cross-government efforts and helps fill gaps in oversight by enabling the Commission to take regulatory actions to address national security risks.

16. We are also unpersuaded by arguments that reclassification is unjustified because we can address certain harms without such change. Some commenters argue that it would be sufficient to prevent carriers already subject to Title II from interconnecting with any entities that pose national security risks, whether or not those entities are themselves subject to Title II. We find that merely taking this action would fall far short of what is necessary to address our national security concerns, especially given the vastly diminished role of Title II voice and other traditional telecommunications services in today's communications marketplace. A prohibition on only regulated carriers—meaning those currently subject to Title II—from interconnecting with entities that pose a national security threat would not reach

providers of BIAS without reclassification. We find that it is instead necessary to directly address the national security risks associated with the provision of BIAS with the enhanced authorities available under Title II. The reclassification of BIAS is an important step toward closing the national security loopholes that exist within the communications sector, especially in broadband networks.

17. Finally, we reject arguments of commenters that oppose reclassification as unnecessary because the Commission's existing authority is sufficient to address national security concerns for which Congress has authorized the Commission to act; because the Commission does not have statutory authority to address national security concerns involving BIAS, broadband transmission services, or certain network infrastructure; or because Title II does not provide the Commission with authority to address national security. The Commission relies on multiple statutory provisions when taking action to protect national security, but Title II of the Communications Act includes some of the most important authorities and vests the Commission with a broad grant of rulemaking authority to "prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this chapter." Indeed, we have articulated several sources of authority above. As we do not adopt any new national-security-focused rules in the Order, we need not articulate with specificity each Title II provision that would provide a source of authority for potential action that the Commission may take in the future. Similarly, we are not persuaded that using Title II authority for national security purposes would violate Article II of the Constitution. As the U.S. Court of Appeals for the Fifth Circuit recently held, the Commission's exercise of authority to address national security threats to communications networks does not violate the separation of powers or infringe upon the President's constitutional authority to conduct foreign affairs.

3. Promoting Cybersecurity

18. As with national security, the Commission has an important role in addressing cybersecurity in communications networks that is inherent in its establishment "for the purpose of the national defense." The National Cybersecurity Strategy highlights the importance of protecting critical infrastructure as more of our "essential systems" move online. The expanding cyber threat landscape is

"making cyberattacks inherently more destructive and impactful to our daily lives." This trend is especially problematic because "malicious cyber activity has evolved from nuisance defacement, to espionage and intellectual property theft, to damaging attacks against critical infrastructure, to ransomware attacks and cyber-enabled influence campaigns." Further, "offensive hacking tools and services, including foreign commercial spyware, are now widely accessible . . . [to] organized criminal syndicates." In addition, "China, Russia, Iran, North Korea, and other autocratic states . . . are aggressively using advanced cyber capabilities" to pursue economic and military objectives. These malicious cyber activities threaten "the national security, public safety, and economic prosperity of the United States and its allies and partners."

19. The communications sector is squarely in the crosshairs of malicious cyber actors, who have targeted communications providers with ransomware attacks and have exploited vulnerabilities in communications networks to carry out cyberattacks against other critical infrastructure. For example, the 2023 Annual Threat Assessment of the U.S. Intelligence Community highlights the cyber threats to U.S. communications networks and states that "China's cyber espionage operations have included compromising telecommunications firms." More recently, Federal Bureau of Investigation (FBI) Director Christopher Wray highlighted "China's increasing buildout of offensive weapons within our critical infrastructure," which has enabled "persistent PRC access" to U.S. "critical telecommunications, energy, water, and other infrastructure."

20. The Commission actively supports the U.S. Government's efforts to protect critical infrastructure by participating in cybersecurity planning, coordination, and response activities. However, the classification of BIAS as a Title I information service has limited the regulatory actions that the Commission could take to address cyber incidents impacting some aspects of the communications sector, as well as other critical infrastructure sectors. This is not a hypothetical concern. As NTIA states on behalf of the Executive Branch, "[r]eclassifying BIAS is necessary to ensure that the Commission has the authority it needs to advance national security objectives." In recent years, Federal agencies have requested the Commission's assistance with mitigating specific risks and vulnerabilities in broadband networks that foreign adversaries could exploit to carry out

cyberattacks against the United States. The lack of Title II authority over BIAS has essentially precluded the Commission from taking regulatory action to directly address these concerns. We note, by way of example, recent reports of efforts of China-based hackers to target Philippines government officials by carrying out cyberattacks over broadband networks in that country. We find that reclassifying BIAS as a Title II service will help to fill this gap by enhancing the Commission's ability to protect U.S. communications networks and infrastructure from cyberattacks and to ensure that communications devices and equipment do not pose security risks to other critical infrastructure sectors.

21. The reclassification of BIAS significantly bolsters the Commission's existing authority to take regulatory actions to address cybersecurity risks and vulnerabilities in broadband networks. We agree with NTIA that reclassification will enable the Commission to better "protect our networks from malicious actors . . . [by] leverag[ing] the appropriate tools at its disposal, including the relevant Title II provisions." We agree with commenters that reclassification "provides multiple new authorities for the Commission to engage on cybersecurity" and take regulatory actions to "study cybersecurity needs and impose minimum standards on BIAS providers." For example, the Commission could build on existing efforts to require BIAS providers to implement cybersecurity plans and risk management plans to protect their networks from malicious cyber activity. This enhanced authority over BIAS could also allow the Commission to obtain greater situational awareness by working in coordination on cyber incident reporting with the Cybersecurity & Infrastructure Security Agency (CISA) as it implements the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCA). It also provides the Commission with additional regulatory tools to ensure network and service reliability and better support effective 911 and emergency preparedness and response efforts.

22. Reclassification also places the Commission in a stronger position to address vulnerabilities threatening the security and integrity of the Border Gateway Protocol (BGP), which impacts "the transmission of data from email, e-commerce, and bank transactions to interconnected Voice-over-Internet Protocol (VoIP) and 9-1-1 calls." For example, the Commission could

consider requiring service providers to deploy solutions to address BGP vulnerabilities, such as BGP hijacks. The agency could also consider establishing cybersecurity requirements for BGP, including “security features to ensure trust in the information that it is used to exchange,” which could prevent bad actors from “deliberately falsify[ing] BGP reachability information to redirect traffic to itself or through a specific third-party network, and prevent that traffic from reaching its intended recipient.” We note, however, that this filing does not oppose the reclassification of BIAS under Title II, the issue being addressed in the Order. Similarly, the Commission could more effectively address security threats related to the Domain Name System (DNS), which enables domain names to resolve to the correct IP addresses, and other naming protocols when used by BIAS providers to facilitate the operation of BIAS.

23. Some commenters argue that reclassification is unnecessary because the Commission’s existing authority is sufficient to address cybersecurity risks in areas where Congress has authorized the Commission to act. Other commenters argue that the classification of BIAS is irrelevant because the Commission does not have statutory authority to address cybersecurity matters. But it is well established that the Commission may—indeed must—take security and public safety considerations into account in its public interest determinations under Title II. We disagree with these commenters because the classification of BIAS under Title I created a loophole that largely precluded the Commission from taking regulatory actions to address cyber risks to BIAS providers and vulnerabilities in broadband networks. For example, under the Title I classification, the Commission has limited authority to require providers of non-Title II services (e.g., BIAS providers) to adopt cybersecurity standards or performance goals, report information about cyber incidents, or take defensive measures to protect communications networks and critical infrastructure. The reclassification of BIAS under Title II allows the Commission to use a broader range of regulatory tools by reestablishing the Commission’s legal jurisdiction over broadband services, providers, and networks. This change is necessary to ensure the Commission can effectively address the cyber threats to the communications sector.

24. We also disagree with those commenters that argue that the Commission should not take action because it lacks the expertise and

resources to implement a Title II regulatory regime in the area of cybersecurity and because other agencies are better equipped to address cybersecurity risks and vulnerabilities. For example, Verizon points out that CISA is “the federal leader for cyber and physical infrastructure security” and claims that the Commission plays “only a supporting role.” NCTA—The Internet & Television Association (NCTA) agrees, based on the fact that CISA “issue[s] administrative subpoenas to critical infrastructure entities, which includes broadband providers, to obtain information necessary to identify and notify entities of vulnerabilities in their system.” We recognize and appreciate CISA’s leadership in protecting critical infrastructure—including communications networks—from malicious cyber activity. The Commission works closely with CISA and other Federal agencies in a collaborative manner to address risks and vulnerabilities impacting the communications sector. Chairwoman Rosenworcel currently serves as Chair of the Cybersecurity Forum for Independent and Executive Branch Regulators, “a federal interagency group that shares information and expertise to enhance the cybersecurity of America’s critical infrastructure.” Further, the Commission is the regulatory agency for communications and, as such, has access to regulatory authorities and investigative tools that Congress has not granted to other agencies. For example, the Commission recently adopted a cybersecurity labeling program for Internet of Things (IoT) devices and products, and proposed a pilot program to help schools and libraries improve their cybersecurity efforts through the USF. In addition, the Commission regularly investigates cyber intrusions and hacks related to the breach of regulatorily protected consumer data in the possession of common carriers, cable providers, and satellite providers. For example, cyber breaches may involve unauthorized access to personally identifiable information (PII) or customer proprietary network information (CPNI). Likewise, our data protection investigations frequently involve investigating and assessing whether the regulated entities had reasonable cybersecurity protections in place to protect the networks on which sensitive data are housed. The reclassification of BIAS will enable the Commission to more effectively fulfill its responsibilities, including those identified in PPD–21, within the existing frameworks that support the

whole-of-government approach to cybersecurity.

25. Even though the Commission, under Title II, may not be able to address all significant cyber vulnerabilities, we find that the availability of that authority meaningfully enhances our ability to address significant cybersecurity threats. Given the interconnected nature of communications networks, any efforts to reduce the number of vulnerabilities and threat vectors that can be targeted by malicious cyber actors could provide substantial benefits to the larger communications sector. A recent cyberattack by Russian hackers against Kyivstar, Ukraine’s largest telecommunications provider, “knocked out services” for 24 million users and “completely destroyed the core” of the company’s network. This incident demonstrates how cyberattacks targeting communications service providers—including BIAS providers—can have disastrous impacts by damaging network infrastructure and causing widespread service outages. The Electronic Privacy Information Center (EPIC) asserts that “immediate regulatory action must be taken to compel ISPs to shore up their cybersecurity practices to better protect consumers,” and argues that Title II reclassification of BIAS would empower the Commission to take further action. We agree with EPIC and conclude that reclassification enhances the Commission’s ability to require BIAS providers to implement cybersecurity practices and take other actions to protect the confidentiality and integrity of information on the traffic that [each provider] stores or transmits.

26. Similar to certain arguments made opposing reclassification for national security purposes, commenters opposing reclassification for cybersecurity purposes argue that: the Commission has adequate authority to address cybersecurity issues under Title I; reclassification will be costly, burdensome, and too rigid for a dynamic threat landscape; and industry already addresses cybersecurity risks without regulatory mandates. We find that the Commission has an essential role in promoting measures that “currently seem to best protect consumers from breaches and other cyber incidents.” As described above, and consistent with our conclusions on national security matters generally, reclassification will provide additional authority to act when necessary and in coordination with our Federal partners to address cybersecurity in the communications sector. Although the adoption of specific cybersecurity

requirements is beyond the scope of this proceeding, we intend for any future proposed action to provide regulatory flexibility, “leverage existing cybersecurity frameworks,” encourage “public-private collaboration,” and be designed to minimize the “cost of implementation.”

4. Safeguarding Public Safety

27. Reclassifying BIAS as a telecommunications service enables the Commission to advance several public safety initiatives. Congress created the Commission, among other reasons, “for the purpose of promoting safety of life and property through the use of wire and radio communication,” and as the Commission recognized in the *RIF Remand Order* (86 FR 994 (Jan. 7, 2021)), “[a]dvancing public safety is one of our fundamental obligations.” The *Mozilla* court explained that when “‘Congress has given an agency the responsibility to regulate a market such as the telecommunications industry that it has repeatedly deemed important to protecting public safety,’ then the agency’s decisions ‘must take into account its duty to protect the public.’” The Commission’s responsibility to address public safety is becoming increasingly important as the severity and frequency of natural disasters continue to rise. Reclassification enhances the Commission’s jurisdiction over BIAS providers, which, in combination with our other statutory authority, will allow us to ensure BIAS meets the needs of public safety entities and individuals when they use those services for public safety purposes.

28. Reclassification will empower the Commission to more effectively support public safety officials’ use of BIAS for public safety purposes. Public safety officials’ reliance on broadband service has become integral to their essential functions and services, even aside from their use of enterprise-level broadband services, including how they communicate with each other and how they convey information to and receive information from the public. Public safety entities and first responders often rely on retail broadband services to communicate during emergency situations. Increasingly, public safety entities rely on BIAS to access various databases, share data with emergency responders, and stream video into 911 and emergency operations centers. Public safety officials also rely on BIAS outside the emergency context, including relying on individuals’ residential security systems that use BIAS and programs that are alternatives to incarceration, which require individuals to check in with supervising

officers remotely, wear electronic location monitoring devices, or use continuous alcohol monitoring devices. In addition, public safety officials use services accessible over the top (OTT) of broadband connections, such as social media, to communicate important and timely information to the public and to gain valuable information from the public and build on-the-ground situational awareness. For example, during the recent 911 outage that impacted several western states, public safety officials used social media “to inform the public of the issue and to provide alternate means of contacting emergency services.” Santa Clara describes the essential role BIAS also plays in public safety officials’ ability to carry out their daily, non-emergency functions, including its importance in the functioning of its emergency communications and operations protocols. Santa Clara also describes the importance of redundancies in its emergency communications and operations systems, and that many of these systems rely on BIAS, outside of its enterprise systems. Public safety entities benefit as well when they rely on enterprise services, which often flow over the same facilities as mass-market retail services. For example, Emergency Services Internet (ESInet) is a managed UP network that is used for emergency services communications and which may be constructed from a mix of dedicated and shared facilities. ESInets can be realized in several ways with one example using the Multi-Protocol Label Switching (MPLS) standard used by many BIAS and transit providers’ networks for traffic engineering and sharing facilities with other traffic. Reclassification gives the Commission additional jurisdiction to advance the existing uses of BIAS to support public safety operations and communications by, for example, taking regulatory actions to improve the effectiveness of emergency alerting and 911 communications. Given how crucial BIAS is to the protection of public safety and that reclassification provides the Commission with the ability to ensure that BIAS is reliable and secure during emergencies, we disagree with those commenters who argue that reclassification will not enhance public safety communications on the basis that public safety entities heavily rely on enterprise-level dedicated networks that fall outside of the scope of reclassification.

29. BIAS also plays an increasingly important role in allowing the public to communicate with first responders during emergency situations. In the *RIF*

Remand Order, the Commission noted that retail broadband services are used to translate communications with 911 callers and patients in the field and to deliver critical information about 911 callers that is not delivered through the traditional 911 network. The Commission has undertaken various efforts in recent years to improve how the public reaches and shares information with emergency service providers. Title II classification of BIAS supports these current and future efforts. For example, reclassification enhances the Commission’s jurisdiction to improve the flow of voice communications, photos, videos, text messages, real-time text (RTT), and other types of communications from the public to emergency service providers through Next Generation 911 or Wi-Fi calling.

30. The public relies on BIAS to easily access public safety resources and information. Commenters who support reclassification and petitioners for reconsideration of the *RIF Remand Order* note that social media is increasingly used as an important resource by the public to access information about emergencies and other public safety incidents. We therefore disagree with commenters who argue that there is no evidence that the Commission’s lack of regulatory authority over BIAS poses public safety risks. Similar to the arguments made by commenters who argue that reclassification will not affect communications networks used by public safety officials, this argument ignores that both public safety officials and the public increasingly rely on BIAS. Indeed, BIAS has become for many individuals the primary way to access critical public safety services, without which there would be no other mode of communication. Reclassification enables the Commission to ensure that communications are secure and reliable in times of emergency. We agree with the Communications Workers of America (CWA) that “[w]hile many providers have made strides in improving service quality and reducing outages, voluntary commitments are clearly not enough.” Furthermore, the fact that many states have implemented their own laws to ensure public safety communications are safeguarded demonstrates the gap that has existed since the repeal of Title II classification of BIAS. We observe that the public also relies on BIAS for public safety communications that occur outside of emergencies, including for telemedicine; residential safety and security systems; and in-home

monitoring of individuals who are elderly, disabled, or otherwise able to benefit from such services.

31. BIAS is essential when used by individuals with disabilities to communicate with public safety services, and the Commission has taken several steps to improve access to IP-enabled 911 communications for people with disabilities. For example, the Department of Health and Human Services recently announced that the 988 Suicide & Crisis Lifeline will provide direct video calling ASL services for people who are deaf and hard of hearing, as part of ongoing efforts to expand accessibility to behavioral health care for underserved communities. This will allow an ASL user in crisis to communicate directly with a counselor in ASL. Reclassification enhances our existing authority to ensure these communications are not interrupted or degraded by, for example, giving the Commission the jurisdiction necessary to “develop minimum standards of service and enforcement mechanisms that affect people with disabilities.” Likewise, reclassification “provide[s] the FCC with the tools needed, for example, to promote broadband in rural areas lacking sufficient access to BIAS where there is no substitute for copper wires which carry 911, closed captioning, and TTY services.”

32. Reclassification will enhance the Commission’s ability to better protect public safety communications. For example, Title II positions the Commission to more fully examine and investigate incidents involving BIAS providers that are alleged to have violated the Commission’s rules, including those against throttling or blocking. In addition to holding any particular violative action to account, enforcement proceedings would also enable the Commission to prevent or mitigate future threats to BIAS by using data and information gathered as a result of those proceedings. Reclassification will also enable the Commission to make the Nation’s alerting and warning capabilities more effective and resilient by, for example, adopting rules requiring BIAS providers to transmit emergency alerts to their subscribers. Further, given the expanding ways in which individuals and public safety officials rely on BIAS to keep themselves and their homes safe, Title II will enable the Commission to ensure that BIAS providers protect and securely transmit the sensitive information to which they are privy pursuant to section 222, which requires service providers to protect customer information. Thus, reclassification

enables the Commission to take a wider range of regulatory actions to ensure the public can reliably and securely access life-saving public safety resources and information using BIAS.

33. We find that the ability of the Commission to adopt *ex ante* regulations will provide better public safety protections than the *ex post* enforcement framework established by the *RIF Order*. We agree with Santa Clara and INCOMPAS, which, in their Petitions for Reconsideration of the *RIF Remand Order*, criticize the *RIF Remand Order*’s analysis of the record at that time in light of these observations, including the *RIF Remand Order*’s minimization of the opportunity for harm to public safety in the absence of reclassification and the open internet conduct rules as well as its acceptance of industry’s voluntary commitments to abide by the principles underlying the open internet rules. Reclassification and the conduct rules enable the Commission “to deal with public safety issues before a public safety situation arises—not afterwards, as the *RIF Remand Order* suggests,” and do not force the Commission to rely on voluntary industry commitments to protect public safety.

34. Some commenters assert that reclassification will stymie innovation and reduce incentives for investment, which in turn, does not serve public safety goals. Both INCOMPAS and Santa Clara petitioned for reconsideration of the *RIF Remand Order* in large part on this very notion, pointing out that the asserted benefits of increased investment and innovation under Title I was unsupported by the record and that there was evidence to the contrary. We agree with Public Knowledge in that “[n]owhere has the Commission ever found that the nebulous and unsubstantiated benefits of deregulation outweigh the specific benefits of ensuring that public safety responders can communicate reliably with each other and with the public in times of crisis.” Linking increases or decreases in investment and innovation with reclassification is not supported by the available evidence, as we discuss in more detail below.

5. Monitoring Network Resiliency and Reliability

35. The Commission also plays a critical role in monitoring the resiliency and reliability of the Nation’s communications networks and helping to ensure that these networks are in fact resilient and reliable. PPD–21 defines “resilience” as “the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from

disruptions . . . [it] includes the ability to withstand and recover from deliberate attacks, accidents, or naturally occurring threats or incidents.” The Nation’s networks are critical lifelines for those in need during disasters and other emergency situations. Recent events, including hurricanes, wildfires, tornadoes, earthquakes, and severe winter storms, demonstrate how communications infrastructure remains susceptible to disruption. As broadband services become more widespread, consumers increasingly rely on these connections. As of February 2021, Pew Research estimates that 77% of adults in the United States have high-speed broadband service at home. Smartphone ownership among adults in the US is now estimated to be at 85%. The Commission has taken actions consistent with its existing authority to improve the reliability and resiliency of the Nation’s communications networks so that the public can communicate, especially during emergencies. However, those efforts have had to largely focus on the networks’ provision of voice telephony under Title II. This document’s action to reclassify BIAS under Title II will enable the Commission to build upon these efforts by taking more effective regulatory actions to protect the resiliency and reliability of our broadband networks and infrastructure.

36. In particular, the Commission plays a vital role in ensuring that the Nation’s communications networks are resilient and reliable. For example, the Commission “monitors and analyzes communications network outages[,] . . . [takes actions] to help prevent and mitigate outages, and where necessary, assist[s] response and recovery activities.” During emergencies, the Commission “collects information on the operational status of communications infrastructure to support government disaster assistance efforts and to monitor restoration and recovery.” One of the principal benefits of reclassification is to enable all public safety officials to better assess the operational status of broadband networks for dissemination of emergency information and/or to better assess where support is needed. Under the Commission’s Network Outage Reporting System (NORS), qualifying service providers are required to report to the Commission network outages that satisfy certain criteria.

37. As Free Press points out, “because NORS is limited to voice service outages, ‘the Commission has historically lacked reliable outage information for today’s modern,

essential broadband networks.’’
Reclassification also enhances the agency’s ability to gain better visibility over the performance of broadband networks and also to completely and accurately determine the scope and causes of outages to these networks. Closing this reporting gap for outages could afford the Commission and public safety officials with more consistent and reliable data to better track changes in network reliability, identify trends, pinpoint possible improvements and best practices, and disseminate actionable information. New outage reporting requirements for BIAS providers could also provide the Commission with better situational awareness for major internet outages affecting first responders, 911 services, and impacted populations that are not currently captured by NORS data. Finally, reclassification supports the Commission’s authority to expand the scope of NORS by requiring BIAS providers, like Title II-regulated voice service providers, to submit outage reports in response to service incidents that cause outages or the degradation of communications services, such as cybersecurity breaches, wire cuts, infrastructure damages from natural disaster, and operator errors or misconfigurations.

38. The Commission also “oversees and monitors industry efforts to strengthen network resiliency,” including through the recently adopted Mandatory Disaster Response Initiative. Moreover, the Commission adopted new rules, “to require enumerated service providers (cable communications, wireline, wireless, and interconnected Voice over Internet Protocol (VoIP) providers) . . . to report on their infrastructure status during emergencies and crises in the Disaster Information Reporting System (DIRS) when activated and to submit a final report to the Commission within 24 hours of DIRS deactivation.” Reclassification bolsters the Commission’s authority to require BIAS providers to participate in DIRS. In addition, the Commission endeavors to “identify and reduce risks to the reliability of the nation’s communications network[s],” including by working with the Communications Security Reliability and Interoperability Council (CSRIC).

39. Reclassifying BIAS as a telecommunications service will significantly enhance the Commission’s ability to protect critical infrastructure by taking actions to address threats and vulnerabilities to communications networks. Public Knowledge agrees that “[w]ithout Title II authority, the Commission cannot impose regulations

to meet the need for resilience and reliability as more and more critical traffic passes through IP networks.” This change in policy will enable the Commission to set goals and objectives that foster resilience and to implement risk management directives on a wider basis in order to make our broadband networks more resilient and reliable, and thus more secure. We also disagree with those commenters who argue against reclassification by contending that outage reporting targeted to BIAS networks will not serve the public interest or that there are alternative sources of authority for outage reporting. The Commission is considering in a separate proceeding the extent to which outage reporting requirements should be placed on BIAS providers and we anticipate that having Title II as an additional source of authority will support that evaluation.

40. We also are not persuaded by other arguments that certain parties raise regarding network resilience and reliability that are consistent with their comments regarding national security. Some commenters argue reclassification is not necessary to ensure the resiliency and reliability of the Nation’s communications networks, that market-driven incentives motivate broadband providers to make significant investments to increase the resiliency and reliability of their networks, or that the Commission has only a limited role to play on resilience and reliability issues. We agree with AARP and Next Century Cities, however, that reclassification is necessary to provide the Commission with sufficient authority to address network resiliency for critical infrastructure, which is too important for the Commission to be forced to rely upon mere voluntary measures and alleged market-driven incentives. As described above, and consistent with our conclusions on national security matters generally, we find that the Commission has an essential role on resilience and reliability issues, working in coordination with its Federal partners. Reclassification will allow for the direct network monitoring of the Nation’s broadband internet networks and provide a robust regulatory platform so that all BIAS providers maintain the highest levels of business continuity when incidents occur. We find that reclassification will support the Commission’s efforts to protect the public by ensuring that more reliable and resilient networks are in use, including by developing voluntary frameworks and policies when practical,

and compelling enforceable compliance when needed.

41. Commenters opposing reclassification also argue that under Title I classification, broadband networks have provided robust internet service despite unprecedented levels of demand during the COVID–19 pandemic. We find these arguments unpersuasive. As more critical functions rely on BIAS, it is imperative for the Commission to have authority to address resiliency issues involving broadband networks to the same degree that it has for traditional voice networks. Further, we disagree with those commenters that contend that these types of reporting, monitoring, and regulatory requirements would likely impose significant new costs on BIAS providers and potentially stifle investment and broadband deployment.

42. In conclusion, the reclassification of BIAS will secure the Commission’s authority to, as necessary, implement requirements for network upgrades and changes, adopt rules relating to recovery from network outages, and improve our incident investigation and enforcement authority to mitigate network threats and vulnerabilities. Reclassification also enables the Commission to create more stability and predictability on how providers should address disasters and emergency situations. Moreover, reclassifying broadband as a telecommunications service allows the Commission to address identified—and evolving—threats and vulnerabilities in the BIAS industry, as some BIAS providers may not have sufficient incentives to protect the traffic traversing their networks without such regulation. Thus, reclassification would allow the Commission, for example, to require BIAS providers to identify and reduce harmful activities occurring across their infrastructure. These measures will be taken in support of a whole-of-government approach by taking regulatory actions to enhance network reliability and resiliency in order to better protect all of our Nation’s networks.

6. Protecting Consumers’ Privacy and Data Security

43. We find that classifying BIAS as a telecommunications service will support the Commission’s efforts to protect consumers’ privacy and data security. Section 222 of the Act governs telecommunications carriers’ use, disclosure, and provision of access to information obtained from their customers, other telecommunication carriers, and equipment manufacturers. It imposes a general duty on every telecommunications carrier to protect

the confidentiality of proprietary information of its customers, other telecommunication carriers, and equipment manufacturers, and imposes heightened restrictions on carriers' use, disclosure, or provision of access to customers' customer proprietary network information (CPNI)—including customer location information—without consent. CPNI is defined as “(A) information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier.”

44. Returning BIAS to its telecommunications service classification will bring BIAS providers back under the section 222 privacy and data security framework, restoring those protections for consumers and yielding substantial public interest benefits. In her separate remarks on the 2021 Federal Trade Commission (FTC) Staff Report, Chair Lina Khan noted that the FCC “has the clearest legal authority and expertise to fully oversee internet service providers,” a view supported by a number of commenters, who assert that the Commission’s specific expertise to regulate privacy matters is needed. We observe that the Commission’s privacy authority under Title II is not limited to CPNI. Section 222(a) also imposes obligations, which we enforce, on carriers’ practices with regard to protection of non-CPNI customer proprietary information and personally identifiable information (PII), and section 201(b)’s prohibition on practices that are unjust or unreasonable also provides authority over privacy practices. We also find that because section 222 places an obligation on telecommunications carriers to protect the confidentiality of the proprietary information of and relating to other telecommunication carriers (including resellers) and equipment manufacturers, our classification of BIAS as a telecommunications service will protect information concerning entities that interact with BIAS providers.

7. Supporting Access to Broadband Internet Access Service

45. Reclassifying BIAS as a telecommunications service under Title II will support the Commission’s multifaceted efforts to support access to BIAS in three ways. First, such

authority will improve the Commission’s ability to foster investment in and deployment of wireline and wireless infrastructure and to promote competition for, and access to, BIAS for consumers by restoring to BIAS-only providers statutory protections for pole attachments that providers of cable and telecommunications services receive. Second, reclassification facilitates our ability to ensure access to BIAS by enabling the Commission to regulate BIAS-only providers that serve multi-tenant environments to ensure they do not engage in unfair, unreasonable, and anticompetitive practices, such as exclusivity contracts. Finally, authority under Title II will put the Commission on the firmest legal ground to promote the universal service goals of the Act.

46. *Wireline and Wireless Infrastructure.* We find that reclassifying BIAS as a telecommunications service under Title II will support the Commission’s mission to foster investment in and deployment of wireline and wireless infrastructure and to promote competition and access to BIAS for consumers. Specifically, we find that the application of sections 224, 253, and 332 of the Act to BIAS-only providers will provide equitable rights to those providers and the tools to enable the Commission to reach its goals, thereby promoting greater deployment, competition, and availability of both wireline and wireless BIAS. Furthermore, we find that the *RIF Remand Order* failed to adequately address the *Mozilla* court’s concerns regarding the effects of reclassification on BIAS-only providers.

47. Reclassification of BIAS as a Title II service will ensure that BIAS-only providers receive the same statutory protections for pole attachments guaranteed by section 224 of the Act that providers of cable and telecommunications services receive. Section 224 defines pole attachments as “any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility.” It authorizes the Commission to prescribe rules to ensure that the rates, terms, and conditions of pole attachments are just and reasonable; requires utilities to provide nondiscriminatory access to their poles, ducts, conduits, and rights-of-way to telecommunications carriers and cable television systems (collectively, *attachers*); provides procedures for resolving pole attachment complaints; governs pole attachment rates for *attachers*; and allocates make-ready costs among *attachers* and utilities. The

Act defines a utility as a “local exchange carrier or an electric, gas, water, steam, or other public utility, . . . who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications.” However, for purposes of pole attachments, a utility does not include any railroad, any cooperatively organized entity, or any entity owned by a Federal or State government. Section 224 excludes incumbent local exchange carriers (ILECs) from the meaning of the term “telecommunications carrier,” therefore these entities do not have a mandatory access right under section 224(f)(1). The Commission has held that when ILECs obtain access to poles, section 224 governs the rates, terms, and conditions of those attachments. The Act allows utilities that provide electric service to deny access to their poles, ducts, conduits, or rights-of-way because of “insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes.” As the Commission noted in 2015, it “has recognized repeatedly the importance of pole attachments to the deployment of communications networks” and therefore has undertaken a series of reforms to improve access to poles under section 224. The National League of Cities urges us to revisit and overturn our *2018 Wireless Infrastructure Order* (83 FR 51867 (Oct. 15, 2018)) and, until that time, forbear from application of sections 253 and 332(c) to reclassified BIAS. We agree with the Wireless Infrastructure Association that the former request is outside the scope of this proceeding. We decline to forbear from applying section 253 and 332(c) to BIAS for the reasons we discuss in section IV.B.9. To that end, the Commission continues to pursue solutions to improve pole access including, most recently in December 2023, by adopting new rules that, among other things, speed up the pole attachment dispute resolution process by establishing a new intra-agency rapid response team, set forth specific criteria for the response team to use when considering a complaint, and increase transparency for new broadband buildouts by requiring disclosure of pole inspection reports during the make-ready process. Under a Title I classification scheme, BIAS-only providers are not entitled to any of the current or future benefits the Commission may enact to facilitate access to broadband infrastructure.

48. Section 253 of the Act provides further protections to telecommunications companies that,

through Title II reclassification, will apply to BIAS-only providers. Specifically, section 253 seeks to further facilitate deployment of communications services by enabling the Commission (or a court) to intervene when a State or local regulation or legal requirement “may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate *telecommunications* service.” Without reclassification, however, BIAS-only providers may not seek the Commission’s intervention under section 253 when State or local regulations interfere with their network deployment. Moreover, State and local laws that are exclusively focused on, or exclusively implicate, the provision of BIAS, do not currently fall within the ambit of section 253 and thus cannot be the subject of Commission intervention when prohibiting or having the effect of prohibiting the provision of BIAS exclusively.

49. In the wireless context, section 332 of the Act protects regulated entities from State and local regulations that “unreasonably discriminate among providers or functionally equivalent services” or that “prohibit or have the effect of prohibiting the provision of personal wireless service.” However, because mobile broadband is not currently classified as a “commercial mobile service,” mobile BIAS-only providers who do not offer additional regulated services are not covered by section 332. As INCOMPAS notes, it has “members who are solely focused on providing broadband services,” and “[t]he current classification of BIAS and mobile broadband as Title I services makes it difficult for these providers to argue that they are building the kinds of facilities capable of commingled operation that are covered by Sections 332 and 253.” As with sections 224 and 253, without reclassification, mobile BIAS-only providers would be disadvantaged compared to their competitors.

50. We find that reclassifying BIAS as a Title II service levels the playing field by ensuring that BIAS-only providers enjoy the same regulatory protections—those guaranteed by sections 224, 253, and 332—as their competitors who offered services already classified as telecommunications services in addition to BIAS prior to our classification decision in the Order. As the Commission found in 2015, “[a]ccess to poles and other infrastructure is crucial to the efficient deployment of communications networks including, and perhaps especially, new entrants.” INCOMPAS notes that BIAS providers face “significant barriers to deploy

broadband network infrastructure—among them access to poles, ducts, and conduit.” The California Public Utilities Commission (CPUC) explains further that “[a]ccess to poles, conduits, and rights-of-way may affect cost, feasibility, and timing of constructing and offering broadband services.” Sections 224, 253, and 332 however, seek to remove these barriers by guaranteeing providers access to utility poles at just and reasonable rates and by ensuring that State and local laws do not prohibit deployment. Even WISPA—the Association for Broadband Without Boundaries (WISPA), which otherwise opposes our reclassification decision, highlights the benefits of extending section 224 rights to BIAS-only providers.

51. NCTA argues that restoring section 224 rights will only provide “illusory” benefits to BIAS-only providers. We disagree. Under Title II, BIAS-only providers will be guaranteed access to utility poles at just and reasonable rates. BIAS-only providers, therefore, will no longer be forced to negotiate for the right of pole access directly with each set of pole owners, which will not only ensure they pay the same rates as their competitors but will also ensure that deployment of their networks is not unnecessarily bogged down by the negotiation process. While such benefits may seem “illusory” to the competitors who already enjoy such privileges, we find that eliminating one of the “significant barriers to deploy[ment] [of] broadband network infrastructure,” is in fact a very real benefit for BIAS-only providers. Indeed, NCTA, who claims that the benefits of pole attachment rights will prove to be illusory, has consistently taken issue with the costs of pole attachments, even under the existing regime, and has regularly supported and championed the Commission’s efforts to reduce the costs and burdens of obtaining pole access.

52. We find that in addition to guaranteed pole attachment rates and more efficient deployment, Title II reclassification will also ensure that BIAS-only providers are protected by section 253, which provides that “no [s]tate or local statute or regulation, or other [s]tate or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” Likewise, mobile BIAS-only providers will receive protection under section 332 which requires State and local governments to act on “any request for authorization to place, construct, or modify personal wireless service facilities within a

reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.” As INCOMPAS notes, “a reclassification of BIAS . . . opens an avenue for additional protections for BIAS-only providers who may need Commission intervention to address state/local policies that restrict competitive deployment through its oversight for ensuring competitors can access new geographic markets.” Under Title I, BIAS-only providers cannot seek assistance from the Commission if State or local governments interfere with the deployment of BIAS-only networks—once again, leaving them worse off than their regulated competitors. For example, under a Title I regulatory regime, if State or local permitting processes effectively prohibit the deployment of BIAS networks, BIAS-only providers cannot raise the issue with the Commission. In areas where both BIAS-only and providers of comingled services operate, providers of comingled services may seek a resolution with the Commission that would resolve the issue for BIAS-only competitors as well, but BIAS-only providers would be reliant upon their competitors to bring the action to the Commission in the first place. But if a State or local legal requirement solely affects BIAS, even providers that currently offer comingled services lack the ability under section 253 to challenge it given that section 253 only applies to those State and local legal requirements that affect the provisioning of “telecommunications service.” Moreover, in any area where BIAS-only providers are the sole provider of service (or are seeking to be a provider of service), they would be left without recourse. We agree with INCOMPAS, which notes that “reclassification so that BIAS-only providers receive the same Title II protections as incumbent telecommunications providers is in the public interest as it will best ensure that the Communications Act’s goal of the Commission enabling and promoting competition can be fulfilled and that consumers will benefit from additional choice in the marketplace.” Therefore, we find that restoring section 253 rights of BIAS-only providers is not only equitable, but will help ensure that BIAS-only providers are adequately protected by the Commission’s authority to address State and local policies that restrict deployment.

53. In the *RIF Remand Order*, the Commission attempted to downplay its decision to strip section 224 rights from

BIAS-only providers by claiming that “ISPs may gain the status of telecommunications providers, and thus become eligible for section 224 pole attachment rights.” Specifically, the Commission suggested that BIAS-only providers could either alter their business plans to offer other services that would then qualify them as telecommunications carriers or enter into partnerships with existing telecommunications carriers to attain section 224 rights. While it may be true that BIAS-only providers could alter the business plans or partner with other regulated entities to ensure they receive equitable pole access, our regulations should not be designed to stifle innovative offerings distinct from those currently offered in the marketplace. Furthermore, each year more and more Americans are opting to forgo these additional non-BIAS telecommunications services and instead are choosing to have only a fixed BIAS connection in their homes along with a mobile connection. INCOMPAS notes that because customers are opting to use over-the-top video or VoIP services, many of its fixed BIAS members were losing money on video and voice services and “have ceased offering voice and/or video options to their residential customers given that those customers can choose third-party over-the-top video or VoIP options for these services.” Thus, requiring BIAS-only providers to pursue declining lines of business just to receive the same legal protections as their competitors makes little sense. And in following the *RIF Remand Order*’s suggestion that BIAS-only providers could enter into partnerships with telecommunications carriers to gain pole access, BIAS-only providers would just swap one barrier to entry (negotiating directly with pole owners for access) for another (negotiating with a telecommunications carrier). As a result, the supposed solution the *RIF Order* offered up is in fact no solution at all and instead leaves BIAS-only providers with a different “competitive bottleneck.” Moreover, the *RIF Remand Order* failed to cite to even one instance of such a partnership or provide any evidence that such a partnership would even be economically or practically feasible, only mentioning the *possibility* that BIAS-only providers might be able to pursue one. Even assuming the possibility of such a partnership, unlike with section 224, which ensures pole owners provide access at just and reasonable rates, there are no legal safeguards to ensure that potential

partners agree to reasonable terms with BIAS-only providers.

54. In addition, we find that the *RIF Remand Order* erred in concluding that the ability of states under section 224(c) to establish their own pole attachment rules in place of the Federal rules (often referred to as reverse-preemption) minimizes the impact of the loss of section 224 rights on BIAS-only providers. First, the majority of jurisdictions have not chosen to reverse-preempt the Commission and instead have opted to continue to allow the Commission to regulate pole attachments under section 224. Second, we disagree with the conclusion in the *RIF Remand Order*, as well as those commenters who agree with the conclusion, that “Title I classification does not impact the 22 states and the District of Columbia that have chosen to reverse-preempt our rules.” An additional state, Florida, has subsequently reverse preempted the Commission’s jurisdiction since the issuance of the *RIF Remand Order*. As INCOMPAS notes, some of the jurisdictions that have reverse-preempted the Commission have simply mirrored the Commission’s rules so that any changes implemented by the Commission are also directly implemented by the state. For example, Pennsylvania has reverse-preempted the Commission but chosen to adopt the “rates, terms and conditions of access to and use of utility poles, ducts, conduits and rights-of-way to the full extent provided for in 47 U.S.C. 224 and 47 CFR chapter I, subchapter A, part 1, subpart J (relating to pole attachment complaint procedures), inclusive of future changes as those regulations may be amended.” Therefore, because the Pennsylvania code reflects the “rates, terms, and conditions of access to” poles adopted by the Commission, reclassifying BIAS as a Title II service will provide pole access to BIAS-only providers in Pennsylvania even though Pennsylvania regulates its own poles. The same is true in West Virginia, another State that has reverse-preempted the Commission, where the West Virginia Public Service Commission, at the direction of the State legislature, adopted the FCC’s pole attachment regulations in their entirety, including subsequent modifications, superseded existing pole attachment regulations that conflicted with Federal regulations, and otherwise rejected stakeholder requests to alter the Commission’s regulations. Similarly, at least two other jurisdictions, the District of Columbia and Ohio, have reverse-preempted the Commission but

continue to point to the Commission’s regulations for reference. Three other states seemingly have only partially preempted the Commission’s rules by opting to regulate only the attachments of other public utilities or cable television providers. In those states, the Commission’s rules will continue to govern the attachments of telecommunications carriers. Thus, the Commission’s pole attachment rules will continue to play a vital role in several jurisdictions that have elected to reverse-preempt, or partially reverse-preempt, the Commission.

55. The *RIF Remand Order* further posits that “if a state prefers to adopt a different regulatory approach, that state has the opportunity to exercise its authority to expand the reach of government oversight of pole attachments.” But, as the CPUC, the Public Utility Commission for a State which has reverse preempted the Commission, argues, it is not entirely clear states can grant BIAS-only providers pole access pursuant to their section 224 reverse-preemption authority if the Commission itself has specifically chosen to exclude BIAS-only providers from the purview of Title II, the very source of authority from which section 224 authority emanates. Thus, under Title I classification, the right of BIAS-only providers to access poles in those states that have chosen to self-regulate is subject to uncertainty; and in the majority of jurisdictions, which are governed by the Commission’s rules, such providers have no right to pole access at all.

56. Furthermore, as the CPUC and other commenters note, the lack of clear legal authority to regulate BIAS-only providers presents public safety issues as states may not be able to enforce safety regulations on BIAS-only providers that do manage to attach to poles. The CPUC states, however, that “reclassifying BIAS as a telecommunications service would eliminate this potential argument and the commensurate delay in responding to safety violations.” We agree and find that, in addition to the economic benefits of affording section 224 rights to BIAS-only providers, reclassification will also ensure that the Commission and State utility commissions have the requisite legal authority to protect public safety concerns associated with the deployment of broadband-only infrastructure.

57. We also find to be without merit the arguments of commenters who echo the Commission’s contention in the *RIF Remand Order* that the loss of section 224 rights is not a serious issue because the majority of BIAS providers offer

comingled services. To be clear, we do not dispute the fact that the majority of BIAS providers offer at least one Title II-regulated service in addition to BIAS, as some commenters contend. We believe, however, that the small number of BIAS-only providers is not due just to the popularity of other regulated services, but also because BIAS-only providers, many of which are smaller competitive companies, do not enjoy the competitive advantages of larger enterprises like many of their competitors. As a result, competitive bottlenecks and obstacles to deployment, such as access to poles at just and reasonable rates, present significant challenges to BIAS-only providers that may make breaking into markets with large entrenched incumbents next to impossible. As the CPUC notes, “[a]ll forms of telecommunications, including broadband, require access to rights-of-way generally, and specifically to poles and conduits, which are controlled by incumbent local exchange carriers and other entities. Access to poles, conduits, and rights-of-way may affect cost, feasibility, and timing of constructing and offering broadband services.” Furthermore, we believe that the *RIF Remand Order* completely overlooked the future competitive realities for BIAS-only providers and the resulting harms that its decision will yield. As we discussed above, consumers are becoming more reliant on BIAS and are continually foregoing the purchase of services offered alongside BIAS (*i.e.*, cable and voice). As a result, there is no reason to doubt that more and more providers will begin offering only BIAS and without reclassification would have no rights pursuant to section 224. Therefore, we find that restoring the section 224 rights and easing the burdens of pole access is likely to ensure that the number of BIAS-only providers does not artificially shrink due to inequitable treatment under the law.

58. Furthermore, we find that equitable regulatory treatment of BIAS-only providers, particularly with regard to regulations designed to speed network deployment, will also increase competition, ultimately benefitting consumers and assisting the Commission’s goal of achieving universal service. We agree with INCOMPAS which states that “[a]dditional competition is key to tackling our nation’s internet challenges” and that the Commission must ensure that its policies do not further entrench large telecommunications carriers, reducing

the viability of smaller, innovative alternative providers and also reducing the service options available to consumers. USTelecom states that “[t]he NPRM cites no evidence that there are broadband-only providers that could not receive those benefits today or that the availability of the Broadband Equity, Access, and Deployment funding is leading to the creation of such providers,” but INCOMPAS specifically notes that it “expect[s] that many entities that will be competing for BEAD dollars will be BIAS-only” and states that those entities “cannot exercise any rights afforded by Title II to speed their deployment.” USTelecom further contends that “there is no record evidence that Title I classification is preventing [BIAS-only providers] from obtaining just and reasonable pole attachment rates.” Even accepting USTelecom’s statement as true, it still misses the mark. Even if BIAS-only providers are somehow able to negotiate directly with pole owners to ultimately achieve rates that are just and reasonable, BIAS-only providers must still suffer the costs of securing pole access through private negotiations, and without any leverage, with each set of pole owners, unlike their regulated peers who have guaranteed access rights under section 224. Clearly then, by failing to provide equal access to the Act’s legal protections on a nondiscriminatory basis, the Title I regime favors large incumbents at the expense of BIAS-only providers. Because we opt to restore the Title II classification of BIAS, we find it unnecessary to address commenters who suggest the Commission can provide similar rights to BIAS-only providers through other sections of the Communications Act.

59. *Multiple Tenant Environments (MTEs)*. In the *2023 Open Internet NPRM* (88 FR 76048 (Nov. 3, 2023)), we sought comment on how reclassification of BIAS might impact the Commission’s authority to regulate service providers in MTEs. Specifically, we asked how reclassification might provide the Commission additional authority to foster competition and promote consumer choice for those living and working in MTEs. We conclude now that reclassification of BIAS as a telecommunications service facilitates these goals by enabling the Commission to regulate broadband-only providers that serve MTEs and thereby to end unfair, unreasonable, and anticompetitive practices facing MTE residents. That is, reclassification would give the Commission authority to require BIAS-only providers to abide by

the same kinds of rules—including those that prohibit exclusivity contracts that bar competition outright in MTEs—that other telecommunications and cable providers must currently follow. Such rules in turn would secure the same protections for all residents of MTEs, regardless of the kind of service offered by providers in their building; reduce regulatory asymmetry between broadband-only providers and other kinds of providers; and potentially improve competition in the MTE marketplace.

60. More than 100 million people in the United States live or work in MTEs, including a disproportionate number of lower-income residents and members of marginalized communities. The Commission’s rules, which regulate the kinds of agreements service providers may enter into with MTE owners, currently extend to telecommunications carriers as well as cable operators and multichannel video programming distributors (MVPDs). Developed pursuant to congressional direction to protect consumer choice in emerging communications technologies for residents of MTEs, these rules include, for example, a prohibition on exclusivity contracts that grant the provider the sole right to access and offer service in an MTE.

61. However, these rules do not govern broadband-only providers today. Although many BIAS providers offer telecommunications, video programming, and other comingled services that subject them to the Commission’s MTE rules, a provider offering only BIAS exists outside the scope of its rules. This means that while the Commission can, for example, impose rules on an entity offering both broadband and traditional phone service in an MTE, there is uncertainty about whether and when it could regulate a provider offering only the former. Even if such a provider entered into an agreement with an MTE owner barring competitors from the building outright—a type of agreement that the Commission has long declared anathema to the public interest—the Commission’s rules would not apply and the Commission is not currently aware of other authority it could rely on to prevent such an agreement.

62. We thus find that reclassification of BIAS as a Title II service, which would provide us authority to regulate broadband-only providers, enables the Commission to address these potential regulatory gaps and ensure that all MTE tenants may benefit from the pro-consumer MTE rules the Commission has adopted and may adopt in the future as part of its current open proceeding.

We therefore agree with Public Knowledge that reclassification would have many benefits for MTE residents including, among others, greater competition and innovation in MTEs, lower costs for consumers, and improved customer service. Reclassification would also create the potential for parity between BIAS-only and other providers serving MTEs, as well as protections for BIAS-only providers unable to compete against those employing anticompetitive practices.

63. We disagree with CTIA—The Wireless Association’s (CTIA) contention, citing the Commission’s *2022 MTE Report and Order and Declaratory Ruling* (87 FR 51267 (Aug. 22, 2022)), that reclassification and regulation of the “few” BIAS-only providers in MTEs would “disregard[] the Commission’s ‘incremental approach’ in this area,” and that the Commission offers “no significant evidence as to why the Commission should change course now.” The *2022 MTE Report and Order and Declaratory Ruling* adopted new rules and targeted additional practices that reduce consumer choice in MTEs. We note that in that proceeding’s record, some commenters urged the Commission to “subject broadband-only providers to our rules governing MTE access, citing . . . potential harms that could result from regulatory asymmetry if [it] did not.” The Commission declined to extend its rules to broadband-only providers at the time, citing its historically incremental approach to MTE regulation but noting explicitly that it would “continue to monitor competition in MTEs to determine whether we should alter the scope of [the] rules.” However, nothing in the *2022 MTE Report and Order and Declaratory Ruling* belies commenters’ claims about the harms arising out of the regulatory asymmetry, which we find remain valid today. Meanwhile, commenters in opposition to reclassification fail to raise arguments that justify failing to extend the benefits of the Commission’s rules to MTE residents where a broadband-only provider offers service to a building.

64. We are also unpersuaded by CTIA’s claims that broadband-only providers are so few in number that it justifies the Commission not taking any additional action to curb anticompetitive, unfair, and unreasonable practices by broadband-only providers in MTEs. Even assuming that CTIA is correct, or that the majority of service providers offer commingled services, it is unclear whether this will remain true in the future. And while

some commenters claim that the Commission failed to identify widespread abuses by BIAS-only providers in the *2023 Open Internet NPRM*, others, such as AARP, highlight that such abuses may indeed be ongoing, pointing to an alleged instance of a broadband-only provider exploiting its status to enter into an exclusivity contract. We therefore find that these abuses are not merely speculative or theoretical, and provide additional support for the Commission’s decision to reclassify BIAS as a Title II service.

65. Some commenters contend that the Commission need not reclassify BIAS to protect tenants and can instead rely on its ancillary or other existing authority to address broadband-only providers. Such authority, however, does not provide the same firm legal footing as Title II and thus is less likely to offer enduring protections for residents of MTEs. WISPA, in its comments, expresses concern that reclassification of BIAS would result in rule protections for over-the-air reception devices (OTARDs) no longer being available to fixed wireless broadband-only providers and contends that this will discourage deployment of broadband in multi-tenant environments, neighborhoods lacking access to nearby towers, and similar environments. We acknowledge WISPA’s concerns, and we will examine whether to revise § 1.4000(a)(5) in another proceeding. While classification of BIAS may affect the scope of services that are covered under the Commission’s rules regarding over-the-air reception devices, classification of BIAS as telecommunications service may also qualify fixed wireless broadband services for the protections available under sections 332(c)(7) and 253. Although sections 253 and 332(c)(7) do not apply to restrictions by private landlords they do provide for Federal preemption of State and local zoning restrictions that “prohibit or have the effect of prohibiting” “the ability of any entity to provide any interstate or intrastate telecommunications service” and “the provision of personal wireless services.”

66. Finally, we disagree with WISPA that any purported benefits of applying our MTE rules would be outweighed by a slowdown in broadband investment in MTEs precipitated by the need for BIAS-only providers to “assess the impact [reclassification more broadly would have] on their business plans.” We find that to the extent our reclassification of BIAS as a Title II service would cause a BIAS-only provider to re-think an exclusive contract to serve an MTE or an otherwise anticompetitive arrangement

in an MTE, that would be an additional benefit to consumers, not a drawback. Moreover, our ability to regulate BIAS-only providers in MTEs is but one reason moving us to reclassify BIAS as a Title II service. Thus, the benefits outlined elsewhere in addition to those detailed here must be considered in the aggregate.

67. *Universal Service*. Reclassifying BIAS as a telecommunications service will also promote the universal service goals of section 254 by enabling more efficient deployment of broadband networks and greater access to affordable broadband service. In the *2023 Open Internet NPRM*, we asked how reclassification might better enable the Commission to steward our universal service programs in a way that is responsive to the communications needs of the modern economy. We specifically sought comment on how reclassification might strengthen the Commission’s statutory authority to provide BIAS through the USF, eventually allow broadband-only providers to once again participate in the Lifeline program, and protect public investment in BIAS access and affordability. Reclassification enhances the Commission’s ability and flexibility to address affordability and availability issues across the country, both immediately and in the future. So as to not unnecessarily disrupt the current marketplace without ample consideration, the Commission does not designate BIAS as a supported service or extend eligible telecommunications carrier (ETC) eligibility to BIAS-only providers at this time. Such action would best be considered in a future proceeding.

68. Universal Service is the principle that all Americans should have access to telecommunications services and advanced communications services at just, reasonable, and affordable rates in all regions of the Nation. The Commission administers four programs in furtherance of these principles using contributions from telecommunications carriers to the USF: the High Cost program, which helps eligible carriers recover some of the cost of providing access to modern communications networks to consumers in rural, insular, and high-cost areas; the Lifeline program, which provides discounted voice service and BIAS through eligible carriers to qualifying low-income subscribers; the E-Rate program, which provides discounts to eligible schools, school districts, and libraries to purchase affordable BIAS; and the Rural Health Care program, which provides funding to eligible health care providers to purchase telecommunications and

broadband services necessary for the provision of health care. All four USF programs fund BIAS or infrastructure and are able to rely on statutory authority to do so regardless of BIAS's classification. Classifying BIAS as a telecommunications service, however, will put the Commission on the firmest legal ground to promote the universal service goals of section 254 by enabling the Commission and states to designate BIAS-only providers as ETCs.

69. The Commission has concluded that section 254(e) of the Act allows for the use of universal service funds to benefit both the facilities used to provide supported telecommunications service, and the supported telecommunications services themselves, which permits the Commission to provide High Cost and Lifeline program support for non-telecommunications services offered over networks that also provide telecommunications services. The Commission currently conditions receipt of support on the provision of broadband service in funded networks in 11 of the 15 High Cost program funds, and also supports broadband through the Lifeline program.

70. The Commission has distinct authority to provide support for BIAS and connections through the E-Rate and Rural Health Care programs. Section 254(c)(3) specifies that "the Commission may designate additional services for such support mechanisms for schools, libraries, and health care providers for the purposes of subsection (h)." Subsection (h) reads, in part: "[t]he Commission shall establish competitively neutral rules—to enhance, to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services for all public and nonprofit elementary and secondary school classrooms, health care providers, and libraries." The Commission has acted pursuant to section 254(c)(3) to designate BIAS as eligible for support under both the E-Rate and Rural Health Care programs. The Commission concluded at the inception of the E-Rate program that it has the authority to support BIAS access and connections "provided by both telecommunications carriers and non-telecommunications carriers" through the E-Rate program because "such services enhance access to advanced telecommunications and information services for public and non-profit elementary and secondary school classrooms and libraries." The Commission also determined that it could fund BIAS support through the

Rural Health Care program under section 254(h).

71. However, section 214(e) limits providers receiving USF support to common carriers providing telecommunications services and designated as ETCs after undergoing Commission or State commission approval processes. Currently, only carriers that offer qualifying voice telephony services can be designated as ETCs and receive support from the two USF programs that provide funds directly to carriers, the High Cost and Lifeline programs. Reclassification will allow BIAS-only providers to act as common carriers providing telecommunications service and enable them to be designated as ETCs. Indeed, after the *2015 Open Internet Order* (80 FR 19738 (Apr. 13, 2015)), the Wireline Competition Bureau designated ten such providers as "Lifeline Broadband Providers" (LBPs), and some of those providers began providing service that was subsidized by Lifeline support. But in 2017, the Bureau rescinded those designations, and since the *RIF Order* and the *RIF Remand Order*, standalone broadband providers have remained unable to receive critical Lifeline universal service support.

72. Allowing BIAS-only providers to participate in the High Cost and Lifeline programs would enhance both programs. Both programs are already oriented overwhelmingly toward BIAS over other service types. As discussed above, providers in most High Cost program funds are required to build BIAS-capable networks. Moreover, as of September 2023 approximately 96% of Lifeline customers subscribe to a plan that includes broadband service. Several commenters echo many of the anticipated benefits of allowing carriers that do not provide voice services to participate in the High Cost and Lifeline programs discussed in the *2023 Open Internet NPRM*, including increased competition, program participation, consumer choice, rural coverage, and affordability. The Commission also has recognized that "encourag[ing] market entry and increased competition among Lifeline providers, which will result in better services for eligible consumers to choose from and more efficient usage of universal service funds." One commenter stresses that allowing BIAS-only providers to become ETCs will particularly benefit consumers in areas where there are currently few or no ETCs that provide BIAS. The need to allow BIAS-only providers to become ETCs is more important and will provide more utility than it did when BIAS was last classified under Title II, as the 2015 classification allowed

Lifeline subscribers to apply the benefit to a "new generation of ISPs that [did] not use their facilities to offer voice services," and now there are even more ways to provide BIAS via innovative, affordable, and user-friendly technologies.

73. Thus, we adopt the *2023 Open Internet NPRM's* tentative conclusion "that classifying BIAS as a telecommunications service will strengthen our policy initiatives to support the availability and affordability of BIAS through USF programs." The majority of commenters support this conclusion. Commenters state that, through the USF, the Federal government has made significant investments in networks to ensure BIAS is available to all consumers and in service subsidies to ensure BIAS is affordable for all consumers, and reclassification "will enable the Commission to protect these investments on an ongoing basis by ensuring that these connections benefit users." Commenters further stated that "[t]he Commission needs clear authority over broadband-only services to implement and maintain an effective and efficient Lifeline policy."

74. A minority of commenters disagree with the *2023 Open Internet NPRM's* tentative conclusion that we adopt in the Order. Several commenters argue that USF considerations are relatively unimportant because direct appropriations programs such as the Commission's Affordable Connectivity Program (ACP) and NTIA's Broadband Equity, Access, and Deployment (BEAD) Program are viable alternatives to achieving USF goals. Some commenters further argue that reclassification will deter private sector participation in the BEAD program. We find these claims to be speculative and give them no weight. Given that there is no definitive evidence that reclassification adversely affects *privately* funded BIAS investment, if it has any effect at all, *see infra* section III.H, we find the claim that reclassification would adversely affect BIAS investment that is substantially *publicly* funded to not be credible. Furthermore, we find as a general matter that new obligations on BIAS providers are unlikely to be more onerous under Title II than is the case currently, and therefore find it unlikely that BIAS providers' decisions to participate in publicly funded programs would be meaningfully impacted as a result of reclassification. At least one commenter stressed the importance of funding the ACP or making the ACP part of the USF. Another party stressed both the need to renew ACP funding and the risks of making ACP part of the

USF. These issues are the remit of Congress and the Commission is unable to accomplish either through this or any proceeding. We therefore decline to address them here. We do not believe that the strength of other programs dependent on different funding sources should prevent the Commission from strengthening the USF. Closing the digital divide is a large undertaking that benefits from multiple programs, and we note that some of these alternative programs are winding down given their lack of funding. Moreover, the Commission is statutorily required to preserve and advance the USF. One commenter contends that the benefits of reclassification to the Commission's universal service goals may not be realized because BIAS-only providers will be unwilling to assume increased oversight by State or Federal regulators to obtain ETC designation. This claim is not only speculative, it ignores the new opportunities that Title II offers to these providers to expand their networks and subscriber base through potential eligibility to participate in the High Cost and Lifeline programs. Moreover, as discussed above, the record shows significant consumer interest in allowing BIAS-only providers to become ETCs. We also make clear that reclassification only provides an opportunity to BIAS-only providers to become ETCs; it does not mandate it. Neglecting it because of the existence of other programs defies this mandate. One commenter argues that the Commission should focus on "ensuring that funding issued through the Universal Service Funds or the Affordable Connectivity Program are not wasted or subject to fraud or abuse" instead of reclassification. The Commission currently has strong program integrity protections for the USF programs and continues to update them as needed. USF program integrity, however, is only tangentially related to BIAS reclassification and does not have a significant impact on our actions taken in the Order. We also decline to address commenters arguing for reforms to the portions of the USF that states regulate because they are similarly unrelated to the proceeding.

75. We reject some commenters' assertions that as to universal service, reclassification is a solution in search of a problem because USF programs are functioning properly, the Commission currently has a strong legal basis to support BIAS through USF programs, and reclassification would not further, and would possibly hinder, affordability and availability goals. While we agree that the USF programs are currently

well positioned to further BIAS availability and affordability, we disagree that reclassification cannot better position the statutory basis for the Commission's universal service efforts. As noted above, with reclassification, we remove any doubt about the ability of the Commission to support BIAS-only providers with our universal service programs. While the Commission is not taking steps in the Order to allow BIAS-only providers to receive High Cost or Lifeline program support, the ever-changing nature of communications offerings may necessitate such future action to ensure that limited Commission resources are going towards services consumers need. Our action in the Order bolsters our existing legal framework and gives the Commission flexibility to establish BIAS as a supported telecommunications service.

76. We also adopt the *2023 Open Internet NPRM's* tentative conclusion that classifying BIAS as a telecommunications service would protect public investments in BIAS access and affordability. Establishing firmer legal authority to fund BIAS through the High Cost and Lifeline programs ensures that public funds can continue to flow into network buildouts and discounted service. Commenters agree that reducing barriers to USF participation, including by potentially allowing BIAS-only carriers to participate in the High Cost and Lifeline programs in the future, will protect public investment by increasing the number of entities eligible to receive it, including small providers previously ineligible to become ETCs and providers in rural areas where there had been no or few ETCs prior. We are unpersuaded by one commenter's argument that "the NPRM's tentative conclusion that reclassification 'protects public investments in [broadband] access and affordability' ignores the fact that, in the bipartisan [Infrastructure Investment and Jobs Act of 2021 (IIJA)], Congress appropriated tens of billions of dollars for broadband deployment, adoption, and affordability without subjecting broadband to any Title II requirements." Congress's choice to support discrete public investment through special appropriations does not affect whether reclassification furthers the Commission's ability to protect ongoing public investment distinct from or in concert with appropriations.

77. While we agree with the potential for expanded access to our universal service programs, we do not, however, designate BIAS as a supported service at this time. Section 254(c)(1)'s requirement that the Commission "shall

establish periodically" which telecommunications services meet the USF supported service standard does not require the Commission to designate universal services at any specific interval or time, much less the moment a service is classified as a telecommunications service. The record created in this proceeding is insufficient to properly and effectively address all of the concerns raised by designating BIAS a supported service. Rather than adjust our USF rules on a piecemeal basis, retaining existing supported universal services and, by extension, ETC eligibility standards, provides us the flexibility for holistically examining reclassification's effects on the USF at a later time. For this reason, we decline at this time to revise our definition of supported services.

8. Improving Access for People With Disabilities

78. We find that reclassification of BIAS under Title II will enhance the Commission's authority to ensure that people with disabilities can communicate using BIAS. Specifically, we agree with commenters that reclassification will enable the Commission to utilize its authority under sections 225, 255, 251(a)(2), and the newly adopted open internet rules to ensure that BIAS is accessible for people with disabilities.

79. People with disabilities who have access to BIAS rely on internet-based forms of communications for more effective and efficient direct and relayed communications. Reclassification of BIAS under Title II and prohibiting BIAS providers from blocking or throttling information transmitted over their BIAS networks, engaging in paid or affiliated prioritization arrangements, and engaging in practices that cause unreasonable interference or disadvantage to consumers will allow the Commission to better safeguard access to internet-based telecommunications relay services (TRS). Reclassification will also allow the Commission to ensure that BIAS and equipment used for BIAS are accessible to and usable by people with disabilities and precludes the installation of "network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to section 255" These provisions work in concert with sections 716 and 718 of the Act, giving the Commission authority to increase and to maintain access for people with disabilities to modern communications. Section 716 of the Act requires that advanced communications services be accessible to and usable by people with

disabilities. Advanced communications services are: “(A) interconnected VoIP service; (B) non-interconnected VoIP service; (C) electronic messaging service; (D) interoperable video conferencing service; and (E) any audio or video communications service used by inmates for the purpose of communicating with individuals outside the correctional institution where the inmate is held, regardless of technology used.” Section 718 of the Act requires that internet browsers installed on mobile phones be accessible to people who are blind or visually impaired to ensure the accessibility of mobile services.

80. For example, persons who are deaf, hard of hearing, or have speech disabilities use BIAS to connect to internet-based video applications to communicate directly with other persons who use sign language (point-to-point) and other individuals who do not use the same form of communication. These applications include Video Relay Service (VRS), which involves multi-party synchronous high-definition video and audio streaming requiring users to have a high-speed broadband connection with sufficient data and bandwidth. Under section 225, the Commission may make a telecommunications relay service like VRS available to people with disabilities, but to use VRS, those individuals must still subscribe to BIAS or mobile BIAS. Section 225 enables us to ensure that individuals with hearing and speech disabilities can use BIAS-based services to communicate in a “manner that is functionally equivalent” to the ability of a person who does not have a hearing or speech disability. As the Commission recognized in the *2015 Open Internet Order*, BIAS providers may impede the ability of the Commission to ensure BIAS-based forms of TRS are functionally equivalent if they adopt network management practices that have the effect of degrading the connections carrying video communications of persons with hearing and speech disabilities. For instance, bandwidth limits, data caps, or requirements to pay additional fees to obtain sufficient capacity can have a disproportionate negative impact on those people with disabilities who use VRS. These video-based services are used by people whose first language is sign language and are the only means of direct communications or a communications service that is functionally equivalent to voice communications services used by

persons without hearing or speech disabilities.

81. We reject the argument by some commenters that reclassification of BIAS under Title II will not enhance the Commission’s authority to ensure the accessibility of BIAS or will not improve accessibility of BIAS for people with disabilities, given the existence of the Twenty-First Century Communications and Video Accessibility Act (CVAA). For example, USTelecom and CTIA argue that reclassification is “not necessary” or would have “no impact on accessibility” because Congress has already given the Commission the requisite authority to ensure the accessibility of BIAS in sections 716 and 718, which do not rely on the classification of BIAS. Reclassification will apply statutory provisions to BIAS that will enhance our ability to improve the accessibility of BIAS and internet-based communication services for people with disabilities. Specifically, as discussed below, we do not forbear from the application of sections 225, 251(a), and 255 or their implementing regulations. We disagree with USTelecom that these benefits are negligible. While the CVAA permits the Commission to adopt certain regulations concerning “advanced communications services,” BIAS itself is not an advanced communications service, as specifically defined in the CVAA. For example, the CVAA directs the Commission to enact regulations to prescribe, among other things, that networks used to provide advanced communications services “may not impair or impede the accessibility of information content when accessibility has been incorporated into that content for transmission through . . . networks used to provide [advanced communications services].” Under section 716, 47 U.S.C. 617, a manufacturer of equipment used for advanced communications services must ensure that such equipment is accessible to and usable by individuals with disabilities, if achievable; and similarly providers of advanced communications services must ensure that those services are accessible to and usable by individuals with disabilities, if achievable. Accordingly, reclassifying BIAS allows us to regulate that service under Title II in ways that complements our authority over advanced communications services under the CVAA. For example, under Title II, providers of BIAS and manufacturers of BIAS equipment and BIAS customer premises equipment must ensure that such equipment and services are

accessible to and usable by individuals with disabilities, if readily achievable. In addition, section 251(a)(2) prohibits providers of telecommunications services from installing network features, functions, or capabilities that impede accessibility.

B. Broadband Internet Access Service Is Best Classified as a Telecommunications Service

82. We conclude that BIAS is best classified as a telecommunications service based on the ordinary meaning of the statutory definitions for “telecommunications service” and “information service” established in the 1996 Act. This conclusion reflects the best reading of the statutory terms applying basic principles of textual analysis to the text, structure, and context of the Act in light of (1) how consumers understand BIAS and (2) the factual particulars of how the technology that enables the delivery of BIAS functions. We recognize that when interpreting a statute, our “analysis begins with the text” of the statute “and we look to both ‘the language itself [and] the specific context in which that language is used.’” As explained below, the Commission also has well-established and longstanding authority and responsibility, provided by Congress, to classify services subject to the Commission’s jurisdiction, as necessary, using the Act’s definitional criteria, including the statutory provisions enacted as part of the 1996 Act. And though not necessary to our conclusion that treating BIAS as a telecommunications service is the best reading of the Act based on the statutory text, structure, and context, our decision here is further supported by the principles set forth by the Supreme Court in *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.* (*Chevron*). Our analysis is also appropriately afforded deference under *Skidmore v. Swift & Co.* Commenters in the record take various positions about possible judicial deference regimes that might (or might not) apply to our classification decision. We need not linger over those disputes given that we find our classification of BIAS reflects the best reading of the Act irrespective of such considerations. We also conclude that BIAS is not best classified as an information service.

83. Our application of the statutory definitions to BIAS is driven by how typical users understand the BIAS offering. For an offering to meet the “telecommunications service” definition, the telecommunications component of the offering, from the perspective of the end user, must have

a sufficiently separate identity from the other components to constitute a separate offering of service. As the Supreme Court explained in *Brand X*, “[i]t is common usage to describe what a company ‘offers’ to a consumer as what the consumer perceives to be the integrated finished product, even to the exclusion of discrete components that compose the product.” The D.C. Circuit affirmed that consumer perception is important to determining the proper classification of a service in *USTA*. Furthermore, the Commission has consistently analyzed consumers’ understanding of the offering in its decisions classifying broadband services. The *2015 Open Internet Order* and *RIF Order* both analyzed their classification decisions based on consumers’ understanding of the offering. That we should understand the Act’s definitional terms based on the consumer perception of the offering is also supported by the references to the “user” in the definition of “telecommunications.” The record also provides support for relying on consumer perception to conduct our classification analysis, and in light of the record and the well-established basis for relying on consumer perception and BIAS provider marketing, we disagree with commenters who argue that this consideration is unsuitable to our classification analysis.

84. Our classification decision also is guided by an evaluation of the statutory definitions based on the factual particulars of how the technology that enables the delivery of BIAS functions. In *Brand X*, the Supreme Court noted that the question of what service is being offered depends on “the factual particulars of how internet technology works and [how the service] is provided.” Past Commission classification decisions also indicate that evaluation of the underlying technology is an important factor. Consistent with the *2015 Open Internet Order*, we also find that the functionality of the offering is also informed by how BIAS providers market the offering, including whether the offering is focused on the transmission capabilities of the service or any information service component or capabilities that may be provided with the transmission component. We therefore disagree with commenters who argue that this consideration should not apply to our classification analysis.

1. BIAS Is an Offering of Telecommunications for a Fee Directly to the Public

85. We conclude that BIAS is best classified as a “telecommunications service” under the Act because it is an “offering of telecommunications for a fee directly to the public.” The *RIF Order* did not dispute that BIAS providers offer BIAS directly to the public for a fee. In support of this conclusion, we find that BIAS provides “telecommunications,” as defined in the Act, because it provides “transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.”

86. As the Commission has previously observed, the critical distinction between a telecommunications service and an information service turns on what the provider is “offering.” The record in this proceeding leads us to the conclusion that BIAS is perceived by consumers and functions as a transmission conduit that does not alter the information it transmits. The record also demonstrates that consumers perceive—and BIAS providers market—BIAS as a standalone offering of such telecommunications, which is separate and distinct from the applications, content, and services to which BIAS provides access, and which are generally information services offered by third parties. While we ground our conclusion that consumers perceive—and BIAS providers market—BIAS as a telecommunications service on the record before us in this proceeding, we also find that the conclusions reached by the *2015 Open Internet Order* about consumer perception and BIAS provider marketing were not only accurate regarding the BIAS offered at the time, but remain accurate concerning BIAS today. Additionally, no party in the record disputes that BIAS providers routinely market BIAS widely and directly to the public for a fee, and therefore that BIAS is not a private carriage service.

a. BIAS Provides Telecommunications

87. The record evinces significant support for the general proposition that BIAS provides “telecommunications”; that is, BIAS provides “transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.”

88. *BIAS Transmits Information of the User’s Choosing*. BIAS transmits information of a user’s choosing both

functionally and from a user’s perspective, providing two independent, alternative grounds for this conclusion. Functionally, as a packet-switched transmission service using Internet Protocol (IP), BIAS transmits information of a user’s choosing because a user decides what information to place in each IP packet that is transmitted when the user decides what information to send and receive. A user chooses to send or receive particular information when the user visits a particular website, uses a particular application, or operates a particular online device or service. We are therefore unpersuaded by USTelecom’s argument that BIAS does not provide telecommunications because users often receive information that is not of their choosing, such as display advertising on a web page. That the user may not know exactly what information the user will receive does not mean that the information was not “of the user’s choosing.” Just as traditional voice service provides telecommunications even though a user making a telephone call does not necessarily know who will answer or what information will be conveyed in the call, BIAS provides telecommunications even when a user does not necessarily know exactly what information will be received in response to the user’s selections. We are likewise unconvinced by NCTA’s argument that BIAS does not transmit information of the user’s choosing because, “unlike traditional, circuit-switched voice services, in which the user chooses and sends the information—*i.e.*, his or her voice—to a particular called party, broadband involves continual interaction between computers and the transmission network, as well as among computers themselves.” To the extent BIAS is continually sending and receiving information, it is doing so because users are choosing to interact with websites, applications, or online devices or services, and they are therefore directing the sending and receiving of such information.

89. *BIAS Transmits Information Between or Among Points Specified by the User*. The consumer perspective and technological functionality confirm that BIAS transmits information between or among points specified by the user, providing two independent, alternative grounds for this conclusion as well. A typical consumer understands the phrase “points specified by the user” to mean the person, business, or service provider with which the user intends to share information. Therefore, when a consumer chooses to use a particular

website, application, or online device or service, the user perceives that the user is specifying the points for the transmission of the information that the user is sending or receiving. The ordinary meaning of the terms “specify” and “point,” taken together, demonstrates that users understand that when they “specify” the “point,” of their choosing, they are specifying the website, application, online device, or service with which they wish to communicate, regardless of its physical or virtual location. We conclude that when BIAS users expressly or explicitly identify to BIAS providers the particular website, application, or online device or service they wish to access, they would understand themselves to be specifying the points between or among which the relevant information will be transmitted. Even assuming *arguendo* that “points specified by the user” should be interpreted more narrowly, the applications users are controlling to access information may actually know the specific destination before the transmission occurs, which provides an independent alternative basis for our conclusion. This is true, contrary to some commenters’ claims, even if a user does not know the specific geographic location of that person, business, or service provider or the precise physical or virtual location or address where the requested content is stored. Functionally, a user is also specifying the IP address of their desired point even when the user enters a fully qualified domain name, such as *www.example.com*, because the domain is resolved by the DNS to the appropriate IP address. Additionally, the fact that users may specify a point associated with more than one virtual location or address (*e.g.*, due to load balancing) “does not transform that service to something other than telecommunications.” Indeed, the Commission has “never understood the definition of ‘telecommunications’ to require that users specify—or even know—information about the routing or handling of their transmissions along the path to the end point, nor do we do so now.” This understanding of the “points specified by the user” phrase is consistent with the *2015 Open Internet Order*, which noted that users “would be quite upset if their internet communications did not make it to their intended recipients or the website addresses they entered into their browser would take them to unexpected web pages.” Thus, “there is no question that users specify the end points of their internet communications.”

90. That users specify the points for the transmission of their information when using BIAS is consistent with the functionality of other forms of telecommunications. For example, in the context of mobile voice service, when a user dials a number, the call is routed to a cell tower near the called party—likely the one that would provide the best user experience—just as how a BIAS user’s query to a video streaming service is often directed toward the server nearest to the user. In neither case does the user know the precise geographic location of the “point” specified. With toll-free 800 service, a call dialed to a single telephone number may route to multiple locations that are unknown to the user. Similarly, with call bridging services, when a user dials a telephone number, the call is routed often to multiple points, all with geographic locations that are unknown to the user. Additionally, when the Commission first had the opportunity to classify a broadband service—namely, digital subscriber line (xDSL)-based advanced service—in the *Advanced Services Order* (63 FR 45140 (Aug. 24, 1998)), it concluded that the end user chooses the destination of the IP packets sent beyond the central office where the tariffed service of Bell Operating Companies (BOCs) ended, relying on the function of such voice services. The Commission did not understand any of these services to fall outside the meaning of telecommunications simply because the user did not know the precise location of the points.

91. The statutory context reinforces this understanding. The 1996 Act, which enacted the “telecommunications” definition, also included section 706, which directs the Commission to “encourage the deployment . . . of advanced telecommunications capability,” and to conduct marketplace reviews in that regard. Section 706 defines the specific sorts of “telecommunications capability” at issue as “enabl[ing] users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology”—but does not separately define “telecommunications capability” or “telecommunications.” Consequently, pursuant to section 3(b) of the 1996 Act, the definition from section 3 of the Communications Act—*i.e.*, the “telecommunications” definition we are applying here—applies to the use of “telecommunications” in section 706 of the 1996 Act. It is improbable that users could be expected to have more

knowledge of the specific geographic or virtual locations between or among which “high-quality voice, data, graphics, and video” are transmitted than they do in the case of BIAS transmissions. Similarly, that Congress considered the information a user receives in the form of “high-quality voice, data, graphics, and video” to fall within “advanced telecommunications capability” accords with the understanding that users likewise have chosen the information they receive when accessing the internet using BIAS, even if they have not anticipated and specified its minutest details.

92. *BIAS Transmits Information Without Change in the Form or Content as Sent and Received.* BIAS transmits information “without a change in its form or content as sent and received” from a user perspective. The record demonstrates that users expect that their information will be sent and received without change and does not show that these user expectations are not being met. There is even record evidence that consumers have rejected past attempts by BIAS providers to change the form or content of their information. When a user “chooses” to stream a music video, for example, the user expects to hear the song and see the choreography without it being changed by their BIAS provider. The record does not show that the user perceives any processing or intelligence that is employed to deliver the video, let alone understands that processing or intelligence to cause a change in the form or content of that information.

93. BIAS also does not change the form or content of the information it transmits from a technical perspective. As we explain above, BIAS transmits the information of users’ choosing because users decide what information should be placed in the packets that are transmitted. There is no change in the form or content of that information because the packet payload is not altered in transit. Although BIAS may use a variety of protocols to deliver information from one point to another, the fundamental premise of the internet is to enable the transmission of information without change in the form or content across interconnected networks, and any such changes would undermine that very functionality.

94. It is therefore not the case, as some commenters at the time of the *RIF Order* contended and some commenters here repeat, that the processing or intelligence that is combined with the transmission component, and that may act upon a user’s information for routing purposes, changes the form or content of that information. NCTA argues, for example, that while packet content may

not change, the packet switching architecture itself—“the breaking apart, routing, and reconfiguration of these packets”—“involves a ‘change in the form or content’ of the information requested or sent by the user.” Making a similar argument, CTIA uses streaming a video as an example, claiming that the “significant information-processing, from transforming keystrokes and clicks into machine readable languages, to dividing information into packets, to intelligently routing those packets to a server close to the user, to retrieving and processing the video data for transmission,” is what makes BIAS an information service. CTIA also suggests that the form of information transmitted by BIAS is changed because the “coded information actually being transmitted looks quite different from anything the user would recognize.” But the salient question under the statute is whether there is a change in form or content of the information “as sent and received.” The statutory focus thus is on either end of the transmission, irrespective of any processing that occurs in between. With data communications, while the information may be fragmented into packets and unintelligible to users while in transit, “such fragmentation does not change the form or content, as the pieces are reassembled before the packet is handed over to the application at the destination,” and thus the information is delivered to or from the desired endpoint as it was sent and therefore without a change in “form or content” within the meaning of the statute. The Commission has found in other contexts that protocol “processing” involved in broadband transmission causes no net change in the form or content of the information being transmitted. CTIA erroneously argues that the *Non-Accounting Safeguards Order* (62 FR 2991 (Jan. 21, 1997)) held that all protocol processing is an information service while ignoring the Commission’s finding that non-net protocol processing falls under the telecommunications systems management exception.

95. NCTA’s and CTIA’s arguments also fail to acknowledge that BIAS is not unique or distinguished from processing and intelligent routing used by traditional telecommunications services. Mobile voice telephone service for example, relies on similar processing to support essential functions including mobile call routing, mobile paging, and handover between cellular towers. For circuit-switched calls on these networks, when a mobile user moves from one serving base station area to another serving base station area, the call is handed over from the current

serving base station to the new serving base station with the help of the base station controller and the mobile switching center. Similarly, modern voice telephony (both fixed and mobile) can convert circuit-switched voice transmissions into IP packets, route those packets using the same processing as a BIAS provider does, and convert those packets back to a circuit-switched format to deliver the call. Similar conversions historically have been present in other packet-switched transmission services as well. Contrary to NCTA’s and CTIA’s view, none of these services are or can be understood to fall outside the meaning of telecommunications on the theory that there is a change in the form or content of the information as sent or received. CTIA tries to distinguish voice and data services, arguing that “the internet and PSTN are two fundamentally different networks” because the internet uses packet switching to route data while the PSTN uses SS7 signaling to route calls, which it says explains why they “are completely incompatible with each other and cannot directly interoperate.” But CTIA does not explain why these distinct protocols and their incompatibility are independently relevant to classification determinations, and its argument merely underscores that both BIAS and voice networks involve inherent processing and signaling to ensure that information is efficiently and correctly routed. Indeed, given the prevalence of such technologies used in transmission, reaching a contrary conclusion effectively would suggest that no transmission services could ever be telecommunications, which could not have been what Congress intended. The only services that reclassification opponents argue include a net protocol conversion are certain forms of VoIP. But even assuming *arguendo* the merits of the commenters’ technological description, they do not demonstrate that users of VoIP consider the conversion to effectuate material changes, let alone that they should inform our understanding of how BIAS users perceive that service, as relevant to the “telecommunications” definition.

96. Our understanding of the “telecommunications” definition in this regard also is supported by the scope of services encompassed by the meaning of “advanced telecommunications capability” in section 706 of the 1996 Act. The purported changes in form or content that some commenters associate with BIAS are no less likely to be associated with the accessing of “high-quality voice, data, graphics, and video”

that Congress included within the scope of “advanced telecommunications capability” under section 706. This elicits harmonization within the 1996 Act between the “telecommunications” definition and section 706, supporting our application of the “telecommunications” definition to BIAS here. Elsewhere, the Order interprets section 706 of the 1996 Act as a grant of regulatory authority. We make clear, however, that our consideration of section 706 in our analysis here does not depend on whether section 706 is understood as a grant of regulatory authority. Separately, we recognize that the *RIF Order* concluded that BIAS is made available “via telecommunications” by reference to an amorphous set of inputs that BIAS providers use when offering service. But even accepting that, it raises more questions than answers as far as section 706 is concerned. For instance, it fails to address whether a BIAS provider’s own use of telecommunications as an input into BIAS would be enough to bring it within the scope of section 706, and if so, whether the entirety of the service would fall within the scope or just those aspects—ill-defined by the *RIF Order*—that rely on telecommunications inputs. The *RIF Order* also fails to explain how those amorphous details about the underlying inputs used in BIAS could be a meaningful factor in understanding the “telecommunications” definition from a user perspective. Even if those questions had answers, we find our approach best harmonizes the “telecommunications” definition and the meaning of “advanced telecommunications capability” in section 706.

97. The user perspective and functionality of BIAS is also consistent with the ordinary meaning of the words “form” and “content,” as they were understood at the time of the 1996 Act’s adoption. The word “form” was understood as “a shape; an arrangement of parts,” “the outward aspect (esp. apart from colour) or shape of a body,” or “the mode in which a thing exists or manifests itself (*took the form of a book*)”; “the shape or appearance of something” or “the particular mode in which a thing or person appears: *wood in the form of paper*”; and “the shape and structure of something as distinguished from its material.” In support of its view, CTIA cites a recent Second Circuit case purporting to define “form” as “pattern or schema,” which we do not find to differ fundamentally from the definitions we provide from the time of the 1996 Act’s passage. Thus, in the context of BIAS, the

question is whether the shape or appearance of the information being transmitted is changed. This might occur, for example, if BIAS manipulated the appearance of a website that a user is accessing or the presentation of the information that appears in an application—but it does not. When a user visits a website or uses an application, the information is presented in exactly the form intended by the content provider, and not a form determined by the BIAS provider. USTelecom also argues that content filtering and video optimization means that information transmission virtually never occurs “without change in the form or content.” Insofar as this involves “content filtering,” the filtered-out information is not information we consider the user to have chosen to receive in the first place. Similarly in the case of measures that guard against the distribution of malware, whether or not consumers must affirmatively opt-in to such services, the record provides no reason to believe that malware is information that BIAS users have chosen to receive. Additionally, USTelecom cites video optimization—e.g., to “reduce the demand of high-resolution video on mobile devices with small screens, mobile operators optimize the content so as to consume less bandwidth.” But such functionality likely falls within the telecommunications systems management exception to the information service definition, and in any event, USTelecom does not suggest that video optimization causes the desired video not to play, changes the content of the video as originally sent, or causes the content not to present to the user as a video. The relevant statutory question is whether a BIAS user would see video optimization as sufficient to constitute a change in the form or content of the information chosen by the user, and the record here does not make that case. As such, BIAS transmits the form of the information to and from an end user as it is sent. The same holds true for the “content” of the information, a term which was understood at the time of the 1996 Act’s adoption as “the substance or material dealt with (in a speech, work of art, etc.) as distinct from its form or style”; “the meaning or substance of a piece of writing, often as distinguished from its style or form”; “substance, gist” or “meaning, significance.” BIAS providers do not change the substance of a news article on a website, a social media post, the lyrics or melody of a streaming song, or the images that appear in a photograph or video, and

thus BIAS providers do not change the content under the ordinary meaning of that term. ACA Connects argues that BIAS includes certain capabilities, namely retrieval and storage, that can fit within the information service definition even though they do not require net protocol conversion. But ACA Connects does not explain if the capabilities to which it is referring are actually offered by BIAS providers (as opposed to edge providers) or are different from those we already address in the Order. ACA Connects also does not appear to grapple with whether such capabilities—if indeed there are any we have not already addressed—would fall under the telecommunications systems management exception or are otherwise separable. In any event, that some information-processing capabilities do not necessarily change the form or content of information only further demonstrates that when information-processing capabilities facilitate the use of BIAS, they do not inherently cause BIAS to change the form or content of the information it transmits.

b. BIAS Is a Telecommunications Service

98. BIAS is a “telecommunications service” because consumers perceive it—and BIAS providers market it—as a standalone “offering” of telecommunications that is separate and distinct from the applications, content, and services to which BIAS provides access, and which are generally information services offered by third parties. BIAS providers also market BIAS directly to the public for a fee, and it therefore is not a private carriage service.

99. *Consumers Perceive BIAS as a Standalone Offering of Telecommunications.* As evidenced in the record, there is wide agreement, among both supporters and even some opponents of reclassification, that consumers today perceive BIAS to be a telecommunications service that is primarily a transmission conduit used as a means to send and receive information to and from third-party services. The D.C. Circuit recognized this in 2016, when it stated that “[e]ven the most limited examination of contemporary broadband usage reveals that consumers rely on the service primarily to access third-party content.” Since that time, this consumer perception of BIAS as a gateway to third-party services has only become more pronounced. The dramatic increase in consumers’ reliance on BIAS to participate in vital aspects of daily life during the COVID–19 pandemic set in stark relief the central—and critical—

importance of using BIAS to access third-party services. And, as Home Telephone notes, while a consumer “may decide to use edge services provided by the ISP, . . . the consumer certainly is not expecting the ISP to dictate the edge services available to them when subscribing to BIAS.” It is thus clearer now, more than ever before, that consumers view BIAS as a neutral conduit (or, in the words of one commenter, a “dumb pipe”) through which they may transmit information of their choosing, between or among points they specify, “without change in the form or content of the information as sent and received,” and “not as an end in itself.” It is also clear from the record that the third-party services themselves rely on the neutral-conduit property of BIAS to reach their customers. Netflix emphasizes that “[their] members . . . depend on an open internet that ensures that they can access our content and the content of many other companies through their ISP’s networks without interruption.”

100. *BIAS Providers Market BIAS as a Standalone Offering of Telecommunications.* We also find that BIAS providers market BIAS as a telecommunications service that is essential for accessing third-party services, and this marketing has become more pronounced during and since the COVID–19 pandemic. In the *2015 Open Internet Order*, the Commission concluded that BIAS providers market their BIAS “primarily as a conduit for the transmission of data across the internet,” with fixed providers distinguishing service offerings on the basis of transmission speeds, while mobile providers advertise speed, reliability, and coverage of their networks. Although the *RIF Order* contended that “ISPs generally market and provide information processing capabilities and transmission capabilities together as a single service,” it did not provide examples. BIAS providers’ marketing today appears even more focused than in 2015 on the capability of BIAS to transmit information of users’ choosing between internet endpoints, rather than any capability to generate, acquire, store, transform, process, retrieve, utilize, or make available that information. Such marketing emphasizes faster speeds aimed at connecting multiple devices, unlimited data for mobile service, and reliable and secure coverage. INCOMPAS notes that “some mobile BIAS providers offering 5G services are now marketing their network capacity to serve the fixed BIAS marketplace.” Public Knowledge notes that “[a] brief

survey of television and online advertising for both mobile and fixed broadband shows that ISPs compete with each other on the basis of speed, price, ease of use, reliability and availability.” In those cases where BIAS providers mention edge provider services, they often advertise them as separate offerings that can be bundled with or added on to their broadband internet access services, such as discounted subscriptions to unaffiliated video and music streaming services or access to mobile security apps.

101. *BIAS Providers Market BIAS Directly to the Public for a Fee.* The concept of the “offering” within the telecommunications service definition is based on the principles of common carriage. If the offering meets the statutory definition of “telecommunications service,” then the Act makes clear that a provider “shall be treated as a common carrier” under the Act “to the extent that it is engaged in providing” such a service. The Commission also has interpreted the language of the “telecommunications service” definition in such a way that meeting that definition also necessarily means the service meets the definition of a common carrier service. We note that a service can be a telecommunications service even where the service is not held out to all end users equally.

102. The record does not dispute that BIAS providers market BIAS directly to the public for a fee. This factual reality aligns with our definition of BIAS as a mass-market retail service as such services are necessarily offered to the public for a fee. Because BIAS providers do in fact offer BIAS as a mass-market retail service, we conclude, as the Commission did previously, that BIAS is not a private carriage offering. Because the *RIF Order* concluded that BIAS was an information service, it did not need to reach the question of whether any aspect of the BIAS transmission offering was common or private carriage. We note that no party argues that BIAS is offered on a private carriage basis. While ADTRAN argues that the Commission permits “a carrier to choose how to structure its offerings and decide whether to operate as a common carrier or a private carrier,” it does not argue that any particular BIAS offering is structured as a private carriage service.

103. Additionally, since we conclude below that BIAS includes the exchange of traffic by an edge provider or an intermediary with the BIAS provider’s network (*i.e.*, peering, traffic exchange or interconnection), we again conclude that the implied promise to make

arrangements for such exchange does not make the traffic exchange itself a separate offering from BIAS—private carriage, or otherwise. Even if a traffic exchange arrangement involves some individualized negotiation, that does not change the underlying fact that a BIAS provider holds the end-to-end service out directly to the public. We again conclude that some types of individualized negotiations are analogous to other telecommunications carriers whose customer service representatives may offer variable terms and conditions to customers in circumstances where the customer threatens to switch service providers. Therefore the end-to-end service remains a telecommunications service.

2. BIAS Is Not an Information Service

104. We find that BIAS, as offered today, is not an information service under the best reading of the Act because it is not itself “the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications.” Rather, BIAS functions as a conduit that provides end users the ability to access and use information services that provide those capabilities. DNS, caching, and other information-processing capabilities, when used with BIAS, either fall within the telecommunications systems management exception to the definition of “information service,” or are separable information services not inextricably intertwined with BIAS, or both, and therefore do not convert BIAS into an information service. Additionally, BIAS is not perceived by consumers or marketed by BIAS providers as an information service.

a. BIAS Does Not Offer the Capability To Process Information in the Ways Provided in the Act

105. Information services are applications whose information payload is transmitted via telecommunications. These applications provide end users with the capability to process the information they send or receive via telecommunications in the ways Congress specified in the information service definition, including the capability to: “generate” and “make available” information to others through email and blogs; “acquire” and “retrieve” information from sources such as websites, online streaming services, and file sharing tools; “store” information in the cloud; “transform” and “process” information through image and document manipulation tools, online gaming, cloud computing,

and machine learning capabilities; “utilize” information by interacting with stored data; and publish information on social media sites. We use the term “process” to reference all the terms described in the information service definition: generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available. In all these respects, information services are the platforms that edge providers offer today. Furthermore, all these information services are completely distinct from the conduit—*i.e.*, the telecommunications—via which the payload for these services is sent and received. Although BIAS providers may separately offer some of these services to their subscribers, the information services most often accessed by users are provided by third parties. Below we discuss how certain such services can be used for the management, control, and operation of a telecommunications system or management of a telecommunications service, and how in those instances, those services fall into the telecommunications systems management exception to the information service definition.

106. ACA Connects argues that since “information services by definition are offered ‘via telecommunications,’ . . . just because a service has a material transmission component does not necessarily mean it is a telecommunications service.” We acknowledge in our discussion of precedent that information services are offered “via telecommunications” and that the existence of a material transmission component does not necessarily render a service a telecommunications service, but the classification of a service depends on the how consumers understand it and the factual particulars of how the technology functions. As we explain at length, BIAS is best classified as a telecommunications service because consumers perceive it as such and because the transmission component has a distinct identity from any information-processing capabilities. By contrast, ACA Connects diminishes, if not ignores, the core nature of the transmission component to BIAS. Moreover, ACA Connects’ entire claim that BIAS is an information service offering “via telecommunications” rests entirely on its assertion that BIAS is an offering of DNS, caching, and third-party information service offerings. But the service BIAS providers offer that we are classifying is BIAS, and as we explain herein, BIAS is not those other services.

107. The *RIF Order* and its proponents who commented in this proceeding engage in analytical gymnastics in an attempt to fit BIAS into the definition of “information service.” We are unconvinced. They first claim that BIAS itself offers subscribers the ability to process information in the ways prescribed by Congress’s information service definition. This claim simply rehashes old arguments about the integration of DNS, caching, or other information-processing capabilities into BIAS offerings, which we address below. For its own part, the *RIF Order* arbitrarily found that the term “capability” is “broad and expansive” and then used that understanding to reach the conclusion that the information service definition encompasses BIAS. But the *RIF Order*’s focus was misplaced. The question is not how broad the meaning of “capability” is, but what the service itself has the capability to do. As even the *RIF Order* makes clear, BIAS does not itself have the capability to process information in the ways the statute prescribes, it only “has the capacity or potential ability *to be used* to engage in the activities within the information service definition.” The *RIF Order* tries to prop up its flawed analysis by claiming that the “fundamental purposes” of BIAS are “for its use in” processing information in the ways described in the information service definition and that BIAS was “designed and intended” to perform those functions. But this claim amounts to nothing more than statutory eisegesis: reading words into the definition of “information service” that are not there to reach the *RIF Order*’s predetermined outcome. Having the “fundamental purpose” or being “designed and intended” to do something does not mean a service actually has the capability to do that thing. In any event, the fundamental purpose of BIAS is to serve as a conduit through which users can access and use the applications we describe above that are themselves information services. Put differently, a consumer with a BIAS connection could not generate, acquire, store, transform, process, retrieve, utilize, or make available information using that connection if those applications did not exist. We thus disagree with ACA Connects’ conflation of the service offered by edge providers and the service offered by BIAS providers.

108. The *RIF Order*’s expansive reading of “capability” also logically sweeps into the information service definition a category of services that is objectively different and obliterates the

statutory distinction between telecommunications services and information services. For instance, under the *RIF Order*’s conception of information services, the broadband internet access services provided by BIAS providers like Comcast, Verizon, and AT&T are classified as the same type of services provided by edge providers like Netflix, DuckDuckGo, and Wikipedia. But that defies reality. Furthermore, if the *RIF Order*’s framework was followed through to its logical conclusion, even the most obvious of telecommunications services, traditional switched telephone service, would be classified as an information service, as it provides customers with the ability to make information available to others (e.g., public service announcements), retrieve information from others (e.g., through a simple phone call with another person), and utilize stored information from others (e.g., by interacting with a call menu or accessing voice mailbox services). The *RIF Order* tries to get around this problem by comparing the “design,” “functionality,” “nature,” and “purpose” of traditional telephony and BIAS, and then concluding that because they are different, BIAS cannot be a telecommunications service. But Congress did not design the Act’s definitional terms to preclude the Commission from ever classifying new offerings that differ from traditional telephony as telecommunications services. If Congress had intended to foreclose that option, it could have easily done so. Rather the Act simply provides the Commission with statutory definitions for “telecommunications service” and “information service” with which the Commission can make classification determinations on an ongoing basis. As discussed above, the better reading of these definitions makes clear that BIAS is a telecommunications service as defined by the 1996 Act.

109. We are also unpersuaded by the *RIF Order*’s contention, and that of some commenters in this proceeding, that BIAS is an information service by virtue of its provision of access to third-party information services. For instance, NCTA points to the U.S. Supreme Court’s statement that, “[w]hen an end user accesses a third-party’s website, . . . he is equally using the information service provided by the cable company that offers him internet access as when he accesses the company’s own website . . .” However, the Court’s statement stemmed from its affirmation of the reasonableness of the Commission’s “understanding of the nature of cable modem service,” as offered at the time,

an understanding which we do not find applicable to BIAS as offered today. This argument conflates the critical distinction between the information services that are typically offered by third parties and are not part of the BIAS offering itself with the telecommunications services that BIAS providers offer to their customers. In doing so, the *RIF Order* and its supporters largely eliminate the category of “telecommunications services” established in the Act, which Congress could not have intended. Congress would not have devised a scheme where the definition of “information service” would largely moot the “telecommunications service” definition or confine it only to telephone service, particularly when Congress was aware that non-telephone transmission services had been offered for years under the *Computer Inquiries* as basic services. Specifically, under the *RIF Order*’s framework, all telecommunications offerings used to access third-party information services that themselves have the “capability” to “store” or “transform” information would logically be transformed into information services. Such a conclusion would be inconsistent with Commission precedent. But the Commission has never, until the *RIF Order*, imputed the capabilities of such third-party information services to the telecommunications services that provide access to them. The *RIF Order* implicitly acknowledges the absurdity of this argument in finding the need to clarify that information services accessed via traditional telephone service do not convert that telephone service into an information service.

b. DNS and Caching, When Used With BIAS, Fall Within the Telecommunications Systems Management Exception

110. We find that information-processing capabilities, such as DNS, caching, and others, when used with BIAS, fall within the telecommunications systems management exception to the definition of “information service.” The Act excludes from the definition of information service the use of information-processing capabilities “for the management, control, or operation of a telecommunications system or the management of a telecommunications service.” We refer to this as the “telecommunications systems management exception.” BIAS providers sometimes use information-processing capabilities, such as DNS and caching, to manage, control, and operate the telecommunications system

they operate and the telecommunications service they offer. Thus, when BIAS providers use DNS, caching, and other information-processing capabilities in that way, those services fall within the telecommunications systems management exception and therefore do not serve to convert the entire BIAS offering into an information service. ACA Connects suggests that we “disregard or downplay information processing capabilities” used by BIAS providers even though we provide a fulsome analysis herein of the role those capabilities play in the provisioning of BIAS. At the same time, in its filings, ACA Connects disregards or downplays the existence of the telecommunications systems management exception and how it applies to those capabilities.

111. We disagree with those commenters who argue that we should treat the transmission component of BIAS differently than the complete BIAS offering that often uses information-processing capabilities, like DNS and caching, to facilitate competition and achieve policy goals. For instance, ADTRAN advocates that we give BIAS providers a choice between complying with Title II requirements from which we do not forbear and our open internet rules for their BIAS offerings, or alternatively offering the transmission component of BIAS as a separate service subject to Title II regulation. And Mitchell Lazarus advocates that the Commission institute a Title II regime for the transport component of BIAS and forbear from all Title II regulation except a requirement that facilities-based ISPs open their facilities to competing ISPs. Both these proposals share the same fault in that they fail to recognize that the entire BIAS offering is best classified as a telecommunications service, as we explain in the Order. Because we already have identified a legally sound approach to address the issues taken up in the Order we are not persuaded that we should instead take these approaches, which these commenters recognize would likely necessitate that we defer action and issue a further notice of proposed rulemaking to address the practical details of these alternative approaches. And at least to the second proposal, it would likely compel all BIAS providers to separately offer the transmission component of BIAS as a telecommunications service, but the Commission, in 2017, expressed doubt about its “statutory authority to compel common carriage offerings . . . if the provider has not voluntarily” offered such a service itself.

112. We find that DNS, caching, and other services the BIAS providers use with their BIAS offering comfortably fit within the telecommunications systems management exception, either because they are used to manage a telecommunications service; used to manage, control, or operate a telecommunications system; or both. Even if specific capabilities might seem most naturally to fit in one category or another, so long as they ultimately fit within the telecommunications systems management exception as a whole—which we find to be the case for all the capabilities at issue here—we need not precisely identify the specific category. We reach this conclusion by evaluating these services under the exception based on the text, structure, and context of the Act in light of the functionality of the service, how the service is offered, and how consumers perceive the service. We also take into consideration the harmonization of the 1996 Act’s definitional framework with the pre-1996 Act classification framework, as we discuss in greater detail below.

113. The text, structure, and context of the Act reveal that the telecommunications systems management exception operates in the aggregate to exempt from the “information service” definition those capabilities that facilitate the operation of the telecommunications system and the telecommunications service offered or provided on such system. While “telecommunications service” is a statutorily defined term, “telecommunications system” is not. Based on a number of uses of “system” in the Act, as well as the ordinary meaning of “system,” we find that “telecommunications system” is best understood as the facilities, equipment, and devices that a provider uses in a network to offer or provide telecommunications services. Definitions from specialized sources provide similar definitions. Thus, management of a telecommunications service necessarily is closely interrelated with the management, control, and operation of the underlying network, equipment, and facilities used to offer or provide that service. While “manage,” “control,” and “operate” each have independent meanings, their ordinary meanings substantially overlap. We find that these terms are therefore best viewed as sweeping into the exception any uses of information-processing capabilities with the telecommunications service or telecommunications system that satisfy that aggregate understanding, regardless

of whether one might think they are better categorized within one of those terms or another. Read together, we find that these terms are meant to encompass the full scope of how a provider may use information-processing capabilities to manage a telecommunications service or manage, control, or operate a telecommunications system. Consequently, we ultimately need not resolve the precise contours of the individual terms in order to determine the proper classification of BIAS, and we elect not to do so at this time because such decisions could have broader implications for other classification decisions outside the context of this proceeding.

114. When evaluating information-processing capabilities under the telecommunications systems management exception, it is immaterial that a service may benefit consumers as well as providers. As the D.C. Circuit affirmed in *USTA*, the relevant question for determining whether a service falls within the exception is whether “a carrier uses a service that would ordinarily be an information service—such as DNS or caching—to manage a telecommunications service” or to manage, control, or operate a telecommunications system. Inevitably, a capability used to manage a telecommunications service or manage, control, or operate a telecommunications system will provide benefits to the provider, but the provider may also choose to use such capabilities to benefit consumers. Indeed, a service that facilitates the use of the system and service may provide better resource management for the provider and a better experience for the consumer. The relative benefit to providers and to consumers falls on a spectrum, rather than being a bright line distinction. It is therefore not the case, as the *RIF Order* claimed and some commenters reassert, that the primary or exclusive benefit of a service that falls within the telecommunications systems management exception must be directed to the providers’ operations.

115. *DNS Falls Within the Telecommunications Systems Management Exception.* We conclude that DNS, when used with BIAS, falls within the telecommunications systems management exception to the definition of “information service.” As explained in the *2015 Open Internet Order*, DNS, when offered on a standalone basis by third parties, is likely an information service. DNS “is most commonly used to translate domain names, such as ‘nytimes.com,’ into numerical IP addresses that are used by network equipment to locate the desired

content.” We note, as we did in 2015, that although a BIAS provider’s DNS server may offer other functionalities, BIAS does not depend on such functionalities and therefore they are separable from BIAS. By analogy, just as a telephone book or 411 directory assistance service enables customers of telephone service to ascertain the telephone number of a desired call recipient, DNS enables customers of BIAS to ascertain the IP address of a desired internet endpoint. DNS may still be considered analogous to an adjunct-to-basic service that would not impact the classification of the transmission service under Commission precedent, given that it facilitates use of BIAS and does not alter the fundamental character of BIAS. DNS uses computer processing to convert the domain name that the end user enters into an IP address number capable of routing the communication to the intended recipient. In addition to providing benefits to consumers, a BIAS provider’s DNS service benefits the provider, as it “may significantly reduce the volume of DNS queries passing through its network” and can be employed by BIAS providers for “load balancing” and enabling efficient use of limited network resources during periods of high traffic or congestion. We thus agree with the *2015 Open Internet Order*’s conclusion that DNS “allows more efficient use of the telecommunications network by facilitating accurate and efficient routing from the end user to the receiving party.”

116. USTelecom argues that because DNS is “undeniably [an] information service[] when offered by third parties,” we cannot also conclude that same service is used for telecommunications management by BIAS providers. It contends that *Brand X*’s holding—that the statutory definitions do not distinguish between facilities-based and non-facilities-based carriers but on the capabilities the provider offers via the service—forecloses that conclusion. We disagree. As the statute’s text makes clear, the telecommunications systems management exception explicitly provides that information-processing capabilities are not information services when they are used for the purposes of managing a telecommunications service or managing, controlling, or operating a telecommunications network. Thus, the purpose for which a capability is used is key to evaluating the capability under the exception. We note that USTelecom attempts to relitigate an argument that was settled by the D.C. Circuit in *USTA*. We are not persuaded to depart from the court’s understanding as reflected in

USTA. In the case of DNS, “[i]t is important to distinguish between a DNS server operated by a broadband provider and a DNS server operated by an unaffiliated entity, as they have different reasons for operating a DNS server.” While DNS offered by a third party likely does not fall within the exception because the third party is not “us[ing] . . . such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service,” the fact that BIAS providers use DNS to manage BIAS or manage, control, or operate their BIAS networks causes it to fall within the exception.

117. *Caching Falls Within the Telecommunications Systems Management Exception*. We conclude that caching, when used with BIAS, falls within the telecommunications systems management exception to the definition of “information service.” Caching “is the storing of copies of content at locations in a network closer to subscribers than the original source of the content.” BIAS providers use caching “to facilitate the transmission of information so that users can access other services, in this case by enabling the user to obtain ‘more rapid retrieval of information’ through the network,” and thereby offer faster BIAS to consumers. A BIAS provider also uses caching for a number of internal benefits, including “to decrease its own bandwidth” and for “capacity management,” so that the strain of subscribers’ traffic on certain network segments or equipment is reduced, and to “reduce its own transit costs, because cached information need[] not be retrieved across a tier-1 backbone network.” Indeed, Verizon currently describes its caching of video content as “network management.” We are therefore unpersuaded by assertions that caching is used primarily or exclusively to benefit end users, and for the reasons provided above, disagree that any benefits to users disqualify caching from the telecommunications systems management exception. Richard Bennett similarly argues that caching falls outside the exception because it “does not affect the transmission rate of bits on the network medium.” But Richard Bennett does not point to any statutory language or Commission precedent that requires a service to “affect the transmission rate of bits” in order to fall within the exception. For these reasons, we conclude that caching, when offered by a BIAS provider, falls within the telecommunications systems management exception to the definition of information service.

118. Caching used by BIAS providers is distinct from content delivery network (CDN) caching. CDNs are a “system of computers networked together across the internet that cooperate transparently to deliver content to end users, in order to improve performance, scalability, and cost efficiency.” These servers, typically owned and managed by third-party CDN providers and not BIAS providers, cache edge provider content close to BIAS subscribers to improve subscribers’ load times. As explained in the *2015 Open Internet Order*, CDNs, when offered on a standalone basis, such as by third parties, likely provision an information service. As discussed below, we exclude third-party CDNs from the scope of BIAS. One commenter references an amicus brief to argue that caching “is not a network management function” because “caching is often done not by BIAS providers, but by third parties.” This only serves to demonstrate how dispensable caching is to the provisioning of BIAS and highlights how a service can fall within the telecommunications systems management exception when used by a provider to provision a telecommunications service and not fall within the exception when it is used for another purpose.

c. Information-Processing Capabilities Are Not Inextricably Intertwined With BIAS

119. Even if, *arguendo*, DNS, caching, and other information-processing capabilities did not fall within the telecommunications systems management exception to the definition of “information service,” BIAS providers offer these capabilities as separate components that are not inextricably intertwined with BIAS, and therefore they do not convert BIAS into an information service.

120. Whether an information service is inextricably intertwined with a telecommunications service turns principally on whether users view the offering as a bundle of a telecommunications service and one or more information services or instead as a single integrated offering that is an information service. Users’ perception of the offering can be supported by a functional evaluation focused on whether the information service components are separable from the telecommunications service components. Thus, the mere act of bundling an information service with a telecommunications service, does not, on its own, automatically cause the services to become inseparable or inextricably intertwined. In this case,

the evidence of consumer perception and the separability of the functions at issue both point to one conclusion—BIAS is not an integrated information service. To the extent that prior Commission decisions suggested that an “inextricably intertwined” analysis was an independent prerequisite to a telecommunications service classification, we are now changing course in light of our evaluation of the statute.

121. We base our conclusion first and foremost on an examination of the consumer perception of the BIAS offering, which shows that consumers do not perceive the offering as an information service. We also examine the role that DNS, caching, and other information-processing capabilities functionally play in provisioning BIAS today and find that they are separable. We reiterate the factual reality that the core element of BIAS, as offered by BIAS providers today, is the transmission component. Our definition of BIAS, remaining unchanged since 2010, makes clear that the “data transport service,” or “telecommunications component,” and BIAS are indeed one in the same. Without the transmission component, BIAS, as offered today, would be no service at all. As we elaborate below, the same cannot be said for DNS, caching, and other information-processing capabilities, and thus they cannot reasonably be viewed to convert the core, indispensable transmission component of BIAS into an information service. We thus disagree with commenters who argue that the *RIF Order*’s approach to understanding inextricably intertwined services “best implements the Commission’s long-standing view that Congress intended the definitions of ‘telecommunications service’ and ‘information service’ to be mutually exclusive.” That reasoning is tautological, relying on the assumption that BIAS is an information service on the basis that it combines information-processing capabilities and a transmission component, and ignores our showing here that the information-processing capabilities fall within the telecommunications systems management exception, are separable information services, or both. We also discuss below that the availability of those services from third parties, and the use of those third-party services by consumers, demonstrate that BIAS providers’ DNS and caching components are neither integral nor indispensable to their provisioning of BIAS. Given consumer perception and these functional realities, DNS, caching,

and other information-processing capabilities cannot be inextricably intertwined with BIAS and therefore they do not convert BIAS into an integrated information service.

122. The *RIF Order* tried to fortify its information service classification by asserting that DNS, caching, and other information-processing capabilities are inextricably intertwined with the transmission component of BIAS, thereby transforming BIAS into a single, functionally integrated information service—and some commenters in this proceeding endorse that proposition. But the *RIF Order* treated its “inextricably intertwined” analysis as entirely separate and distinct from the question of how users perceive the relevant “offer” without identifying any statutory basis for doing so. Even relying on this narrow analysis, the *RIF Order* reached the wrong conclusion. Although the *RIF Order* recognized that “the internet marketplace has continued to develop in the years since the earliest classification decisions,” it failed to give “serious technological reconsideration and engagement” to those new factual developments. Instead, the *RIF Order* found that DNS and caching, specifically, were “indispensable functionalit[ies] of broadband internet access service” at the time the *RIF Order* was adopted. At the same time, the *RIF Order* tried to downplay the primacy of the transmission component in the BIAS offering. But “the Commission’s exclusive reliance on DNS and caching blinkered itself off from modern broadband reality, and untethered the service ‘offer[ed]’ from both the real-world marketplace and the most ordinary of linguistic conventions.” As Judge Millett wrote in her concurrence to the D.C. Circuit’s decision in *Mozilla*, “the roles of DNS and caching themselves have changed dramatically since *Brand X* was decided. And they have done so in ways that strongly favor classifying broadband as a telecommunications service, as Justice Scalia had originally advocated.”

123. *Consumers Do Not Perceive BIAS as an Information Service.* Contrary to record assertions, consumers do not perceive BIAS as an information service. As an initial matter, the record does not show that consumers perceive information-processing capabilities, such as DNS and caching, let alone understand those capabilities as information services and thereby view the entire BIAS offering as an information service based on those capabilities. Of the consumers that do perceive these information-processing capabilities, they are likely the consumers that would configure their

system to obtain these information-processing capabilities from third parties and therefore view them as a separate offering. In its reply, CTIA claims, without evidence, that “[c]onsumers also *know* that BIAS offer[s] these [information service] capabilities—that is why they purchase BIAS—and that BIAS relies on advanced under-the-hood technologies, regardless of whether they understand the precise mechanics of those technologies, such as advanced DNS, caching, protocol translation, dynamic network management, and other evolving services.” But CTIA undercuts this claim about consumer perception in a later filing where it and USTelecom assert that nearly all consumers “do not even know what DNS does.” Moreover, unlike the situation with ISPs of 30 years ago, today’s BIAS consumers do not purchase BIAS to receive an all-in-one suite of information services offered by their provider, or to gain access to a “walled garden” of internet endpoints cached by their provider. Instead, as already explained, consumers’ desired information services are generally the applications, content, or services offered by third-party edge providers across the global internet that provide end users with the capability to process the information they send or receive via the BIAS provider’s telecommunications. Consumers view these information services as completely distinct and separable from the transmission conduits offered by BIAS providers today. Consumers understand that when they access Netflix or an Apple iCloud storage account, the BIAS provider is “offering” the “capability” to *access* these third-party services, and not that these information services are being offered by the BIAS provider itself. While consumers may “highly value” the ability to access third-party services using their BIAS connections, that does not support a conclusion that BIAS is an information service. The *RIF Order*’s primary argument that consumers perceive BIAS as an information service rests on its misunderstanding that DNS and caching convert BIAS into an information service rather than fall into the telecommunications systems management exception, as we establish above. Additionally, consumers’ relationship with their BIAS providers is distinct from their relationships with edge providers. Most consumers have relationships with one or two BIAS providers—*e.g.*, one for fixed residential service and one for mobile service—to gain access to the internet. Conversely, consumers may have relationships with dozens or even hundreds of edge

providers to utilize the wide range of services that ride over the top of their BIAS connections.

124. Accordingly, we are unconvinced by USTelecom's assertion that its consumer surveys show we are wrong to conclude that consumers perceive BIAS as a telecommunications service and not an information service. USTelecom relies on two consumer surveys to support its assertion. The first survey purports to show that 92% of consumers perceive broadband as providing information service capabilities, while only 8% of respondents said their broadband service offers only the capability to transmit information between or among points of their choosing. The second survey purports to remedy the faults of the first, but it not only fails to do so, it serves to further undermine the first survey. The first survey suffers from two primary faults. To start, the results are misleading because the survey was weighted by providing four "information service" options to one "telecommunications service" option and the respondents' information service selections were aggregated. USTelecom argues that "a question structure that offers multiple information service capability options, while directing respondents to select all that apply, does not bias the results." But when there are only two categories to begin with, providing one option for one category and four options for the other objectively biases the results. That fact is very clearly proven by the results of the second survey, which provided one option for the information service category and had a wildly different result. Specifically, while in the first survey, "59% of respondents selected at least one information service option without also selecting the telecommunications service option," in the second survey, only 10.8% of respondents selected the information service option without also selecting the telecommunications service option. Returning to the first survey, the second fault is that the terminology it used misrepresented the statutory language by suggesting that BIAS itself has the capability to perform the functions listed in the statute, and also used plain English language for the so-called "information service" options while using more technical language for the "telecommunications service" option. USTelecom claims "[t]hat is not a valid criticism of the survey. . . ." But to suggest that the reliability of the survey does not depend on the formulation of the questions is not only fallacious, it is proven wrong by the second survey.

While both surveys profess to measure consumer perception of broadband, their different question formulations result in markedly different results. Both surveys share the same additional fault in that they fail to treat the telecommunications service and information service categories as mutually exclusive, as we must. Thus, far from clarifying consumers' perception about BIAS, the results from the two surveys, and their shortcomings, only demonstrate that they cannot be viewed as reliable sources of consumer perception of BIAS. However, it is worth noting, given the importance of evaluating consumer perception of the offering, as established by the Supreme Court in *Brand X* and consistently affirmed by Commission and court precedent, that USTelecom's surveys do not show that consumers perceive BIAS as an information service, as opponents of reclassification would have us conclude. Indeed the second survey, which used more reliable question and answer formulations than the first, shows that more consumers perceive BIAS as providing the capabilities of a telecommunications service than providing the capabilities of an information service.

125. Consumer perception is also backed by BIAS providers' marketing practices, which also do not show, as some commenters claim, that BIAS is best understood as an information service. Contrary to NCTA's contention, BIAS providers' marketing practices do not support a conclusion that they compete on the basis of their offering of "online storage, spam filters, [or] security protections," for example. While consumers may be "aware of and value" the features offered by their BIAS providers, and some of these features also may be mentioned in BIAS providers' advertising, that does not undercut the significant evidence that BIAS providers predominantly market BIAS as a transmission service. We also agree with Public Knowledge that "BIAS provider[s]' various attempts to enter adjacent markets or bundle services with broadband do not change the nature of the service they offer, no[r] do they change 'what the consumer perceives to be the integrated finished product.'" ACA Connects argues that the "marketing of broadband service has not undergone substantial change since the inception of the service," and that such marketing "has always emphasized both the always-on capabilities that broadband service affords subscribers, including the ability to retrieve, store, and utilize the panoply of available internet content and applications, and

the fast speeds at which they are able to stream, download, and upload internet content." However, ACA Connects deflects from its failure to provide evidence to support such sweeping claims by adding that, "[t]o the extent that our Members' marketing may place a greater emphasis on speed, this is a response to increased consumer familiarity with the capabilities offered by broadband service." We are not convinced. We find that a more reasonable conclusion drawn from BIAS providers' marketing practices is that consumers select a BIAS provider based on the quality of its transmission service offering, and thus BIAS providers compete on this basis.

126. We note that at least one of ACA Connects' members, Sjoberg's Cable TV, does not appear to emphasize or even mention *any* of the information-service capabilities in its advertisement for BIAS. Indeed, ACA Connects' own members state that their "current marketing focuses on differentiating ourselves from our competitors by touting the speeds and process of our service packages" and "[t]he marketing of our broadband services *puts primary emphasis* on the speeds we offer, network reliability, and performance." ACA Connects attempts to preserve its argument by asserting that "it is unremarkable that broadband providers emphasize . . . speeds and reliability . . . while ignoring basic information-processing capabilities" because that advertising choice does not undermine its assertion that the information-processing capabilities are integrated into the offering. But the question here is what consumers perceive to be the offering, and in part due to the focus of BIAS providers' advertising on factors critical to transmission of information, consumers perceive the offering as a telecommunications service. Whether information-processing capabilities are integrated is a question of functionality that we discuss below.

127. *DNS Is Not Inextricably Intertwined with BIAS.* In reviewing the factual particulars of how DNS is functionally provided today, we find that it is a separable service that is not inextricably intertwined with BIAS and therefore does not convert BIAS into an information service. Indeed, as Free Press notes, "many ISPs have moved away from making these same tired and demonstrably false arguments that DNS service and caching transform a telecommunications service into an information service." As we noted in the *2015 Open Internet Order*, now that we conclude that DNS falls within the telecommunications systems management exception, "prior factual

findings that DNS was inextricably intertwined with the transmission feature of cable modem service do not provide support for the conclusion that cable modem service is an integrated information service.” Claims that the internet “would not work” without DNS, that DNS “is a must for broadband to function properly,” or that there “is no internet service without DNS,” are simply not borne out by the architecture of BIAS. The record reveals that DNS is not necessary to IP packet transfer, which is the core function of the service. As Professor Jon Peha explains, DNS is an “application that run[s] on top of IP packet transfer” and that, “[f]rom the beginning, the DNS . . . was designed to be separate from the systems that provide IP Packet Transfer Service.”

128. Even if DNS were necessary to the functionality of BIAS, the DNS offerings of BIAS providers are not themselves essential to BIAS, and therefore cannot be inextricably intertwined with their BIAS. As Professor Scott Jordan explains, because a BIAS provider’s DNS server rarely serves as the authoritative resource for an IP address, their DNS server plays only a limited role in DNS—and that role is replaceable. Commenters explain that third-party-provided DNS is now widely available and used by consumers. Consumers often use third-party DNS services because their web browsers, apps, and IoT devices are configured to use those third-party DNS services. Other consumers may choose to use such third-party DNS services, which they can do with a simple configuration change. Notably, Verizon provides instructions on its website for how to change the default DNS settings or perform manual DNS lookups. The record presents evidence that third-party DNS services may now make up a significant portion of all DNS services today. Indeed, commenters who otherwise argue that DNS is essential to the functionality of BIAS carefully avoid saying that DNS *supplied by BIAS providers* is essential to BIAS’s functionality. CTIA complains that “[t]he IBM study makes no effort to distinguish IoT manufacturers’ choices from consumers’ choices” and “therefore does not meaningfully address what consumers perceive as the finished service that BIAS providers offer them.” But the question about consumer perception of the “offer” is separate from the question of whether BIAS providers’ DNS is essential to BIAS, and we have already shown that consumers perceive the BIAS offering as a telecommunications service and not

an information service. And contrary to CTIA and USTelecom’s assertion, if BIAS providers were to stop offering DNS, their DNS functionality would be quickly replaced by alternatives without consumers needing to take any action.

129. We are unmoved by CTIA and USTelecom’s arguments that the availability of third-party DNS and its use by consumers does not mean that BIAS providers’ DNS is not functionally integrated with their BIAS. They first argue that consumers’ use of third-party DNS is not determinative because “the statutory touchstone when classifying services is the capability ‘offer[ed].’” But consumers’ use of third-party services speaks to whether the capabilities offered by BIAS providers are functionally integrated, and the separate question of what is being offered by BIAS providers is about what consumers understand is the integrated finished product, not what discrete capabilities a BIAS provider claims itself to be offering.

130. USTelecom claims we assert that evidence of consumer perception shows that consumers perceive DNS as separable from BIAS, which it says contradicts USTelecom’s survey about consumer perception of DNS, but we do no such thing. Rather, we explicitly state here and above that consumer perception is evaluated on how consumers perceive the entire offering, not how consumers perceive the individual components, and we show in the Order that consumers perceive the offering of BIAS as a telecommunications service and not an information service. Conversely, the question of whether individual components are separable is a question of functionality, and we show here that DNS is functionally separable. As such, USTelecom’s assertions about consumer perception of DNS based on its survey are irrelevant. But even if consumer perception of DNS were relevant, USTelecom’s survey does not show that consumers perceive BIAS providers’ DNS as integrated with BIAS, as USTelecom claims. The survey says that only 17% of respondents could even identify the functionality of DNS, and only 4.8% of those respondents said they use their BIAS providers’ DNS, while 83.5% of respondents did not know which DNS they use. The survey then claims those results “*suggest* that 92% of the respondents—those who affirmatively said they are using their ISP provider’s DNS as well as those who do not know what DNS does and those who know what it does but are not sure which DNS they use—are using their ISP provider’s DNS.” This conclusion is based entirely on an assumption that all

BIAS providers have a proprietary DNS system and preset that as the default DNS system for their BIAS, which USTelecom has not demonstrated, rather than use a third-party DNS system. In any event, consumers’ use of their BIAS provider’s DNS is not the same thing as consumers’ perception as to whether their BIAS provider’s DNS is functionally integrated with their BIAS. Moreover, because the survey does not say anything about whether consumers *only* use a BIAS provider’s DNS, and given that browsers, apps, and devices can be preset to use third-party DNS systems, the survey results could be potentially interpreted to support the proposition that consumers use third-party DNS in addition to or instead of their BIAS provider’s DNS. So to the extent that consumers’ default use of DNS speaks to their perception of DNS, a question that we find is not dispositive to the underlying classification, the better conclusion is that consumers perceive DNS as relevant to their use of BIAS generally, not as integrated with a BIAS provider’s BIAS offering specifically.

131. CTIA and USTelecom also argue “that almost all BIAS users rely on the DNS provided by their BIAS provider.” A BIAS provider’s choice to offer a separable feature that is bundled with BIAS, and a consumer’s use of that feature, do not on their own make that feature essential to, or functionally integrated with, BIAS. USTelecom tries to sustain the argument, asserting that just as “[a]ftermarket vendors commonly offer consumers the ability to change out integrated features in the products they buy,” the “ability of end users to select different DNS servers [does not] mean that ISPs do not integrate DNS into the broadband service they offer.” USTelecom compares DNS to “the radio and speakers or even the engines in cars; the hard drives, RAM, and graphics cards in desktop computers; the hand brakes, seat, and pedals on bicycles; and so on.” Even if, *arguendo*, DNS were functionally integrated with BIAS, that does not mean that DNS converts BIAS into an information service—either functionally or from a consumer perspective—any more than an engine converts a car into merely a device that changes gasoline into energy, a hard drive converts a computer into a data storage device, or hand brakes convert a bicycle into a mere stopping mechanism. As the Supreme Court held in *Brand X*, the entire question of whether DNS as provided with BIAS is functionally integrated or functionally separate turns on the “factual

particulars of how internet technology works and how it is provided.” And as we have already shown, DNS is a separable, application-layer service that does not technologically alter the ability of consumers to use BIAS as a transmission conduit to reach all or substantially all internet endpoints.

132. We also reject the related argument that BIAS provider DNS is intertwined with BIAS because a customer using third-party DNS loses the alleged unique benefits that arise from BIAS provider DNS, such as efficient routing of traffic to cached information. As an initial matter, there is conflicting evidence in the record on whether using BIAS provider DNS has a material benefit to end users over third-party DNS. An updated version of an article cited by CTIA states that “[p]ublic DNS servers are often faster than those provided by ISPs due to closer geographic locations, enabling quicker DNS resolutions” while noting that “an untrustworthy DNS server could slow performance or pose security threats.” It is also not evident that the EDNS Client Subnet (ECS) extension, when enabled by BIAS providers, ensures better performance over third-party DNS offerings that have also enabled the extension. In any event, that ECS is an extension that can be enabled (and disabled) shows that it is even more separable than DNS itself. In any event, that ECS is an extension that can be enabled (and disabled) shows that it is even more separable than DNS itself. Even if DNS does have a material benefit to end users over third-party DNS, we find that the mere existence of a potential consumer benefit resulting from BIAS provider DNS does not compel the conclusion that DNS is inextricably intertwined with BIAS. In any event, record evidence suggests it is more likely that BIAS providers, rather than their customers, are the true beneficiaries of their customers’ use of in-house DNS given its potential to reduce BIAS providers’ own transit costs.

133. *Caching Is Not Inextricably Intertwined With BIAS.* In reviewing the factual particulars of how caching is functionally provided today, we find that it is a separable offering that is not inextricably intertwined with BIAS and therefore does not convert BIAS into an information service. In particular, we find that caching offered by a BIAS provider is separable from BIAS because caching is not necessary for BIAS to work—end users can and do access data that is not cached at all. Indeed, the inherent nature of caching—to store content that has been requested by the end users and is likely to be requested

again soon—means that users will request and be able to receive information that has not yet been cached.

134. The record also demonstrates that BIAS provider caching is separable because of the drastic reduction in its use and relevance and the rise of third-party CDN caching since *Brand X*. As Mozilla explains in its comments, “caching and CDNs have been taken out of the hands of ISPs and are largely operated by large content providers or independent companies.” Such third-party caching is now dominant because, according to record evidence, caching offered by a BIAS provider does not work with encrypted traffic—the overwhelming majority of traffic today. CTIA and USTelecom attempt to minimize the effect of encryption on BIAS provider caching, explaining that even when a website uses HTTPS, a BIAS provider can still see the top level of the website and asserting that they “use that information to cache entire websites, so they can resolve requests for pages associated with that website to the cached content” But this assertion is disputed in the record. Moreover, CDNs are uniquely able to meet consumer expectations for streaming video from third-party services. We therefore disagree with NCTA that BIAS provider caching is “as integrated into broadband offerings today as they were when *Brand X* was decided.” The *RIF Order* incoherently reached a similar conclusion that BIAS provider caching and DNS are “inextricably intertwined” with transmission even though it acknowledged that “some consumers” use third-party caching and excluded CDN caching from the definition of BIAS. *Brand X* was decided at a time when encryption was limited and there was much lower demand for streaming video (and therefore few, if any, CDNs). Opponents do not directly dispute that BIAS provider caching is incompatible with encryption, but try to downplay this by arguing that their DNS can direct user requests to the appropriate caching server. But DNS is a separate functionality from caching and the server to which they are referring is not the BIAS providers’ caching server but a third-party CDN. In any event, even if BIAS provider caching were unaffected by the increasing prevalence of encryption, no commenter disputes that CDN caching is now dominant. Some commenters conflate transparent caching offered by BIAS providers with CDN caching offered by third parties to assert that caching is inextricably intertwined with BIAS, but we are not

fooled by this chicanery. These commenters provide no justification for concluding that CDN caching, primarily sold to, and for the benefit of, third-party content providers, and which is explicitly excluded from the definition of BIAS, is also a functionally integrated component of a BIAS provider’s BIAS offering—and we do not find any such justification either.

135. *Other Information-Processing Capabilities Are Not Inextricably Intertwined With BIAS.* We are not convinced by commenters who argue that BIAS is an information service because the routing and transmission of IP packets involves information-processing capabilities. CTIA, for example, argues that, because IP packet routing “involves examination and processing of the packet at every router the packet traverses,” information processing is inextricably intertwined with the transmission capability of BIAS itself. As an initial matter, as discussed above, the user’s data—forming part of a payload within the IP packet—remains unchanged from the moment it reaches the BIAS provider’s network to the moment it arrives at the desired endpoint. Thus, BIAS does not in fact offer subscribers the capability for processing their data—such capabilities occur at the internet endpoint selected by the subscriber. Other commenters raise old arguments that the existence of IPv4-to-IPv6 protocol transition mechanisms within BIAS is evidence of information processing that would convert BIAS into an information service. In 2016, the Internet Corporation for Assigned Names and Numbers (ICANN), a “not-for-profit entity responsible for the technical coordination of the internet’s domain name system,” announced that its Internet Assigned Numbers Authority (IANA) allocated “the last remaining IPv4 . . . internet addresses from a central pool” and that “future expansion of the internet is now dependent on the successful deployment of the next generation of internet protocol, called IPv6.” We find that these mechanisms are designed to ensure the effective and efficient transmission of BIAS traffic and thus fit comfortably in the telecommunications systems management exception. Given the difference in packet header formats between IPv4 packets and IPv6 packets, transition mechanisms permit the interoperability between IPv4-compliant and IPv6-compliant networks, servers, and routers.

136. We also disagree with commenters who argue that BIAS is a functionally integrated information service because it may be offered in

conjunction with information services such as electronic mail, security software, smartphone applications, parental controls or spam and content filtering software, distributed denial-of-service (DDoS) mitigation, botnet notification, and firewalls. Commenters have not demonstrated, beyond making conclusory statements, that these bundled information services are not used for telecommunications systems management or are inextricably intertwined with BIAS, rather than being included in the product offering simply as the result of a marketing decision not to offer them separately. As explained in the *2015 Open Internet Order*, spam filtering and DDoS mitigation fall within the telecommunications systems management exception. As the Supreme Court affirmed in *Brand X*, the mere packaging of separable information services with a telecommunications service does not convert the telecommunications service into an information service. The Interisle Consulting Group (ICG) also notes that “[b]undles and offers do not define a service. Vertical integration of a retail product to include additional non-telecommunications services does not change the nature of the underlying services.” Many of these services, such as smartphone applications, electronic mail, and content filtering software, are indeed “offered at the application layer” of the IP stack, and thus are separable from the lower network layers that facilitate transmission and routing of packets. No commenter has argued that any of these services are necessary for IP packet transfer to function. Thus, as explained in the *2015 Open Internet Order*, BIAS “is only trivially affected, if at all” by these services’ functionalities. Even the *RIF Order* stated that it did “not find the offering of these information processing capabilities determinative of the classification of broadband Internet access service.” For these reasons, we find that commenters have not provided new evidence of functionalities that would cause BIAS to be properly classified as a functionally integrated information service.

C. Classifying BIAS as a Telecommunications Service Accords With Commission and Court Precedent

137. The Commission has engaged in classification decisions of various services that operate at the nexus of telecommunications and computer-based data processing for almost half a century. As has been the case in previous proceedings when the Commission has classified broadband

services, the record reveals a debate regarding the relevance and precedential value of these Commission decisions and related court rulings. As a general matter, we assign limited value to many of these past Commission decisions and find that our classification of BIAS as a telecommunications service is fully and independently supported by an evaluation of the statutory text of the 1996 Act. Nevertheless, when viewed as a whole and in the proper context, we find that, on balance, Commission and court precedent also support our classification of BIAS as a telecommunications service and that arguments from opponents of reclassification that attempt to use such precedent to undercut our statutory interpretation are unavailing.

138. Our consideration of past precedent takes two forms. In the case of pre-1996 Act precedent, we consider whether and how such precedent might have informed Congress’s understanding of the definitional language it used in the 1996 Act, and how that, in turn, might support particular interpretations that otherwise flow from the statutory language and statutory context. Given the role of the Commission’s *Computer Inquiries* precedent in the Commission’s regulatory scheme, we are persuaded to give that precedent appropriate (if modest) weight and conclude that it reinforces our classification of BIAS as a telecommunications service under the best reading of the Act. We are more circumspect with respect to precedent related to the 1984 Modification of Final Judgment (MFJ)—the consent decree which mandated the breakup of the Bell System—as the 1996 Act expressly abrogated the MFJ’s requirements. Although we do not affirmatively rely on any of that precedent, we also consider the *RIF Order* to have mischaracterized that precedent to reach an information service classification of BIAS.

139. In the case of post-1996 Act precedent concerning classification of services that relate to internet connectivity, we evaluate whether each decision supports, is distinguishable from, or is in tension with our decision, and explain any change in course. As discussed below, we find certain precedent addressing DSL service, while not precisely analogous with the circumstances here, helps reinforce our classification decision. More directly relevant and supportive are important court decisions addressing the classification of cable modem service. Other broadband service classification decisions prior to the *2015 Open*

Internet Order we find distinguishable on the basis of their factual predicates and/or the sufficiency or persuasiveness of the Commission’s assessment of those facts. We further conclude that the classification of BIAS as a telecommunications service in the *2015 Open Internet Order*, ultimately affirmed by the D.C. Circuit in *USTA*, reinforces our conclusion that BIAS is a telecommunications service under the best reading of the Act. Likewise, the D.C. Circuit’s numerous, substantial concerns about the *RIF Order*’s decision being “unhinged from the realities of modern broadband service,” also militate in favor of our classification of BIAS as a telecommunications service.

1. Relevant Pre-1996 Act Precedent

140. Pre-1996 Act precedent helps to inform our understanding of the definitions used in the 1996 Act and reinforces our decision to classify BIAS as a telecommunications service. We agree as a general matter with the significant number of commenters that submit that the pre-1996 Act *Computer Inquiries* and MFJ service definitions informed Congress’s adoption of the definitional terms “telecommunications service,” along with “telecommunications,” and “information service,” inclusive of the telecommunications systems management exception. However, we find that the *RIF Order*’s heavy reliance on isolated MFJ precedent to understand the meaning of those terms in search of its predetermined information service classification was problematic. Contrary to the *RIF Order*’s analysis, we find that Congress, in giving those terms meaning, would not have relied upon precedent that arose from a single isolated pre-1996 Act case, or passages of such cases, without also considering the marketplace or regulatory context present at the time of enactment of the 1996 Act. Rather, as the *Brand X* Court surmised, it is likely that Congress would have looked to “settled . . . administrative . . . interpretation[s]” of the analogous pre-1996 Act terms. Because much of the precedent that the *RIF Order* relied upon does not fall into the category of settled administrative interpretation, particularly the MFJ precedent, we conclude that it is not relevant to the classification of BIAS.

141. *The FCC’s Computer Inquiries*. Through a series of proceedings collectively known as the *Computer Inquiries*, the Commission sought to foster the development of the emerging data processing marketplace by ensuring enhanced service providers’ access to communications facilities and services

necessary to the growth and success of that marketplace. To that end, the *Computer II Final Decision* (45 FR 31319 (May 13, 1980)) in 1980 established “a regulatory scheme that distinguishes a carrier’s basic transmission services from its enhanced services.” The Commission concluded that “basic [services]” were those that offered “pure transmission capability over a communications path that is virtually transparent in terms of its interaction with customer supplied information.” By contrast, “enhanced services,” which the Commission said had “intertwined” communications and data processing technologies, were, for example, used to “act on the content, code, protocol, and other aspects of the subscriber’s information,” and provide the subscriber “additional, different, or restructured information . . . through various processing applications performed on the transmitted information, or other actions . . . taken by either the vendor or the subscriber based on the content of the information transmitted through editing, formatting, etc.” Under the *Computer II* regulatory approach, basic services offered on a common carrier basis were subject to Title II while enhanced services were not. The Commission used this approach to classify a wide range of services, including, for example voicemail and frame relay transmission service.

142. Despite the Commission’s hope that its basic-enhanced dichotomy would be “relatively clear-cut,” it acknowledged certain features of a service that “might indeed fall within [the] literal reading[]” of the definition of an enhanced service, but that would not change the classification of a basic service under its *Computer Inquiries* regulations because the features “are clearly ‘basic’ in purpose and use and [they] bring maximum benefits to the public through their incorporation in the network.” The Commission coined the term “adjunct-to-basic” to describe those kinds of features, which, when included as part of a basic service, would be regulated the same way as the basic service itself.

143. Under the *Computer II* adjunct-to-basic analytical framework, the Commission permitted carriers to offer “call forwarding, speed calling, directory assistance, itemized billing, traffic management studies, voice encryption, etc.” as part of the basic service, concluding that these “ancillary services directly related to the [provision of basic service] do not raise questions about the fundamental . . . nature of a given service.” Carriers were also allowed to offer as basic services

“memory or storage within the network” that is used only to “facilitate the transmission of the information from the origination to its destination.” Similarly, the Commission found that computer processing features, including “bandwidth compression techniques,” “packet switching,” and “error control techniques” that “facilitate [the] economical, reliable movement of information [did] not alter the nature of the basic service.” The Commission justified its inclusion of these features in the basic service to encourage “integrat[ion] of technological advances conducive to the more efficient transmission of information through the network.” We note that the *Computer III* (51 FR 24350 (July, 3, 1986)) regime did not alter this approach. Continuing this approach, in the 1985 *NATA Centrex Order*, the Commission concluded that transmission of telephone numbers, even when “transformed” by the network into a format that can be displayed to the call recipient on a display, were considered adjunct-to-basic because the number display is derived from the basic transmission service. Call forwarding was also considered adjunct-to-basic because “it does not materially change the nature of a telephone call placed to that subscriber.” In subsequently applying these principles, the Commission concluded that the adjunct-to-basic exception applies to optional features or functions that are not necessary for the “basic” service to work but are merely helpful to that function.

144. In other decisions under the adjunct-to-basic framework, the Commission concluded that optional enhanced features of basic services or the use of basic services to access third-party information did not change the classification. Where enhanced features or functions are *accessed* via a provider’s basic service, but are not a part, or a “capability,” of the provider’s own network or service (*i.e.*, are a third-party service), the service remained a basic service. Where a consumer is offered optional enhanced service components that could be combined with the basic service, but need not be, the underlying service remained a basic service, regardless of whether the consumer actually purchased the enhanced service components.

145. Given that data processing services relied on communications facilities, the ability of facilities-based carriers to also offer enhanced services over their networks created a risk that they would have the incentive and ability to discriminate against their enhanced service provider rivals. To protect against that risk, in *Computer II*,

the Commission specified that facilities-based carriers wishing to directly provide enhanced services over their own facilities were obligated to both offer the transmission component of their enhanced offerings—including internet access service—on a common carrier basis governed by Title II and acquire transmission capacity for their enhanced offerings under the same tariffed transmission service offering they made available to other enhanced service providers. Due to these obligations, any internet access provider, including an internet access provider affiliated with the facilities-based carrier and an unaffiliated, non-facilities-based enhanced service provider, was able to obtain common carrier transmission necessary to offer internet access to end users on the same tariffed terms and conditions under Title II. An end user could also obtain transmission on the same basis to connect with the internet access provider of its choice.

146. By the time the 1996 Act was enacted, the Commission had been using the *Computer Inquiries* framework and its subject-matter expertise to classify data services as either “basic” or “enhanced” for almost 16 years. Thus, Congress was well aware of the Commission’s well-established classification framework at the time it enacted the 1996 Act. There is a “presumption that Congress is aware of ‘settled judicial and administrative interpretation[s]’ of terms when it enacts a statute.” “[A] decision by Congress to overturn *Computer II*, and subject [enhanced] services to regulatory constraints by creating an expanded ‘telecommunications service’ category incorporating enhanced services, would have effected a major change in the regulatory treatment of those services.” Although the Commission stated that it “would have implemented such a major change if Congress had required it,” it did not find “an intent by Congress to do so.” Rather, the Commission found “that Congress intended the 1996 Act to maintain the *Computer II* framework.”

147. Given the myriad and complex array of *Computer Inquiries* decisions, we do not attempt to detail here with specificity the ways in which the Commission’s *Computer Inquiries* precedent lends support to the classification decision we reach in the Order. We instead take a more measured approach, declining to give significant weight to isolated statements or draw analogies to particular classification outcomes dealing with services other than BIAS. It suffices to say that the 2015 *Open Internet Order* did describe the basis for such support when

classifying BIAS as a telecommunications service and that the D.C. Circuit recognized the importance of the *Computer Inquiries* to the “structure of the current regulatory scheme” on its way to upholding that classification decision. Thus, where *Computer Inquiries* precedents are consistent with our determination that BIAS, as offered today, is best classified as a telecommunications service, they lend some support to that conclusion, and to the extent any such precedent is in tension or conflict with that understanding, we do not view them as undercutting that determination grounded in the best understanding of the statutory text. We are therefore uncompelled by the *RIF Order*’s suggestion that only a “drop” of an information service (*i.e.*, DNS or caching) combined with the transmission component, is sufficient to transform BIAS into an information service, regardless of consumer perception or the functional realities of the offering. The *RIF Order*’s conclusion implicitly relies on isolated *Computer Inquiries* precedent finding that when a non-facilities-based ISP, as understood at the time, combines a telecommunications input purchased from a facilities-based provider with its own enhanced service, the enhanced service “contaminated” the resold transmission service such that the combined service sold to the end user is always an enhanced service. As an initial matter, that theory never applied to facilities-based providers, and some BIAS providers are facilities-based. Moreover, the 1996 Act’s definition of a “telecommunications service” makes clear that definition applies “regardless of the facilities used.”

148. *The MFJ Antitrust Consent Decree*. Similar policy concerns to those at issue in the *Computer Inquiries* were at play when, in 1982, the Department of Justice (DOJ) reached a negotiated settlement with AT&T and filed an MFJ with the D.C. Federal District Court to end a decades-long antitrust case. As with the *Computer Inquiries*, a policy objective of the MFJ regulatory regime was to guard against the risk of carriers harming competitive providers of data processing services. Among other things, the MFJ prohibited BOCs from providing “interexchange telecommunications services or information services.”

149. As in the *Computer Inquiries*, the MFJ distinguished between basic and enhanced services, but instead used the terms “telecommunications services” and “information services,” respectively. The MFJ defined a “telecommunications service” as “the

offering for hire of telecommunications facilities, or of telecommunications by means of such facilities.” In turn, “telecommunications” was defined as “the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received, by means of electromagnetic transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission.” The court defined “information service” for the purpose of the MFJ as “the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information which may be conveyed via telecommunications.” The MFJ information service definition also included an exception analogous to the “adjunct-to-basic” exception under the *Computer Inquiries*. Specifically, “information service” did “not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.” Over time, the courts overseeing the MFJ developed a limited body of precedent regarding what was an “information service,” but did not squarely address the question of how internet access service fit within the MFJ’s definitional framework.

150. The *RIF Order*’s invocation of MFJ precedent to support its classification decision reflects significant flaws. To begin, its reliance on that precedent was predicated in part on the 1996 Act’s use of the information service definition established in the MFJ, a fact which we do not dispute when placed in the proper context, as described below. But the historical context shows that Congress did not necessarily intend for such reliance. Because the D.C. Circuit also was not presented with the considerations we identify here for giving little weight to MFJ precedent, its acceptance of certain of the *RIF Order*’s conclusions based on MFJ precedent in *Mozilla* does not undercut our contrary conclusions here. Unlike with the *Computer Inquiries*, which the Commission found Congress did not intend the 1996 Act’s definitional framework to supplant, the 1996 Act expressly abrogated the MFJ’s requirements, and replaced them with those enacted as part of the 1996 Act. Indeed, the regulatory approach in the MFJ is diametrically opposed to that in the 1996 Act. While the 1996 Act’s

regulatory approach broadly tracks that of the *Computer Inquiries*, with “telecommunications services” subject to common carrier regulation and “information services” not subject to common carrier regulation, under the MFJ, an “information service” classification led to maximal regulation—a complete ban on the provision of the service—for the carriers subject to that regulatory regime. Thus, the relevance of MFJ precedent is better viewed narrowly, rather than expansively, as done in the *RIF Order*, given the origins of that precedent in a regulatory framework Congress expressly chose to displace.

151. The *RIF Order*’s reliance on MFJ precedent is also contrary to our measured approach, and thereby suffers from the same faults it claimed plagued the 2015 *Open Internet Order*’s reliance on the *Computer Inquiries* precedent—namely, viewing the precedent out of context and making imperfect analogies without adequately accounting for potentially distinguishing technical details and the regulatory context. It exhibited this practice most prominently by ignoring the MFJ framing of maximal regulation of information services. But it also mischaracterized specific precedent it relied upon.

152. For instance, the *RIF Order*, and some commenters, mischaracterized MFJ precedent “analyzing ‘gateway’ functionalities by which BOCs would provide end users with access to third party information services.” While the *RIF Order* acknowledged “that gateway functionalities and broadband internet access service are not precisely coextensive in scope,” it nonetheless purported to “find similarities between functionalities such as address translation and storage and retrieval to key functionalities provided by ISPs as part of broadband internet access service,” and claimed that “the court found such gateway and similar functionalities independently sufficient to warrant an information service classification under the MFJ.” CTIA quotes from the 1987 *MFJ Initial Gateway Decision* to argue that gateway services “rang[ed] from mere database access to such sophisticated services as teleshopping, electronic banking, order entry, and electronic mail.” But in the quoted passage the court is describing such services generally, not specifically the offered BOC gateway service. This characterization of the MFJ court’s conclusions is misleading, at best. Read in context, it is not evident the MFJ court concluded that the address translation and storage and retrieval features of the gateway service were

independently sufficient grounds for an information service classification. In relying on the court's treatment of "address translation," the *RIF Order* cited a high-level statement from the court "that the transmission of information services at issue there 'involves a number of functions that by any fair reading of the term 'information services' would be included in that definition.'" But the court never concluded that address translation was important to its conclusion that the gateway service is an information service. It merely listed address translation as one of the five functions that were part of the "infrastructure necessary for the transmission of information service," and there is no basis for concluding that all five of these functionalities were independently sufficient to justify an information service classification. Indeed, when confronted with arguments that "the Regional Companies are entitled to provide [address translation] even now under the decree as part of the permissible 'forwarding or routing' functions of 'information access,'" the court did not respond by asserting that it actually constituted an information service, but instead by pointing out that "the Court has concluded otherwise, particularly since section IV(F) prohibits interexchange routing." Further, as to some of the other listed service components, the MFJ court appears to strongly suggest that it might not cause the gateway service to be classified as an information service. In sum, the notion that the footnote relied on by the *RIF Order* should be read to suggest that each function of the gateways was independently sufficient to constitute an information service seems highly doubtful and is at most ambiguous. Nor are we persuaded to reach a contrary conclusion by a high-level assertion by the court that a carrier's "gateway proposal appears to be a variant" of "information services." Although the MFJ court analyzed storage and retrieval as a distinct issue, the court's view of that functionality encompassed that are more clearly viewed as information services, "such as voice messaging, voice storage and retrieval (VSR), and electronic mail," and therefore are not coextensive with BIAS. We also note that *RIF Order* did not address the D.C. Circuit's conclusion that the gateway service included a separate offering of telecommunications transmission, similar to the Commission's conclusion in the *Advanced Services Order* that DSL included a separate offering of transmission. For this reason, as well as the other concerns we raise in relying

on this case and the MFJ precedent in general, we conclude that we need not adjudicate whether the MFJ permitted the generation of information by BOCs instead of their transmission or whether that distinction is relevant to the classification determination we make in the Order.

153. We also conclude the *RIF Order* misinterpreted the single MFJ case it relied upon in concluding that the telecommunications systems management exception to the information service definition should exclude functions directed at end users or customers. While *Mozilla* accepted the *RIF Order*'s analysis of the MFJ case as reasonable, it did not conclude that it was the only or best reading. In classifying Telecommunications Device for the Deaf (TDD) service as an information service, the MFJ court concluded that that "the very crux and purpose" of TDD service was the "transformation of information" and "it is patently obvious that what is being sought does not involve the internal management of Bell Atlantic." Although the MFJ court noted that the telecommunications systems management exception "was directed at internal operations, not at services for customers or end users," the facts did not require the court to meaningfully grapple with the full meaning of the exception.

154. In all events, the MFJ court's view of the telecommunications systems management exception is not inconsistent with the view we reiterate in the Order that a service can fall under the 1996 Act's exception if it is used by the provider to manage, control, or operate a telecommunications system, even if the service may also benefit end users. Indeed, the court also explained that it had applied that exception to "allow[] the regional companies to provide directory assistance to their own customers," which unambiguously provides benefits for callers. Likewise, the *Mozilla* court recognized that an evaluation of provider and customer benefit from a given function involved "a spectrum or continuum" that "requires a decider to select a point where both ends are in play." Thus, to the extent that these MFJ court precedents are relevant to our classification analysis, they do not clearly show that the relevant functions must not be so significantly focused on benefitting end users or customers (rather than providers) to fall within the telecommunications systems management exception.

2. Post-1996 Act Classification Decisions

155. As mentioned above, when Congress enacted the 1996 Act, it codified statutory definitions that reflected the dichotomy of services established by the *Computer Inquiries* and MFJ frameworks. Specifically, the 1996 Act's definitions of "telecommunications service" and "information service"—including the telecommunications systems management exception to the definition of "information service"—largely track the definitions of those same terms in the MFJ. We note that while Congress adopted the terminology of the MFJ's definition of "information service," for the reasons we discussed above, we reject the view that Congress thereby intended that the Commission would be bound by MFJ precedent going forward. And the 1996 Act's regulatory approach to that dichotomy of services broadly tracks that of the *Computer Inquiries*' treatment of basic services, enhanced services, and adjunct-to-basic services, with "telecommunications services," inclusive of associated services that fall into the telecommunications systems management exception, subject to common carrier regulation and "information services" not subject to common carrier regulation. As noted, just two years after the 1996 Act's passage, the Commission confirmed that Congress had incorporated the Commission's prior classification scheme under the *Computer Inquiries* in adopting the 1996 Act. And the Supreme Court affirmed that understanding in *Brand X*, stating that "Congress passed the definitions in the Communications Act against the background of [the *Computer Inquiries*] regulatory history, and we may assume that the parallel terms 'telecommunications service' and 'information service' substantially incorporated their meaning, as the Commission has held." We disagree with NCTA that the sole fact that Congress enacted the terms "telecommunications service" and "information service" "against the backdrop of [the] Commission's own refusal to treat enhanced service offerings . . . as 'basic,'" provides evidence of "Congress's intent to classify broadband as an information service." NCTA attempts to connect the dots by claiming that the Commission classified "the forerunners of broadband" as enhanced services, but it only cited to a single Bureau-level order from the 1980s that classified a service wholly dissimilar from modern BIAS as an enhanced service. And although

Commission precedent did treat “internet access” as it existed around time of the 1996 Act as an enhanced service, as we make clear below, the nature of BIAS is significantly different than the Commission’s understanding of internet access during that period of time.

156. In implementing the 1996 Act, the Commission harmonized its earlier classification decisions with the 1996 Act’s new terms for the sake of providing regulatory certainty, and continued to draw on such pre-1996 Act precedent for support in classifying services under the 1996 Act’s categories. There was no need for the Commission to consider reconciling the MFJ with the 1996 Act because section 601(a)(1) of the 1996 Act expressly replaced the MFJ’s requirements with those enacted as part of the 1996 Act. Over the course of almost three decades since the passage of the 1996 Act, the Commission has considered the regulatory classification of a variety of services that relate to internet connectivity. In those decisions, the Commission has debated the practical significance of the *Computer Inquiries* and later classification decisions that preceded the decision under consideration. But as was observed by Justice Scalia in his *Brand X* dissent, the actual differences in Commission classification decisions have comparatively little to do with interpretation of statutory terms—like “offer”—and instead turn principally on the best understanding of particular facts, such as “the identity of what is offered.” As we describe below, over the span of time since the 1996 Act’s enactment, the underlying service that ISPs offer consumers, and indeed, what even constitutes “internet access,” has shifted, and with it, the meaning of what constitutes an internet service provider. This shifting landscape challenged the Commission in conducting factual analyses in connection with these classification decisions. As such, the Commission reached different classification decisions based on different factual characterizations of how the relevant “offer” would be understood from a functional and end-user perspective. These factual characterizations often were informed by—and in the case of the *RIF Order*, were motivated by—policy objectives, and as such, the factual characterizations varied in their reasonableness. For these reasons, prior classification decisions, far from being a “uniform regulatory history,” do not provide consistent, let alone persuasive, evidence that modern-day BIAS is best

classified as an information service under the 1996 Act. Some commenters observe that Commission actions shortly after the adoption of the Act can be particularly persuasive evidence of Congressional intent. But that does not provide a justification for attempting to apply early Commission decisions implementing the 1996 Act outside their logical context, or for overriding the direction gleaned from the text and statutory context. We thus reject arguments that neglect the material differences between present circumstances for BIAS and decisions like the *Stevens Report*. In our decision in the Order, we lay out the facts concerning how modern-day BIAS is offered based on how it functions and is perceived, and follow those facts to the most logical outcome under the best reading of the statutory text. In doing so, as detailed above, we find that BIAS is best understood as a telecommunications service under the Act’s definitional framework.

157. *Stevens Report*. When the Commission first considered how best to classify “internet access service” under the 1996 Act, that service, being at a nascent stage of development, differed substantially from the BIAS we classify in the Order in how it was offered, and how consumers perceived the service. In 1997, for the purpose of implementing the universal service provisions of the 1996 Act, Congress directed the Commission to review, *inter alia*, the definitions of the term “information service,” “telecommunications,” and “telecommunications service,” including how those definitions apply “to mixed or hybrid services and the impact of such application on universal service definitions and support . . . including with respect to internet access.” In response, in 1998, the Commission adopted a Report to Congress commonly referred to as the *Stevens Report*. We disagree with Consumer Action for a Strong Economy’s argument that the 1996 Act, in “creat[ing] a new framework for Title I ‘Information Services’ as a modern alternative to sclerotic, New Deal-era Title II rules[,]” reflected a “bipartisan consensus for lightly regulating high-speed broadband.” But even assuming such a consensus had existed with respect not only to the fundamentally different internet access service of the time, but also to *broadband* at such a nascent stage of its development, the *Stevens Report* makes clear that Congress preferred that the Commission decide its classification. And indeed, as we discuss below, the very year the

Commission did so with respect to “internet access service” in the *Stevens Report*, the Commission also classified broadband provided via DSL as a telecommunications service subject to Title II. We also disagree with LARIAT’s contention that “Title II itself—with provisions explicitly mentioning differing charges dependent upon the source, destination, time, and purpose of communications—was not designed to regulate the internet, especially one that was ‘neutral.’” Beyond the fact that LARIAT provides only a vague description of the provisions it claims are not well-suited to regulating BIAS—and does not appear to consider how tailored forbearance could ameliorate such concerns—we find that the *Stevens Report* makes clear that Congress did not intend to foreclose application of Title II to new services.

158. At the time of the *Stevens Report*, internet access service providers typically did not own facilities or provide last-mile transmission themselves, instead providing their services over an unaffiliated telecommunications carrier’s public switched telephone network (PSTN). ISPs primarily offered their customers a suite of application-layer services such as World Wide Web, newsgroups, and electronic mail using their own computer systems. Some ISPs did not yet even provide their subscribers direct access to the wider internet, instead solely offering portals to “walled gardens” of proprietary content. In order to reach these application-layer services, an end user typically first had to purchase a telecommunications service from an unaffiliated carrier. The *Stevens Report* drew on the “intertwined” language of *Computer II*, and coined the term “inextricably intertwined” to assert its belief that, because the “core of the internet and its associated services” offered by providers were information services, “internet access service” itself was an information service, being dominated by such components.

159. The *Stevens Report* reserved judgment on whether entities that provided internet access over their own network facilities were offering a separate telecommunications service, and observed that “the question may not always be straightforward whether, on the one hand, an entity is providing a single information service with communications and computing components, or, on the other hand, is providing two distinct services, one of which is a telecommunications service.” Notably, at the time of the *Stevens Report*, BIAS was at “an early stage of deployment to residential customers”

and constituted a tiny fraction of all internet connections. As we establish above, modern-day BIAS both functions and is perceived vastly differently from the “internet access service” considered in the *Stevens Report*, so we thus disagree with commenters who argue that the *Stevens Report*’s assessment of the service offered at the time has precedential value to our decision making in the Order.

160. *Advanced Services Order and Order on Remand*. In the same year that the Commission adopted the *Stevens Report*, the Commission first classified an early form of BIAS—namely, digital subscriber line (DSL) service provided over the wireline telephone network—as a telecommunications service. The *Advanced Services Order* was subject to a voluntary remand requested by the Commission. The Commission explained in the *2015 Open Internet Order* why the further history of the *Advanced Services Remand Order* (65 FR 7744 (Feb. 16, 2000)) is not relevant here. In the 1998 *Advanced Services Order*, the Commission defined DSL-based advanced service as encompassing: (1) the transmission of a customer’s data traffic from the customer’s modem to the telephone company’s central office; (2) the transmission between the central office and an interconnection point across the telephone company’s packet switched network; and (3) interconnection arrangements with other providers as necessary to fulfill the service. The Commission distinguished this service—as we do in the Order with our definition of BIAS—from what it considered to be “internet access”: the same bundle of application-level offerings (e.g., World Wide Web, email, newsgroups, and portals) described in the *Stevens Report*. The Commission therefore concluded that “[a]n end-user may utilize a telecommunications service together with an information service, as in the case of internet access. In such a case, however, we treat the two services separately: the first service is a telecommunications service (e.g., the []DSL-enabled transmission path), and the second service is an information service, in this case internet access.” In the 1999 *Advanced Services Remand Order*, the Commission affirmed its conclusion that “[]DSL-based advanced services constitute telecommunications services as defined by section 3(46) of the Act.” The definition of telecommunications service is now in section 3(53) of the Act. DSL-based broadband providers were thus subject, under these *Orders*, to Title II in relevant part. In light of the factual

circumstances underlying the Commission’s classification of DSL, we find the *Advanced Services Order* informative as to the best classification of BIAS today. Although the classification decision in the *Advanced Services Order* arose in the context of the *Computer II* requirement that facilities-based carriers offer the transmission underlying their enhanced service offering on a common carrier basis, and therefore the DSL transmission service was not a “retail” service within the meaning of the resale obligation in section 251(c)(4) of the Act, that does not alter the marketplace reality that this common carrier transmission service was nevertheless available for purchase by retail end users as well as wholesale customers, despite the *RIF Order*’s suggestion to the contrary. Retail end users could rely on that common carrier transmission service to access the application-layer services offered by the ISPs of the time, consistent with the explanation of telecommunications services and information services that the Commission laid out in the *Stevens Report*. The *RIF Order*’s further complaint that DSL common carrier transmission service “[did not] itself provide internet access[]” does not demonstrate that the purchase from two suppliers rather than a single supplier is inherently material to the classification analysis.

161. We disagree with the U.S. Chamber of Commerce which argues that the *Advanced Services Order*’s classification of “internet access” as an information service supports “the textual reading . . . that BIAS is best classified as a Title I ‘information service.’” As we explain here, the “internet access” described in the *Advanced Services Order* was fundamentally different from the BIAS we classify in the Order, being a non-facilities-based suite of application-layer information services to which users connected via their DSL-based broadband provider. Today’s BIAS, conversely, more closely resembles the DSL-based broadband classified as providing telecommunications service. We find that BIAS (as defined in the Order) provides a transparent conduit to edge providers’ information services. We also disagree with NCTA’s attempt to discount the relevance of the *Advanced Services Order*’s classification of DSL-based broadband service as a telecommunications service by claiming that the Order only considered the classification of “wholesale DSL transmission[] which incumbent telephone companies

historically offered to ISPs such as AOL or Earthlink as a telecommunications service unbundled from internet access, [rather than] retail broadband service.” This reading defies the very language in the *Advanced Services Order* which clearly considered the service to be offered both to end users and to ISPs.

162. *Classification of Cable Modem Service*. The regulatory classification of cable modem service was unaddressed when the Ninth Circuit had occasion to consider it in *City of Portland*. There, the court found that cable modem service was a telecommunications service to the extent that the cable operator “provides its subscribers internet transmission over its cable broadband facility.” The court found that cable modem service, “like [the internet access service of] other ISPs, . . . consists of two elements: a ‘pipeline’ (cable broadband instead of telephone lines), and the internet service transmitted through that pipeline,” but “unlike [the internet access service of] other ISPs, [the cable modem service provider] controls all of the transmission facilities between its subscribers and the internet.” The Ninth Circuit also noted that the Communications Act “includes cable broadband transmission as one of the ‘telecommunications services’ a cable operator may provide over its cable system.” Following *City of Portland*, two other courts had the opportunity to consider the application of cable modem service, neither of which we find undercut the weight the Ninth Circuit’s conclusion lends to our independent conclusion that today’s offering of BIAS is best classified as a telecommunications service.

163. Three months after the *City of Portland* decision, the Commission issued the *Cable Modem Notice of Inquiry* (65 FR 60441 (Oct. 11, 2000)), which sought comment on whether cable modem service should be classified as a telecommunications service under Title II or an information service subject to Title I. That proceeding culminated with the *Cable Modem Declaratory Ruling* (67 FR 18848 (Apr. 17, 2002)). Based on a factual record that had been compiled at that time, the Commission described cable modem service as “typically includ[ing] many and sometimes all of the functions made available through dial-up internet access service, including content, email accounts, access to news groups, the ability to create a personal web page, and the ability to retrieve information from the internet.” The Commission found that cable modem service was “an offering . . . which combines the transmission of data with computer

processing, information provision, and computer interactivity, enabling end users to run a variety of applications.” The Commission further concluded that, “as it [was] currently offered,” cable modem service as a whole met the statutory definition of “information service” because its components were best viewed as a “single, integrated service that enables the subscriber to utilize internet access service,” with a telecommunications component that was “not . . . separable from the data-processing capabilities of the service.” We disagree with the U.S. Chamber of Commerce which argues that the *Cable Modem Declaratory Ruling*’s classification of cable modem service as an information service supports “the textual reading . . . that BIAS is best classified as a Title I ‘information service.’” As ACA Connects explains, the Commission arrived at its conclusion after reviewing the factual record of how providers offered, and consumers perceived, the service at the time. However, we disagree with both commenters that, somehow, this 22-year-old factual record has bearing on the classification of modern-day BIAS. As we amply show above, the record we received confirms that providers’ offering of broadband service has indeed changed dramatically, and so have consumers’ perception of the service. While the *Cable Modem Declaratory Ruling* did not mention the “inextricably intertwined” language from the *Stevens Report* or the earlier “intertwined” language from *Computer II*, it followed their classification approach in concluding that cable modem service, as viewed by the end user, was dominated by the information service aspects. The *Brand X* Court cited to the *Stevens Report*’s use of “inextricably intertwined” to analogize to the *Cable Modem Declaratory Ruling* classification analysis.

164. The *Cable Modem Declaratory Ruling* faced a legal challenge, but was ultimately upheld by the U.S. Supreme Court in *Brand X*. *Brand X* recognized that the *Cable Modem Declaratory Ruling*’s Title I classification was a “reversal of agency policy” and “change [in] course” from the Commission’s original classification of broadband in the *Advanced Services Order*, but held that it was permissible under the broad deference required by *Chevron*. Specifically, the Court held that the word “offering” in the Act’s definitions of “telecommunications service” and “information service” is ambiguous, and that the Commission’s finding that cable modem service is a functionally integrated information service was a

permissible, though perhaps not the best, interpretation of the Act. NCTA misleadingly states that the Court’s conclusion in *Brand X* “confirmed that Congress never clearly intended for broadband to be treated as a telecommunications service.” By holding that the term “offering” in the 1996 Act is ambiguous, the Court also confirmed that Congress never clearly intended for broadband to be treated as an information service, and thus deferred to the Commission’s decision under *Chevron*. The Court explained that the Act’s definitions turn on what the cable modem service provider is understood to be “offering” to consumers, which in turn depends on what consumers reasonably perceive the offering to be. Based on the administrative record before the Commission in 2002, the Court found “reasonable” “the Commission’s understanding of the nature of cable modem service”—namely, that “[w]hen an end user accesses a third party’s website,” that user “is equally using the information service provided by the cable company that offers him internet access as when he accesses the company’s own website, its email service, or his personal web page,” citing as examples the roles of DNS and caching. In the wake of *Brand X*, the Commission proceeded to adopt information service classifications of internet access service offered via wireline networks, power line networks, and wireless networks, though the Commission continued to recognize that ISPs could offer broadband transmission as a telecommunications service subject to Title II, and many did.

165. The *Cable Modem Declaratory Ruling*, and the successive decisions following it, are not determinative of the classification of modern-day BIAS. The *Cable Modem Declaratory Ruling* was based on a record developed in the early 2000s—when ISPs were still viewed as playing a crucial role in the availability of websites, email, newsgroup access, and the like. And the follow-on classification decisions substantially relied on the record compiled in the *Cable Modem Declaratory Ruling* proceeding. The factual circumstances, as characterized by the Commission then, differ substantially from the functional and marketplace realities of BIAS today, to say nothing of the fact that none of these decisions considered the applicability of the telecommunications systems management exception to the information service definition. The *Cable Modem Declaratory Ruling* and the *Wireline Broadband Classification*

Order (70 FR 60222 (Oct. 17, 2005)) mentioned the exception in quoting the statutory definition of “information service,” but did not analyze its potential applicability, such as to DNS.

166. While the *Cable Modem Declaratory Ruling* itself has limited relevance to our classification of modern-day BIAS, the Supreme Court’s opinions on it lends some support to the telecommunications classification we reach in the Order. In upholding the *Cable Modem Declaratory Ruling* on reasonableness grounds, every Justice joined opinions that, at best, showed that the *Cable Modem Declaratory Ruling*’s understanding of the factual circumstances was becoming increasingly outdated even at the time. Justice Thomas, writing for the majority, noted that “our conclusion that it is *reasonable* to read the Communications Act to classify cable modem service solely as an ‘information service’ leaves untouched *Portland*’s holding that the Commission’s interpretation is not the *best* reading of the statute.” Justice Breyer’s concurrence cautioned that the Commission’s information service classification was “perhaps just barely” permissible. And in dissent, Justice Scalia, joined by Justices Souter and Ginsburg, found that the Commission had adopted “an implausible reading of the statute” and that “the telecommunications component of cable-modem service retains such ample independent identity” that it could only reasonably be classified as a separate telecommunications service. As we demonstrate above, today’s BIAS is now entirely divorced from providers’ information service offerings on which the *Cable Modem Declaratory Ruling* rested its classification decision. If cable modem service may have been best understood as a telecommunications service then, modern BIAS most certainly is best understood as a telecommunications service now.

167. *2015 Open Internet Order*. In 2015, the Commission first considered the classification of “broadband internet access service,” as defined by the *2010 Open Internet Order* (76 FR 59192 (Sept. 23, 2011)), narrowly focused on the transmission component of the service and any capabilities that are incidental to and enable the operation of that service, and irrespective of the technology over which that service is provided. In doing so, as we do here, the Commission reviewed its prior classification decisions concerning dial-up internet access service, DSL-based advanced service, cable modem service, wireline broadband service, and wireless broadband service, and weighed the relevance of such decisions

on a classification of BIAS based on the factual circumstances under which it was then offered. The Commission concluded that fixed and mobile “broadband internet access service” is a telecommunications service, finding that “broadband internet access service, as offered by both fixed and mobile providers, is best seen, and is in fact most commonly seen,” as a “separate ‘offering’” of transmission capacity that “is today sufficiently independent of . . . information services” such as “email and online storage.” The Commission first defined “broadband internet access service” in the *2010 Open Internet Order*. The *2015 Open Internet Order* also concluded that the bundling of certain services, such as DNS and caching, with broadband internet access service, does not “turn broadband internet access service into a functionally integrated information service.”

168. In 2016, the D.C. Circuit upheld the *2015 Open Internet Order* in full in *USTA*. Requests for rehearing en banc were denied in 2017 in *USTA II*, 855 F.3d 381. Of note, two judges concurring in the denial of rehearing en banc reiterated *Brand X*’s conclusion that a telecommunications service classification was both reasonable and the best reading of the Act. The court found that the Commission’s conclusion that consumer perception of BIAS as a separate offering of telecommunications found “extensive support in the record,” “justify[ing] the Commission’s decision to reclassify broadband as a telecommunications service.” It also affirmed the Commission’s view that DNS and caching fall under the telecommunications systems management exception because they “facilitate use of the network without altering the fundamental character of the telecommunications service.” Similarly, the court found “reasonable and supported by the record” the Commission’s classification of mobile BIAS as a commercial mobile service. It also concluded that the Commission fully justified its change in course.

169. *RIF Order*. In 2017, the Commission reclassified the technology-agnostic BIAS as an information service, reversing the conclusion of the *2015 Open Internet Order*. While maintaining the same narrowly drawn definition of BIAS used since the *2010 Open Internet Order*, the Commission nevertheless considered BIAS (1) to provide subscribers the capability “to engage in all of the information processes listed in the information service definition”; (2) to involve “information processing functions itself, such as DNS and caching”; and (3) to be inextricably

intertwined with other information-processing capabilities offered by the BIAS provider or third parties. In conducting its factual analysis, the *RIF Order* relied on the *Cable Modem Declaratory Ruling*, along with *Brand X*, in addition to the isolated MFJ precedent we previously addressed.

170. In addition to the *RIF Order*’s misapplication of the statutory definitions, which we discuss above, its application of Commission precedent to arrive at its preordained information service classification was flawed. By the time the *RIF Order* ventured to reconsider the classification of BIAS, the factual characterizations in the *Cable Modem Declaratory Ruling*, which *Brand X* showed were becoming outdated even at the time, were positively antiquated. Nevertheless, the *RIF Order* at times erroneously leaned on that proceeding’s factual record in its analysis of modern-day BIAS.

171. On review in *Mozilla*, the D.C. Circuit was skeptical of the *RIF Order*’s classification decision, and in particular its reliance on *Brand X* and the underlying *Cable Modem Declaratory Ruling*. As Judge Millett pointed out in her *Mozilla* concurrence, and as we likewise find here: “Today, the typical broadband offering bears little resemblance to its *Brand X* version. The walled garden has been razed and its fields sown with salt. The add-ons described in *Brand X*—‘a cable company’s email service, its web page, and the ability it provides consumers to create a personal web page,’—have dwindled as consumers routinely deploy ‘their high-speed internet connections to take advantage of competing services offered by third parties.’” Although, the court ultimately upheld the *RIF Order*, it did so not because the *RIF Order* best represented the factual realities of the offering or most closely accorded with precedent, but under the judicial principles concerning deference and binding precedent. As Congress has granted the Commission the authority and responsibility to classify services, we are not so bound. Given the *RIF Order*’s flawed analysis of the statutory terms and misplaced reliance on aging conceptions of how internet access service is offered today, we thus decline to give the *RIF Order*’s classification determination any precedential value, and instead find that our classification of BIAS as a telecommunications service is not only the best reading of the statute under the factual circumstances of how BIAS is offered today but also best accords with Commission and court precedent.

D. Scope of Reclassification

172. Our classification decision continues to rely on the same definition of “broadband internet access service” the Commission has used since the *2010 Open Internet Order*, which encompasses mass market, retail data transmission and capabilities that are incidental to and enable its operation. We continue to exclude non-BIAS data services and clarify the framework for identifying those services. To the extent that the exchange of internet traffic by an edge provider or an intermediary with the BIAS provider’s network supports the capability to reach all or substantially all internet endpoints and enables the operation of the service, we find that BIAS includes such internet traffic exchange. However, we clarify that service to edge providers is not itself BIAS. We also continue to exclude premises operators and end users who provide access to their BIAS connections when not offered on a mass-market, retail basis.

1. Broadband Internet Access Service

173. We continue to define “broadband internet access service” as a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. We also continue to include in this term any service that we find to provide a functional equivalent of the service described in the definition, or that is used to evade the protections set forth in part 8 of the Commission’s rules. The Commission has retained this definition since it first defined broadband internet access service in the *2010 Open Internet Order*, and a broad range of commenters support us continuing to do so. Our use of the term “broadband” in the Order includes, but is not limited to, services meeting the threshold for “advanced telecommunications capability.” We continue to exclude dial-up internet access service from the definition of BIAS because of the different market and regulatory landscape for that service. We also make clear that the definition of BIAS does not include VoIP service and we do not classify VoIP service in the Order. We do not, however, find it appropriate to define BIAS as solely the “commercial offering of an IP packet transfer service” because such a description would expand the scope beyond the focus of this proceeding and our actions in the Order.

Indeed, such a high-level—and therefore broad—definition could sweep in services using IP packet transfer for reasons completely unrelated to internet access.

174. As the Commission has previously determined, the term “broadband internet access service” includes services provided over any technology platform, including, but not limited to, wire, terrestrial wireless (including fixed and mobile wireless services using licensed or unlicensed spectrum), and satellite. “Fixed” broadband internet access service refers to a broadband internet access service that serves end users primarily at fixed endpoints using stationary equipment, such as the modem that connects an end user’s home router, computer, or other internet access device to the internet, and encompasses the delivery of fixed broadband service over any medium, including various forms of wired broadband service (e.g., cable, DSL, fiber), fixed wireless access (FWA) broadband service (including fixed services using unlicensed spectrum and cellular fixed wireless access), and fixed satellite broadband service. Cellular fixed wireless access refers to a specific subclass of FWA offered using 4G or 5G mobile technologies and shares the mobile network. “Mobile” broadband internet access service refers to a broadband internet access service that serves end users primarily using mobile stations, and includes, among other things, services that use smartphones or mobile-network-enabled tablets or devices as the primary endpoints for connection to the internet, as well as mobile satellite broadband service. We continue to encompass within the definition of broadband internet access service all providers of any such service, regardless of whether the BIAS provider leases or owns the facilities used to provide the service.

175. We disagree with the Information Technology and Innovation Foundation’s (ITIF) argument that our definition of BIAS undermines the applicability of the Open Internet rules we adopt by rendering the rules “essentially voluntary” as long as an entity offers a service that does not provide indiscriminate access to all or substantially all internet endpoints and discloses its network management practices. This argument conflates not providing BIAS at all with providing BIAS while violating the rules. Notably, if ITIF’s argument were true, it would also be the case that the transparency rule maintained by the *RIF Order* would also be voluntary, and yet ITIF did not raise this issue as a concern in that proceeding. A BIAS provider cannot

simply declare that it is not providing BIAS; the determination is dependent on the nature of the service the BIAS provider offers, as reasonably understood by consumers. An ISP offering that is clearly identified and marketed to consumers as providing edited or curated internet access—rather than service that consumers reasonably understand and expect to provide indiscriminate access to all or substantially all internet applications and services of their choosing—would fall outside the scope of the Order, but an ISP may not provide consumers what appears to be ordinary mass-market broadband service and then engage in discriminatory practices that deny customers the service they reasonably expect. An ISP that currently provides BIAS but seeks to instead provide a service that falls outside the definition of BIAS, particularly as a means to avoid the service being subject to the Commission’s rules, may find that this exercise could have non-trivial commercial and regulatory consequences. That decision also may carry other important consequences. For example, an ISP that is not providing BIAS might not qualify to participate in Federal and State programs to fund broadband deployment and affordability, might not benefit from the Commission’s pole attachment rights under section 224 and rules concerning access to MTEs, and might not be able to petition the Commission under section 253 to preempt State and local requirements that prohibit the provision of the non-BIAS service.

176. *Mass Market.* We continue to find that a “mass-market” service is “a service marketed and sold on a standardized basis to residential customers, small businesses, and other end-user customers, such as schools and libraries.” The Commission has retained this interpretation of “mass market” since the *2010 Open Internet Order*, and the record supports continuing to retain this definition. In order to maintain consistency with this interpretation, we decline Ad Hoc Telecom Users Committee’s request to remove the word “small” from “small business” in considering what constitutes a “mass market” service. We note that in examining whether a service is “mass market,” how a service generally is marketed and sold, rather than the entity purchasing the service, is the key determination. In addition to including broadband internet access service purchased with support from the E-Rate, Lifeline, and Rural Health Care programs, as well as any broadband internet access service offered using

networks supported by the High Cost program, “mass market” services include any broadband internet access service purchased with support from the Affordable Connectivity Program (or any successor program offering discounts to eligible households for standardized broadband service offerings) or the Connected Care Pilot Program. These programs statutorily support BIAS regardless of its classification status. Consistent with the *2015 Open Internet Order* and *RIF Order*, and with broad record support, we continue to interpret mass market to exclude enterprise internet access service offerings as well as other services, such as Business Data Services (BDS), that do not provide access to all, or substantially all, internet endpoints. The services we exclude from being considered mass market exhibit distinct marketplace and technological characteristics from those of BIAS. They are typically offered and sold to large businesses through customized or individually negotiated arrangements and thus depart significantly from BIAS offerings. We make clear that enterprise services are excluded from the definition of BIAS even when they are supported by the Commission’s broadband access and affordability programs. No commenter opposes this approach. Our determination that enterprise services are not included within the definition of BIAS should not be understood to mean that non-private-carriage enterprise services cannot otherwise be subject to regulation as telecommunications services. We believe it is likely that at least some such services are indeed offered as telecommunications services and note that would be consistent with previous Commission statements that non-private-carriage enterprise services are telecommunications services.

177. *Retail.* We retain the word “retail” in the definition of BIAS and hold that BIAS includes retail service provided by both facilities-based providers and resellers. In doing so, we maintain the definition of BIAS that the Commission has consistently applied since the definition originated in 2010. We therefore decline, at this time, INCOMPAS’s request to delete the word “retail” from the definition of BIAS. The applicability of the Commission’s reclassification and rules to wholesale services was not directly raised in the *2023 Open Internet NPRM* and we find that it would be premature for the Commission to take further action regarding wholesale services based on the current record. For the same reasons, we decline Public Knowledge’s request that the Commission “clarify”

that wholesale services are subject to Title II. Nevertheless, we agree with commenters that broadband wholesalers should not engage in anticompetitive practices or sell or operate their wholesale offerings in a manner that prevents resellers from offering retail broadband service that is in compliance with our BIAS rules. If wholesale providers do engage in such harmful practices, the Commission would be able to take action to address them pursuant to its Title II authority, without including those wholesale providers within the scope of BIAS. That wholesale services do not fall within the definition of BIAS does not mean that they do not fall within the ambit of Title II in some circumstances or otherwise may be subject to the Commission's oversight under section 201(b), which provides the Commission authority to ensure that all practices "in connection with" BIAS are "just and reasonable." We thus disagree with INCOMPAS's suggestion that a specific classification of wholesale service as a telecommunications service is a necessary prerequisite for protecting consumers and resellers from the unjust or unreasonable actions of wholesale service providers. Indeed, we agree with INCOMPAS that the Commission "has the authority under sections 201 and 202 to adjudicate disputes between wholesalers and resellers of BIAS."

178. We conclude that our approach should provide consumers with necessary protections without unfairly burdening resellers with violations resulting from the actions of their wholesale providers. Our BIAS definition includes services from both facilities-based providers and resellers, and therefore any BIAS rules we adopt apply to both categories of service providers. As explained in the *2015 Open Internet Order*, while "a reseller's obligation under the rules is independent from the obligation of the facilities-based provider that supplies the underlying service to the reseller, . . . the extent of compliance by the underlying facilities-based provider will be a factor in assessing compliance by the reseller." Thus, if a reseller has employed reasonable measures to ensure it is able to comply with its obligations under our rules, non-compliance by the reseller's underlying facilities-based provider will not be imputed to the reseller. What constitutes reasonable measures will depend on the factual circumstances, including the details of the reseller's arrangement with the wholesale provider and the reseller's diligence in seeking to enforce the terms of that

arrangement. We not only expect resellers to take care that the service they choose to resell to retail customers would not expose them to compliance issues under our rules, but we also expect that facilities-based providers that choose to provide wholesale service will not sell a service that does not allow resellers to comply with our rules. In any event, we intend to monitor the wholesale service marketplace and will take appropriate prescriptive or enforcement action to protect consumers and resellers should the need arise.

2. Non-BIAS Data Services

179. We continue to exclude non-BIAS data services (formerly "specialized services") from the scope of broadband internet access service. As the Commission explained in the *2015 Open Internet Order*, non-BIAS data services are certain services offered by BIAS providers that share capacity with broadband internet access service over BIAS providers' last-mile facilities but are not broadband internet access service or another type of internet access service, such as enterprise services. Such services generally share the following characteristics: (1) are only used to reach one or a limited number of internet endpoints; (2) are not a generic platform, but rather a specific "application level" service; and (3) use some form of network management to isolate the capacity used by these services from that used by broadband internet access services. These characteristics are non-exhaustive and do not comprise elements of a definition of non-BIAS data services. We clarify this in light of confusion in the record that the characteristics established in the *2015 Open Internet Order* constituted elements of a definition of non-BIAS data service. Thus, services with these characteristics will not always be considered non-BIAS data services. In 2015, the Commission identified examples of some services that, at the time, likely fit within the category of non-BIAS data services. The Commission identified some BIAS providers' existing facilities-based VoIP and IP-video offerings, connectivity bundled with e-readers, heart monitors, energy consumption sensors, limited-purpose devices such as automobile telematics, and services that provide schools with curriculum-approved applications and content as examples of non-BIAS data services.

180. *Innovation and Investment.* We anticipate that maintaining an exclusion of non-BIAS data services from the definition of BIAS will foster innovation and investment in BIAS and non-BIAS

data services. We agree with Professor van Schewick that excluding non-BIAS data services from the scope of BIAS "allows applications to emerge that would not be able to function on the Open Internet because they need special treatment that the Open Internet cannot provide." We further expect that our approach will guard against artificial marketplace distortions by providing a level playing field for like data services under our rules: those that fit the "core" definition of BIAS, represent its functional equivalent, or are used in an attempt to evade our rules governing BIAS will be treated the same under our rules, while data services that fall outside the scope of BIAS—whether established or new—will be treated comparably. Additionally, we anticipate that, under our regulatory approach, BIAS providers will be motivated to innovate and invest in the development and deployment of new technologies that will help enable them to meet growing network capacity demands for both BIAS and non-BIAS data services utilizing the same network infrastructure, rather than responding to those growing demands through blocking, throttling, paid prioritization, or other conduct harmful to the broader public interest.

181. *Evasion and Enforcement.* Key to promoting these benefits is ensuring that our exclusion of non-BIAS data services is not used as a means to evade the rules we place on BIAS, including the open internet rules we adopt in the Order. To do so, we will continue to closely monitor the development and use of these services and will act to prevent harm to the open internet, as necessary. We are especially concerned about activities that may undermine national security or public safety, hinder consumers' access to or use of BIAS, or impede the ability of over-the-top services to compete with other data services. If we determine that a particular service is providing the functional equivalent of BIAS or is being used to evade the protections set forth in our rules, we will take appropriate action. We will be watchful of consumer retail offerings, and will evaluate if necessary whether they actually require isolated capacity for a specific functionality or level of quality of service that cannot be met over the open internet, but we will presume that application-level enterprise offerings do not evade our rules. For example, we are likely to find that connectivity for video conferencing offered to consumers would evade the protections we establish for BIAS if the video-conferencing provider is paying the

BIAS provider for prioritized delivery. Conversely, we are likely to find that connectivity for remote surgery is properly categorized as a non-BIAS data service given its “stringent requirements for reliability” and lack of latency that “cannot be met over the Open Internet.” We also will closely monitor any services that have a negative effect on the performance of BIAS or the capacity available for BIAS over time. We decline to explicitly state that non-BIAS service may not share capacity with BIAS, as Professor Peha requests, as this may inhibit innovative uses of existing capacity that do not otherwise harm the open internet. And we will take appropriate action if a non-BIAS data service is undermining investment, innovation, competition, or end-user benefits. To assist us in monitoring non-BIAS data services, we continue to require BIAS providers to disclose: what non-BIAS data services they offer to end users; whether and how any non-BIAS data services may affect the last-mile capacity available for, and the performance of, BIAS; and a description of whether the service relies on particular network practices and whether similar functionality is available to applications and services offered over BIAS.

182. *Alternative Approaches.* We resist calls from some commenters that we eschew this approach and instead adopt an abstract, expansive definition of non-BIAS data services and/or a more detailed list of such services, as doing so would not account for the evolving, innovative nature of these services and the importance of ensuring BIAS providers cannot evade our rules. Our approach aligns with the approach taken towards non-BIAS data services in the 2015 *Open Internet Order*. Adopting an abstract, expansive definition of non-BIAS data services would encompass services functionally equivalent to BIAS and those used to evade our rules for BIAS, contradicting our BIAS definition and potentially undermining our ability to address services that cause open internet, national security, public safety, or other harms we identify in the Order. Similarly, providing an extensive list of non-BIAS data services could harm consumers if BIAS providers develop methods to use an identified service on the list to somehow circumvent our rules. Moreover, a more detailed definition of non-BIAS data services would require us to accurately predict the forms that “functionally equivalent” services or services used to “evade” our rules could take in the future. The record here does not persuade us that we could reliably do so, nor would we

be positioned to maintain and update such a list in a timely manner as new services are developed. Additionally, rather than promote innovation, as the European Telecom Operators’ Association suggests, developing an extensive and detailed list may instead constrain innovation by disincentivizing BIAS providers from offering or developing services that are not on the list.

183. *Network Slicing.* Consistent with the approach we lay out above, we decline at this time to categorize network slicing or the services delivered through network slicing as inherently either BIAS or non-BIAS data services, or to opine on whether any particular use of network slicing or the services delivered through network slicing would be considered a reasonable network management practice under the open internet rules we adopt below.

184. Network slicing is a technique that enables mobile network operators (MNOs) to create multiple virtualized subnetworks (each known as a “slice”) using shared physical wireless network infrastructure and common computing resources. Network slicing is often described as a “logical” segmentation of the network, which means that each slice may correspond to a unique set of network management rules tailored for specific technical requirements, but without any physical division or dedication of network resources. MNOs can use network management rules to configure each slice for customized use cases and quality-of-service (QoS) targets. Network slicing is a key innovation of standalone 5G networks, which are in varying stages of deployment for different providers, and it cannot be deployed on non-standalone 5G networks (*i.e.*, 5G networks with a 4G LTE core network).

185. Proponents of network slicing ask us to clarify that network slicing or certain services delivered using network slicing are “non-BIAS”—and thus not subject to Title II regulation—or are reasonable network management practices under our open internet rules. They argue that network slicing allows for the efficient management of finite mobile network resources and eliminates the need for the deployment of separate physical networks for different types of services. For instance, network slicing proponents contend that it allows MNOs to establish separate slices for mobile broadband and fixed wireless traffic, while simultaneously offering customized slices for enterprise private networks, video calls, and a variety of other uses. For example, these supporters state that network slicing might be used for: augmented reality

(AR)/virtual reality (VR), automotive, agriculture, energy, health, manufacturing, IoT, public safety, smart cities, and other functions. They further assert that network slicing is more resilient to cyberattacks because breaches can be contained in one slice and prevented from affecting other parts of the network.

186. Other commenters raise concerns about the implications of network slicing. They specifically express concern that network slicing will be used to circumvent our prohibition on paid prioritization, throttling, or unreasonable discrimination. Public Knowledge also contends that allowing network slicing for specialized services will negatively affect the quality and capacity of general internet access, and New America’s Open Technology Institute contends that exempting applications, content, or services delivered over a slice of a mobile network from the rules “is likely to harm mobile market competition,” particularly for “independent MVNO [mobile virtual network operators] competitors since they purchase wholesale bandwidth, cannot ‘slice’ their networks, and could also see their capacity and quality of service crowded out over time as the more profitable edge providers are pushed to pay for special delivery” over the large mobile networks.

187. The record reflects that the potential use cases for network slicing are still under development and that MNOs are in the early stages of adopting the technique, with some moving more quickly than others. For instance, T-Mobile states it has begun offering a network slicing beta program that allows developers to begin building advanced video calling functionality using its infrastructure. Other MNOs are actively developing their own network slicing offerings, and equipment manufacturers are also preparing to update their operating systems to support network slicing applications. Given the nascent nature of network slicing, we conclude that it is not appropriate at this time to make a categorical determination regarding all network slicing and the services delivered through the use of network slicing. We agree with NCTA that we “should not allow network slicing to be used to evade [the] Open internet rules” that we adopt. In the meantime, MNOs should evaluate whether their particular uses of network slicing fall within the definition of BIAS, and if so, ensure their uses of network slicing are consistent with the conduct rules we adopt in the Order. MNOs may also use the advisory opinion process we

establish below as a tool to seek Commission guidance on their use of network slicing. And to the extent uses of network slicing fall outside of BIAS, we will closely monitor those uses to evaluate if they are providing the functional equivalent of BIAS, being used to evade our open internet rules, or otherwise undermining investment, innovation, competition, or end-user benefits in the internet ecosystem. We will also monitor if network slicing affects the last-mile capacity available for, and the performance of, BIAS. If necessary, we will take action to address harmful uses of network slicing. We believe this approach will allow for the continued development and implementation of network slicing while at the same time ensuring that the use of network slicing in connection with BIAS conforms to the classification and rules adopted in the Order.

3. Internet Traffic Exchange

188. Consistent with the *2015 Open Internet Order*, we find that BIAS, as defined above, includes the exchange of internet traffic by an edge provider or an intermediary with the BIAS provider's network (*i.e.*, internet peering, traffic exchange, or interconnection), to the extent that the exchange supports the "capability to transmit data to and receive data from all or substantially all internet endpoints . . . [and] enable the operation of the communications service." As the Commission explained in 2015, "[t]he representation to retail customers that they will be able to reach 'all or substantially all internet endpoints' necessarily includes the promise to make the interconnection arrangements necessary to allow that access" and "the promise to transmit traffic to and from those internet endpoints back to the user." We disagree with the Information Technology Industry Council that "interconnection, peering, traffic exchange, . . . and similar arrangements should be excluded from the definition of BIAS." For a BIAS provider to offer to its subscribers the capability to reach all or substantially all internet endpoints, it must make arrangements with other network operators that have the capability (whether via its own network or via another interconnected network) to reach those endpoints. Indeed, this system of interconnection is the core concept of the "internet"—it is a network of networks. We also conclude that the Commission's findings and rationale regarding internet traffic exchange in the *2015 Open Internet Order*—that service to edge providers resulting from internet traffic exchange is derivative of BIAS and constitutes the

same traffic to the consumers—remain valid. The Ad Hoc Broadband Carrier and Investor Coalition asks us to confirm that edge service "would be treated as part of BIAS *only* to the extent they are offered as part of a 'mass-market retail' internet access service." Internet traffic arrangements are derivative of all services that meet the definition of BIAS, which not only includes mass-market retail services, but also services that provide the functional equivalent of BIAS or that evade the protections set forth in part 8 of the Commission's rules. We observe that the *RIF Order* does not appear to dispute the Commission's previous conclusion that BIAS includes internet traffic exchange, and instead determined that internet traffic exchange arrangements were appropriately regulated as an information service by virtue of its conclusion that BIAS is an information service. Many commenters support our approach. Additional commenters, by supporting our adoption of rules governing internet traffic exchange arrangements, also support *sub silentio* the inclusion of internet traffic exchange within the scope of BIAS.

189. We disagree with USTelecom's arguments that the D.C. Circuit in *USTA* erred in concluding that the Commission has the authority to include internet traffic exchange within the scope of BIAS. USTelecom first asserts that sections 251(a), 251(c)(2), and 201(a) of the Act, which concern interconnection, "refute[] any notion that classification of a retail service as a Title II common-carrier service carries with it authority for the Commission to regulate on a common-carrier basis the terms and conditions on which those retail providers interconnect." USTelecom specifically asserts that were this not the case, "the specific limitations on the Commission's authority in Sections 251(c)(2) and 201(a) would be rendered obsolete." But USTelecom rests its conclusion on the mere existence of these provisions and not any express statutory language prohibiting further Commission authority over interconnection. USTelecom's understanding of section 201(a) is undercut by the history of the Commission's treatment of interconnection and traffic exchange-related matters as cognizable under section 201(b). Nor does USTelecom grapple with the fact that section 251 expressly preserves the Commission's prior authority under section 201 in its entirety. Thus, we do not read section 201(a) and/or section 251(c)(2) as limitations on other authority as relevant here—notably including

section 201(b). Our regulatory approach to the traffic exchange element of BIAS also is far removed from the type of case-by-case orders for physical interconnection between two carriers that is the subject matter of the interconnection requirements of section 201(a). We separately note that under section 251 "the term 'interconnection' refers solely to the physical linking of two networks, and *not* to the exchange of traffic between networks."

190. Assuming, *arguendo*, that USTelecom were correct that the Commission lacks authority to include internet traffic exchange within the scope of BIAS, it goes on to claim that "[i]n the absence of such implicit authority," the Commission may only regulate internet traffic exchange arrangements "if the Commission classified such arrangements as a telecommunications service," which it cannot do given that "such arrangements by definition involve information service providers on both sides." Importantly, USTelecom conspicuously ignores the statutory prescription of section 201(b) of the Act that all activities performed "in connection with" a telecommunications service be just and reasonable. For purposes of section 201(b), it does not matter whether the practice, classification, or regulation itself involves a separate telecommunications service if it is provided "in connection" with a telecommunications service. Accordingly, and as the *USTA* court affirmed, we need not classify internet traffic exchange arrangements as telecommunications services for the retail service that depends upon such arrangements for its operation to be within the scope of our Title II regulatory authority. We also disagree with USTelecom that all internet traffic arrangements "by definition involve information service providers on both sides" as that presumes that BIAS is an information service, which as we conclude in the Order, it is not.

191. Lastly, we dispute USTelecom's characterization that the inclusion of internet traffic exchange within the scope of BIAS is flawed because we are compelling BIAS providers to offer internet traffic exchange arrangements on a common carrier basis when they "do not satisfy the *NARUC* test for classifying a service as common carriage rather than private carriage." In offering BIAS to its end-user customers, a BIAS provider has voluntarily assumed an obligation to arrange the transfer of that traffic on and off its network. BIAS providers hold themselves out to carry the traffic desired by the BIAS provider's end-user customers

regardless of source and regardless of whether an edge provider has a specific arrangement with the BIAS provider. While broadband providers may not need to enter into any specific agreement with any specific traffic exchange partner, by choosing to offer BIAS, they have bound themselves to enter into such agreements in general. In the absence of such agreements, they would be unable to provide BIAS because users would be unable to reach “all or substantially all internet endpoints.” Thus, our treatment of internet traffic exchange is based on the marketplace realities of how BIAS is offered today, not based on any compulsion that BIAS providers enter any arrangements on a common carriage basis. At the same time, nothing rules out those arrangements being common carriage arrangements if, as a factual matter, that is, in fact, how they are offered. Whether an offering is private or common carriage does not depend upon what a provider may assert is the nature of the offering, but rather on the factual particulars of how the service is offered and to whom. Therefore, simply because a BIAS provider’s terms of service disclaims offering internet traffic exchange on a common carrier basis does not make it so. Additionally, as the Commission did in 2015, we apply a case-by-case approach to exercising our section 201(b) authority over internet traffic exchange underlying retail BIAS offerings, and we do not concede—and USTelecom has not demonstrated—that such regulatory oversight will in practice require BIAS providers to enter traffic exchange arrangements with edge providers or intermediaries in a way that, *per se*, requires them to act as common carriers.

4. Service Furnished to Edge Providers

192. We agree with ICG’s contention that edge service—insofar as the term “edge service” refers to “the service that the *Verizon* court identified as being furnished to the edge”—is not itself BIAS. In its review of the *2010 Open Internet Order*, the D.C. Circuit in *Verizon* concluded that “in addition to the retail service provided to consumers, ‘broadband providers furnish a service to edge providers,’” and in the *2015 Open Internet Order*, “the Commission agree[d] that a two-sided market exists and that the beneficiaries of the non-consumer side either are or potentially could be all edge providers.” The *RIF Order* reflected the same understanding of the marketplace. Thus, we agree that any service BIAS providers provide to edge providers is at least technically distinct from the “retail” and “mass market”

service that we define BIAS to be. At the same time, we reaffirm the understanding that “the ‘service to edge providers’ is subsumed within the promise made to the retail customer of the BIAS service.” Whether the last-mile BIAS provider carries the traffic directly from an edge provider’s endpoint on the BIAS provider’s own network or from a data center or other interconnection point does not change the fact that the BIAS provider is carrying that traffic, on behalf of the edge provider, to the BIAS subscriber as part of the *subscriber’s* broadband internet access service. Just as BIAS can and does include the exchange of internet traffic without requiring us to classify the underlying service arrangements into which BIAS providers enter to enable that exchange of traffic, so too can and does BIAS include the transmission of edge provider traffic—as sought by BIAS end users—without requiring us to classify the companion transmission service provided to edge providers that was identified by the *Verizon* court and accepted by subsequent Commission precedent. Specifically, “the so-called ‘edge service’ is secondary, and in support of, the promise made to the end user” to “transport and deliver traffic to and from all or substantially all internet endpoints,” given that it “necessarily includes the promise to transmit traffic to and from those internet end points back to the user.”

193. We decline INCOMPAS’s suggestion that we “clearly state th[at BIAS providers] serve their BIAS customers, [and] not edge providers, in the provision of BIAS.” As explained above, the *Verizon* court identified this “edge service” as distinct from the retail service we define as BIAS here, and the Commission ultimately endorsed the understanding of it as a separate service in the *2015 Open Internet Order* and the *RIF Order*. Beyond claiming, without further explanation or evidence, that BIAS providers do not serve edge providers, INCOMPAS does not provide any justification for why we should change this understanding of the marketplace. Even assuming *arguendo* that one accepted INCOMPAS’s assertion that while “BIAS providers and edge providers may share the BIAS customer—the end user who pays for the BIAS— . . . that does not make the edge provider a customer of the BIAS provider,” it would not persuade us to alter our understanding of the marketplace. As the *Verizon* court observed, “[i]t is true, generally speaking, that the ‘customers’ of broadband providers are end users. But that hardly means that broadband

providers could not also be [a service provider] with respect to edge providers.” INCOMPAS also contends that “edge service is *not* derivative of BIAS,” but its arguments in that regard fall short. Insofar as INCOMPAS argues that the edge provider is not a customer of the BIAS provider, that disputes an underlying premise—that there exists an edge service in the first place—rather than explaining why such service, if it exists, should not be understood as derivative of BIAS. And insofar as INCOMPAS argues that the Commission “should account for the fact that edge service may be provided to some customers via connections that are not reliant on BIAS,” it misunderstands the nature of our finding. We do not conclude that services provided by edge providers are inherently derivative of BIAS or that they always are delivered via a BIAS connection. Rather, the issue only arises in our analysis as it relates specifically to traffic carried between edge providers and BIAS end users via a BIAS connection. INCOMPAS’s argument thus does not identify any flaw in our conclusion as understood in the proper context. Nor does INCOMPAS otherwise demonstrate how or why any of this impacts our classification decision or decisions regarding open internet rules. Indeed, some of INCOMPAS’s concerns appear entirely misplaced. The Commission did “not reach the regulatory classification of the service that the *Verizon* court identified as being furnished to the edge” in the *2015 Open Internet Order*, nor do we do so here. Thus, INCOMPAS’s concern about the *Verizon* court’s description of BIAS providers as edge providers’ “carriers” is not implicated here.

5. Other Excluded Services

194. Consistent with the manner in which the Commission has historically defined broadband internet access service, we exclude premises operators and end users who provide access to their BIAS connections but do not offer it on a mass-market, retail basis. Thus, to the extent coffee shops, bookstores, airlines, private end-user networks such as libraries and universities, and other businesses acquire broadband internet access service from a BIAS provider to enable patrons to access the internet from their respective establishments, the provision of such service by the premise operator would not itself be considered BIAS unless it were offered to patrons as a retail mass-market service. Likewise, when a user employs, for example, a wireless router or a Wi-Fi hotspot to create a personal Wi-Fi network that is not intentionally offered

for the benefit of others, we find that he or she is not offering a broadband internet access service under our definition, because the user is not marketing and selling such service to residential customers, small businesses, and other end-user customers. Our decision to retain this approach received record support, and no opposition.

195. We also continue to view CDNs, virtual private network (VPN) services, web hosting services, and data storage services as outside the scope of broadband internet access service. In classifying BIAS as a telecommunications service in the Order, we do not, and need not, reach the question of whether and how these services are classified under the Act. As evidenced in the record, these services are not “mass market” services and/or do not provide the capability to transmit data to and receive data from all or substantially all internet endpoints. Commenters are unified in supporting the continued exclusion of such services from the definition of BIAS.

196. We decline at this time to make any further determinations regarding whether other services fall within the scope of BIAS, given the paucity of the record concerning such services. Regarding 5G IoT services specifically, while Transatel acknowledges that any such determination “requires the assessment of individual 5G IoT services . . . against the Commission[']s proposed definition of BIAS and mass market,” Transatel nevertheless urges us to “exclud[e] all 5G IoT services from the definition of BIAS and classify[] the[m] as either non-BIAS data services or enterprise services on a use case by use case basis.” Transatel argues that doing so will ensure “these valued services will continue to be provided not only to end-users but also enterprise customers without constraining innovation or investment.” Although we anticipate that many 5G IoT services may qualify as non-BIAS data services, enterprise services, or other edge services, we decline to provide a blanket exclusion of these services. We first note that Transatel does not provide any evidence to support its claim that failing to provide this blanket exclusion would constrain innovation or investment of 5G IoT services. Second, given the range of 5G IoT services that Transatel itself identifies, we find that the public interest would be best served by assessing these services on an individualized basis as necessary.

197. We similarly also decline the suggestion of some commenters to explicitly exclude all in-flight entertainment and connectivity (IFEC)

services from the scope of BIAS. The record suggests that not all IFEC services are alike, with some airlines operating as BIAS providers themselves, and other airlines, aircraft owners, or aircraft lessees acquiring services from unaffiliated providers. Given this variety, a general exclusion of IFEC services from the scope of BIAS may be inappropriately broad. As discussed above, consistent with the *2015 Open Internet Order* and the *2010 Open Internet Order*, we continue to exclude airlines from the scope of BIAS when they are functioning in the role of premise operators. Additionally, by offering only vague notions of “promot[ing] investment,” protecting “flexibility,” limiting the “potential adverse consequences of regulatory overreach,” and avoiding amorphous concepts of “harm,” commenters fail to convince us that a specific determination about IFEC service is necessary. Gogo Business Aviation claims that considering IFEC services within the scope of BIAS could somehow compromise aircraft safety functions but fails to adequately explain why that would be the case or why an aircraft’s use of safety functionality would violate Commission rules. Should evidence of specific harms arise which necessitates additional regulatory clarity for IFEC service, we will analyze the classification of such services on a case-by-case basis.

E. Mobile Broadband Internet Access Service Is Best Classified as a Commercial Mobile Service

198. In addition to our decision to reinstate the classification of BIAS as a telecommunications service, we adopt our proposal to reinstate the classification of mobile BIAS as a commercial mobile service. We further conclude that, even if mobile BIAS does not meet the definition of “commercial mobile service,” it is the functional equivalent of a commercial mobile service and, therefore, not a private mobile service. As such, there is no obstacle to treating mobile BIAS “as a common carrier . . . under [the Communications Act].”

199. Section 332(d)(1) of the Act defines “commercial mobile service” as “any mobile service . . . that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.” The commercial mobile service provisions of the Act are implemented under § 20.3 of the Commission’s rules, which employs the

term “commercial mobile service” (CMRS). We find that mobile BIAS meets the elements of this definition. Mobile BIAS is a “mobile service” because subscribers access the service through their mobile devices, and it is provided “for profit” because BIAS providers offer it to subscribers with the intent of receiving compensation. The *Second CMRS Report and Order* (59 FR 18493 (Apr. 19, 1994)) defined the statutory phrase “for profit” to include: “any mobile service that is provided with the intent of receiving compensation or monetary gain.” Mobile BIAS is also widely available to the public, without restriction on who may receive it. In the *Second CMRS Report and Order*, the Commission determined that a service is available “to the public” if it is “offered to the public without restriction in who may receive it.” We also find that mobile BIAS is an “interconnected service.”

200. *Definition of Public Switched Network.* Under section 332(d)(2) the term “interconnected service” means a “service that is interconnected with the public switched network (as such terms are defined by regulation by the Commission).” In the *2015 Open Internet Order*, the Commission reached the conclusion that mobile BIAS is an interconnected service through the application of an updated definition of “public switched network” that included networks that use public IP addresses. In the *RIF Order*, the Commission reversed course, reinstating the prior definition of “public switched network” and concluding that mobile BIAS was not a commercial mobile service. The Commission found the prior definition to be “more consistent with the ordinary meaning and commonly understood definition of the term and with Commission precedent.”

201. In the *2023 Open Internet NPRM*, we proposed reinstating the definition of “public switched network” from the *2015 Open Internet Order* and indicated our belief that the Commission’s decision in the *RIF Order* failed “to align with the technological reality and widespread use of mobile BIAS.” We indicated our view that the proposed definition, which included IP addresses, “embodies the current technological landscape and the widespread use of mobile broadband networks, and is therefore more consistent with the Commission’s recognition that the public switched network will grow and change over time.” We proposed that, based on this reinstated definition, mobile BIAS would be an interconnected service and we sought comment on our analysis and proposed approach.

202. Commenters express differing views of the Commission's proposal. Professor Scott Jordan and New America's Open Technology Institute express support for readopting the definition of the public switched network from the *2015 Open Internet Order*. New America's Open Technology Institute notes that "public switched network" in section 332 "is not limited to the legacy telephone network and should be updated." In contrast, CTIA and Free State Foundation oppose readopting the definition and instead express support for the reasoning in the *RIF Order*, with CTIA arguing that "public switched network" "refers unambiguously to the telephone network." CTIA misstates the legislative history here. The portion it cites is actually language from a Conference Report explaining that the House bill, which was not adopted, used the term "public switched telephone network." That report language was mistaken because the House bill (like the Senate bill), as CTIA acknowledges, used the term "public switched network" (without "telephone"). The Conference Report went on to explain that the Senate amendment "expressly recognizes the Commission's authority to define the terms used in defining 'commercial mobile service'" and that the Conference Report was adopting the Senate definitions with minor changes. This is further evidence that the statutory language means what it says, *i.e.*, that the Commission has authority to define these terms to reflect current technology and that it is not limited to telephones. Wired Broadband et al. also oppose the proposed definition and argue that evidence of the growth and widespread use of mobile broadband services provides insufficient justification for readopting the revised definition.

203. We adopt our proposal to reinstate the definition of "public switched network" from the *2015 Open Internet Order*, and we define it to mean "the network that includes any common carrier switched network, whether by wire or radio, including local exchange carriers, interexchange carriers, and mobile service providers, that use[s] the North American Numbering Plan, or public IP addresses, in connection with the provision of switched services." As the Commission determined in the *2015 Open Internet Order*, the definition we adopt recognizes "that today's broadband internet access networks use their own unique address identifier, IP addresses, to give users a universally recognized format for sending and receiving messages across the country

and worldwide." CTIA and the Wired Broadband et al. highlight technical distinctions between the telephone networks and IP-based networks. CTIA, for example, states that "[t]he telephone network uses North American Numbering Plan numbers across a single network, while the internet is a decentralized network of networks that relies on IP addresses and uses a variety of protocols and architectures for different purposes." These operational characteristics, however, do not govern our determination of whether mobile BIAS should be considered a commercial mobile service under the Commission's rules.

204. We find that the *RIF Order's* and opponents' assertions, that the term "public switched network" may only be defined to mean the traditional telephone network, fail to give sufficient weight to Congress's express delegation of authority to the Commission to define the term "public switched network" and to the Commission's own prior recognition that the definition of "public switched network" should evolve over time. Congress, in section 332(d)(2), defined the term "interconnected service" to mean a "service that is interconnected with the public switched network (as such terms are defined by regulation by the Commission)." The argument that the Commission may not define "public switched network" to mean anything other than the public switched telephone network runs counter to the statutory language in section 332 because, if Congress had intended "public switched network" to mean only the public switched telephone network, it would have included the word "telephone." Instead, Congress not only used the broader term "public switched network" but also gave the Commission express authority to define the term. Congress's delegation of authority to the Commission would have been unnecessary if Congress had intended the term to refer only to the public switched telephone network based on a regulatory understanding asserted to exist before 1993. Wired Broadband et al. suggest that Congress failed to use the term "public switched telephone network" in the statute "precisely because it was commonly understood that PSN and PSTN were identical, the terms were used interchangeably." As a fundamental matter, we disagree and find that this argument fails to give sufficient weight to the text of the statute and to Congress's express delegation of authority to the Commission to define the term "public switched network."

But independently, even on its terms, their argument fails. Under section 332(d)(1), CMRS must "make[] interconnected service available," and section 332(d)(2), in turn, provides that "interconnected service" "means service that is interconnected with the public switched network." But even if "public switched network" were understood as limited to the public switched telephone network, we find that mobile BIAS is interconnected with the public switched telephone network by virtue of VoIP applications.

205. Nothing in the text of the "public switched network" definition requires that the Commission's implementing definitional regulations be limited to telephone service. Even at the time of the enactment of section 332(d)(2), such terminology was understood as a technological matter to be potentially more expansive than mere telephone service. Exercising the Commission's authority to define "public switched network" by regulation to update the definition with evolving technological and marketplace realities also better reflects the broader statutory context. Section 1 of the Act explains that Congress created the Commission "to make available, so far as possible, . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, [and] for the purpose of promoting safety of life and property through the use of wire and radio communications." And section 706 of the 1996 Act directs the Commission to "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans." Given the increasing importance of BIAS, these objectives can be advanced more effectively if mobile BIAS is classified as a commercial mobile service, strengthening our ability to adopt measures to promote such infrastructure deployment through regulated access to pole attachments and universal service support, the ability to deploy infrastructure, and the Commission's enhanced ability to protect public safety and national security through protections afforded by section 214. Although CMRS providers currently have forbearance from domestic section 214 requirements, they remain subject to international section 214 requirements. And even as to domestic section 214 requirements, the Commission could revisit forbearance from those requirements if necessary to better enable the agency to address public safety and national security

concerns. It also is clear from the legislative history that Congress expected some services that were previously private land mobile services to become common carrier services as a result of the enactment of section 332. The D.C. Circuit affirmed this interpretation in the *USTA* decision.

206. In exercising its authority and defining “public switched network” in the *Second CMRS Report and Order*, the Commission determined that the term “should not be defined in a static way.” The Commission considered but rejected calls to define “public switched network” as the public switched telephone network and found that a broader definition was more consistent with the use of the term “public switched network” in section 332 rather “than the more technologically based term ‘public switched telephone network.’” The Commission recognized that the public switched network was “continuously growing and changing because of new technology and increasing demand.” Consistent with these determinations, in the *2015 Open Internet Order*, the Commission found that it was necessary to update the definition of “public switched network” to reflect the growth and changes to the network that occurred since the time the Commission adopted its original definition.

207. In the Order, consistent with the Commission’s original determination that the definition of “public switched network” should evolve over time, we update the definition to reflect significant changes that have occurred in the technological landscape for mobile services. Since the time the Commission defined “public switched network” for purposes of section 332 in 1994, mobile broadband technologies have developed and become ubiquitous. In 1994, the Commission chose to define “public switched network” with reference to telephone numbers “because participation in the North American Numbering Plan provides the participant with ubiquitous access to all other participants in the Plan,” concluding that “this approach to the public switched network is consistent with creating a system of universal service where all people in the United States can use the network to communicate with each other.” This is the reality of the internet, and IP addresses, today. Mobile broadband services are available everywhere and millions of subscribers use them to communicate. Evidence in the record shows, for example, that 85% of Americans own smartphones. In 2022, 72.6% of adults lived in wireless-only households with no landline. In

addition, data show that Americans are using their smartphones more than ever, with more than 73 trillion megabytes of mobile data traffic exchanged in the United States in 2022, representing a 38% increase from the previous year. Continued growth of mobile BIAS is expected, with one forecast predicting that there will be 430 million 5G mobile subscriptions in North America by 2029. We find that it serves the public interest to adopt a definition of “public switched network” that reflects today’s technological landscape for mobile communications technology and the widespread use of mobile broadband services. We disagree with the *RIF Order*’s finding that the Commission’s analysis from the *2015 Open Internet Order* placed undue emphasis on the wide availability of mobile BIAS in finding it to be an interconnected service. We likewise disagree with comments arguing that data showing the prevalence and use of mobile broadband technologies are irrelevant to a determination about whether to adopt a modernized definition of “public switched network.” We note that while Wired Broadband et al. also argue that “smartphone penetration has barely changed (by less than 3% of the population) since 2018,” they do not dispute the evolution in the growth and use of mobile broadband services that has occurred since the time the Commission adopted the 1994 definition of “public switched network.” That evolution of mobile communications technology is the basis for the action we take in the Order to adopt a modernized definition of the term. To the contrary, we find that these data provide evidence of the extent to which today’s mobile broadband networks provide an essential and universal means of communication among members of the public which is essential to our determination that mobile BIAS is a commercial rather than a private mobile service. Indeed, given the substantial changes in technology and the telecommunications market since 1994, it does not make sense to disregard mobile broadband networks in the Commission’s current definition of “public switched network.” This is especially so because, in distinguishing between the “commercial mobile service” and “private mobile service” definitions in the Act, it is only logical to take into account the ubiquity of technology as it stands today, and thereby interpret as commercial a service offered to, and universally adopted by, the public.

208. We also disagree with the *RIF Order* and arguments in the record that

the definition we adopt is impermissible because it does not refer to a “single” network. CTIA contends that there “is no single, overarching network that combines the telephone network and the internet.” This argument fails to recognize that the Commission’s definition of “public switched network” has always referred to a composite of networks, covering “any common carrier switched network, whether by wire or radio, including local exchange carriers, interexchange carriers, and mobile service providers.” Our decision in the Order to include networks that use public IP addresses as part of the public switched network follows the same approach and treats mobile voice and broadband networks as components of a single public switched network. In their respective comments, Wired Broadband et al. and ICG oppose defining “public switched network” to include networks that use IP addresses, noting that the Commission lacks jurisdiction over the internet. We clarify that the modernized definition of public switched network we adopt in § 20.3 of the Commission’s rules in no way asserts Commission jurisdiction over the internet at large or over the assignment or management of IP addressing by the Internet Numbers Registry System.

209. *Mobile BIAS Is an Interconnected Service.* We conclude that mobile BIAS is an interconnected service because it is interconnected with the “public switched network,” as we define it in the Order. Mobile BIAS is also an interconnected service because it is a broadly available mobile service that gives users the ability to send and receive communications to and from all other users of the internet. We find that the best reading of section 332 is reflected in the Commission’s determinations in the *Second CMRS Report and Order* that, by using the phrase “interconnected service,” Congress intended that mobile services should be classified as commercial services if they make interconnected service broadly available through their use of the “public switched network” and that “the purpose underlying the congressional approach . . . is to ensure that a mobile service that gives its customers the capability to communicate to or receive communication from other users of the public switched network should be treated as a common carriage offering.” New America’s Open Technology Institute notes that Congress intended to differentiate between services that were broadly available to the public and those that were private special purpose services, such as taxi dispatch services.

CTIA argues that the statute does not limit private mobile services to such types of services and that instead the only relevant question under the statute in determining whether a service is a private mobile service is whether or not the service is interconnected. Wired Broadband et al. similarly argue that the statutory definition is the only relevant consideration for determining what services are private mobile services. Even though section 332(d)(3) does not limit private mobile service to specific types of mobile services, it does provide that private mobile services are those mobile services that are not commercial mobile services or functionally equivalent. For the reasons outlined above, we find that mobile BIAS is an interconnected commercial mobile service and therefore by statute cannot be private mobile service. Moreover, we find more persuasive the argument that private mobile service is intended to refer to those services offered only to a more limited group of users, such as taxi fleets. This follows from both the ordinary meaning of the terms “commercial” and “private” and the state of the marketplace at the time of the 1996 Act. By contrast, mobile services classified as private are those mobile services that do not make communications broadly available. The Commission found in the *2015 Open Internet Order* that “mobile broadband internet access service fits the [commercial mobile service] classification as millions of subscribers use it to send and receive communications on their mobile devices every day.” Today, as the data described above demonstrate, it is clear that this remains the case as millions of Americans continue to communicate using mobile broadband services.

210. We also find that mobile BIAS is an interconnected service for the additional reason that it provides users with the capability to communicate with other users of the internet and with people using telephone numbers through VoIP applications. In the *2015 Open Internet Order*, the Commission found that “users on mobile networks can communicate with users on traditional copper based networks and IP based networks, making more and more networks using different technologies interconnected.” The Commission further identified mobile VoIP, as well as over-the-top mobile messaging, as “among the increasing number of ways in which users communicate indiscriminately between [North American Numbering Plan (NANP)] and IP endpoints on the public switched network.” In the *RIF Order*,

the Commission disagreed and found that the “definition of ‘interconnected service’ focuses on the characteristics of the offered mobile service itself.” In the *2023 Open Internet NPRM*, we sought comment on whether “there have been any material changes in technology, the marketplace, or other facts that would warrant refinement or revision of the analysis regarding the interconnected nature of mobile BIAS from the *2015 Open Internet Order*.”

211. We find that there is no evidence in the record showing material changes in technology or the marketplace that would warrant a revision to the Commission’s 2015 analysis of the interconnected nature of mobile BIAS. To the contrary, evidence shows that mobile BIAS users continue to communicate using these tools and that today “VoIP applications are even more functionally integrated” into mobile broadband services than they were in 2015. Although some commenters argue that it is the VoIP applications themselves, rather than mobile BIAS, that should be viewed as providing interconnected service, we find that such arguments fail to recognize the extent to which VoIP applications have become “functionally integrated” into mobile broadband services. CTIA also argues that, even with VoIP, mobile BIAS should not be viewed as interconnected because IoT devices, such as internet-connected lighting systems or internet-connected security cameras, cannot make calls. We disagree and conclude that we may find mobile BIAS to be an interconnected service even if there are some other broadband services or devices that are not designed to provide communications. Our findings in the Order apply in the context of BIAS, and to the extent that other types of broadband services do not meet the definition of BIAS, they are not within the scope of the Order. Moreover, as the D.C. Circuit recognized in the *USTA* decision, “[n]othing in the statute . . . compels the Commission to draw a talismanic (and elusive) distinction between (i) mobile broadband alone enabling a connection, and (ii) mobile broadband enabling a connection through use of an adjunct application such as VoIP.” In the Order, in view of the evidence regarding the extent to which VoIP applications continue to be integrated with mobile BIAS, we readopt the Commission’s analysis from the *2015 Open Internet Order* and find that mobile BIAS may be considered an interconnected service because it provides users with the capability to communicate with other users of the internet and with people

using telephone numbers through VoIP applications. While the D.C. Circuit in the *Mozilla* decision upheld the *RIF Order*’s findings regarding the distinction between mobile VoIP applications and mobile BIAS itself, the Court nonetheless recognized that the Commission has discretion to make such a determination.

212. In connection with this approach, in the *2023 Open Internet NPRM* we sought comment about whether we should also readopt the *2015 Open Internet Order*’s revised definition of “interconnected service” in § 20.3 of the Commission’s rules. We noted that, in the *2015 Open Internet Order*, the Commission redefined “interconnected service” to mean a service that gives subscribers the ability to “communicate to or receive communications from other users of the public switched network,” removing the requirement that such service provide the ability to communicate with *all* other users of the public switched network. The *RIF Order* reverted to the prior definition, concluding that “the best reading of ‘interconnected service’ is one that enables communication between its users and all other users of the public switched network.” In the *2023 Open Internet NPRM*, we sought comment on whether it is necessary to return to the definition of “interconnected service” in the *2015 Open Internet Order* to ensure that all appropriate services are covered by the definition. Professor Jordan expresses support for readopting the revised definition from the *2015 Open Internet Order* and argues that the statute does not require interconnected services to give subscribers the ability to communicate to *all* other users of the public switched network and that such a requirement is inconsistent with how mobile services actually operate.

213. We readopt the revised definition from the *2015 Open Internet Order* and define “interconnected service” to mean a service that gives subscribers the ability to communicate to or receive communications from other users of the public switched network. We remove the requirement adopted by the Commission in the *RIF Order* that such service provide the ability to communicate with *all* other users of the public switched network. We conclude that mobile services that provide the ability for users to communicate with others through the public switched network should be considered “interconnected” even if they are limited in certain ways and do not provide the ability to communicate with *all* other users on the network. We find that revising the definition in this way

will clarify the scope of services that may be viewed as interconnected and is consistent with section 332's focus on differentiating between mobile services that are available "to the public" or to "a substantial portion of the public" and those that are not.

214. In addition, because we also have reclassified mobile BIAS as a telecommunications service, we find that classifying it as a commercial mobile service will avoid the inconsistency that would result if the service were both a telecommunications service and a private mobile service. The Commission explained this reasoning in the *2015 Open Internet Order*, and we adopt our proposal from the *2023 Open Internet NPRM* to apply a consistent rationale here. Because we have determined mobile BIAS to be a telecommunications service, we find that designating it also as a commercial mobile service subject to Title II is most consistent with Congressional intent to apply common carrier treatment to telecommunications services. Consistent with the Commission's analysis in 2015, we find that classifying mobile BIAS as a commercial mobile service is necessary to avoid a statutory contradiction that would result if the Commission were to conclude both that mobile BIAS was a telecommunications service and also that it was not a commercial mobile service. A statutory contradiction would result from such a finding because, while the Act requires that providers of telecommunications services be treated as common carriers, it prohibits common carrier treatment of mobile services that do not either meet the definition of commercial mobile service or serve as the functional equivalent of commercial mobile service. We find that classifying mobile BIAS as a commercial mobile service avoids this statutory contradiction and is also most consistent with the Act's intent to apply common carrier treatment to providers of telecommunications services.

215. *Functional Equivalence.* In the alternative, even to the extent that mobile BIAS were understood to fall outside the definition of "commercial mobile service," we conclude that it is also the functional equivalent of a commercial mobile service and, thus, not private mobile service. In the *2015 Open Internet Order*, the Commission found that mobile BIAS was functionally equivalent to commercial mobile service because, "like commercial mobile service, it is a widely available, for profit mobile service that offers mobile subscribers the capability to send and receive communications on their mobile device

to and from the public." The *RIF Order* found that the *2015 Open Internet Order's* focus on the public's "ubiquitous access" to mobile BIAS alone was "insufficient" to establish functional equivalency and that the test established in the *Second CMRS Report and Order* provided a more thorough consideration of factors of whether a service is closely substitutable for a commercial mobile service.

216. In the *2023 Open Internet NPRM*, we sought comment on both of these analyses and on whether we should adopt "any other or different definition of 'functional equivalent.'" CTIA and Wired Broadband et al. argue that the Commission cannot find that mobile BIAS is functionally equivalent to commercial mobile service by assessing how widely it is used but instead it must assess functional equivalence based on the factors outlined in the Commission's rules, such as whether the services are substitutable, whether a change in the price of one service would prompt customers to change to the other, and whether the service is advertised to the same targeted market. Under these factors, they contend, mobile BIAS is not functionally equivalent to commercial mobile service.

217. We disagree with these arguments and find that, to the extent mobile BIAS falls outside the definition of commercial mobile service, it is the functional equivalent of a commercial mobile service. Consistent with our proposal in the *2023 Open Internet NPRM*, and with the analysis in the *2015 Open Internet Order*, we find that mobile BIAS is the functional equivalent of commercial mobile service because like commercial mobile service, it is a widely available, for-profit mobile service that offers mobile subscribers the capability to send and receive communications on their mobile device to and from the public. We disagree with CTIA's argument that this finding relies impermissibly on an overly general description of mobile BIAS to show functional equivalence. To the contrary, we find that the fact that mobile BIAS is used to send and receive communications broadly among members of the public is a critical factor in assessing its functional equivalence to commercial mobile service. Although mobile BIAS uses IP addresses rather than telephone numbers, consumers use both mobile voice service and mobile BIAS to communicate with others on their mobile devices. The fact that mobile BIAS may be used for some purposes that are different than what mobile voice services are used for does not mean that the services do not

provide functional equivalence with respect to their capability to send and receive communications.

218. As the *RIF Order* acknowledges, the Commission has express delegated authority from Congress to make a policy determination on whether a particular mobile service may be the functional equivalent of a commercial mobile service. Specifically, section 332 of the Act defines "private mobile service" as "any mobile service . . . that is not a commercial mobile service or the functional equivalent of a commercial mobile service, as specified by regulation by the Commission." While the factors outlined in § 20.3 of the Commission's rules may be used in making a determination about the functional equivalence of a particular service, they do not prohibit the Commission from designating a category of service to be the functional equivalent of a commercial mobile service in a rulemaking and they do not prevent us from considering other factors in making our determination regarding the functional equivalence of mobile BIAS. Paragraph (c) of the "commercial mobile radio service" definition notes that "[a] variety of factors may be evaluated" to make a determination regarding functional equivalence "including" the enumerated factors. Based on this authority, the reasons outlined above and in the *2015 Open Internet Order*, and in light of the continued widespread use and availability of mobile broadband services, we find that mobile BIAS is the functional equivalent of commercial mobile service, and is therefore not private mobile service.

219. Finally, in the *2023 Open Internet NPRM*, we sought comment on the potential impact of applying openness requirements to mobile providers and on the "policy consequences that commenters believe may result from the proposed reclassification of mobile BIAS." Several commenters stress the importance of applying the same open internet rules to fixed and mobile BIAS. CTIA, Verizon, and AT&T, however, oppose openness requirements for mobile providers contending that such requirements are unnecessary and may discourage investment and innovation in mobile broadband networks.

220. We find that returning mobile BIAS to its classification as a commercial mobile service and reinstating openness requirements on mobile BIAS providers will help protect mobile broadband consumers while allowing mobile providers to continue to compete successfully and develop

new products and services. We agree with commenters who note that because consumers use both fixed and mobile BIAS regularly, it is critical that we apply the same rules to both services. In addition, as commenters point out, mobile broadband services are particularly important to certain groups, such as low-income consumers, who may not be able to afford to subscribe to both fixed and mobile broadband service, and it is critical to ensure that these consumers are able to benefit from a free and open internet. The Commission's previous experience applying open access rules to upper 700 MHz C Block licensees has shown that mobile operators subject to openness requirements have continued to compete successfully in the marketplace, and we expect mobile BIAS providers will continue to compete successfully under the openness requirements we adopt in the Order. ADTRAN contends that the C Block openness requirements drove down the price of C Block spectrum at auction. ADTRAN Comments at 32. While any number of factors may affect the price of any spectrum at auction, it is clear that Upper 700 MHz C Block licensees, including Verizon, invested heavily in deploying mobile broadband service over their C Block spectrum.

F. Restoring the Telecommunications Service Classification of Broadband Internet Access Service Is Lawful

221. Our classification of BIAS as a telecommunications service is fully and sufficiently justified under the Commission's longstanding authority and responsibility, provided by Congress, to classify services subject to our jurisdiction, as necessary. This authority and responsibility is not supplanted by the major-questions doctrine.

1. The Commission Has the Authority and Responsibility To Classify BIAS

222. The Commission's authority and responsibility to classify services subject to our jurisdiction, as necessary, is borne out of Congress's well-established and longstanding reliance on the Commission to exercise this authority. Our decision to revisit the classification of BIAS derives from ordinary administrative law principles and the factual circumstances surrounding the *RIF Order*. And the classification decision we reach is consistent with the broader context of the Act.

223. *Congress Authorized and Expected the Commission to Classify BIAS.* No one disputes that internet access services are within the Commission's subject-matter

jurisdiction and historically have been supervised by the Commission. Congress created the Commission "[f]or the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all people of the United States . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, [and] for the purpose of promoting safety of life and property through the use of wire and radio communication." Section 2 of the Act grants the Commission jurisdiction over "all interstate and foreign communication by wire or radio."

224. Since the original enactment of the Communications Act in 1934, Congress routinely has specified regulatory regimes that apply to particular communications services or service providers that meet statutorily defined categories, and Congress has relied on the Commission to determine whether a particular service or provider falls within the statutory definitions that trigger those regulatory frameworks. For example, when the Act originally was enacted in 1934, Congress adopted the statutory category of "common carrier," and specified the associated regulatory framework under Title II for such providers, leaving it to the Commission to determine which specific entities were common carriers based on the statutory criteria, drawing on the historical backdrop of common carriage. For example, common carriers are, among other things, subject by default to various rate regulation, accounting, tariffing, market entry, and service discontinuance requirements, implemented by the Commission. Likewise, in 1934 Congress defined "radio station[s]" and "broadcasting" in the Act, and specified the regulatory regimes that the Commission was to apply when those definitions were met. For example, radio stations and broadcasters are, among other things, subject by default to various licensing and authorization requirements to ensure their operation consistent with the public interest, implemented by the Commission. Congress did so again, for instance, in the 1984 Cable Act for "cable operator[s]" and "cable service." For example, cable operators are, among other things, subject by default to channel carriage requirements and ownership restrictions implemented by the Commission. In 1993, Congress did the same with respect to "commercial mobile service" and "private mobile service." For example, commercial

mobile service providers are, among other things, subject by default to the requirements governing common carriers under Title II of the Communications Act, while private mobile service providers are not. It did so again in 1994 in the Communications Assistance for Law Enforcement Act (CALEA), for "telecommunications carriers" as defined there. For example, entities that qualify as telecommunications carriers for purposes of CALEA are, among other things, subject by default to the requirement to file with the Commission and maintain up-to-date System Security and Integrity plans designed to help preserve the ability of law enforcement agencies to conduct electronic surveillance while protecting the privacy of information outside the scope of the investigation. When Congress enacted the definitional frameworks and associated regulatory regimes to be applied by the Commission in the 1996 Act, it continued its well-established, longstanding approach reflected in those historical examples—an approach that Congress has since continued to follow. Classification decisions under each of those frameworks are consequential in their own way, yet it is well established that Congress relies on the Commission to make just such determinations.

225. Provisions enacted as part of the 1996 Act amply detail Congress' expectation that the Commission would classify services and providers under the "telecommunications service" and "information service" statutory definitions. The Act is replete with examples of provisions expressly to be implemented by the Commission that turn on the Commission's interpretation and application of those statutory definitions to classify particular services and service providers. As relevant here, for example:

- Section 10 of the Act directs the Commission to forbear from applying provisions of the Act or Commission rules to telecommunications carriers or telecommunications services if certain statutory criteria are met.

- Section 11 of the Act requires the Commission to biennially review its rules "that apply to the operations or activities of any provider of telecommunications service" and determine if any such rules are no longer necessary in the public interest based on certain marketplace developments.

- Section 224 of the Act requires the Commission to ensure just and reasonable rates, terms, and conditions for pole attachments, among other

circumstances, when provided by a telecommunications carrier to a provider of telecommunications service.

- Sections 251 and 252 of the Act direct the Commission to effectuate certain market-opening requirements for telecommunications carriers, including setting rules to be applied by State commissions when arbitrating interconnection agreements among carriers to implement those statutory requirements.

- Section 253 directs the Commission to preempt certain State or local requirements that actually or effectively prohibit the ability of any entity to provide any telecommunications service.

- Section 254 of the Act requires the Commission to adopt rules to preserve and advance universal service, defined principally in terms of “an evolving level of telecommunications services” established by the Commission, and to fund universal service support by contributions from “[e]very telecommunications carrier that provides interstate telecommunications services” along with certain other “provider[s] of interstate telecommunications,” and to rely on certain principles to inform its universal service rules, including providing access to telecommunications and information services.

- Section 272 of the Act gives the Commission the responsibility to implement certain separate affiliate safeguards for the former BOCs in connection with, among other things, the provision of certain information services.

These illustrative examples, all enacted as part of the 1996 Act, amply demonstrate the Commission’s authority—and responsibility, as necessary—to classify services under the definitional criteria established by the 1996 Act.

226. Congress reaffirmed that it had granted the Commission this authority when, less than two years after the 1996 Act’s passage, it directed the Commission to explain, in what came to be known as the *Stevens Report*, how the new statutory terms apply “with respect to internet access” for the purposes of universal service administration and support. As Public Knowledge notes, “[t]he *Stevens Report* represents . . . a clear demonstration that Congress had committed the question of classification of services to the FCC,” and “it is undeniable that the *Stevens Report* reflects the FCC’s interpretation—supported by the initial report requirement from Congress—that Congress assigned it the authority to classify services as either information

services or telecommunications services.” Given the Commission’s longstanding, well-established authority and responsibility to classify services, we disagree with commenters who contend that the Commission does not have such authority or should defer to Congress to determine the classification of BIAS.

227. *Revisiting the Classification of BIAS Is Not Inherently Suspect.* We conclude that our decision to revisit the classification of BIAS does not somehow render it inherently suspect. As a threshold matter, it derives from ordinary administrative-law principles. The U.S. Supreme Court has observed that there is “no basis in the Administrative Procedure Act [(APA)] or in our opinions for a requirement that all agency change be subjected to more searching review. . . . [I]t suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency *believes* it to be better, which the conscious change of course adequately indicates.” Relevant precedent holds that we need only “examine the relevant data and articulate a satisfactory explanation for [our] action,” a duty we fully satisfy here. The “possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency’s finding from being supported by substantial evidence.” Consistent with these principles, the Commission’s reasoned determination in the Order that classifying BIAS as a telecommunications service is superior first and foremost as a matter of textual interpretation—while also recognizing that public policy supports the change in direction—is sufficient to justify our action under ordinary administrative-law principles, even absent any new facts or changes in circumstances.

228. But even assuming, *arguendo*, that an agency must go beyond ordinary administrative-law principles and show new facts to justify its action, our decision to revisit the classification of BIAS is particularly warranted under the factual circumstances here. Our classification of BIAS flows in significant part from concerns with the *RIF Order* highlighted in *Mozilla*—to “bring the law into harmony with the realities of the modern broadband marketplace”—which is itself a sufficient justification for our classification here. The U.S. Supreme Court observed in *Brand X* that “the agency . . . must consider varying interpretations and the wisdom of its policy on a continuing basis.” Separately and secondarily, our classification decision accounts for

certain statutory responsibilities and policy concerns—especially safeguarding public safety and providing a uniform regulatory framework for BIAS—where the *RIF Order*’s approach was called into doubt by *Mozilla*. The Commission’s attempt to respond to the *Mozilla* remand has remained subject to the petitions for reconsideration, which we resolve in the Order, and a petition for judicial review held in abeyance pending further Commission action. Given the *Mozilla* court’s palpable criticism of the *RIF Order*’s regulatory approach to BIAS, and that the merits of this approach were never brought to a final resolution, we find it especially appropriate for the Commission to resolve these lingering disputes now.

229. *Reclassification Is Consistent with the Broader Context of the Act.* We also find that our classification of BIAS as a telecommunications service accords with the goals and directives found in the 1996 Act. To begin with, section 706, which while worded in terms of encouraging the deployment of “advanced telecommunications capability,” has long been understood to encompass the goal of encouraging broadband internet access. That “advanced telecommunications capability” is not identical to BIAS as defined for purposes of the Order does not diminish the substantial extent to which section 706 has been—and is—understood as encouraging BIAS deployment. Congress specifically directed the Commission to encourage the deployment of advanced telecommunications capability “by utilizing, in a manner consistent with the public interest, convenience, and necessity, price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment.” The list of specific regulating methods—price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market—all are authorities the Commission has long had, or that were granted by the 1996 Act, with respect to telecommunications services.

230. The *Mozilla* court’s critiques of the *RIF Order* highlight specific areas where the objectives of section 706 of the 1996 Act—and the operative provisions of the Communications Act itself—would be more effectively carried out if BIAS is classified as a telecommunications service. As we discuss above, reclassification will further enable the Commission to promote broadband access by granting

to BIAS-only providers just and reasonable access and rates for pole attachments under section 224, a key pro-competitive provision of the Act that the *Mozilla* court chastised the *RIF Order* for failing to properly grapple with when taking such rights from BIAS-only providers. The D.C. Circuit in *Mozilla* also was concerned about the effect of the *RIF Order* on the continued availability of funding for BIAS through universal service support—a tool Congress provided in section 254 of the 1996 Act to address barriers to infrastructure investment. Expressing particular concern with respect to Lifeline support in light of the arguments raised on review, the court highlighted that section 254(c)(1) “declared that ‘[u]niversal service is an evolving level of telecommunications services’” and sections 254(e) and 214(e) “tethered Lifeline eligibility to common-carrier status.” Our classification recognizes that BIAS itself meets the criteria for inclusion in “universal service” under section 254(c)(1) and therefore provides a direct basis for support that is not contingent on BIAS’s relationship to the network facilities used to offer voice service. Furthermore, reclassification would enable the Commission to provide universal service support to BIAS providers that solely supply BIAS.

231. By reclassifying BIAS as a telecommunications service, we also help to effectuate the intent of section 706 of the 1996 Act by empowering the Commission to focus section 253 on actions relating to BIAS, an advanced telecommunications capability. In addition to the market-opening amendments to pole access under section 224 of the Act, the 1996 Act also sought to open markets to competition by granting authority to the Commission in section 253 to preempt “State or local legal requirement[s] that may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” If the Commission is to truly realize section 706’s command to encourage the deployment of advanced telecommunications capability through “measures that promote competition in the local telecommunications market,” it should not have to resort to applying section 253 to a co-mingled telecommunications service that may not even constitute “advanced telecommunications capability.”

232. Contrary to the *RIF Order*’s suggestion, our classification of BIAS as a telecommunications service is not undercut by section 230 of the Act, which was enacted as part of the 1996 Act. Section 230(b)(2) adopts the policy

of “preserv[ing] the vibrant and competitive free market *that presently exists* for the internet and other interactive computer services, unfettered by Federal or State regulation.” Section 230 also finds that “[t]he internet and other interactive computer services *have* flourished, to the benefit of all Americans, with a minimum of government regulation.” As we discuss above, at the time the 1996 Act was enacted, the transmission component of enhanced services—namely, internet access—was subject to regulation under Title II of the Act. Thus, the regulatory *status quo* that “presently exist[ed]” and under which the internet and other interactive computer services “ha[d]” flourished at the time of section 230’s enactment as part of the 1996 Act included Title II regulation of the transmission services used to access the internet. We are not persuaded by Commissioner Carr’s suggestion that our rules are incompatible with section 230(c)(2), which is entitled “Civil Liability” and provides in relevant part that “No provider or user of an interactive computer service shall be held liable on account of any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable” We take no position here on when, if ever, a BIAS provider’s actions to discriminate against certain internet content, application, or services could be characterized as good-faith action to address “objectionable” content within the meaning of section 230(c)(2). Moreover, section 230(c)(2)’s title and text indicate, that provision merely immunizes providers against civil liability, such as damages, for their content-moderation decisions. It does not purport to otherwise immunize BIAS providers from any regulatory obligations, and if a BIAS provider violates our rules, the rules may be validly enforced through other means—such as a writ of injunction under section 401(b), or potentially criminal sanctions under section 501. In addition, the Commission could issue a declaratory ruling identifying a violation of the conduct rules by a given provider, 47 CFR 1.2, with the potential to consider that determination in subsequent adjudications not involving civil liability—such as evaluating the public interest when granting or denying licenses or authorizations, or crafting policies governing eligibility for universal service funding.

233. We also reject the contention of the *RIF Order* and certain commenters that narrow-purpose statutory provisions like sections 230(f)(2) and 231 of the Act either settled the classification of BIAS or are even relevant to our telecommunications service classification. Section 230(f)(2) defines “for purposes of this section” an “interactive computer service” to “mean[] any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet.” Likewise, section 231(e)(4) provides that “for purposes of” section 231—which was added a year after the enactment of the 1996 Act—“‘internet access service’ means a service that enables users to access content, information, electronic mail, or other services offered over the internet, . . . [and] does not include telecommunications services.” In a similar vein, NCTA seeks to invoke language in section 231 of the Act, stating that “[n]othing in this section shall be construed to treat interactive computer services as common carriers or telecommunications carriers.” But had Congress wanted those provisions to settle the classification of internet access service, it easily could have added those definitions—or others—to the definitions in section 3 of the Communications Act, and thereby made them generally applicable (as the 1996 Act did with respect to many other definitions). Thus, we agree with the D.C. Circuit in *USTA* that it is “unlikely that Congress would attempt to settle the regulatory status of BIAS in such an oblique and indirect manner, especially given the opportunity to do so when it adopted” the 1996 Act. And as we discuss above, that the internet access service prevalent at the time those provisions were enacted bears so little resemblance to the BIAS we classify in the *Order* reinforces our decision not to pull those definitions out of their statutory context and apply them to a fundamentally dissimilar service.

234. We also reject arguments that the IJA counsels against reclassification. USTelecom points out that through the IJA “Congress established numerous programs to promote digital equity” including actions to foster “deployment to unserved and underserved areas,” to “provide[] a discount for broadband service to eligible households,” “to establish three grants with the goal of ensuring that all people have the skills, technology, and capacity needed to participate in the digital economy,” and

to “facilitat[e] equal access to broadband, including by preventing and eliminating digital discrimination.” USTelecom then asserts that “Congress’s decision to address equal access directly—in the way that it chose—demonstrates that it did not intend for the Commission to attempt to address the issue through Title II reclassification of broadband.” But such an argument proceeds from a mistaken assumption. First and foremost, as discussed above, the Act clearly grants the Commission authority and responsibility to classify services such as BIAS—the status of which remained unsettled by the unresolved challenges to the *RIF Remand Order*—where necessary to fulfill its statutory duties. And we classify BIAS as a telecommunications service because we conclude that represents the best reading of the Act. Second, even to the extent that we evaluate policy considerations as independently reinforcing our classification decision, we find USTelecom’s argument unpersuasive. We see nothing in the text of the IJA to indicate that the targeted efforts to address BIAS-related policy concerns taken up in the IJA were intended to comprehensively address BIAS policy in any or all of the targeted policy areas to the exclusion of other existing statutory authorities. Indeed, at the time the IJA was enacted in 2021, there were pending petitions for reconsideration and a pending petition for judicial review of the *RIF Remand Order*, and thus we cannot assume Congress would have reached a conclusion about what the ultimate classification of BIAS would be at the time of the IJA’s enactment.

235. We conclude that a finding of market power is not a prerequisite to classifying a service as a telecommunications—and thus common carrier—service and are unpersuaded by arguments to the contrary. The Act is abundantly clear that common carrier regulation applies—at least absent forbearance—even in the case of services subject to competition. The 1996 Act is replete with examples of provisions making clear that Congress desired telecommunications carriers—which are treated as common carriers in their provision of telecommunications services—to be subject to competition. Indeed, one of the main goals of the 1996 Act was to foster competition amongst common carriers. For example, among other things:

- Section 10 of the Act directs the Commission to forbear from applying provisions of the Act or Commission rules to telecommunications carriers or telecommunications services if certain

statutory criteria are met and provides that the public interest evaluations in section 10(a)(3) will be met if forbearance “will promote competitive market conditions, including . . . competition among providers of telecommunications services.”

- Section 11 of the Act requires the Commission to biennially review its rules “that apply to the operations or activities of any provider of telecommunications service” and determine if any such rules are no longer necessary “as the result of meaningful economic competition between providers of such service.”

- Section 251 of the Act provides for an array of requirements specifically designed to facilitate local competition for telecommunications services.

- Section 254(k) of the Act prohibits telecommunications carriers from “us[ing] services that are not competitive to subsidize services that are subject to competition.”

- Section 271 of the Act predicated the BOCs’ provision of long distance services on anticipated competition in local markets for telecommunications services, including through requirements designed to foster that competition.

Even prior to the 1996 Act, it was apparent that common carrier regulation under the Communications Act was not tied to market power or similar considerations. For example, section 332(c)(1) provided that commercial mobile service providers “shall, insofar as such person is so engaged, be treated as a common carrier,” but authorized the Commission to designate certain Title II provisions as inapplicable if certain statutory criteria are met, including an analysis of whether such relief “will enhance competition among providers of commercial mobile services.” Likewise, the Supreme Court, in *MCI*, evaluated the Commission’s pre-1996 Act efforts to grant relief from Title II requirements for common carriers that lacked market power, and ultimately rejected such efforts as beyond the Commission’s authority under the Communications Act.

2. The Major-Questions Doctrine Poses No Obstacle to Recognizing BIAS as a Telecommunications Service

236. We conclude that the major-questions doctrine—the notion that in certain extraordinary cases, a court will not lightly find that Congress has delegated authority to an agency—is no obstacle to our classification of BIAS as a telecommunications service. We also reject TechFreedom’s assertion that our actions violate the non-delegation doctrine. The Supreme Court has

repeatedly held that “a statutory delegation is constitutional as long as Congress ‘lay[s] down by legislative act an intelligible principle to which the person or body authorized to [exercise the delegated authority] is directed to conform.’” In other words, a statutory delegation is constitutional if Congress provides “standards ‘sufficiently definite and precise to enable Congress, the courts, and the public to ascertain’ whether Congress’s guidance has been followed.” The test is plainly satisfied here. The Act contains specific definitions of “information service” and “telecommunications service,” which enable courts to assess whether the Commission has properly classified BIAS under the Act. Similarly, the statute provides that the Commission may engage in regulatory forbearance only if it makes certain statutorily specified determinations. Thus, consistent with the Constitution, the Act sets forth intelligible principles to guide the Commission in exercising its delegated authority.

237. To begin with, for several reasons, we do not think the major-questions doctrine properly comes into play in this context at all. For one, we are simply following the best reading of the Communications Act, as demonstrated by the statute’s plain text, structure, and historical context; there is no call for deference to an interpretation that is not the statute’s most natural reading.

238. Moreover, as the D.C. Circuit has recognized, the Supreme Court’s *Brand X* decision establishes that the major-questions doctrine does not restrict our authority to determine the proper classification of BIAS. *Brand X* held that the Commission has the authority to determine the proper statutory classification of BIAS. If the major-questions doctrine were an obstacle to reclassification here, then it also should have applied to the earlier reclassification in that case from Title II to Title I. After all, a decision to adopt a Title I classification would simply be the obverse of a decision to adopt a Title II classification, with the same economic and political stakes (but in the opposite direction). But, in reviewing the *Cable Modem Declaratory Ruling* in *Brand X*, the Supreme Court recognized and upheld the Commission’s authority to determine the proper classification of BIAS without identifying any concern over whether that classification presents a major question. Indeed, the Court identified no major-questions problem even though several parties expressly raised the issue. We are unpersuaded by suggestions that a deregulatory Title I classification would not be a major

question, yet a Title II classification would be. The Supreme Court has construed its earlier decision in *MCI* as a “major questions” case. And in *MCI*, the Court overturned a Commission order adopting a *deregulatory* interpretation of the Act, holding that the Commission’s authority to “modify” certain tariff-filing requirements did not permit elimination of the tariff-filing requirement for nondominant carriers altogether. It is therefore apparent that the major-questions doctrine applies equally to agency actions that are regulatory or deregulatory. Thus, if the major-questions doctrine applies to an interpretation that BIAS is a Title II telecommunications service, then the doctrine equally would apply to an interpretation that BIAS is a Title I information service. We therefore find that the major-questions doctrine does not resolve this issue or place a thumb on the scale in favor of one interpretation over the other.

239. We also do not think any inference can be drawn from Congress’s failure to clarify the regulatory status of BIAS one way or the other. Commenters point out that several bills were introduced in Congress to specify that broadband should be regulated under Title II, but were not enacted. But other bills were introduced in Congress to specify that broadband must be regulated under Title I, and those bills also failed to pass. Numerous failed bills would have required that broadband “shall be considered to be an information service.” Another failed bill would have required that “[t]he Commission may not impose regulations on broadband internet access service or any component thereof under title II.” Three other failed bills proposed to overturn and preclude reenactment of the *2015 Open Internet Order*’s Title II classification and rules. And yet another bill proposed to classify broadband under a new Title VIII. This record of unenacted legislation on both sides reflects only indecision and inaction from Congress, not that Congress discernibly refused or rejected any particular approach. Failed legislation on both sides of this issue “tell[s] us little if anything about” Congress’s views on the proper classification of broadband. The record of indecision and inaction from Congress on the classification of broadband, against the backdrop of the Commission’s prior actions, readily distinguishes the situation here from that in *FDA v. Brown & Williamson Tobacco Corp.* There, the Food and Drug Administration (FDA) asserted jurisdiction to regulate tobacco products

after having “disclaimed the authority to [do so] . . . for more than eighty years,” and “Congress had repeatedly legislated against this background.” By contrast, in the period since Congress enacted the 1996 Act, the Commission’s treatment of broadband service has wavered between Title II and Title I and remained unsettled. In the years soon after passage of the 1996 Act, the Commission classified DSL as including an offer of telecommunications service subject to Title II. In 2002, the Commission reversed course and classified cable broadband as a single integrated offering of information service subject only to Title I (although its legal status remained uncertain, with the Ninth Circuit initially overturning that classification, until the Supreme Court upheld it in 2005). From 2015 to 2018, the Commission regulated broadband as a Title II telecommunications service. And then in 2018, the Commission reverted to classifying broadband as a Title I information service. And even during much of the Title I era, the Commission repeatedly sought to enforce policies that closely resemble the open internet rules we adopt in the Order. The Commission “never disclaimed any authority to regulate the internet or internet providers altogether, nor is there any similar history of congressional reliance on such a disclaimer.”

240. Even if the major-questions doctrine were to come into play, we do not think it would ultimately apply to the actions we take here. To determine whether the major-questions doctrine applies, courts weigh several factors, including (1) “the economic and political significance” of the agency action, (2) whether the agency is “claim[ing] to discover in a long-extant statute an unheralded power,” (3) whether the action falls within the agency’s “comparative expertise,” and (4) whether Congress “has consistently rejected” similar efforts.

241. We do not think the rules we adopt in the Order have the extraordinary economic and political effect required to implicate the major-questions doctrine. To be sure, we believe the rules we adopt in the Order will have substantial benefits for the American public. But not every regulatory action that has substantial effects is so momentous as to trigger the major-questions doctrine. BIAS providers have previously been regulated under Title II—including several years under the 2015 rules that were materially identical to those we adopt in the Order—yet the record does not show that our past Title II rules had

any extraordinary negative impact on BIAS providers or the internet economy, which continued to flourish while those rules were in effect. Instead, commenters arguing that our actions in the Order cross the major-questions threshold appear to exaggerate the potential effect of the Order by focusing on the economic value of the internet economy as a whole or the total amount of capital that has been spent to construct the internet, rather than the effect of the specific actions we take here, or by relying on provisions that we have *forborne* from applying, or bare platitudes and *ipse dixit*. When considering economic effects, the Supreme Court has focused on the actual magnitude of a challenged action’s effect on an industry, rather than just the size of the underlying industry. To the extent parties have pointed to attempts to isolate the effects of Title II or the 2015 rules, we agree with the *Mozilla* court that “the Title II Order’s effect on investment [is] subject to honest dispute” and that the available studies are of only “quite modest probative value” and “could only be reliably adduced as evidence of the *directionality* of broadband investment, not ‘the absolute size of the change’ attributable to the Title II Order,” for the reasons we discuss below. The internet will continue to sustain its enormous economic and social value under our actions in the Order, just as it did under the *2015 Open Internet Order*. And as with that Order, our broad forbearance from any particularly onerous requirements under Title II will significantly mitigate any economic impact on BIAS providers. As Justice Scalia observed in his dissent in *Brand X*, “the Commission’s statutory authority to forbear from imposing most Title II regulations” ensures that the economic effect of a Title II classification is “not a worry.”

242. But even if the economic and political significance of our order met the first prong of the major-questions doctrine, the other factors militate against applying it here. In every other respect, the situation here is the antithesis of the Supreme Court’s major-questions cases.

243. To start, we are not “claim[ing] to discover in a long-extant statute an unheralded power.” There is nothing novel about the Commission’s exercise of its classification power here. On the contrary, the Commission regularly classified services under the basic-enhanced *Computer II* framework even before Congress adopted the 1996 Act; Congress effectively codified that regulatory regime into the 1996 Act under the telecommunications service

and information service definitions; the Commission has continued to regularly exercise that authority under the 1996 Act, including by classifying DSL service as including a Title II telecommunications service in 1998 and classifying all BIAS as a Title II telecommunications service in 2015; and the Supreme Court expressly upheld the Commission's authority to classify broadband service in *Brand X*. That is not some "newfound power," but instead a power that the Commission has possessed and asserted all along. We also reject claims that our order would "effect[] a 'fundamental revision of the statute, changing it from [one sort of] scheme of . . . regulation' into an entirely different kind." That may have been true in *MCI*, which concerned a change from "from a scheme of rate regulation in long-distance common-carrier communications to a scheme of rate regulation only where effective competition does not exist." But under the forbearance authority that Congress added to the Communications Act in response to that case, the Order specifically forbears from any tariff-filing requirements or rate regulation, ensuring that our classification decision will not alter those fundamental aspects of the regulatory scheme. Our exercise of that authority in the Order thus comes as no surprise. And given the important role that a service's classification plays under numerous provisions of the Act, as well as the persistent focus on that issue in numerous classification decisions over the years, the classification power cannot be dismissed as some mere "'ancillary provision[]' of the Act . . . that was designed to function as a gap filler and had rarely been used in the preceding decades."

244. On top of that, regulating communications services and determining the proper regulatory classification of broadband falls squarely within the Commission's wheelhouse. Regulating communications networks "is what [the Commission] does," consistent with our statutory mandate to "regulat[e] interstate and foreign commerce in communications by wire and radio so as to make available . . . a rapid, efficient, Nation-wide and world-wide wire and radio communication service with adequate facilities at reasonable charges." No one should be surprised to see the Commission classifying and regulating communications services. Our action in the Order is thus nothing like the Centers for Disease Control and Prevention seeking to regulate evictions,

the Occupational Safety and Health Administration seeking to regulate non-occupational public health hazards, the Internal Revenue Service addressing healthcare policy, or the Attorney General making medical judgments. In contrast to those cases, the Order falls directly within the agency's core statutory responsibility.

245. The regulatory issues we address in the Order also fall squarely within the Commission's technical and policy expertise. The issues here "turn[] . . . on the factual particulars of how internet technology works and how it is provided," and they "involve a 'subject matter [that] is technical, complex, and dynamic,'" which the agency is well positioned "to address" through "its expert policy judgment." In light of that relevant expertise, it is entirely appropriate and unsurprising that Congress would "leave[] federal telecommunications policy in this technical and complex area to be set by the Commission."

246. For the reasons explained above, we also do not believe that, on the facts here, anything can be inferred from Congress's failure to clarify the regulatory status of broadband one way or the other. Against a pre-1996 Act backdrop in which the Commission regularly classified emerging services as either basic services (now known as telecommunications services) or enhanced services (now known as information services), Congress essentially adopted that framework in the 1996 Act. But Congress chose not to directly specify *which* classification applies to broadband, which the Supreme Court understood in *Brand X* as "leav[ing] it to the Commission to resolve in the first instance" in the exercise of its expert technical and policy judgment. In the years since *Brand X*, Congress has failed to adopt several bills that would require broadband to be regulated under Title I and has also failed to adopt several bills that would instead provide for broadband to be regulated under Title II. Rather than casting any doubt on our regulatory authority, we think this recent stalemate leaves in place the prior understanding articulated in *Brand X*—*i.e.*, that the Communications Act "leaves federal telecommunications policy in this technical and complex area to be set by the Commission."

247. The situation here again stands in stark contrast to *Brown & Williamson*. In that case, the Court "d[id] not rely on Congress' failure to act" as casting doubt on agency action, but instead on *affirmative* action by Congress that appeared to chart an incompatible course. There is no comparable record

of incompatible action by Congress here. Here, the only affirmative action Congress has taken on broadband regulation in recent years was a 2017 resolution to invalidate broadband privacy rules promulgated by the Commission under section 222 of the Act. That resolution overturned only a specific set of privacy rules while leaving in place the underlying Title II classification and other rules that were then in effect, and so casts no doubt on the actions we take in the Order. We disagree with USTelecom's contention that Congress's authorization of the BEAD grant program somehow bears on the classification of BIAS under the Communications Act. USTelecom observes that, in authorizing that program, section 60102(h)(5)(D) of the IIJA states that "[n]othing in this title"—meaning Title I of Division F of the IIJA—"may be construed to authorize the Assistant Secretary [of Commerce] or the National Telecommunications and Information Administration to regulate the rates charged for broadband service." But a disclaimer that Congress was not authorizing *the Department of Commerce or its subagency* to regulate broadband rates as part of a subsidy program that exists outside the Communications Act does not speak at all to how the Commission may or should administer the Communications Act. And even if the IIJA had adopted a broader prohibition on any rate regulation under the Communications Act—something that the Order does not impose, and indeed affirmatively forbears from—that would not speak to other forms of common-carriage treatment or to the rules we adopt in the Order prohibiting blocking, throttling, and paid prioritization. On its face, the IIJA is entirely agnostic about how BIAS should be classified under the Communications Act and whether the Commission should have the power to impose the rules we adopt in the Order. If Congress wanted to prohibit Title II regulation of broadband in the IIJA or to otherwise restrict the Commission's authority, it surely could have done so, but USTelecom errs in trying to read into the IIJA an unstated prohibition that Congress nowhere adopted.

248. Finally, in the event that (despite all the considerations above) the major-questions doctrine does apply here, we nonetheless think our authority to classify and regulate broadband is sufficiently clear under the Communications Act. We agree with the D.C. Circuit that the Supreme Court already held as much in *Brand X*, in which "the Supreme Court expressly recognized that Congress . . . had

delegated to the Commission the power to regulate broadband service.” Indeed, in a subsequent major-questions case, the Court expressly pointed to *Brand X* as a case finding that the agency’s “authority is clear” based on “the language of the statute itself.” That conclusion from the statute was clearly correct. The Communications Act is full of provisions that depend on whether a service is classified as a telecommunications service or an information service. The Commission cannot administer those provisions without first deciding how a service should be classified. To that end, section 4(i) of the Act expressly empowers the Commission to “perform any and all acts, make such rules and regulations, and issue such orders . . . as may be necessary in the execution of its functions.” Likewise, section 201(b) empowers the Commission to “prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of” the Act. And section 303(r) again empowers the Commission to “[m]ake such rules and regulations and prescribe such restrictions and conditions . . . as may be necessary to carry out the provisions of” the Act. The grant of authority required under the major-questions doctrine “may come from specific words in the statute, but context can also do the trick,” including “[s]urrounding circumstances, whether contained within the statutory scheme or external to it.” Here, as the Supreme Court has opined in numerous Commission-related cases, “[i]t suffices . . . [that] Congress has unambiguously vested the FCC with general authority to administer the Communications Act through rulemaking and adjudication,” and the Commission necessarily must be able to assess the proper classification of BIAS “in the exercise of that authority.”

G. Preemption of State and Local Regulation of Broadband Service

249. Consistent with the Commission’s approach in the *2015 Open Internet Order*, we will exercise our authority to preempt any State or local measures that interfere or are incompatible with the Federal regulatory framework we establish in the Order. And as in the *2015 Open Internet Order*, we will proceed incrementally by considering such measures on a case-by-case basis as they arise “in light of the fact specific nature of particular preemption inquiries.” We are not persuaded to depart from our description of the basic preemption framework here, particularly given our approach of generally deferring specific

preemption analyses to future case-by-case assessments where the relevant issues can be fully vetted as warranted.

250. Commenters broadly agree that Title II gives the Commission authority to preempt State or local requirements that interfere with our exercise of Federal regulatory authority over interstate communications. Under a doctrine known as the impossibility exception to State jurisdiction, the Commission may, in the exercise of its preeminent Federal regulatory authority over interstate communications, preempt State law when (1) it is impossible or impracticable to regulate the intrastate use of a communications service without affecting interstate communications, and (2) State regulation would interfere with the Commission’s exercise of its authority to regulate interstate communications. General principles of conflict preemption also lead to the same conclusion. “Under ordinary conflict pre-emption principles[,] a state law that ‘stands as an obstacle to the accomplishment and execution of the full purposes and objectives’ of a federal law is preempted.” In *Geier v. Am. Honda Motor Co.*, for example, the Court “found that [a] state law stood as an obstacle to the accomplishment of a significant federal regulatory objective” embodied in Department of Transportation regulations and was therefore preempted.

251. The D.C. Circuit held in *Mozilla* that the Commission could not invoke the impossibility exception to preempt State law after it classified BIAS as an information service under Title I. But that was because “[c]lassifying broadband as an information service . . . placed broadband *outside* of [the Commission’s] Title II jurisdiction,” and “in any area where the Commission lacks the authority to regulate, it equally lacks the power to preempt state law.” Because the Order restores and rests on the broad regulatory authority conferred on the Commission by Title II, *Mozilla* does not cast any doubt on the Commission’s power, under the impossibility exception as well as ordinary principles of conflict preemption, to preempt State law when exercising—or when forbearing from—our affirmative regulatory authority over broadband. We reiterate, as we have in the past, that the reclassification decision made herein provides no justification for a State or local franchising authority to require a party with a franchise to operate a cable system under Title VI of the Act, to obtain an additional or modified franchise in connection with the provision of BIAS, or to pay any new

franchise fees in connection with the provision of such services.

252. We decline requests to categorically preempt all State or local regulation affecting BIAS in the absence of any specific determination that such regulation interferes with our exercise of Federal regulatory authority. Because we think preemption decisions will, at least in general, best be reached on a record specific to whether and how a State or local regulation conflicts with our Federal requirements, we also decline at this time to preempt specific State or local regulations insofar as we lack a specific and robust record in this proceeding. The Act establishes a dual Federal–State regulatory system in which the Federal government and the states may exercise concurrent regulatory authority over communications networks. While the Commission has occasionally described the internet as “jurisdictionally interstate” or “predominantly interstate,” we cannot find it to be *exclusively* interstate. BIAS providers operate in and significantly affect local markets, and there are intrastate aspects of BIAS providers’ operations that could reasonably be handled differently in different jurisdictions. For example, different laws might apply to customer relationships and billing practices depending on a customer’s billing or service address. The Commission has previously stated that “whenever possible,” preemption should be applied “narrow[ly]” in order “to accommodate differing state views while preserving federal goals.” And as the Commission recognized even in the *RIF Order*, it would be inappropriate to “disturb or displace the states’ traditional role in generally policing such matters as fraud, taxation, and general commercial dealings.” Where State or local laws do unduly frustrate or interfere with interstate communications, however, we have ample authority to address and preempt those laws on a case-by-case basis as they arise. We will not hesitate to exercise that authority.

253. California’s Internet Consumer Protection and Network Neutrality Act of 2018, also known as SB–822, appears largely to mirror or parallel our Federal rules. Thus we see no reason at this time to preempt it. The law’s legislative history states that it was specifically designed to “codify portions of the [then]-rescinded Federal Communications Commission rules” by “recast[ing] and implement[ing] the ‘bright line rules’ . . . established in the 2015 Open Internet Order.” To that end, the California law makes it “unlawful” for any BIAS provider to engage in

“blocking,” throttling (*i.e.*, “[i]mpairing or degrading” internet traffic), or “paid prioritization.” The law also prohibits BIAS providers from “unreasonably interfering” with or “unreasonably disadvantaging” internet content or services, similar to our general conduct rule. And the law includes a disclosure requirement that closely resembles our transparency rule.

254. On its face, the California law generally tracks the Federal rules we restore in the Order, including the bright-line rules prohibiting blocking, throttling, and paid-prioritization, as well as the general conduct rule and transparency disclosures. A State law that requires regulated parties to comply with the same requirements that already apply under Federal law is by definition unlikely to interfere with or frustrate those Federal rules.

255. Nor do we see any reason at this time to preempt California from independently enforcing the requirements imposed by our rules or by the state’s parallel rules through appropriate State enforcement mechanisms. On the contrary, we think State enforcement generally supports our regulatory efforts by dedicating additional resources to monitoring and enforcement, especially at the local level, and thereby ensuring greater compliance with our requirements. However, should California State enforcement authorities or State courts seek to interpret or enforce these requirements in a manner inconsistent with how we intend our rules to apply, we will consider whether appropriately tailored preemption is needed at that time.

256. Some parties suggest that the California law might go further than our Federal requirements with respect to interconnection or zero-rating. Notably, most of these commenters express support for these requirements and urge against preempting them. We are not persuaded on the record currently before us that the California law is incompatible with the Federal rules we adopt in the Order with respect to either issue. As to the former, California prohibits BIAS providers from requiring interconnection agreements “that have the purpose or effect of evading the other prohibitions” by blocking, throttling, or charging for traffic at the interconnection point. We have likewise stated in the Order that BIAS providers may not engage in interconnection practices that circumvent the prohibitions contained in the open internet rules. As to the latter, California restricts zero-rating when applied discriminatorily to only a subset of “Internet content, applications, services,

or devices in a category” or when performed “in exchange for consideration, monetary or otherwise, from a third party.” We have likewise explained in the Order that sponsored-data programs—where a BIAS provider zero rates an edge product in exchange for consideration (monetary or otherwise) from a third party or where a BIAS provider *favors* an affiliate’s edge products—raise concerns under the general conduct standard. The California Attorney General represents that these provisions of California law “are consistent with, and not in conflict with, the Commission’s proposal” that we adopt in the Order, because the Commission has “included protections against interconnection circumvention” and stated that we “may take action against zero-rating practices under the general conduct provision on a case-by-case basis.” Nothing in the record gives us any reason to doubt that representation. The California law has been in effect since early 2022, yet there is no record evidence that these provisions have unduly burdened or interfered with interstate communications service. And in contrast to our treatment of rate regulation, from which we have affirmatively forborne, we have not determined that regulation of zero-rating and interconnection is detrimental, leaving room for states to experiment and explore their own approaches within the bounds of our overarching Federal framework.

257. We caution, however, that we stand ready to revisit these determinations if evidence arises that State policies are creating burdens on interstate communications that interfere or are incompatible with the Federal regulatory framework we have established. Our determination here simply reflects that no convincing evidence has been presented to us in this proceeding.

258. A group of California Independent Small LECs ask us to preempt several CPUC decisions regulating rates for intrastate telephone service, insofar as those telephone service rates take into account a company’s broadband revenues or those of its affiliates. We find that those decisions are outside the scope of this proceeding, which concerns the regulatory framework that applies to BIAS, not rates for or regulation of traditional telephone service. The California Independent Small LECs or other parties are free to raise this issue in an appropriate proceeding, but we express no views on it here.

259. Some commenters ask us to address more broadly the extent of State

authority to adopt broadband affordability programs. The comments received in this proceeding do not contain a focused and robust record or discussion concerning any particular State broadband affordability program, so we decline to address any particular program here. Nevertheless, we find that states have a critical role to play in promoting broadband affordability and ensuring connectivity for low-income consumers. The BEAD grant program established by the IJA, for example, requires State BEAD programs to ensure that ISPs offer a “low-cost broadband service option” for eligible subscribers. We also clarify that the mere existence of a State affordability program is not rate regulation.

H. Impact of Reclassification on Investment

260. Consistent with our tentative conclusion in the *2023 Open Internet NPRM*, and contrary to the conclusion reached in the *RIF Order*, we find arguments that the reclassification of BIAS would lead to a substantial adverse impact on BIAS investment to be unsubstantiated. In the *RIF Order*, the Commission’s primary policy justification for reclassifying BIAS as a Title I information service was its conclusion regarding the alleged harm to investment by Title II classification. The *RIF Order* also advanced two additional policy rationales for reclassifying BIAS under Title I: (1) a claim that there were no demonstrated harms and that BIAS providers would be incentivized to maintain internet openness; and (2) a claim that existing consumer protection and competition laws were sufficient to protect an open internet. As we discuss further below, we also disagree with the *RIF Order*’s analysis regarding these policy justifications. However, the *RIF Order* failed to consider the evidence to the contrary, including the *2015 Open Internet Order*’s evidence that investment in mobile voice and DSL thrived during the period in which they were regulated as Title II services. As the record in this proceeding clearly shows, the impact of reclassification on BIAS investment is uncertain. This finding comports with the literature on open internet regulations, the available empirical evidence, and the literature on regulation more broadly.

261. Commenters disagree as to whether reclassification of BIAS as a Title II service will discourage investment in broadband infrastructure or the internet generally. Several commenters contend that the current classification of BIAS as a Title I information service fosters investment,

claim that investment increased following the *RIF Order*, and raise the concern that reclassification of BIAS under Title II will increase regulatory burdens and uncertainty, leading to a reduction in investment and innovation. AT&T argues that investment decisions depend on long-run: (1) expected costs (including the costs of regulatory compliance), (2) expected revenues, and (3) the degree of uncertainty about costs and revenues; and it claims that Title II regulation would worsen all three. WISPA contends that regulatory compliance costs will disproportionately impact small service providers that lack the resources to handle the new compliance obligations. Several commenters claim that Title II classification, particularly the application of a general conduct rule, would increase uncertainty and therefore chill investment and innovation. Commenters also claim that application of section 214 to BIAS would create a regulatory burden and reduce network investment and innovation. Finally, many commenters claim that applying public-utility style regulation to the internet would result in high prices and chronic underinvestment.

262. Other commenters argue that Title II reclassification would not reduce investment or innovation, and that there is no evidence that the *2015 Open Internet Order* reduced BIAS investment or that investment increased following the *2017 RIF Order*. Some of these commenters offer evidence that in fact the opposite occurred: BIAS deployment and investment increased following the *2015 Open Internet Order* and declined following the *2017 RIF Order*. The California Independent Small LECs argue that adopting Title II with strong forbearance, as we do here, would increase investment incentives by reducing uncertainty due to our rules preempting potentially different regulatory regimes within each state.

263. We disagree with those commenters that argue our application of Title II with broad forbearance would reduce investment incentives or innovation. Regulation is but one of several factors that drive investment and innovation in the telecommunications and digital-media markets. Given the varying factors that underlie BIAS providers' investment decisions, we are not persuaded by CTIA and NCTA's cursory assertions that our classification decision would upset their investment-backed reliance interests. Regulation interacts with demand conditions, innovation opportunities created by technological advances, and the competitive intensity of markets.

Appropriate regulation is often required to create market conditions that support infrastructure investment, as regulation can enhance competition, mitigate transaction costs between market players, and otherwise reduce market uncertainty, thus boosting investment and innovation. We find that the approach we take in the Order will foster a more competitive broadband marketplace, increase overall regulatory certainty, and provide a more level playing field for all market participants. We acknowledge that regulation generally, and open internet regulations in particular, can affect market participants differently. On balance, however, we conclude that our approach is unlikely to reduce, and would likely promote, overall investment and innovation in the internet ecosystem.

264. The *RIF Order* and at least one commenter argue that regulation in general, and the prospect of future price regulation in particular, which we clearly disclaim, will chill BIAS provider investment. However, research on the relationship between regulation and investment shows that the impact of regulation is more nuanced. For example, the findings of empirical research on how Commission regulations concerning the provision and pricing of network elements affected investment reaches different conclusions with respect to incumbent firms and competitors. To facilitate new entry into the local exchange market, the Telecommunications Act of 1996 required an ILEC to, among other things, offer new competitive carriers interconnection at any technically feasible point in the ILEC's network, access to unbundled network elements (UNEs) on a rate-regulated basis, and make retail services available for resale at regulated wholesale rates. Researchers have reached different conclusions regarding how the Commission's implementation of this requirement has affected ILEC and CLEC investment. Thus, a generic claim that regulation will chill investment cannot be sustained. Furthermore, we emphasize that we do not consider the effect of regulation solely on investment in broadband infrastructure—whether positive or negative. Rather, we assess the overall effect of regulation on consumer welfare, evaluating changes in broadband investment along with effects on the prices and quality of broadband access and edge services, and on edge provider investment and innovation.

265. We find the comparison made by certain commenters between Title II classification coupled with open internet rules and public-utility

regulation to be inapt for several reasons. First, unlike utilities such as water, electricity, and gas, BIAS is a two-sided platform with BIAS subscribers on one side of the market and edge providers on the other. According to economist Mark Rysman, “a two-sided market is defined as one in which: (1) two sets of agents interact through an intermediary or platform, and (2) the decisions of each set of agents affects the outcomes of the other set of agents . . . [because] there is some kind of interdependence or externality between groups of agents that the intermediary serves.” Rysman's definition aptly describes the BIAS virtuous cycle between consumer demand and edge provider innovation. Consumers value BIAS more as the diversity and quality of valuable edge services increase, and edge providers see value in investing and innovating as the breadth and depth of consumer demand increases. We note that Rysman specifically lists “internet . . . markets” under his examples. In contrast, in water and traditional gas and electricity markets, the value to the consumer of having access to the utility does not materially increase with the number of suppliers through an interdependency, and even modern energy markets only exhibit limited aspects of multisided markets. Therefore, the type of regulation required and the effects of those regulations will necessarily be different for BIAS than for such utilities. Second, and most importantly, the rules we now adopt are carefully tailored to avoid the potential issues that commenters claim are problematic in the regulations of utilities. In particular, unlike the range of utility-style regulations that were applied to monopoly telephone service under Title II, including rate regulation, we forbear from many of these provisions and do not adopt any rate regulation, which is a hallmark of utility regulation. The Commission has long recognized that regulating rates is not its preferred approach, and therefore has spent decades promoting competition in the market rather than relying on rate regulation. The approach we adopt in this proceeding is consistent with this longstanding policy objective.

266. Economics literature shows that open internet provisions may increase investment and innovation, and may have welfare-enhancing effects. Contrary to BIAS provider claims that open internet provisions would diminish their investment incentives, some economics literature shows that allowing BIAS providers to sell prioritized access, for instance, can

actually lower investment incentives. For example, Professors Jay Pil Choi and Byung-Cheol Kim show under their assumptions that, if paid prioritization is allowed, BIAS providers have an incentive to reduce investment because expanding broadband capacity would lower the price that they can charge for priority access. In addition, the authors find that content provider investment incentives are also lower absent neutrality regulation due to BIAS providers potentially expropriating the benefits of content provider investment by charging for access to their customers. Another paper by Professors Nicholas Economides and Benjamin Hermalin finds that prohibiting BIAS providers from charging for priority access unambiguously reduces BIAS provider investment in their model. However, the study's finding on the overall effect of net neutrality regulation on social welfare is still ambiguous because social welfare is the sum of consumer welfare and producer surplus, including any surplus that accrues to edge providers.

267. Given that economics literature supports a conclusion that the effects of applying open internet provisions may not be harmful, and can actually be beneficial to BIAS investment incentives, the *RIF Order* and opponents of reclassification in this proceeding cite studies that claim to show there was a decline in investment following the reclassification of BIAS to Title II in the United States, or after other countries implemented similar regulations. We find the evidence presented to be unpersuasive for the following reasons.

268. First, as the *RIF Order* correctly recognized, network infrastructure is a long-term irreversible investment that often requires years of planning, preparation, and approvals before construction can begin. The *RIF Order* then proceeds to suggest, however, that there is a causal link between the adoption of the *2015 Open Internet Order* and declines in broad measures of BIAS provider investment that occurred in the same year that *Order* was adopted, noting that this was the first year of decline since 2009. The *RIF Order* goes on to review studies that compare BIAS provider investment before and after adoption of the *2015 Open Internet Order* and suggests that the brief two-year reclassification of BIAS under Title II resulted in a decline in BIAS provider investment of up to 5.6% between 2014 and 2016. Given the substantial planning, preparation and permitting required to make most large-scale capital investments in broadband networks, it is implausible that the *2015 Open Internet Order* would have

resulted in such an immediate and substantial decline in BIAS provider investment. Such a finding is also inconsistent with the reaction of investors to Title II reclassification, the findings of investment analysts, multiple statements made by company executives to investors following Title II reclassification, and common sense. An “event study” analysis that examined the effect of the Title II decision on ISP and edge provider stock prices found that the decision had almost no impact, except for a very short-term decline in the stock prices of a few cable ISPs. And Sprint’s Chief Technology officer stated that Sprint “does not believe that a light touch application of Title II, including appropriate forbearance, would harm the continued investment in, and deployment of, mobile broadband services.” In short, a proper evaluation of the investment effects of Title II reclassification, or open internet rules more generally, would require a longer time period in order to properly evaluate any potential effects on investment.

269. Second, as the *RIF Order* also correctly recognized, many of the studies that it cites and evidence it presents did not account for other factors that likely have a much larger impact on investment decisions than the classification of BIAS. The *RIF Order* notes that “[t]hese types of comparisons can only be regarded as suggestive, since they fail to control for other factors that may affect investment (such as technological change, the overall state of the economy, and the fact that large capital investments often occur in discrete chunks rather than being spaced evenly over time), and companies may take several years to adjust their investment plans.” These include the broader economic conditions, capacity constraints, increasing demand for broadband, technology changes (such as the transition from 3G to 4G and then to 5G networks), and BIAS providers’ general business development decisions. Commenters in this proceeding point to the recent increase above trend in aggregate broadband capital expenditures as evidence that a “light touch” regulatory approach promotes broadband investment. However, such claims do not adjust for macroeconomic factors such as inflation, new technologies like 5G New Radio (NR), and myriad other factors that likely explain most if not all of the observed increases in investment since the *RIF Order*. We also note that following the release of the *RIF Order*, major mobile BIAS providers began investing in 5G

NR technology, and this increase in investment would have occurred even absent the adoption of the *RIF Order*. In his dissent, Commissioner Carr points to a decline in wireless investment in 2016 and 2017 as evidence that the *2015 Open Internet Order* caused wireless investment to decline. However, these two years are the period when wireless carriers had mostly concluded building their 4G networks. And the subsequent increase in wireless investment was due to carriers beginning to deploy 5G in 2018. Thus, after accounting for all relevant factors, the data Commissioner Carr cites does not undercut our investment analysis.

270. Third, it is widely known in statistics that correlation does not imply causation. In the broadest sense, correlation measures the degree to which two random variables are associated with one another, and tests of correlation measure the strength of such a relationship. However, just because two variables—e.g., Title II reclassification and changes in investment—are observed to occur together, does not imply that one variable (reclassification) caused the other (observed changes in investment). For example, ice cream sales and violent crime rates tend to exhibit a strong positive association. However, it is not the case that ice cream sales cause crime, or that higher crime causes increased ice cream sales, but rather that a third variable, temperature, affects both. Not adjusting for average daily temperature could lead a researcher to draw an incorrect conclusion. To determine whether Title II reclassification caused the change in investment, we would need to determine what the level of investment would have been if Title II reclassification had not been adopted.

271. The “gold standard” in empirical research for determining what would have happened is the randomization of research subjects into treatment and control groups, such as is commonly done in drug and other medical trials. In a randomized clinical trial, the outcomes of the control group that did not receive a treatment serve as the counterfactual for measuring the effect of a treatment that is given to the other group (the treatment group). However, in many real-world scenarios, such as the evaluation of the effect of open internet regulations, it is obviously not possible to randomize companies into treatment and control groups to determine investment effects. For this reason, there are a number of “quasi-experimental” empirical methods that have been developed in statistics that attempt to use observational data in a

manner that mimics a randomized experiment. Some of the statistical techniques used to perform such an analysis are fixed effects, instrumental variables (IV), differences-in-differences, and matching estimators.

272. Only a few studies cited in the present record and in the *RIF Order* record attempt to perform any type of rigorous analysis of the effects on investment of open internet regulations or Title II reclassification with forbearance. As for those, we find, as we discuss below, that, in all cases, the results of these studies are inconclusive due to methodological issues. As an initial matter, no study in the record attempts to measure changes in edge provider investment under Title II reclassification, so no study can make claims about the effect of reclassification on the relevant investment variable of interest from a policy perspective, which is total investment in the internet ecosystem. Further, even if total investment in the internet ecosystem were shown to be lower, that would not be determinative of whether reclassification of BIAS under Title II with forbearance is socially beneficial. To make this determination, changes in social welfare, notably accounting for consumer benefits, would need to be examined. There is no empirical study in the record that attempts to measure such changes in social welfare, and as noted above, the theoretical literature is ambiguous in terms of whether open internet regulations would raise or lower social welfare.

273. One empirical study cited prominently in the record and in the *RIF Order* uses a Differences-in-Differences (DiD) estimator on aggregate investment data by industry from the Bureau of Economic Analysis (BEA) to conclude that the 2010 announcement by Chairman Genachowski that the Commission was considering reclassifying BIAS under Title II raised uncertainty and reduced BIAS provider network investment on average by about 20% from 2011 to 2016. We find several other issues with this paper that lead us to give it no probative value in this proceeding. ITIF criticizes our dismissal of this study, but it does nothing to address the fundamental concerns with the study. ITIF also fails to provide support for its contention that the Commission should only reclassify BIAS as a Title II telecommunications service if there is evidence doing so will enhance broadband investment. In any event, we show below that the benefits of reclassification will outweigh the costs.

274. The study conducts a DiD analysis by choosing five other industries that the author claims will have comparable trends in investment to the “Broadcasting and Telecommunications” industry that serves as the treatment group for purposes of assessing the impact of Title II reclassification on investment. The BEA industry classifications that the author chose as comparable to telecommunications are: wholesale trade; transportation and warehousing; machinery manufacturing; computer and electronics products; and plastics and rubber products. The BEA series identification numbers for the industries used are “i3n51301es00” for telecommunications, “i3n42001es00” for wholesale trade, “i3n48001es00” for transportation and warehousing, “i3n33301es00” for machinery manufacturing, “i3n33401es00” for computer and electronics products, and “i3n32601es00” for plastics and rubber products. It is not clear why this diverse set of industries with very different technology and productivity shocks would be an appropriate control group for telecommunications. Visual inspection comparing the pre-2010 (pre-treatment) investment trends of the control industries with the trends in telecommunications and broadcasting investment confirm that the controls are inappropriately chosen. Prior to the 2010 announcement of potential Title II reclassification, there are sharp divergences in the investment trends between the two groups, which implies that the “parallel trends” assumption of the DiD estimator may be violated and that biased estimates will be produced as a result. This study is the published version of a 2017 working paper that many commenters cite in the record. Two other papers by the same author present similar evidence, the latter of which, George Ford, *Investment in the Virtuous Circle*, uses USTelecom investment data for its measure of telecommunications investment and BEA data for its measure of investment in other industries, which may be problematic given that the two data sources may not be comparable. In addition, staff was unable to replicate this paper due to the author’s not describing the twenty industries that were used in the control group. In fact, over 60% of the growth in investment in the control group between the pre-treatment and treatment periods is being driven in this study by the inclusion of investment in the transportation and warehousing industry. Investment in transportation and warehousing rose dramatically during the post-2010 time

period due to the boom in e-commerce that occurred. According to Census Bureau data, e-commerce sales increased by over 120 percent from Q4 2009 to Q4 2016. However, investment is forward-looking, and this retail sales data does not capture expected future sales. As one measure of forward-looking expectations for the e-commerce sales that drove investment in this industry, the stock price of Amazon increased by more than 400% over this same period. This trend makes this industry a poor choice for predicting what the trend in telecommunications investment would have been absent the announcement of the potential for BIAS to be reclassified as a Title II service. A more appropriate method to choose the control group industries to avoid these problems is to choose a weighted combination of the potential controls where the weights are chosen to minimize the pre-treatment differences between the treatment group and the control group, but this procedure was not followed.

275. The aggregate measure of investment used by the author as the primary variable of interest is also too broad to provide meaningful estimates, both in terms of the business entities and types of investments included in the measure. There are currently 2,201 BIAS providers in the United States that would be affected by Title II reclassification, but the BEA collects investment data from nearly 125,000 business entities in the telecommunications, broadcasting, motion picture, and video production industries when calculating their “Broadcasting and Telecommunications” investment data. Title II reclassification would therefore be expected to have little direct effect on most of the businesses reported in the author’s measure of broadband investment. Furthermore, investments captured within this broad measure would include investments in buildings, trucks, office equipment, software, and other investment categories that likely would be unaffected by Title II reclassification. A proper analysis would focus on discretionary investments by BIAS providers that would be expected to actually be impacted by reclassification.

276. Finally, the BEA data used by the author has been substantially revised since this study was published and the corrected data undercut the conclusion that open internet regulations led to a decline in telecommunications investment. The Census Bureau conducts an Economic Census every five years that forms the basis of the investment data published by the BEA

and used by the author in this study. In the intervening years, the BEA estimates investment within each industry and then revises these estimates when the actual investment data becomes available from the newly conducted Economic Census. Whereas the author found that telecommunications investment declined by 6.2% in real terms when comparing the 2004–2009 period to the 2011–2016 period in his data, the corrected data now available on the BEA website show that telecommunications real investment in fact rose 10.2% between these two periods. We replicated the author's regression analysis exactly based on this previous data and found, as he did, that real investment in telecommunications in the uncorrected data declined between the 2004–2009 and 2011–2016 periods, which leads us to conclude that the change in the conclusion based on the revised data is due entirely to changes in the underlying data and not differences in model specification. The revised data also substantially affect the results of the DiD regression analysis performed by the author. When Commission staff re-estimate his baseline regression model in Table 2 with the corrected data, rather than finding a statistically significant 22% decline in telecommunications investment as the author found, the corrected regression finds only a 6.2% decline relative to expectations based on the control group industries and this is not statistically significant. If the inappropriate “transport and warehousing” control group is then removed from the model, for all practical purposes the model predicts no decline in telecommunications investment resulting from the potential for Title II reclassification. While telecommunications investment is still estimated to be –2.7% in the period following the announcement of potential Title II reclassification, the p-value is .71, which indicates that there is a 71% chance of obtaining a negative effect at least this large even if the null hypothesis of no effect on investment is true. In other words, this small negative effect is very likely due to random noise rather than there being a true negative effect of Title II regulation on investment. Therefore, if this paper supports anything, it supports the position that Title II reclassification had no effect on BIAS provider investment.

277. The study's author, Dr. George Ford, offers a critique of the Commission's analysis and attempts to resuscitate his earlier assertions regarding Title II investment impacts with new analysis—neither his critique

nor new analysis are persuasive. As an initial matter, we note that Dr. Ford does not dispute that the underlying data was revised by the BEA since his study was performed, or that substituting the revised data into his previous model changes the results to show a statistically insignificant difference in investment following the announcement of Title II reclassification. Dr. Ford's primary argument is that we did not replicate his study when reaching our conclusions because we did not follow his “entire research process” when updating his analysis with the new BEA data. We note that Dr. Ford fails to cite a professionally accepted definition of replication from a peer reviewed article on this topic, but rather cites merely a website post for his definition. Dr. Ford implies that we should have changed his underlying model, including the control groups, as he proceeds to do in his new analysis. But his new analysis, like his prior analysis, does not conduct a proper DiD regression analysis with a replicable research process. As discussed below, Dr. Ford did not use a rigorous and principled methodology for selecting his control groups, and as such, there is no way that the Commission could predict which control groups Dr. Ford would choose now that the revised BEA data and original model no longer support his previous conclusions. Dr. Ford also changed his criteria for choosing the control groups, the level of aggregation at which control groups were selected, and his standard error procedure. As Dr. Ford acknowledges, the standard error procedure he now adopts for many of his new analyses would be more likely to (incorrectly) conclude that there is a statistically significant difference in investment when there is not. His “entire research process,” therefore, could not have been replicated. Even by his own—and not generally accepted—definition of replication, Dr. Ford also chose not to replicate his original study in the *Ford Response*, from which we conclude that he appears to be retracting the original study, or at least, conceding that it no longer supports the theory that Title II negatively impacts ISP investment.

278. Even if we had been able to replicate his entire research process, the process he employs lacks rigor and is not in line with recommended best practices from the empirical economics literature. Dr. Ford appears to advocate basing the selection of DiD control groups entirely on a comparison of the pre-treatment trends in the outcome between the treatment and control

groups. However, such a process is known to be theoretically dubious and statistically problematic. Dr. Ford is correct that one requirement for the DiD estimator to produce valid estimates is that “the selected control group for the industries of interest plausibly satisfy the parallel paths (or common trends) assumption, where the investment of the control group serves as a reliable counterfactual for the treated group during the treatment period.” However, demonstrating this plausibility requires much more than the “visual inspection and some descriptive statistics” methodology that he reports employing. Rigorous DiD analysis employs the following three principles when choosing controls: (1) there should be no reason to believe the untreated group would suddenly change around the time of treatment; (2) the treated group and untreated groups should be generally similar in many ways; and (3) the treated group and untreated groups should have similar trajectories for the dependent variable before treatment. In his analyses, Dr. Ford focuses only on the last principle and does not consider the first two principles. In fact, Dr. Ford explicitly argues against following principles 1 and 2 in the *Ford Response* and criticizes the *Draft Order* for raising this issue. Dr. Ford's other DiD analyses also do not properly construct an appropriate control group which further leads us to give no probative value to his findings. In a proper DiD research design, observing parallel trends in outcomes prior to treatment should be a consequence of choosing controls that are generally similar to the treated group, not the tool by which the controls are chosen. We note that the use of synthetic control methods does obviate the need to follow the first two principles. For example, in a widely cited synthetic control analysis of the economic effects of German reunification, even among Organization for Economic Cooperation and Development (OECD) countries, the authors excluded Luxemburg and Iceland “because of their small size and because of the peculiarities of their economies.” This illustrates that the authors followed principle 2. In addition, they excluded Canada, Finland, Sweden, and Ireland “because these countries were affected by profound structural shocks during the sample period.” This demonstrates that the authors also followed principle 1.

279. Just as Dr. Ford's choice of the Transportation and Warehousing industry as a control in the previous analysis was in violation of the first principle, Dr. Ford makes the same

mistake in his new synthetic DiD (sDiD) analysis where this same control actually receives the largest weight. The Transportation and Warehousing industry is industry code 48 and receives a weight of 18.7% in his analysis. Dr. Ford also does not follow the second principle in both his previous and current analyses because he never explains why or how the treatment and control group industries are “generally similar” and would be expected to have similar technology and productivity shocks as the telecommunications industry. If Dr. Ford had properly chosen the initial control groups, then the controls would be valid in both the previous BEA data and revised BEA data. It is not accepted practice to change control groups and research design in response to changes in the underlying data. Finally, we note that both graphical and statistical comparisons between Dr. Ford’s original data and the revised data confirm that the pre-treatment data for both the treatment and control groups are nearly identical between the two datasets. This is not surprising because the BEA conducts an Economic Census every five years and the newly collected data in the 2017 Census would generally have little impact on the investment data prior to 2012 when the last Economic Census was conducted. Only the post-2010 investment data for the telecommunications industry was significantly revised by the BEA. The pre-treatment trends remain essentially unchanged, suggesting that even by Dr. Ford’s methodology, there is no basis for switching the control groups he originally selected. According to the control group selection methodology set forth in Dr. Ford’s previous paper, the old control groups remain valid because “the pre-treatment growth rates are (statistically) the same between the treated and control groups.” Therefore, even by Dr. Ford’s own statements and line of reasoning, the Commission was correct to retain the old control groups when replicating his study. We further note that his only evidence that the control group industries are now inappropriate is that a “pseudo-treatment” dummy from 2007–2010 is now positive and statistically significant using his revised standard errors. However, Dr. Ford includes 2010, the year the Commission first sought comment on potential Title II classification, so this is an improper test under this method as it used data from the treatment period.

280. The only other paper in the record that uses rigorous analytical methods and data to evaluate the effect

of open internet regulations on investment uses a panel data set for 32 OECD countries covering the period from 2003 to 2019 and a fixed effects model to examine the impact of open-internet-type regulations on the deployment of new fiber connections. The paper finds that the adoption of open-internet-type regulations in a country is associated with a 45% decrease in fiber investments. However, we have serious concerns regarding this paper that lead us to heavily discount its findings.

281. Our first concern is that it is not clear whether the results of this study are even applicable to the present circumstances. The policies adopted by various countries and the market dynamics within them are wide ranging and quite different from the U.S. context. If the types of regulations adopted were not similar to those adopted here (for example, if a country adopted rate regulation), then these results would not be a good proxy for how the regulations we adopt in the Order would be expected to affect U.S. broadband investment.

282. A second concern is that, in the present U.S. context, the size of the effect on broadband investment is implausibly large. The authors admit that the large magnitude of the effect is likely driven by the fact that, at the beginning of their sample, countries had almost no fiber connections so the growth rate in fiber connections was very high, while, at the end of their data sample, fiber coverage rates exceeded 100% in many countries with correspondingly low fiber connection growth rates. The crucial assumption the authors make to claim that they are identifying causal effects of the change in regulations is that decisions to implement or withdraw open-internet-type regulations have been made exogenously, *i.e.*, the timing of these decisions is effectively random because these decisions are made for ideological reasons and politicians make these decisions without considering market outcome variables such as the number of fiber connections in the country.

283. We find that this identifying assumption may be faulty and the findings of this paper may be due to spurious correlations rather than the authors having identified true causal effects of the impact of open-internet-type regulation on investment. Contrary to the authors’ assertions, we find that it is likely that changes in which political party controls a country is likely to have direct effects on investment unrelated to the adoption of open-internet-type regulations. For example, if more left-leaning parties in

Europe tax investments at a higher rate than their right-leaning counterparts, then the authors’ findings could be due to unaccounted-for changes in the tax system or other national policy change that occurred at the same time as the adoption or relaxation of open-internet-type rules. The authors’ instrumental variable estimates may be flawed for this same reason. The authors use how “left” or “right” the current political party is as an instrument. However, this measure likely has a direct effect on broadband investment through multiple other channels, so it violates the fundamental assumption of an instrumental variable that it must be uncorrelated with the outcome of interest—broadband investment in this case—conditional on the other variables in model. In this context, instrumental variables estimation is often used when a treatment may not have been assigned to subjects randomly. In this case, the treatment is net neutrality regulations and OECD countries are the subjects of the experiment. An appropriate instrument in this example would be a third variable that is strongly correlated with the passage of net neutrality regulations in a country but, conditional on all the variables in the model, is not associated with the investment outcome except through its effect on the probability of net neutrality regulations being adopted. We find that whether the party in power is more “left” or “right” on the political spectrum is likely to exert a direct effect on ISP investment through many channels, and therefore this crucial “exclusion restriction” assumption is violated and the resulting estimates are biased.

284. There is a simple alternative explanation for why the authors find such strong negative effects of open-internet-type regulation on broadband investment. If countries do not adopt open-internet-type regulations until BIAS becomes an essential service in the country, as is the case in the United States, and the countries for which it is essential have much higher fiber connection bases, then we would expect exactly the results the authors find. The growth rates in fiber connections in these mature broadband economies would be much lower than the growth rates in fiber connections in countries that have a low base number of such fiber connections due to a less mature broadband market. If this is the case, these lower observed fiber growth rates in countries with open-internet-type regulations would not be due to the adoption of those regulations. Consistent with this view, the two countries that were among the earliest

adopters of open-internet-type regulations in the authors' data sample, South Korea and Japan, were also the countries that had by far the greatest deployment of fiber connections at the time they adopted the rules between 2010–2011. In 2010, 58% of broadband subscriptions in Japan were provisioned by fiber-based technologies and 55% in South Korea were fiber-based, which far exceeded the rates observed in the next OECD country, the Slovak Republic at 29%, and many OECD countries had almost no fiber-based connections at the time. In short, it would not be possible for the growth rates in fiber access in these two early adopting countries of open-internet-type regulations to keep pace with the later adopting countries that had fiber access in the low single digits at the time, and the model specification estimated by the authors is not sufficiently rich to correct for these issues. The authors include country fixed effects, year dummies, lags in investment and time-varying covariates in their model, however, these controls are not sufficient to address our concerns and satisfy the fundamental identifying assumption of DiD models that “the interventions are as good as random, conditional on time and group fixed effects.” We conclude that it is not appropriate to compare fiber growth rates across these countries using this model.

285. Finally, the authors admit that the results of all of their models are inconsistent and biased because the lagged dependent variable and the error term are correlated. For the only consistent and unbiased model they estimate, the bias-corrected fixed effects estimator, open-internet-type regulations are found to have a statistically insignificant effect on BIAS provider investment.

286. As our detailed analysis demonstrates, the Commission's conclusions in the *RIF Order* that BIAS provider investment is closely tied to the classification of BIAS were not based on sound empirical analysis, and no new studies submitted in the current record support the conclusions of the *RIF Order*. Indeed, the record in both the *Order* and the *RIF Order* proceeding on the likely effect of Title II classification is ambiguous, offering conflicting viewpoints regarding the potential investment effects. The theoretical literature, empirical studies, and comments are all inconclusive. As such, we conclude that any changes in BIAS provider investment following the adoption of each *Order* were more likely the result of other factors unrelated to the classification of BIAS.

287. The *RIF Order* also relied on a second study that used a “natural experiment,” but this study was not submitted into the record of this proceeding. It found that DSL subscribership exhibited a statistically significant upward shift relative to its baseline trend after the Commission removed line-sharing rules on DSL in 2003 and again in response to the reclassification of DSL as a Title I information service in 2005. There appear to be several serious problems with this study. First, it considers changes in DSL subscribership, not changes in DSL investment, so it is not clear what inferences can be drawn about the effect of the regulatory changes on investment. Further, the authors attribute the increase in subscribers solely to the regulatory changes, without accounting for other factors that may have explained the increase. In particular, the authors ignore the fact that very high-speed digital subscriber line (VDSL) and asymmetric digital subscriber line (ADSL2) were developed and began to be deployed in 2001 and 2002, respectively, and both of these technologies significantly improved DSL speeds. It may be that these technological innovations and lagging DSL market shares led to the aggressive DSL price cuts that occurred starting in 2003 and this—not a change in regulations—led to the observed strong DSL subscriber gains relative to cable starting in 2003. Finally, we note that this study is also methodologically flawed. The effects of the 2003 and 2005 regulatory changes that applied to DSL, if any, would also impact the other broadband providers in the market due to such providers being substitutes. Therefore, cable is not an appropriate comparison group and the inclusion of the growth rate in cable modem subscriptions in the estimation equation is endogenous (*i.e.*, correlated with the error term), which results in statistically biased and inconsistent estimates.

II. Order: Forbearance for Broadband Internet Access Services

A. Forbearance Framework

288. Section 10 of the Act provides that the Commission shall forbear from applying any regulation or provision of the Communications Act to telecommunications carriers or telecommunications services if the Commission determines that:

- enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or

telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

- provision is not necessary for the protection of consumers; and
- forbearance from applying such provision or regulation is consistent with the public interest.

289. In making the determination under section 10(a)(3) that forbearance is in the public interest, the Commission shall consider whether forbearance from enforcing the provision or regulation will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications services. If the Commission determines that such forbearance will promote competition among providers of telecommunications services, that determination may be the basis for a Commission finding that forbearance is in the public interest. In addition, “[a] State commission may not continue to apply or enforce any provision” from which the Commission has granted forbearance under section 10.

290. Our approach to forbearance here builds on the Commission's approach in the *2015 Open Internet Order*. In that *Order*, the Commission broadly granted forbearance—to the full extent of its authority under section 10 of the Act—with respect to provisions of the Act and Commission rules that newly would have applied by virtue of the classification of BIAS as a telecommunications service there, subject only to exceptions in the case of certain expressly identified statutory provisions and Commission rules. The Commission also recognized that prior to the *2015 Open Internet Order* some carriers chose to offer internet transmission services as telecommunications services subject to the full range of Title II requirements, and clarified that those carriers could elect to operate under the *2015 Open Internet Order's* forbearance framework instead of that legacy framework.

291. It is unclear what effect the *RIF Order* had on the forbearance granted in the *2015 Open Internet Order*. It is possible to view the *RIF Order* as implicitly vacating the forbearance granted in the *2015 Open Internet Order*, so that forbearance does not remain in effect when we return to a Title II classification. Alternatively, the *RIF Order's* silence on this issue can be read to leave the forbearance granted in the *2015 Open Internet Order* in place, so that it continues to apply automatically to BIAS once reclassified as a telecommunications service here, absent some action on our part to the

contrary. We conclude that the forbearance set forth in the Order is justified under either understanding. Except as expressly modified in the Order, the record in this proceeding and our own assessment each support and provide no reason to question the forbearance granted in the *2015 Open Internet Order*, as we explain below, regardless of how the *RIF Order's* effect on that prior forbearance is conceptualized. We reject NCTA's arguments that "ambiguity regarding the scope of forbearance risks undermining its efficacy." In purporting to find ambiguity in the *2015 Open Internet Order's* approach to forbearance, NCTA cites a paragraph providing a high-level summary of aspects of the forbearance granted in that Order—which does not even appear in the forbearance section. That does not persuade us that the scope of forbearance as actually described in the forbearance section of the *2015 Open Internet Order*—or the scope of forbearance as described in our forbearance section here—is ambiguous in a way that undercuts the efficacy of that regulatory relief. In further support of its claims of ambiguity, NCTA contends that "the *NPRM* itself does not specifically propose to forbear from Section 251(c) . . . or even discuss the Commission's intent with respect to unbundling and other similar common-carrier requirements under Title II of the Act." But the *2023 Open Internet NPRM* was clear that the Commission was proposing "to use the forbearance granted in the *2015 Open Internet Order* as the starting point for our consideration of the appropriate scope of forbearance," and the *2015 Open Internet Order* was explicit in the forbearance it was granting from (among other things) section 251(c) of the Act and common carrier requirements such as those that would enable *ex ante* rate regulation. Independently, as the Commission observed in this regard in 2015, "the Commission cannot impose a penalty for conduct in the absence of 'fair notice of what is prohibited.'" Consequently, we are not persuaded that our approach to forbearance results in ambiguity regarding the scope of relief that undercuts its efficacy.

292. In evaluating and applying the section 10(a) forbearance criteria, we follow the same basic analytical approach used by the Commission in the *2015 Open Internet Order* and affirmed by the D.C. Circuit in its *USTA* decision. As a threshold matter, we do not grant forbearance beyond the scope of our authority under section 10 of the Act. As the Commission explained in the *2015 Open Internet Order*, "[c]ertain

provisions or regulations do not fall within the categories of provisions of the Act or Commission regulations encompassed by that language because they are not applied to telecommunications carriers or telecommunications services, and we consequently do not forbear as to those provisions or regulations."

293. We also target our forbearance analysis to those provisions of the Act or Commission rules that would not apply but for our classification of BIAS as a telecommunications service and our classification of mobile BIAS as a commercial mobile service. That follows the Commission's approach in the *2015 Open Internet Order*, and also is how we contemplated targeting forbearance as proposed in the *2023 Open Internet NPRM* in this proceeding. The record does not persuade us to depart from that focus here, but BIAS providers remain free to seek relief from other provisions or regulations through appropriate filings with the Commission.

294. Section 706 of the 1996 Act once again informs our forbearance analysis here, as well. That provision "explicitly directs the FCC to 'utiliz[e]' forbearance to 'encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans.'" Within the statutory framework that Congress established, the Commission "possesses significant, albeit not unfettered, authority and discretion to settle on the best regulatory or deregulatory approach to broadband." Thus, as in 2015, we seek to strike the appropriate balance between retaining statutory protections and our open internet rules to adequately protect the public, while minimizing the burdens on BIAS providers and ensuring incentives for broadband deployment consistent with the objectives of section 706 of the 1996 Act.

295. One element of adopting a balanced regulatory approach is giving BIAS providers reasonable regulatory predictability about the obligations that will or will not be applied under that framework. We thus reject broad-brush arguments that we should not forbear from applying provisions that are by their own terms discretionary in some manner. As a threshold matter, we see no indication in the text of section 10 that provisions of the Act that give the Commission discretion in their application to telecommunications carriers or telecommunications are somehow categorically beyond the purview of forbearance. Independently, insofar as forbearance incrementally increases the clarity BIAS providers have about the regulatory framework we

are adopting here—given the need to grapple with the section 10 criteria in addition to any discretion within a forbearance provision itself before it could be applied in the future—we find it reasonable to account for the benefit provided by such greater regulatory predictability in our application of the section 10 criteria.

296. At the same time, we also are not persuaded that our forbearance decisions here provide insufficient clarity and regulatory predictability about providers' regulatory obligations. Fundamentally, these commenters' concerns are not truly directed at our approach to forbearance but instead at the threshold classification decision. We have determined that BIAS is a telecommunications service under the best reading of the Act and its application to the record evidence here. As a result, certain legal consequences under the Act flow from that by default. The substantial forbearance we grant from rules and provisions reaches the full extent of what we find warranted at this time under the section 10 framework, which is the tool Congress provided for the Commission to tailor those default regulatory consequences. We therefore reject the suggestion that we improperly are using forbearance to increase regulation. Our classification decision simply "bring[s] the law into harmony with the realities of the modern broadband marketplace" and against that backdrop our use of forbearance plays its traditional role in granting relief from the legal consequences that otherwise would flow by default from that determination as warranted by the section 10 criteria. To the extent that commenters are concerned that forbearance decisions could be revisited, they do not demonstrate that it would be trivial for the Commission to do so, particularly if reasonable reliance interests could be demonstrated. Nor does the record reveal ways that the Commission could provide even greater regulatory predictability to providers beyond the approach adopted here while still honoring what we find to be the best understanding of the Act in our classification of BIAS.

297. We also follow the conceptual approach from the *2015 Open Internet Order* by considering the practical realities under an "information service" classification of BIAS to inform our section 10(a) analysis. As the Commission observed in 2015, although that baseline is not itself dispositive of the appropriate regulatory approach to BIAS, it is reasonable for the Commission to weigh concerns about the burdens or regulatory uncertainty

that could arise from sudden changes in the actual or potential regulatory requirements and obligations. Given agencies' discretion to proceed incrementally, our forbearance analysis accounts for benefits from adopting an incremental approach here. While we find that the tailored regulatory framework we adopt in the Order strikes the right balance, we note that the D.C. Circuit has recognized the Commission's authority to revisit its decision should that prove not to be the case. That said, although our conceptual approach in this regard tracks what the Commission did in 2015, our application of that approach naturally accounts for the additional experience and insight the Commission has gained in the years since the *RIF Order*. In addition, there is a petition for judicial review of the *RIF Remand Order* still pending and the petitions for reconsideration of that Order were pending until our action in the Order. Consequently, the insights we draw from the recent past account for the likelihood that the unresolved status of the regulatory approach adopted in the *RIF Order* could well have tempered BIAS providers' conduct relative to what they otherwise might have engaged in.

298. In addition, our analytical approach as to all the provisions and regulations from which we forbear in the Order is consistent with section 10(a) as interpreted by the Commission and courts. Consistent with precedent, in interpreting the word "necessary" in section 10(a)(1) and (a)(2) we consider whether a current need exists for a rule or statutory requirement. Under section 10(a)(1), we consider here whether particular provisions and regulations are "necessary" to ensure "just and reasonable" rates and practices with respect to BIAS. In full, section 10(a)(1) directs the Commission to consider whether enforcement "is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory." As a shorthand, we refer to that as requiring an analysis of whether rates and practices will be just and reasonable. And under section 10(a)(2), we consider whether particular provision and regulations are "necessary for the protection of consumers." Consistent with our conclusion in the *2015 Open Internet Order*, when evaluating whether there is a current need for a rule or provision to ensure just and

reasonable rates and practices and to protect consumers, we can account for policy trade-offs that can arise under particular regulatory approaches. Thus, even when confronted with arguments that applying a rule or provision could have some near-term benefit, we nonetheless reasonably could conclude that application of the rule or provision is not currently necessary within the meaning of section 10(a)(1) or (a)(2) based on countervailing intermediate- or longer-term consequences of applying the rule or provision. This approach also is consistent with how the Commission has applied the "just and reasonable" criteria and otherwise evaluated consumers' interests under other provisions of the Act.

299. Under section 10(a)(3), the Commission considers whether forbearance is consistent with the public interest. This inquiry allows us to account for additional factors beyond the sort of considerations we evaluate under section 10(a)(1) and (a)(2), guided by the Commission's statutory duties.

300. We agree with the *2015 Open Internet Order* that persuasive evidence of competition is not a necessary prerequisite to granting forbearance under section 10 so long as the section 10 criteria otherwise are met. As the *2015 Open Internet Order* observed, although competition can be a sufficient basis to grant forbearance, it is not inherently necessary in order to find section 10 satisfied. To the extent that commenters cite prior forbearance decisions relying on competition as sufficient to justify forbearance, that precedent does not persuade us that competition is inherently necessary to justify forbearance. Nothing in the text of section 10 requires that forbearance be premised on a finding of sufficient competition where the Commission can conclude that the rules or provisions are not "necessary" under section 10(a)(1) and (a)(2) and that forbearance is in the public interest under section 10(a)(3) on other grounds. A statute that "by its terms merely requires the Commission to consider" some factor does not mean that the Commission must "give any specific weight" to the factor, and the Commission may "ultimately conclude[] that it should not be given any weight." That interpretation of section 10 is not altered where the rules or provisions at issue involve measures to facilitate competition, despite some claims to the contrary. To the extent that Congress wanted the Commission to make additional findings beyond the general requirements of section 10(a) in order to forbear from particular market-opening provisions of the Act, it did so explicitly, precluding the Commission

from forbearing from the application of sections 251(c) or 271 of the Act "until it determines that those requirements have been fully implemented." Given that we have found those provisions to be fully implemented, we reject the view that we cannot simply apply the section 10(a) criteria according to their terms when evaluating forbearance from market opening provisions of the Act and instead must make different or more specific findings to justify forbearance. Even when implementing such provisions, the Commission often has rejected a single-minded focus on competition to the exclusion of other policies such as network deployment consistent with the goals of section 706 of the 1996 Act, and we see nothing in section 10 of the Act that would require a single-minded focus on competition when considering forbearance from such rules or provisions. In any case, the D.C. Circuit in *USTA* has "found reasonable the Commission's conclusion that its section 10 analysis did not need to incorporate any statutory requirement arising from section 251." Judge Williams, dissenting in part in *USTA*, contended that Commission forbearance precedent had not, to that point, involved the convergence of rules or provisions designed to facilitate competition that were subject to a grant of forbearance without heavy reliance on a competitive analysis. Whether or not Commission precedent prior to the *2015 Open Internet Order* involved the precise convergence of factors identified by Judge Williams, we see nothing in section 10 of the Act that would categorically preclude the Commission from granting such forbearance.

301. We reject claims that an identified need for regulation in one respect to address shortcomings in competition—such as with respect to BIAS providers' gatekeeper role—implies a need for regulation in other respects, as well. In other contexts the Commission has, for example, regulated charges that certain carriers impose on other carriers without finding it necessary to adopt *ex ante* regulation of those same carriers' end-user charges. And the Commission has recognized such distinctions between charges imposed on other providers and charges imposed on end users in this context, as well. Separately and independently, although the *2015 Open Internet Order* did not find pervasive evidence of competition or treat it as in itself sufficient to justify forbearance, it would be a mistake to conclude that competition plays no role at all in our analysis. As the Commission concluded in 2015, "there is some amount of

competition for broadband internet access service,” even if “it is limited in key respects,” and the Commission’s overall regulatory approach to BIAS, by striking the right balance between current regulation and longer-term investment incentives, “thus does advance competition in important ways.” This kind of recognition of potential trade-offs associated with particular regulatory approaches is consistent with our reading of the section 10(a) criteria, as discussed above. In addition, we note that, during the last 15 years, when BIAS was classified as Title I information service or subject to forbearance under Title II, we have seen no significant increases in prices or unreasonably discriminatory pricing that would seem to warrant the imposition of rate regulation or tariffing requirements.

302. As in the 2015 approach, “[b]ecause the Commission is not responding to a petition under section 10(c), we conduct our forbearance analysis under the general reasoned decision making requirements of the Administrative Procedure Act, without the burden of proof requirements that section 10(c) petitioners face.” Consistent with that approach, in our rulemaking decision here, we explain our application of the statutory forbearance criteria and other relevant statutory objectives such as section 706 of the 1996 Act in the level of detail necessitated by the record and our own assessment of the merits of forbearance from applying particular rules or provisions. We conclude that satisfies our statutory obligations under section 10 of the Act and the APA. We agree with Public Knowledge that we should not grant forbearance “cavalierly.” But we disagree with Public Knowledge insofar as it suggests that we approach the section 10 analysis with a presumption against forbearance. We seek to faithfully apply the section 10 forbearance criteria here without artificially placing a thumb on the scale either for or against forbearance. That approach best effectuates the Act as a whole, which not only reflects Congress’s default regulatory approach for telecommunications carriers and telecommunications service but also directs that the Commission “shall” forbear where the section 10 criteria are met, as part and parcel of that overall legal framework. We are unpersuaded by claims that our application of the section 10 forbearance criteria in a manner akin to that done in the *2015 Open Internet Order* would violate the nondelegation doctrine. Under Supreme Court precedent, a delegation is

constitutionally permissible if Congress has “la[id] down by legislative act an intelligible principle to which the person or body authorized to [exercise the delegated authority] is directed to conform.” Section 10 readily satisfies that standard by directing the Commission that it shall forbear where the rule or provision is not necessary to ensure just and reasonable rates and practices; is not necessary for the protection of consumers; and where forbearance is in the public interest—including based on its competitive effects. These are the types of assessments that Congress has entrusted to the Commission since the original enactment of the Communications Act. The Commission’s authority to act in the public interest is not “unlimited.” “[T]he words ‘public interest’ in a regulatory statute” do not give an agency “broad license to promote the general public welfare,” but rather “take meaning from the purposes of the regulatory legislation.” Thus, for example, the Supreme Court has held that the Communications Act’s public interest standard, in context, is sufficiently definite to overcome a nondelegation challenge. We likewise conclude that the section 10(a) analysis is guided by intelligible principles set down by Congress, and we therefore reject the view that section 10 of the Act violates the nondelegation doctrine either in general or as applied here.

303. Once again, where warranted we also evaluate forbearance assuming *arguendo* that particular provisions of the Act or Commission rules apply to BIAS, rather than “first exhaustively determining provision-by-provision and regulation-by-regulation whether and how particular provisions and rules apply to this service.” We agree with the *2015 Open Internet Order*’s reasoning that “to achieve the balance of regulatory and deregulatory policies adopted here for BIAS, we need not—and thus do not—first resolve potentially complex and/or disputed interpretations and applications of the Act and Commission rules that could create precedent with unanticipated consequences for other services beyond the scope of this proceeding, and which would not alter the ultimate regulatory outcome in this Order in any event.”

304. Given our approach in this regard, we conclude that simple counts of provisions of the Act or Commission rules subject to forbearance do not shed meaningful light on the extent to which our regulatory approach to BIAS under the Order differs in practice from the default obligations under Title II of the Act or otherwise for purposes of arguments that a telecommunications

service classification of BIAS (and commercial mobile service classification of mobile BIAS) are contrary to the Act’s statutory scheme. As in the *2015 Open Internet Order*, forbearance is not used solely to grant relief from default regulatory requirements affirmatively known and established to be both applicable and burdensome. Rather, outside of certain key requirements affirmatively determined to fall outside the scope of justified forbearance, we grant forbearance broadly even as to requirements that *theoretically* could newly apply by virtue of the classification decision and, if they applied, would represent *any manner* of departure from the preexisting *status quo* under an information service classification. The Commission has taken this approach not based on an affirmative determination that the default regulatory requirements are somehow inherently incompatible with BIAS but in the interest of being crystal clear about the targeted ways in which the regulatory regime being applied here will depart from the *status quo* under an information service classification. We thus find that simply counting the number of provisions of the Act or Commission rules subject to forbearance sheds no meaningful light on the magnitude of any practical departure in our regulatory approach here from the default requirements of the Act and our implementing rules.

305. Independently, the notion that even extensive forbearance would illustrate the incompatibility of our approach with the statutory scheme established by Congress fails to appreciate the full scope and operation of the 1996 Act understood against its regulatory backdrop. The Commission’s section 10 forbearance authority was part and parcel of the regulatory regime enacted for telecommunications carriers and telecommunications services in the 1996 Act. The criteria specified in section 10 for when the Commission shall forbear from applying the Act or Commission rules to telecommunications carriers or telecommunications services track nearly verbatim the standard Congress established in 1993 in section 332(c)(1) of the Act for the Commission to specify requirements of Title II that would be inapplicable to commercial mobile service providers. And prior to the enactment of the 1996 Act, the Commission already had relied on that section 332(c)(1) authority to grant commercial mobile service providers broad relief from the requirements of Title II, including relief from, among other things, the tariffing requirements

that the Supreme Court characterized as “the heart of the common-carrier section of the Communications Act” under the pre-1996 Act framework. There can be little doubt that when Congress enacted section 10 of the Act against that backdrop, it contemplated that services meeting the definition of “telecommunications services” likewise could—and would—be subject to broad forbearance where justified by the statutory criteria. Such an outcome thus is entirely compatible with the overall legal framework Congress enacted in the 1996 Act.

306. We disagree with arguments that our exercise of forbearance is contrary to *MCI v. AT&T* and *Biden v. Nebraska*. In *MCI*, the Supreme Court rejected the Commission’s attempt to eliminate tariffing for competitive common carriers, concluding that exempting carriers from those obligations represented a “fundamental revision of the statute” that Congress was unlikely to have authorized through “a subtle device” in the statutory language like the Commission’s authority to “modify” tariffing requirements. And relying on *MCI*, the Court in *Biden v. Nebraska* similarly concluded that “statutory permission to ‘modify’ does not authorize ‘basic and fundamental changes in the scheme’ designed by Congress.” By contrast, as the Commission has long recognized, Congress enacted section 10 forbearance authority in response to *MCI*—to grant the Commission the authority to make more extensive changes than the *MCI* Court previously found lacking. That fact—coupled with Congress’s decision to model section 10 on section 332(c)(1) under which the Commission previously granted broad forbearance in the past—amply demonstrates that section 10 forbearance authority was intentionally designed by Congress to authorize more expansive changes than what would flow from distinct statutory language of the sort at issue in *MCI* and *Biden v. Nebraska*. And the circumstances here also bear no meaningful similarity to the Court’s objection in *Biden v. Nebraska* that the Department of Education was seeking to “augment[] and expand[] existing [statutory] provisions dramatically.” In this case, after exercising the explicitly-granted forbearance authority in accordance with the terms specified by Congress, the remaining requirements that we apply flow directly from the statutory regime Congress enacted as applied to BIAS consistent with our classification decision here.

307. Finally, our forbearance with respect to BIAS does not encompass internet transmission services that

incumbent local exchange carriers or other common carriers chose to offer as telecommunications services subject to the full range of Title II requirements prior to the *2015 Open Internet Order*. The *RIF Order* observed that such services “have never been subject to the [2015 *Open Internet Order*] forbearance framework,” and stated that “carriers that choose to offer transmission service on a common carriage basis are, as under the *Wireline Broadband Classification Order*, subject to the full set of Title II obligations, to the extent they applied before the” *2015 Open Internet Order*. The *2015 Open Internet Order* did, however, allow a provider previously offering broadband transmission on a common carrier basis “to change to offer internet access services pursuant to the construct adopted in” that *Order* subject to filing with and review by the Wireline Competition Bureau of the provider’s proposal for the steps it would take to convert to such an approach. In the *2023 Open Internet NPRM* we proposed to follow the same approach again here, and no commenter opposes that proposal. As such, our forbearance with respect to BIAS does not encompass such services.

B. Maintaining Targeted Authority To Protect Consumers, Promote National Security, and Preserve the Broadband Ecosystem

308. We find that the standard for forbearance is not met with respect to BIAS for the following limited provisions:

- Sections 201, 202, and 208, along with the related enforcement provisions of sections 206, 207, 209, 216, and 217, and the associated complaint procedures; and the Commission’s implementing regulations (but, to be clear, the Commission forbears from all ratemaking authority based on, or ratemaking regulations adopted under, sections 201 and 202);

- Section 214 entry certification requirements, pursuant to which the Commission considers all aspects of the public interest associated with section 214 authorizations, including national security, law enforcement, and other concerns. We grant blanket section 214 authority for the provision of BIAS to all current and future BIAS providers, with exceptions and subject to the Commission’s reserved power to revoke such authority and waive the Commission’s implementing rules in section 214(a)–(d) of the Act. Our grant of blanket section 214 authority includes authority for entry, acquisitions (including transfers of control and assignments), and

temporary or emergency service and related requirements. We forbear from section 214 exit certification requirements regarding the discontinuance, reduction, or impairment of BIAS and the Commission’s implementing section 214(a)–(d) rules. In addition, since we classify mobile BIAS as a commercial mobile service in the Order, the existing forbearance from all domestic section 214 requirements for CMRS providers applies to mobile BIAS providers. That forbearance is maintained and undisturbed by the Order;

- Sections 218, 219, and 220(a)(1) and (c)–(e), which enable the Commission to conduct inquiries and obtain information;

- Section 222, which establishes core customer privacy protections (while waiving application of our current implementing rules to BIAS);

- Section 224 and the Commission’s implementing rules, which grant certain benefits that foster network deployment by providing telecommunications carriers with regulated access to poles, ducts, conduits, and rights-of-way;

- Sections 225, 255, and 251(a)(2), and the Commission’s implementing rules, which collectively advance access for persons with disabilities, except that the Commission forbears from the requirement that BIAS providers contribute to the Telecommunications Relay Service (TRS) Fund at this time; and

- Section 254, the interrelated requirements of section 214(e), and the Commission’s implementing regulations to strengthen the Commission’s ability to support broadband, supporting the Commission’s ongoing efforts to support broadband deployment and adoption.

309. Our forbearance decision in this subsection focuses on addressing consequences arising from the reclassification of BIAS in the Order. Thus, we do not forbear with respect to requirements to the extent that they already applied prior to the Order without regard to the classification of BIAS. Similarly, consistent with the *2015 Open Internet Order*, to the extent that provisions or regulations apply to an entity by virtue of other services it provides besides BIAS, the forbearance in the Order does not extend to that context. Consistent with the Commission’s conclusions in the *2015 Open Internet Order*, the Order does not alter any additional or broader forbearance previously granted that already might encompass BIAS in certain circumstances, for example, insofar as BIAS, when provided by mobile providers, is a CMRS service. As one example, the Commission has

granted some forbearance from section 310(d) for certain wireless licensees that meet the definition of “telecommunications carrier.” But section 310(d) is not itself framed in terms of “common carriers” or “telecommunications carriers” or providers of “CMRS” or the like, nor is it framed in terms of “common carrier services,” “telecommunications services,” “CMRS services” or the like. To the extent that such forbearance thus goes beyond the forbearance for wireless providers granted in the Order, the Order does not narrow or otherwise modify that pre-existing grant of forbearance.

1. Authority To Protect Consumers and Promote Competition (Sections 201 and 202)

310. The Commission has previously described sections 201 and 202 as lying “at the heart of consumer protection under the Act,” providing, along with their attendant enforcement sections, “bedrock consumer protection obligations.” The Commission has never previously completely forborne from these important statutory protections, and we generally do not find forbearance warranted here. We find sections 201 and 202 of the Act, along with section 208 and certain fundamental Title II enforcement authority, necessary to ensure just, reasonable, and nondiscriminatory conduct by BIAS providers and necessary to protect consumers under section 10(a)(1) and (a)(2). We also find that forbearance from these provisions would not be in the public interest under section 10(a)(3), and therefore do not grant forbearance from those provisions and associated enforcement procedural rules with respect to BIAS. However, particularly in light of the protections the open internet rules provide and the ability to employ sections 201 and 202 in case-by-case adjudications, we are otherwise persuaded to forbear from applying sections 201 and 202 of the Act to the extent they would permit the adoption of *ex ante* rate regulation of BIAS in the future, as discussed below. To be clear, this *ex ante* rate regulation forbearance does not extend to inmate calling services and therefore has no effect on our ability to address rates for inmate calling services under section 276.

311. Section 201 enables the Commission to protect consumers against unjust or unreasonable charges, practices, classifications, and regulations in connection with BIAS. And section 202 prohibits discrimination in the provision of communications services, thereby

advancing the Commission’s goals of ending digital discrimination and promoting universal service and digital equity. In order to forbear from these statutory provisions, we would have to conclude, among other things, that their enforcement is not necessary for consumer protection, something the record provides no basis to do. Indeed, the Commission has previously taken enforcement action against providers under section 201 for violation of consumers’ privacy rights. And Congress itself recognized the importance of sections 201 and 202 when it specifically excluded them (along with section 208) from earlier CMRS-specific forbearance authority under section 332(c)(1)(A).

312. Additionally, sections 201 and 202 reinforce the Commission’s ability to preserve internet openness, and applying these provisions benefits the public broadly by helping foster innovation and competition at the edge, thereby promoting broadband infrastructure investment nationwide. Thus, in this respect, our decision to apply the provisions actually will promote competitive market conditions at the edge. As explained below, the open internet rules adopted in the Order reflect more specific protections against unjust or unreasonable practices for or in connection with BIAS. These benefits—which can extend beyond the specific dealings between a particular BIAS provider and customer—persuade us that forbearance from sections 201 and 202 here is not in the public interest.

313. We also observe that section 201(b) enables the Commission to regulate BIAS-only providers that serve MTEs and thereby end unfair, unreasonable, and anticompetitive practices facing MTE residents, furthering the Commission’s goals to foster competition and promote consumer choice for those living and working in MTEs. Obligating BIAS-only providers to abide by the same kinds of rules—including those that prohibit exclusivity contracts that bar competition outright in MTEs—that other telecommunications and cable providers must currently follow will secure the same protections for all residents of MTEs, regardless of the kind of service offered by providers in their building; reduce regulatory asymmetry between BIAS-only providers and other kinds of providers; and potentially improve competition in the MTE marketplace. Therefore, we do not forbear from § 64.2500 of our rules as to BIAS providers, which prohibits common carriers from entering into certain types of agreements and requires

disclosure of others. BIAS-only providers should therefore ensure that all MTE-related contracts entered into subsequent to the effective date of the Order we adopt in the Order are in compliance with § 64.2500. With respect to pre-existing MTE-related contracts, we temporarily waive § 64.2500 with respect to these contracts for BIAS-only providers for a period of 180 days to allow these providers to bring their pre-existing contracts into compliance with § 64.2500. The Commission may waive its rules and requirements for “good cause shown,” which may be found “where particular facts would make strict compliance inconsistent with the public interest.” In making this determination, the Commission may “take into account considerations of hardship, equity, or more effective implementation of overall policy,” and if “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.” We find good cause in this instance to provide adequate notice and time to give BIAS-only providers an opportunity to bring pre-existing contracts for MTEs into compliance with our newly applicable MTE rules. We note that this 180-day period is consistent with the time the Commission has previously granted providers to bring their pre-existing contracts into compliance with newly enacted MTE rules. We reject LARIAT’s request that the Commission exempt small providers from “restrictions” on “bulk billing of multi-tenant dwellings.” LARIAT does not provide a specific justification for exempting small BIAS providers from our MTE requirements, but rather generalizes that these provisions (along with others) “could” impose “tremendous unnecessary burdens on our company . . . and also harm consumers.” We have provided all BIAS-only providers a suitable period of time to come into compliance with these provisions, and further, the Commission’s MTE provisions are designed to protect, not harm, consumers and LARIAT provides no evidence to the contrary.

314. For the foregoing reasons we find that sections 201 and 202 of the Act are necessary to ensure just, reasonable, and nondiscriminatory conduct by BIAS providers and necessary to protect consumers under sections 10(a)(1) and (a)(2). Moreover, retaining these provisions is in the public interest because it provides the Commission direct statutory authority to protect internet openness and promote fair competition while allowing the Commission to adopt a tailored

approach and forbear from most other requirements. We find that our sections 201 and 202 authority provides a more flexible framework better suited to the broadband marketplace than many of the alternative regulations—such as *ex ante* rate regulations and interconnection requirements—from which we are forbearing but which otherwise would be necessary. We thus reject the arguments of some commenters against the application of these provisions insofar as they assume that such additional regulatory requirements also will apply in the first instance. Such considerations provide additional grounds for our conclusion that section 10(a)(3) is not satisfied as to forbearance from sections 201 and 202 of the Act with respect to BIAS.

315. We disagree with commenters urging the Commission to forbear from sections 201 and 202 outright. WISPA disputes the value section 202 brings to the Commission's antidiscrimination efforts, highlighting the broad enforcement powers Congress conferred upon the Commission and the rules established in our digital discrimination proceeding. But these sections enable the Commission to advance digital equity in other ways not contemplated elsewhere, including providing authority for our open internet rules.

316. We also disagree with ACA Connects and WISPA that the Commission should forbear from applying sections 201 and 202 to small BIAS providers. ACA Connects contends that reclassification would impose burdensome costs and that smaller service providers lack the resources, such as in-house legal staff, needed to navigate a Title II world. They thus argue that the Commission should grant forbearance from direct application of sections 201 and 202 and instead “bring *ad hoc* enforcement actions . . . for conduct that falls outside the scope of the proposed conduct-based rules.” Similarly, WISPA asserts that there is “ample evidence that application of these requirements to smaller providers will do more harm than good.” These arguments fail to consider that sections 201 and 202 serve as a legal basis for adoption of the open internet conduct rules. Further, in making these arguments, commenters fail to acknowledge the legal framework applied in the CMRS context, where sections 201 and 202 have applied for years. This history should allay any “concerns . . . about potential burdens, or uncertainty, resulting from the application of sections 201 and 202,” and we conclude that providers, both small and large, will find ample guidance about the application of

sections 201 and 202 via our open internet rules.

2. Enforcement (Sections 206, 207, 208, 209, 216, and 217)

317. We also do not forbear from section 208's complaint proceeding rules and other fundamental Title II enforcement provisions. In particular, we do not forbear from applying section 208 of the Act and the associated procedural rules, which provide a complaint process for enforcement of applicable provisions of the Act or any Commission rules. We also retain additional statutory provisions that we find necessary to ensuring a meaningful enforcement process. In particular, we do not forbear from sections 206, 207, and 209. Without these provisions that permit “redress through collection of damages,” Section 208's complaint protections would be “virtually meaningless.” Allowing for the recovery of damages does not mean that an award of damages necessarily would be appropriate in all, or even most, cases. The Commission has discretion to deny an award of damages and grant only prospective relief where a case raises novel issues on which the Commission has not previously spoken, or where the measurement of damages would be speculative. The Commission also has authority to adopt rules and procedures that are narrowly tailored to address the circumstances under which damages would be available in particular types of cases. Section 208 and its associated procedural rules, as well as sections 206 and 207, which serve as a necessary adjunct to the complaint process, provide the public the means to “file a complaint with the Commission and seek redress.” We similarly do not forbear from sections 216 and 217, which “were intended to ensure that a common carrier could not evade complying with the Act by acting through others over whom it has control or by selling its business.” Thus, we do not forbear from enforcing these key Title II enforcement provisions with respect to BIAS.

318. In the event that a carrier violates its common carrier duties, the section 208 complaint process would permit challenges to a carrier's conduct, and many commenters advocate for section 208 to apply. The Commission's procedural rules establish mechanisms to carry out that enforcement function in a manner that is well-established and clear for all parties involved. The Commission has never previously forbore from section 208. Indeed, we find it instructive that in the CMRS context Congress specifically precluded the Commission from using section 332

to forbear from section 208. Commenters also observe the important interrelationship between section 208 and sections 206, 207, 216, and 217, which the Commission itself has recognized in the past, as discussed above. We note, however, that in complaint proceedings filed pursuant to section 207, courts have historically been careful to consider the Commission's views as a matter of primary jurisdiction on the reasonableness of a practice under section 201(b). A Federal district court may determine that the Commission is better to answer the particular question before the court in the first instance and elect to invoke the primary jurisdiction doctrine. The primary jurisdiction doctrine applies where a claim is originally cognizable in the courts, and comes into play whenever enforcement of the claim requires the resolution of issues which, under a regulatory scheme, have been placed within the special competence of an administrative body; in such a case the judicial process is suspended pending referral of such issues to the administrative body for its views. In addition, to forbear from sections 216 and 217 would create a loophole in our ability to evenly enforce the Act, which would imperil our ability to protect consumers and to protect against unjust or unreasonable conduct, and would be contrary to the public interest. The prospect that carriers may be forced to defend their practices before the Commission supports the strong public interest in ensuring the reasonableness and nondiscriminatory nature of those actions, protecting consumers, and advancing our overall public interest objectives. For the reasons discussed above, we thus reject the assertions of some commenters that enforcement is unduly burdensome. In particular, we are not persuaded that such concerns outweigh the overarching interest advanced by the enforceability of sections 201 and 202. Nothing in the record demonstrates that our need for enforcement differs among broadband providers based on their size, and we thus are not persuaded that a different conclusion in our forbearance analysis should be reached in the case of small broadband providers, for example. While some commenters express fears of burdens arising from the application of these provisions to BIAS, we find such arguments to be speculative, particularly given the lack of evidence of such actions where those provisions historically have applied (including in the CMRS context). As a result, for all of the foregoing reasons, we conclude

that none of the section 10(a) criteria is met as to forbearance from these fundamental Title II enforcement provisions and the associated Commission procedural rules with respect to BIAS. As explained above, sections 201 and 202 do not pose the existential threat that some commenters claim they do. Moreover, individuals harmed by a provider's unlawful practices must have some means of being made whole, and we agree with the Lawyers' Committee that section 208 is "essential" for pursuing claims of discrimination and other harms.

3. Requirement for a Certificate of Public Convenience and Necessity (Section 214)

319. We do not forbear from the entry certification requirements of section 214(a)–(d) of the Act with respect to the provision of BIAS. Section 214(a) requires carriers to obtain a Commission certification to construct, acquire, operate, or engage in transmission over lines of communication. By reclassifying BIAS as a Title II telecommunications service subject to section 214, the Commission can ensure that the "present or future public convenience and necessity" is served, including its obligation to protect the Nation's telecommunications networks and to protect the United States from entities that pose threats to national security and law enforcement interests. To ensure continued service for consumers and to provide regulatory certainty to BIAS providers, however, we grant blanket section 214 authority for the provision of BIAS to all current and future BIAS providers, with exceptions and subject to the Commission's reserved power to revoke such authority. Specifically, to protect national security and law enforcement interests, we exclude the following entities and their current and future affiliates and subsidiaries from this blanket section 214 authority—China Mobile International (USA) Inc. (China Mobile USA), China Telecom (Americas) Corporation (CTA), China Unicom (Americas) Operations Limited (CUA), Pacific Networks Corp. (Pacific Networks), and ComNet (USA) LLC (ComNet)—whose application for international section 214 authority was previously denied or whose domestic and international section 214 authority was previously revoked by the Commission in view of national security and law enforcement concerns. The Order does not modify China Mobile USA's blanket domestic section 214 authority to provide other domestic interstate services and to construct or operate any other domestic transmission

line, which was not addressed in the *China Mobile USA Order*. The Commission retains the authority to revoke a carrier's blanket domestic section 214 authority when warranted.

320. Section 214 entry certification, albeit blanket certification, is consistent with our conclusion that reclassifying BIAS as a telecommunications service will significantly bolster the Commission's ability to carry out its statutory public interest responsibilities to safeguard national security and law enforcement. The Supreme Court has determined that the Commission has considerable discretion in deciding how to make its section 214 public interest findings. Exercising this section 214 authority achieves two core purposes—national security and the promotion of safety of life and property—and is integral to the Commission's public interest assessment of providers seeking to provide essential BIAS to consumers. The *2023 Open Internet NPRM* recognized that reclassification of BIAS "is necessary to unlock tools the Commission needs to fulfill its objectives and responsibilities to safeguard this vital service."

321. The importance of section 214 of the Act with regard to the Commission's national security efforts is evident in the Commission's actions concerning entities that are majority-owned and controlled by the Chinese government. Over the past several years, the Commission denied an application for international section 214 authority and revoked certain carriers' section 214 authority based on recommendations and comments from interested Executive Branch agencies regarding evolving national security and law enforcement concerns. In one of those proceedings, the Executive Branch agencies and the Commission confronted the implications of changed circumstances in the national security environment on the evaluation of international section 214 authority. In each of these revocation actions, the Commission extensively evaluated national security and law enforcement concerns raised by existing section 214 authorizations and determined, based on thorough record development, that the present and future public interest, convenience, and necessity was no longer served by those carriers' retention of their section 214 authority. We disagree with commenters that contend that an insignificant fraction of all BIAS providers serving U.S. customers "present the type of national security risk that the Commission intends to address," or that "there is no indication that any of the carriers whose section 214 authorizations the

Commission revoked in recent years provides BIAS." At the time the Commission took these actions, section 214 did not apply to BIAS, potentially exposing the Nation's communications networks to national security and law enforcement threats by entities providing BIAS or seeking to provide BIAS. We believe the same national security and law enforcement concerns identified in the Commission's recent denial and revocation and/or termination proceedings equally exist with respect to these and other entities providing BIAS or seeking to provide BIAS. We agree with arguments in the record that applying section 214 of the Act to the provision of BIAS may have significant future national security, law enforcement, and other benefits by enhancing the Commission's ability to act immediately in response to future threats. By declining to forbear from the application of the section 214 entry authorization requirement to BIAS, we build upon these and other actions the Commission has taken to strengthen and advance its ability to protect U.S. telecommunications networks and critical infrastructure against national security threats. For instance, in November 2019, the Commission prohibited the use of public funds from the Commission's Universal Service Fund (USF) to purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services produced or provided by companies posing a national security threat to the integrity of communications networks or the communications supply chain.

322. We find that BIAS is subject to section 214 on the basis of it being both a domestic and an international telecommunications service. The Commission has employed different rules for domestic and international section 214 authorizations to date. Within the category of international section 214 authorizations, it has adopted a regulatory approach that turns, among other things, on the particular destination country to be served. BIAS is defined as a "service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints," and our interpretation of "all internet endpoints" includes, without distinction, foreign as well as domestic endpoints. Thus, BIAS necessarily involves "foreign communication" as well as "interstate communication" (and at least some intrastate communication, as well). Given the global nature of BIAS, we find it appropriate to treat BIAS as a mixed

domestic and international service. We recognize that the Commission stated in the 2015 *Open Internet Order* that “[b]roadband internet access service involves the exchange of traffic between a last-mile broadband provider and connecting networks.” But what could be termed the “physical” location or scope of a service does not dictate its jurisdictional status, which instead turns on the jurisdiction of the communications being carried.

a. Blanket Section 214 Authority Is Granted for the Provision of BIAS, With Exceptions and Subject to the Commission’s Reserved Power To Revoke Such Authority

323. While section 214 entry authorization is critical to protect national security and law enforcement interests, we recognize that entry certification entails costs. Commenters argue that the Commission should forbear from section 214, citing potential costs, delays, and administrative burdens on BIAS providers. They raise concerns about lengthy and burdensome application processes, especially for small BIAS providers, and consequences for investment and innovation. At least one commenter claims that the networks of smaller BIAS providers “are not prone” to evolving national security and other concerns, and the Commission should not apply section 214 to smaller BIAS providers. To address these concerns while protecting our telecommunications networks, and supported by the record, we grant blanket section 214 authority for the provision of BIAS to any entity currently providing or seeking to provide BIAS—except those specific identified entities whose application for international section 214 authority was previously denied or whose domestic and international section 214 authority was previously revoked and their current and future affiliates and subsidiaries.

324. Such blanket section 214 authority is subject to the Commission’s reserved power to revoke, consistent with established statutory directives and longstanding Commission determinations with respect to section 214 authorizations. The Commission has explained that it grants blanket section 214 authority, rather than forbearing from application or enforcement of section 214 entirely, in order to remove barriers to entry without relinquishing its ability to protect consumers and the public interest by withdrawing such grants on an individual basis. The Order does not alter the Commission’s current rules

implementing section 214 as applied to all other services subject to section 214 of the Act. We believe that blanket section 214 authority will allow BIAS providers to continue operating and providing BIAS without the need for Commission-approved applications at this time. While certain benefits arising from our decision not to forbear may be difficult to quantify, such as the current and future protection of national security, law enforcement, or other public interest benefits, we nevertheless conclude that the expected benefits of applying section 214 entry authority to the provision of BIAS through the Order greatly exceed any potential costs to providers. The costs to providers are, in any event, minimized by our grant of blanket authority with no prescriptive entry requirements. Our decision to condition grant of blanket section 214 authority for the provision of BIAS on the Commission’s reserved power to revoke such authority is consistent with the established statutory directives and longstanding Commission determinations with respect to section 214 authorizations. In previously granting all telecommunications carriers blanket domestic section 214 authority, the Commission found that the “present and future public convenience and necessity require the construction and operation of all domestic new lines pursuant to blanket authority,” subject to the Commission’s ability to revoke a carrier’s section 214 authority when warranted to protect the public interest. Indeed, when the Commission opened the U.S. telecommunications market to foreign participation in the late 1990s, it delineated a non-exhaustive list of circumstances where it reserved the right to designate for revocation an international section 214 authorization based on public interest considerations and stated that it considers “national security” and “foreign policy” concerns when granting authorizations under section 214 of the Act.

325. Based on the key public interest considerations that inform our action in the Order, we reserve the right to conduct *ad hoc* review of whether a provider’s retention of blanket section 214 authority for the provision of BIAS presents national security, law enforcement, public safety, or other risks that warrant revocation of such authority. We disagree that this important safeguard associated with blanket section 214 authority causes uncertainty for BIAS providers as the Commission has clearly established that it continues to reassess on an *ad hoc* basis whether a carrier’s retention of section 214 authority presents national

security or other risks that warrant revocation of its section 214 authority. The Executive Branch agencies also may recommend that the Commission modify or revoke an existing authorization if they at any time identify unacceptable risks to national security or law enforcement interests of the United States. If revocation or termination may be warranted, the Commission may institute a revocation proceeding to “provide the authorization holder such notice and an opportunity to respond as is required by due process and applicable law, and appropriate in light of the facts and circumstances.”

b. China Mobile USA, CTA, CUA, Pacific Networks, ComNet, and Their Current and Future Affiliates and Subsidiaries Are Excluded From Blanket Section 214 Authority for BIAS

326. To further protect the Nation’s telecommunications networks from threats to national security and law enforcement, we exclude China Mobile USA, CTA, CUA, Pacific Networks, ComNet, and their current and future affiliates and subsidiaries from grant of blanket section 214 authority for the provision of BIAS. We find that excluding these Chinese government-owned entities and their current and future affiliates and subsidiaries from blanket section 214 authority is warranted based on the Commission’s prior determinations that the present and future public interest, convenience, and necessity would no longer be served by these Chinese government-owned entities’ retention of section 214 authority, or that the public interest would not be served by the grant of international section 214 authority.

327. The Commission found that these entities are subject to exploitation, influence, and control by the Chinese government, and that mitigation would not address the national security and law enforcement concerns. The Commission identified national security and law enforcement concerns with respect to the entities’ access to internet PoPs (usually located within data centers) and other harms in relation to the services provided by those entities pursuant to section 214 authorization. To deter evasion of our exclusion of these entities, and consistent with the Commission’s inclusion of these entities and their affiliates and subsidiaries in the list of equipment and services covered by section 2 of the Secure and Trusted Communications Networks Act, we also exclude their current and future affiliates and subsidiaries from our grant of blanket section 214 authority. Of course, any entity affected by this

exclusion remains free to petition the Commission for section 214 authority under the statute and demonstrate how grant of the authority would serve the public interest, convenience, and necessity.

c. Transition Period for China Mobile USA, CTA, CUA, Pacific Networks, and ComNet

328. We direct China Mobile USA, CTA, CUA, Pacific Networks, and ComNet and their affiliates and subsidiaries to discontinue any and all provision of BIAS no later than sixty (60) days after the effective date of the Order as established in the **Federal Register**. We require these entities to provide notice of service discontinuance to all affected customers within thirty (30) days after the effective date of the Order as established in the **Federal Register**. The Order shall be effective sixty (60) days after publication in the **Federal Register**. Such notice shall be in writing to each affected customer. We further require the entities to file a copy of the standard notice(s) sent to their customers (without providing the Commission with any customers' personally identifiable information (PII)) in the docket of this proceeding through the Commission's Electronic Comment Filing System (ECFS) within sixty (60) days after the effective date of the Order as established in the **Federal Register**. If the entity does not provide BIAS, the entity shall file a letter attesting to this information and certified by a corporate officer in ECFS within sixty (60) days after the effective date of the Order as established in the **Federal Register**. We find this transition reasonable, as the Commission previously gave CTA, CUA, Pacific Networks, and ComNet this same transition period to discontinue all services previously provided under section 214 authority, and it should mitigate any difficulties BIAS customers may face in finding other providers.

d. Waiver of Rules Implementing Section 214(a)–(d) of the Act

329. We recognize that application of the Commission's current rules implementing section 214(a)–(d) of the Act, which historically have addressed traditional telecommunications services, may raise operational issues in the context of BIAS. For example, the current rules contain requirements with respect to the regulatory classification of U.S. international carriers as "either dominant or non-dominant for the provision of particular international communications services on particular routes"; notification by, and prior approval for, U.S. international carriers that are, or propose to become, affiliated

with a foreign carrier; conditions applicable to all international section 214 authorizations; conditions applicable to authorized facilities-based international carriers; and conditions applicable to carriers authorized to resell the international services of other authorized carriers. In addition, some commenters suggest that the Commission should pursue a further rulemaking to consider implementation of rules under section 214(a)–(d) that are tailored to BIAS in view of our classification of BIAS herein. The Commission expects to release a further notice of proposed rulemaking (FNPRM) at a future time to examine whether any section 214 rules specifically tailored to BIAS, including for small providers, are warranted. But in light of the current record and the blanket authority we grant herein, we find it appropriate to waive the current rules implementing section 214(a)–(d) of the Act with respect to BIAS to the extent they are otherwise applicable. In light of the forbearance we grant for section 214 related exit authority, *i.e.*, discontinuance requirements, it is unnecessary to waive our discontinuance rules to the extent they would be applicable to BIAS as a telecommunications service.

330. The Commission may waive its rules and requirements for "good cause shown." In the *2023 Open Internet NPRM*, we sought comment on issues related to implementation of section 214, including whether we should adopt temporary forbearance, grant blanket section 214 authority, or act in some other manner. One commenter proposed issuing a waiver of the rules if the Commission does not forbear from section 214. Good cause, in turn, may be found "where particular facts would make strict compliance inconsistent with the public interest." In making this determination, the Commission may "take into account considerations of hardship, equity, or more effective implementation of overall policy," and whether "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest." The current rules were established in the context of traditional telecommunications services. Given our consideration of hardship and equity that may arise by immediate application of those rules to BIAS following our action in the Order, we find there is good cause to waive those rules pending the adoption of BIAS-specific rules at some future time to the extent the public interest dictates.

331. We find that the public interest is served by this waiver as it will ensure that consumers can continue to receive

the broadband internet access services to which they presently subscribe and avoid any disruption to, or uncertainty for, BIAS consumers and BIAS providers. We reiterate that with respect to mobile BIAS, because we conclude herein that mobile BIAS is a commercial mobile service, it is subject to the forbearance granted for CMRS providers as a whole in 1994. We note that this forbearance from domestic section 214 requirements as applied to mobile BIAS providers will also apply to mobile satellite service providers, to the extent they provide mobile satellite broadband service, that are licensed as common carriers for the provision of service that meets the statutory definition of CMRS (*e.g.*, mobile earth station licensees). Under our decision in the Order, mobile BIAS, including mobile satellite broadband service, will continue to be subject to international section 214 requirements for their international operations, but as discussed, we are granting blanket section 214 authority for the provision of BIAS set forth in the Order. The Commission anticipates issuing an FNPRM to consider what rules should apply going forward. As we observed in the *2023 Open Internet NPRM*, our Title III licensing authority with respect to facilities-based mobile BIAS providers independently "grant[s] us important authority that can be used to advance national security and public safety with respect to the services and equipment subject to licensing."

e. The Commission Will Forbear From the Section 214 Exit Certification Requirement

332. We find the section 10 criteria met for forbearance from applying the exit certification requirements in section 214(a)–(d) and the Commission's implementing rules to the extent they would newly apply through the classification of BIAS as a Title II telecommunications service. As explained above, we focus our regulatory oversight on the entry certification requirement for BIAS providers and find it prudent to forbear from mandating an exit certification that would require them to obtain approval from the Commission to discontinue, reduce, or impair service to a community. Knowing that we can ensure that the Commission can review existing and future BIAS participants serving consumers through their blanket entry into the market, we find that there is no current need to also require exit certifications. Doing so would conflict with the overall tailored regulatory approach we adopt and that is designed to promote infrastructure investment and innovation. We are persuaded by

commenters that BIAS providers' freedom to make network investments is optimized when they need not divert capital to outdated network equipment and services while seeking discontinuance approval. We agree that applying section 214 in a targeted and narrow manner to address national security and law enforcement concerns allows us to monitor market entrants that may then invest and innovate without being "locked in" to maintaining those investments as circumstances and technology evolve. This is also consistent with the *2015 Open Internet Order*, which acknowledged that discontinuance obligations entail costs and that it is important to incrementally apply regulations beyond the *status quo*. Thus, applying the exit certification provision of section 214(a) of the Act is not "necessary" under section 10(a)(1) and (a)(2). We thus disagree with those commenters that support not forbearing from section 214 exit requirements because of alleged public safety benefits with respect to discontinuance requirements. The services for which they are primarily concerned are not BIAS and remain subject to our sections 214 discontinuance rules.

333. For those same reasons, we also find that forbearance is in the public interest under section 10(a)(3). Some commenters have raised important issues regarding the ability of consumers and companies to maintain awareness of potential service changes and disruptions, including for alarm companies monitoring and public safety activities. To the extent that Public Knowledge urges the Commission to avoid forbearance and instead waive the section 214 exit certification requirements, we note that while the Commission may waive its rules, it may not generally waive a provision of a statute. Forbearance is the mechanism for not applying statutory provisions when warranted. Carriers remain subject to section 214 discontinuance requirements for all telecommunications services other than BIAS, including for telephone exchange and other services, and for services being transitioned to IP-based technology, which appear to be the focus of the Alarm Industry Communications Committee's (AICC) concerns at this time. As services evolve, providers must ensure that customers remain informed. As we stated in the *2015 Open Internet Order*, our universal service rules are designed to advance the deployment of broadband networks, including in rural and high-cost areas. Providers receiving funding to deploy networks are subject

to public interest obligations that protect consumers subscribing to BIAS, including in rural areas or in areas that might have only one provider. In addition, the conduct standards in our open internet rules are a necessary backstop to ensure BIAS providers act reasonably and provide protections against reduction or impairment of BIAS short of complete cessation of providing that service. As the Commission determined in the *2015 Open Internet Order*, all of these protections are sufficient to protect consumers.

4. Information Collection and Reporting To Promote National Security, Public Safety, and Improve Network Resiliency (Sections 218, 219, and 220(a)(1), (c)–(e))

334. We do not forbear from sections 218, 219, and 220(a)(1) and (c)–(e) of the Act. The Commission was created in part "[f]or the purpose of obtaining maximum effectiveness from the use of radio and wire communications in connection with safety of life and property." As we conclude in the Order, reclassification of BIAS is essential to protecting national security and public safety. Sections 218, 219, and 220(a)(1) and (c)–(e) of the Act provide the Commission with the ability to inquire into the management of providers, collect information, and require reporting, among other things, in order to carry out the Commission's duties. Sections 218, 219, and 220 provide additional tools necessary to ensure that our Nation's networks are reliable, secure, and protected from bad actors seeking to disrupt our communications and access sensitive information. For example, sections 218 and 220(a)(1) and (c) will enhance the Commission's ability to require BIAS providers to report outages through NORS and DIRS, which promotes the Commission's ongoing efforts to improve network resiliency and increase situation awareness during disasters. Further, sections 218, 219, and 220(a)(1) and (c)–(e) will provide the Commission with the ability to obtain information from BIAS providers that is essential to the Commission's performance of its duties and statutory responsibilities. For example, in the *Evolving Risks Order*, the Commission adopted a one-time collection of foreign ownership information from international section 214 authorization holders, noting that the information will assist the Commission in developing a timely and effective process for prioritizing the review of international section 214 authorizations that are most likely to raise national security, law enforcement, foreign policy, and/or trade policy

concerns. Additionally, sections 220(a)(1) and (c) will enhance the Commission's ability to require BIAS providers to establish cybersecurity risk management plans and other best practices to mitigate exploitation of BIAS networks. For these reasons, we find that forbearance from sections 218, 219, and 220(a)(1) and (c)–(e) of the Act would neither serve the public interest under section 10(a)(3) nor satisfy the requirements of section 10(a)(2) as it pertains to the protection of consumers. Although WISPA argues that section 220(a)(2)'s recordkeeping requirements would be unduly burdensome for smaller providers, WISPA itself acknowledges the Commission's ability to tailor application thereof as necessary.

335. We agree with Free Press that we should exclude section 218 from forbearance because it could be an important source of investigative authority, and that we should retain section 220(c) to address national security. We are not persuaded by the Computer & Communications Industry Association (CCIA) that we should forbear from these sections because the Commission forbore from them in 2015. Because of the changed circumstances since 2015, we find that the national security and public safety benefits require that we exclude these sections from forbearance. We also disagree with WISPA that enforcement of sections 218 and 220 will be burdensome to small providers. Arguments about the hypothetical costs and burdens to providers are speculative if and until we take additional regulatory action pursuant to those sections, at which time the Commission would consider the impact on small providers. Furthermore, we find that the benefits to national security, public safety, and network resiliency likely weigh in favor of not forbearing from these sections.

5. Customer Privacy (Section 222)

336. As proposed, we do not forbear from section 222 of the Act, which establishes core privacy protections for customers of telecommunications services, as well as other entities that do business with Title II providers. We do, however, waive the rules implementing section 222 to the extent such rules are applicable to BIAS as a telecommunications service by virtue of the Order. Section 222 governs telecommunications carriers' protection, use, and disclosure of information obtained from their customers or other carriers. The requirements of section 222 themselves impose duties on carriers, and the Commission has recognized its ability to directly enforce

the statutory requirements of section 222 even in the absence of rules specifically addressing a given issue. We find that forbearance from section 222 would neither serve the public interest under section 10(a)(3) nor satisfy the requirements of section 10(a)(2) as it pertains to the protection of consumers. Our decision in the Order conforms to the Commission's long history of protecting consumer privacy, and the Commission's long-held understanding that "[c]onsumers' privacy needs are no less important when consumers communicate over and use broadband internet access than when they rely on [telephone] services." We also find that because section 222 places an obligation on telecommunications carriers to protect the confidentiality of the proprietary information of, and relating to, other telecommunications carriers (including resellers), equipment manufacturers, and business customers, requiring BIAS providers to comply with section 222 will protect information concerning entities that interact with BIAS providers.

337. As discussed above, the record supports our finding that BIAS providers serve as a necessary conduit for information passing between their customers and internet sites or other users, and are thus situated to collect vast swaths of sensitive information about their customers, including personal information, financial information, precise location information, and information regarding their online activity. And this finding, in turn, supports our conclusion not to forbear from section 222. A 2021 FTC Staff Report found that BIAS providers collect and combine data across product lines, collect data beyond what is necessary to provide the service (including the websites that customers visit, the shows they watch, the apps they use, details about their home energy use, their real-time and historical location, and their internet search queries), use web data to target ads, group consumers using sensitive characteristics, and share real-time location data with third parties. Evidence suggests that consumers may not fully comprehend—and therefore may not be able to meaningfully consent to—BIAS providers' collection, processing, and disclosure of customer information. Further, as the American Library Association explains, "due to the lack of competition, even if consumers understand the extent to which their ISP collects their personal data, they most likely do not have the option to switch to an ISP that aligns

with their privacy and data security goals." As just one example that illustrates the fact that providers do not compete on privacy—and the importance of the Commission's domain-specific expertise in the area of privacy enforcement—we note that all of the nationwide wireless carriers are currently subject to Forfeiture Orders for their similar failures to protect customer location information. We remain concerned that, absent statutory and regulatory requirements to do so, BIAS providers have minimal incentive to adopt adequate administrative, technical, physical, and procedural safeguards to protect their customers' data from improper or excessive uses by providers themselves, or from further disclosure and misuse by third parties. Additionally, WISPA's contention that protection of CPNI may be particularly burdensome for small providers is not itself cause for forbearance from section 222 outright. A customer's privacy needs do not fluctuate with the size of a provider, and therefore section 10(a)'s forbearance criteria, which focus on whether a requirement is necessary to ensure just and reasonable and nondiscriminatory practices, do not justify the relief requested by WISPA.

338. We also disagree with CCLIA's position that the Commission must, at this time, apply section 222 to BIAS providers only with respect to "information" that is a clear analog to the non-BIAS telecommunications service information that the Commission is charged with protecting." As an initial matter, we observe that the Commission has never provided an exhaustive list of what constitutes CPNI. But more importantly, as explained above, the Commission's privacy authority under Title II is not limited to CPNI. Sections 222(a) and 201 also impose obligations, which we enforce, on carriers' practices with regard to non-CPNI customer proprietary information and PII. We see no reason to depart from that approach with respect to BIAS; on the contrary, the types of sensitive information to which BIAS providers have access by virtue of their provision of BIAS as a service underscores the imperative of applying section 222 to BIAS providers broadly—*i.e.*, without limiting its application to only particular information types. Similarly, we are unpersuaded by USTelecom's suggestion that section 222 only applies to CPNI, as defined therein, and does not provide authority beyond that as cause for forbearance.

339. We reject assertions that application of section 222 to BIAS will lead to "regulatory bifurcation" of

privacy on the internet, or that it would be arbitrary and capricious for the Commission to impose privacy requirements on BIAS providers while leaving larger edge, content, or social media platforms, such as Google, Apple, and Meta, subject to the FTC's section 5 authority. As an initial matter, we think that the statutory framework makes clear that the Commission has authority over the misuse of the "underlying communications infrastructure by consumer-facing service providers, whereas the FTC . . . concerns itself with businesses offering their products and services by means of that infrastructure." Further, we disagree that BIAS providers' access to user data "is not comprehensive." And, as the Lawyers' Committee explains, "even when communications content is encrypted or uninspected, unshielded metadata can still reveal highly sensitive information."

340. In addition, assertions that "[i]t is confusing for consumers when privacy regimes differ based on who holds the information" ignore the fact that consumers are already subject to a dichotomy of privacy regimes. Currently, a provider of mobile voice service is subject to the section 222 privacy and data protection framework, while mobile BIAS offered by the same provider, *and used on the same device*, is currently not subject to the same framework under the *RIF Order*. We are skeptical of claims, and find no actual evidence in the record, that consumers view their use of over-the-top applications like Google Maps, YouTube, or TikTok—applications that a consumer chooses to download and to which they consent to provide their information—as more closely comparable to BIAS than they view BIAS as comparable to other communications services, like voice services, which are typically provided by, and billed in conjunction with, their broadband services. On the contrary, we find that declining to forbear from applying section 222 to BIAS will support a consistent privacy and data security framework for voice and data services, which consumers often subscribe to from one provider in a bundle and perceive to be part of the same service, particularly for mobile services.

341. Finally, we also disagree with commenters' assertions that application of section 222 to BIAS is inconsistent with the Congressional Review Act (CRA). As one independent basis for our decision, this argument fails because it attempts to impute Congress's 2017 CRA resolution with respect to the Commission's *2016 Privacy Order* (81

FR 87274 (Jan. 3, 2017)) to the Commission's *2015 Open Internet Order*. Specifically, in the *2015 Open Internet Order*, the Commission classified BIAS as a telecommunications service and granted forbearance from the Commission rules implementing section 222, but did not grant forbearance from section 222 itself. Thus, the application of section 222 to BIAS was established by the *2015 Open Internet Order*, and that *Order* was not subject to a resolution of disapproval. While Commissioner Carr's dissent suggests that enforcement under the statute might fall short because "'calls' are the only telecommunications services specifically mentioned in section 222," this argument overlooks the fact that the relevant requirements under section 222—specifically section 222(a) and 222(c)—and the definition of CPNI found in section 222(h) do not refer to "calls" but instead to "telecommunications" services, thus allowing for Commission enforcement under the Act. Indeed, we note that such enforcement was specially contemplated by the Commission following the CRA resolution.

342. The argument about the 2017 CRA resolution of disapproval also fails for additional, independent reasons. Subsequent to the 2015 reclassification of BIAS as a telecommunications service subject to section 222, the Commission attempted to further address privacy requirements for BIAS providers, adopting rules in the *2016 Privacy Order* that applied to BIAS providers in addition to other telecommunications carriers and interconnected VoIP providers. In 2017, however, Congress nullified those 2016 revisions to the Commission's privacy rules under the CRA. Pursuant to the language of the Resolution of Disapproval, the *2016 Privacy Order* was rendered "of no force or effect." That resolution conformed to the procedure set out in the CRA, which requires agencies to submit most rules to Congress before they can take effect and provides a mechanism for Congress to disapprove of such rules. Pursuant to the operation of the CRA, the *2016 Privacy Order* "may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule."

343. Commenters' CRA arguments are unavailing on their own terms, however. As the Commission explained in the *Data Breach Notification Order* (89 FR 9968 (Feb. 12, 2024)), "the CRA is best interpreted as prohibiting the

Commission from reissuing the *2016 Privacy Order* in whole, or in substantially the same form, or from adopting another item that is substantially the same as the *2016 Privacy Order*." It does not prohibit the application of Title II generally, or sections 222 or 201 specifically, to BIAS, nor does it prohibit the Commission from considering the later adoption of regulations implementing those obligations. We do not, through our reclassification of BIAS as a telecommunications service, reinstate the *2016 Privacy Order* or, for that matter, any of the rules that it adopted. And even if one considers the aggregate effect of Commission actions related to privacy, we are not persuaded that they collectively adopt or effectuate rules that are substantially the same as the *2016 Privacy Order* as a whole. This is particularly true because the *2016 Privacy Order* was focused in substantial part on privacy rules for BIAS providers, and as discussed in the next paragraph, our application of section 222 to BIAS providers here is not substantially the same as the rules adopted for BIAS providers in the *2016 Privacy Order*. If the Commission later initiates a proceeding to consider privacy rules for BIAS pursuant to Title II, it will be bound by the CRA not to issue a rule that is substantially the same as the *2016 Privacy Order*. We are doubtful that future Commission actions that recapitulated some or even all of the data elements that constituted customer proprietary network information in the BIAS context under the *2016 Privacy Order* would run afoul of the CRA resolution, as suggested by Commissioner Carr's dissent. And, in any event, based on the Commission's long experience enforcing section 222 without having offered a comprehensive definition of CPNI, we do not anticipate any difficulty in enforcing section 222 with respect to BIAS providers without first adopting a comprehensive definition of BIAS CPNI that includes virtually all data and metadata elements.

344. Indeed, even if, as some parties argue, the CRA prohibits the Commission from adopting rules similar to some of the aspects of the *2016 Privacy Order*, we believe that reinstating the applicability of the statutory obligations and the Commission's ability to consider other regulatory obligations still would not be contrary to the Resolution of Disapproval, and serves the public interest. As explained in the *Data Breach Notification Order*, the *2016 Privacy Order* "made a number of

changes to the Commission's privacy rules that, among other things, required carriers to disclose their privacy practices, revised the framework for customer choice regarding carriers' access, use, and disclosure of the customers' information, and imposed data security requirements in addition to data breach notification requirements." For example, the *2016 Privacy Order* specified in detail the contents that had to be included in privacy notices, including mandatory disclosures related to other substantive requirements adopted in the *2016 Privacy Order*, requirements for translation into languages other than English, and detailed requirements for where and how the notice is made available and updated. As another example, the *2016 Privacy Order* adopted detailed customer approval requirements, including when opt-out approval was permitted; when and how approval must be solicited; and detailed requirements for a mandatory mechanism to grant, deny, or withdraw approval at any time. And as another example, the *2016 Privacy Order* restricted BIAS providers' conditioning service on waiver of privacy rights, including limiting the incentives BIAS providers could offer customers in exchange for authorization to use, disclose, and/or permit access to the customer's personal information. Although the basic principles underlying the requirements adopted in the *2016 Privacy Order* obviously flow from the statutory requirements of section 222 themselves, section 222 alone (even when coupled with open internet rules like the transparency rule) leaves BIAS providers with leeway in the details of how they go about complying with those obligations to a materially greater extent than the much more prescriptive 2016 rules.

345. In addition, the Commission Order effectuating the 2017 Resolution of Disapproval explicitly recognized that BIAS providers would "remain subject to Section 222" itself. As such, we reject assertions that the Commission may not have authorization to apply section 222 to BIAS providers because Congress overturned the 2016 rules implementing section 222 with respect to BIAS. Thus, even at the time of the 2017 Resolution of Disapproval, the Commission saw no inconsistency between that resolution and the application of the statutory requirements of section 222. As such, we reject arguments that this document's classification is contrary to Congress's disapproval to the *2016 Privacy Order* in 2017.

346. We nevertheless find it appropriate to waive the rules implementing section 222 to the extent such rules are applicable to BIAS as a telecommunications service by virtue of the Order. The Commission may waive its rules and requirements for “good cause shown.” Good cause, in turn, may be found “where particular facts would make strict compliance inconsistent with the public interest.” In making this determination, the Commission may “take into account considerations of hardship, equity, or more effective implementation of overall policy,” and if “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.” We observe that many of the Commission’s current rules implementing section 222 were adopted to address specific concerns in the voice context, as the Commission recognized in 2015 when initially reclassifying broadband as a Title II telecommunications service. Additionally, there is nothing in the record to indicate that the current rules implementing section 222 would be a good fit for BIAS to the extent that they impose more specific requirements than section 222 itself. Thus, insofar as rules focused on addressing problems in the voice service context are among the central underpinnings of our CPNI rules, we find the public interest better served by waiving all of our CPNI rules at this time, insofar as they would apply to BIAS, to give us the opportunity to carefully evaluate appropriate rules for BIAS, particularly given the need to consider the effect of the Resolution of Disapproval. As the Commission explained in 2015, it is within the agency’s discretion to proceed incrementally, and we similarly find that adopting an incremental approach here “guards against any unanticipated and undesired detrimental effects on broadband deployment that could arise.” We find that requiring BIAS providers to comply with section 222, while at the same time waiving application of our voice-specific rules, will allow providers the flexibility to adopt security practices that are effective and appropriate in the BIAS context, enhancing protections for customers without placing undue costs on providers, including small providers. As discussed above, we continue to apply section 222 of the Act itself, as well as section 201(b)’s prohibition on practices that are unjust or unreasonable, which also provides authority over privacy practices.

6. Access to Poles, Ducts, Conduit, and Rights-of-Way (Section 224)

347. We do not forbear from section 224 and the Commission’s associated rules with respect to BIAS. Section 224 governs the Commission’s regulation of pole attachments. It authorizes the Commission to prescribe rules to ensure that the rates, terms, and conditions of pole attachments are just and reasonable; requires utilities to provide nondiscriminatory access to their poles, ducts, conduits, and rights-of-way to telecommunications carriers and cable television systems (collectively, *attachers*); provides procedures for resolving pole attachment complaints; governs pole attachment rates for *attachers*; and allocates make-ready costs among *attachers* and utilities. The Act defines a utility as a “local exchange carrier or an electric, gas, water, steam, or other public utility, . . . who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications.” However, for purposes of pole attachments, a utility does not include any railroad, cooperatively-organized entity, or entity owned by a Federal or State government. Section 224 excludes ILECs from the meaning of the term “telecommunications carrier.” Therefore, these entities do not have a mandatory access right under section 224(f)(1). The Commission has held that when ILECs obtain access to poles, section 224 governs the rates, terms, and conditions of those attachments. The Act allows utilities that provide electric service to deny access to their poles, ducts, conduits, or rights-of-way because of “insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes.” The Commission has recognized repeatedly the importance of pole attachments to the deployment of communications networks, and pole attachments remain critical to the development of communications networks. Indeed, section 224 is critical to certain carriers’ ability to comply with the deployment obligations associated with their receipt of Federal funding.

348. As explained above, applying section 224 to BIAS will ensure that BIAS-only providers receive the same statutory protections for pole attachments guaranteed by section 224 of the Act that providers of cable and telecommunications services receive, thereby promoting greater deployment, competition, and availability of BIAS. Instead of being forced to privately negotiate for pole access with each pole

owner, BIAS-only providers will be statutorily guaranteed a right of nondiscriminatory access and will also be entitled by statute to the same rates as their competitors. As we noted above, BIAS-only providers face “significant barriers to deploy broadband network infrastructure—among them access to poles, ducts, and conduit.” Section 224 seeks to remove these barriers by guaranteeing providers access to utility poles at just and reasonable rates. We reiterate our findings from above that restoring section 224 rights and easing the burdens of pole access is likely to ensure that the number of BIAS-only providers does not artificially shrink due to inequitable treatment under the law, and that equitable regulatory treatment of BIAS-only providers, particularly with regard to regulations designed to speed network deployment, will also increase competition, ultimately benefitting consumers and assisting the Commission’s goal of achieving universal service. Further, as discussed above, applying section 224 to BIAS will ensure that the Commission and State utility commissions have the requisite legal authority to protect public safety concerns associated with the deployment of BIAS-only infrastructure.

349. Consistent with our findings in the *2015 Open Internet Order*, we thus conclude that applying these provisions will help ensure just and reasonable rates for BIAS by continuing pole access and thereby limiting the input costs that BIAS providers otherwise would need to incur. Leveling the pole attachment playing field for new entrants that offer solely BIAS also removes barriers to deployment and fosters additional broadband competition. For similar reasons, we find that applying these provisions will protect consumers and advance the public interest, and therefore the requirements for forbearance under sections 10(a)(2) and (a)(3) are not met.

7. Universal Service

350. We find the statutory test is met for certain forbearance under section 10(a) from applying portions of sections 254(d), (g), and (k), as discussed below, but we otherwise will apply section 254, section 214(e), and our implementing rules with respect to BIAS, as supported by a number of commenters. Section 254, the statutory foundation of our universal service programs, requires the Commission to promote universal service goals, including “[a]ccess to advanced telecommunications and information services . . . in all regions of the Nation.” Section 214(e) provides the framework for determining which

carriers are eligible to participate in universal service programs. More specifically, an entity must be designated an eligible telecommunications carrier (ETC) under section 214(e) in order to get High Cost or Lifeline program support, but the same constraint does not apply with respect to receipt of support under the E-Rate or Rural Health Care programs. As discussed in greater detail above, the Commission already exercises its authority to support broadband services to schools, libraries, and health care providers and to support deployment of broadband-capable networks in high-cost areas. BIAS is a key focus of those universal service policies, and classification in the Order simply provides another statutory justification in support of these policies going forward. Even assuming *arguendo* that section 706 of the 1996 Act may also enhance the Commission's ability to achieve its universal service policies in certain targeted ways, the likely limits of that authority mean that we are not persuaded simply to rely on section 706 of the 1996 Act in lieu of section 254. Under our broader section 10(a)(3) public interest analysis, the historical focus of our universal service policies on advancing end users' access to BIAS persuades us that strengthening the foundation of our universal service activities is justified and will have limited impact on BIAS providers. Because forbearance would not be in the public interest under section 10(a)(3), we generally apply sections 254 and 214(e), and our implementing rules, to BIAS.

351. However, we find it appropriate—as the Commission previously found in 2015—to forbear from the first sentence of section 254(d) and our associated rules insofar as they would immediately require new universal service contributions to be assessed on broadband internet access service to end users. In addition, pursuant to our forbearance from section 254(d) to maintain the *status quo* for contributions based on the provision of BIAS, and consistent with the *2015 Open Internet Order*, we maintain the *status quo* with respect to states' ability to impose state-level contribution obligations on the provision of BIAS for State universal service programs. The first sentence of section 254(d) states that “[e]very telecommunications carrier that provides interstate telecommunications services shall contribute, on an equitable and nondiscriminatory basis, to the” USF. In the *2015 Open Internet Order*, however, the Commission

“forb[ore] in part from the first sentence of section 254(d) and our associated rules insofar as they would immediately require new universal service contributions associated with [BIAS].” The Commission stated that, as with forbearance from requiring new TRS contributions, forbearing from requiring new universal service contributions to be assessed on BIAS would permissibly “‘balance the future benefits’ of encouraging broadband deployment ‘against [the] short term impact’ from” forbearing from immediate new contribution assessments. The Commission also pointed to other parallel proceedings, both before the Commission and before other bodies, examining “a wide range of issues regarding how contributions should be assessed, including whether to continue to assess contributions based on revenues or to adopt alternative methodologies for determining contribution obligations.” The Commission thus determined to “forbear[] from applying the first sentence of section 254(d) and our implementing rules insofar as they would immediately require new universal service contributions for [BIAS] but not insofar as they authorize the Commission to require such contributions in a rulemaking in the future.”

352. We agree with commenters who say that the Universal Service Fund helps to protect consumers and to ensure that communications services are available to all Americans on just and reasonable rates and terms, and indeed for that reason we have found it important to reclassify BIAS as a Title II telecommunications service to ensure that we can continue to support the availability and affordability of BIAS through USF programs. But the record does not show that assessing new USF contribution requirements on BIAS is necessary for the Universal Service Fund to fulfill those goals at this time. On the contrary, the Universal Service Fund has been funding broadband access and affordability for well over a decade without imposing contribution requirements on BIAS providers. And the record does not show that anything would substantially change in that regard without imposing contribution requirements on BIAS. In fact, the Universal Service Fund successfully operated under a materially identical set of contribution and support schemes throughout the time that the *2015 Open Internet Order* was in effect. To be sure, several commenters contend that it would be preferable to expand the contribution base to include BIAS, or

that doing so might become necessary in the future, but the record does not convincingly show that imposing universal service contribution requirements on BIAS is necessary at this time.

353. We conclude that forbearing from imposing new universal service contribution requirements on BIAS at this time is in the public interest. Others disagree with this proposal, primarily arguing that not forbearing from section 254(d) and our implementing rules would abandon a much-needed expansion of contributors, decrease the contribution amount for each provider, increase the size of the USF, complicate future USF reform, and/or be an unnecessary step toward precluding BIAS providers from assessment. For one thing, we agree with commenters who warn that suddenly and unnecessarily imposing new fees on BIAS could pose “major upheaval in what is actually a stable and equitable contribution system.” Rather than risk this upheaval, we believe it to be in the public interest to proceed cautiously and incrementally. The Commission thus recognized in 2015 that it is appropriate to forbear from extending new contribution requirements to BIAS pending ongoing deliberations, both before the Commission and before other bodies, on future USF contribution reform. Contrary to the assumption of some commenters, Commission efforts remain ongoing in this area. In the Luján Letter, Chairwoman Rosenworcel stressed that “[t]here are a number of potential options for reforming the USF contribution system, each with advantages and disadvantages, and, critically, different cost burdens on consumers Nonetheless, any reform efforts would benefit from further inquiry, such as a rulemaking or data collection, to fully appreciate the potential burdens on consumers and any other unforeseen, negative downstream effects.” She added that any such effort “must result in a sustainable funding model and also fully consider the current telecommunications marketplace and the potential cost burdens on consumers.” Several commenters also suggested that the Commission should seek and obtain statutory authority to assess edge providers, while another stressed that assessing edge providers “would undermine the ultimate goal of universal connectivity by imposing new fees on the very services that drive consumers to seek broadband connections in the first place.” Congress has also been actively deliberating on legislative proposals to reform the USF

contribution and funding mechanisms. USF contribution reform is an immensely complex and delicate undertaking with far-reaching consequences, and we believe that any decisions on whether and how to make BIAS providers contribute to the USF are best addressed holistically in those ongoing discussions of USF contribution reform, with a full record and robust input from all interested parties, rather than in this proceeding.

354. Forbearance will also serve the important public interest goals of broadband access and affordability. As always, we are mindful of section 706's directive to "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans . . . by utilizing . . . regulatory forbearance." That directive is echoed in the universal service principles set forth in section 254(b) of the Act, which include "access . . . in all regions of the Nation" at "just, reasonable, and affordable rates." Here, estimates show that assessing contribution requirements on BIAS could result in a material increase in consumer broadband bills, potentially in the range of roughly \$5 to \$18 per month. "The monthly household payment would increase, even though the contribution factor would decrease, because the contribution factor would be applied for the first time to customer broadband bills (in addition to telephone bills) which are generally higher than telephone bills." INCOMPAS disputes these figures, citing materials that it has previously submitted to the Commission, including materials fully considered in the *Future of USF Report*. We decline to revisit those figures here without a fully updated record and comprehensive input from a full array of interested parties. Indeed, INCOMPAS itself acknowledges "the need to develop a fuller record on contribution reform." Our forbearance preserves for now the longstanding status quo in this complex and developing area. The impact of those additional fees is likely to be highly regressive, with a disproportionate impact on low-income consumers who may be particularly sensitive to price increases. Although price-cap and rate-of-return carriers cannot pass through universal service contributions to Lifeline customers, that does not account for the many other BIAS providers or the low-income consumers that might not be formally identified as ILEC Lifeline recipients. Imposing new contribution requirements on BIAS could therefore be detrimental to the goal of promoting

broadband adoption and affordability. For these reasons, as with our forbearance from TRS contribution requirements, we deem it appropriate and in the public interest to forbear from the imposition of new contribution requirements on BIAS at this time.

355. We are not persuaded that allowing BIAS providers to continue to forgo USF contributions would be contrary to section 254(d)'s requirement that providers contribute "on an equitable and nondiscriminatory basis" even if we were not forbearing from that requirement. Forbearance essentially maintains the longstanding *status quo*. Under the final sentence of section 254(d), the Commission has had discretion to impose contribution requirements on BIAS providers even under Title I, but no one has argued it is unlawful not to do so. Arguments by commenters that forbearance from contribution requirements would improperly permit BIAS providers to receive USF support without having to contribute likewise neglect that operation of our current contribution rules. Our rules generally permit carriers to recoup their universal service contributions from their customers through surcharges on customers' monthly bills, so most of the burden ultimately falls on end users. Given estimates that extending the contribution requirements to BIAS could considerably increase consumers' broadband bills and would require residential consumers to bear a much greater share of the burden relative to business users, forbearing from new contribution requirements may be more equitable. And in any event, we do not think it inequitable to forbear from imposing new and unnecessary costs on BIAS when seeking to promote universal broadband availability, while requiring contributions from more mature services that have already achieved near-universal penetration. We are likewise unpersuaded by claims that forbearance would give BIAS a competitive advantage over non-BIAS services. It is not evident that BIAS and non-BIAS services are generally competitive substitutes even if there is limited evidence of substitution in some instances, or that USF fees have enough of a price impact to give rise to significant or widespread substitution. In any event, this issue would be better raised and addressed as part of a broader holistic proceeding on USF contribution reform, based on a full record and full input on all relevant issues, than in this proceeding.

356. We caution, as the Commission did in 2015, that our determination to forbear at this time is based on the

present record in a complex and developing area. We do not disclaim our authority to require new universal service contributions in a future rulemaking, and our decision in the Order is not intended to prejudice or limit how the Commission might take action in the future. Some commenters express concern that "it will be difficult, if not impossible, to 'unforbear'" from the contributions-related forbearance that applies in this context. We find that this concern is unfounded. It is appropriate for the Commission to reverse a forbearance decision if "[c]ontinued forbearance from this regulation would be inconsistent with the statutory forbearance criteria" and the Commission has done so previously. We are confident that, if any future USF contribution reform renders continued forbearance from BIAS USF assessments inconsistent with statutory forbearance criteria, the Commission could and would reverse that grant of forbearance.

357. Some commenters contend that the Commission could refrain from assessing BIAS providers for USF contributions without forbearing by instead "clarify[ing] that it will pause from immediately enforcing the statute and that BIAS providers are not required to include those revenues until the Commission moves to Order on that contribution reform." However, we explain above why the forbearance standard is met and why we find it in the public interest under that standard to rely on the Commission's well-established statutory forbearance authority to ensure that BIAS providers are not immediately assessed contributions. We therefore decline WTA—Advocates for Rural Broadband's (WTA) request to delete any discussion of section 254(d) forbearance until a rulemaking is conducted. Moreover, the Commission's waiving the application of § 54.706 of its rules for BIAS providers as some commenters propose as an alternative to forbearance would not alter the Commission's underlying statutory obligation under section 254(d). We therefore decline to adopt a different approach. Section 254(d) directs the Commission to establish mechanisms—including contribution requirements—to preserve and advance universal service. Some commenters attempt to rely on various precedents to argue that section 254(d) is not "self-effectuating." We find that the examples cited—the initial implementation of section 254, the assessment of wireless voice providers, the assessment of VoIP providers, and the brief period of assessment of wireline BIAS providers—are inapposite and are not

germane as to whether the statute is self-effectuating. Indeed, these examples are not analogous to the assessment of contributions for BIAS providers because the wireless providers in questions were in fact required to contribute to the USF immediately pending the development of a Commission-specified allocation methodology; the VoIP providers were assessed based on permissive, not mandatory, authority; and the 2005 wireline BIAS providers were subject to an existing contribution methodology on a time-limited basis to maintain the status quo. Notably in this case, the Commission already has established requirements that, by their terms, would require contributions on BIAS revenues if they immediately applied.

358. We also forbear from applying section 254(g) and (k) and our associated rules. Section 254(g) requires “that the rates charged by providers of interexchange telecommunications services to subscribers in rural and high-cost areas shall be no higher than the rates charged by each such provider to its subscribers in urban areas.” Section 254(k) prohibits the use of revenues from a non-competitive service to subsidize a service that is subject to competition. As with the *2015 Open Internet Order*, we are not persuaded that applying these provisions is necessary for purposes of section 10(a)(1) and (a)(2), particularly given the availability of the core BIAS requirements. By “core BIAS requirements,” we mean the provisions of the Act and regulations expressly excluded from the scope of forbearance under the Order, along with section 706 of the 1996 Act, and our Open Internet rules. Likewise, under the tailored regulatory approach we find warranted here, informed by our responsibilities under section 706, we conclude that forbearance from enforcing section 254(g) and (k) is in the public interest under section 10(a)(3). Forbearance from section 254(g) also is consistent with our commitment to forbear from all provisions that would permit rate regulation of BIAS. We also note that comments addressing section 254 appear focused on provisions regarding universal service support for BIAS networks and universal service contributions, addressed above, and not on the requirements of section 254(g) and (k) and our implementing rules. We thus forbear from applying these provisions insofar as they would be newly triggered by the classification of BIAS in the Order. Nothing in our forbearance with respect to section 254(k) for BIAS is intended to

encompass, however, situations where ILECs or other common carriers voluntarily choose to offer internet transmission services as telecommunications services subject to the full scope of Title II requirements for such services. As a result, such providers remain subject to the obligations that arise under section 254(k) and the Commission’s rules by virtue of their elective provision of such services. For example, if a rate-of-return incumbent LEC (or other provider) voluntarily offers internet transmission outside the forbearance framework adopted in the Order, it remains subject to the pre-existing Title II rights and obligations, including those from which we forbear in the Order.

8. Access for Persons With Disabilities (Sections 225, 255, and 251(a)(2))

359. We do not forbear from those provisions of Title II that ensure access to BIAS by individuals with disabilities. Consistent with our conclusion above that BIAS is essential, we find that all Americans, including those with disabilities, must be able to reap the benefits of an open internet. Application of sections 225, 255, and 251(a)(2) is necessary to ensure access for these individuals, thereby protecting consumers and furthering the public interest.

360. Section 225 mandates that telecommunications relay services be made available on an interstate and intrastate basis to individuals who are deaf, hard of hearing, deafblind, and who have speech disabilities in a manner that is “functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.” To achieve this, the Commission has required all interstate service providers (other than one-way paging services) to provide TRS. People who are deaf, hard of hearing, deafblind, and who have speech disabilities increasingly rely upon internet-based video communications, both to communicate directly (point-to-point) with other persons who are deaf or hard of hearing who use sign language and through video relay service with individuals who do not use the same mode of communication that they do. VRS is a form of TRS that allows people who are blind, hard of hearing, deafblind, and who have speech disabilities who use sign language to communicate with voice telephone users through a communications assistant using video transmissions over the internet. In addition, these populations rely on other forms of

internet-based TRS, including Internet Protocol Relay Service (IP Relay) and Internet Protocol Captioned Telephone Service (IP CTS). IP Relay is a “telecommunications relay service that permits an individual with a hearing or a speech disability to communicate in text using an Internet Protocol-enabled device via the internet, rather than using a text telephone (TTY) and the public switched telephone network.” IP CTS is a “telecommunications relay service that permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an Internet Protocol-enabled device via the internet to simultaneously listen to the other party and read captions of what the other party is saying.” In using these forms of video communications, they rely on high definition two-party or multiple-party video conferencing that necessitates a broadband connection. Indeed, the Commission recognized the increased importance for persons with disabilities to have access to video conferencing services that arose during the COVID-19 pandemic and its aftermath.

361. Section 225 is forward-looking and requires the Commission to adopt TRS regulations that encourage the use of existing technologies and not discourage or impair the development of new technologies. As technology advances, the obligations of section 225 carry forward to ensure the Commission makes available to all individuals in the United States a rapid, efficient, nationwide communications service. For example, in 2007, the Commission extended the application of section 225 requirements to interconnected VoIP providers, relying at the time on its ancillary authority to the Commission’s to carry out the purposes established under section 1 of the Act, make available to all individuals in the United States a rapid, efficient nationwide communication service, and increase the utility of the telephone system. The Commission also relied on an express authority under section 225(d)(3)(B) to issue regulations that “shall generally provide that costs caused by interstate relay services shall be covered from all subscribers for every interstate service” to require VoIP providers to contribute to the TRS fund. Congress, in the CVAA, subsequently codified the obligations of interconnected and non-interconnected VoIP providers to contribute to the TRS fund. Limits imposed on bandwidth use through network management practices that might otherwise appear neutral, could have an adverse effect on internet-based TRS users who use sign language to communicate by degrading the

underlying service carrying their video communications. This result could potentially deny these individuals access to a functionally equivalent communications service. Additionally, if VRS and other internet-based TRS users are limited in their ability to use BIAS or are assessed extra costs for BIAS in order to access or use internet-based TRS or point-to-point services, this could cause discrimination against them because for many such individuals, TRS is the only form of communication that affords service that is functionally equivalent to what voice users have over the telephone. Moreover, limiting their bandwidth capacity could compromise their ability to obtain access to emergency services via VRS and other forms of internet-based TRS, which is required by the Commission's rules implementing section 225.

362. As emphasized in the *2015 Open Internet Order*, section 225 is important not only as a basis for future rules adopting additional protections but also to clarify internet-based TRS providers' obligations under existing rules. To be compensated from the TRS fund, providers' services must comply with section 225 and the Commission's TRS rules and orders. A number of IP-based TRS services are delivered through users' broadband internet access services. Forbearing from applying section 225 and our TRS service requirements would risk creating loopholes in the protections otherwise afforded to users of internet-based TRS services, or even just uncertainty that might result in degradation of these services. More specifically, if we were to forbear from applying these provisions, we run the risk of allowing actions taken by BIAS providers to come into conflict with the overarching goal of section 225, *i.e.*, ensuring that communication services made available through TRS are functionally equivalent, that is, mirror as closely as possible the voice communication services available to the general public. Enforcement of this functional equivalency mandate will protect against such degradation of service. In sum, we find that the enforcement of section 225 is necessary for the protection of consumers, and that forbearance would not be in the public interest.

363. Notwithstanding the foregoing, we forbear at this time, for reasons similar to those discussed above relating to our forbearance of universal service contributions for BIAS providers, from the application of TRS fund contribution obligations that otherwise would newly apply to BIAS. We find

that applying new TRS fund contribution requirements at this time is not necessary to ensure just, reasonable, and nondiscriminatory conduct by BIAS providers or for the protection of consumers under section 10(a)(1) and (a)(2) and that forbearance is in the public interest under section 10(a)(3). We limit our action only to forbearing from applying section 225(d)(3)(B) and our implementing rules insofar as they would immediately require new TRS fund contributions from BIAS providers. We reserve the ability to conduct a future rulemaking to require such contributions in the event future developments necessitate such action. Before adopting any TRS-related contributions requirements, the Commission would assess the need for such funding, and the appropriate contribution level, given the totality of concerns implicated in this context.

364. Consistent with the Commission's approach in 2015, nothing in our forbearance from TRS fund contribution requirements for BIAS is intended to encompass situations when ILECs or other common carriers voluntarily choose to offer internet transmission services as telecommunications services subject to the full scope of Title II requirements for such services. As a result, such providers remain subject to the TRS fund contribution obligations that arise under section 225 and the Commission's rules by virtue of their elective provision of such services until such time as the Commission further addresses such contributions in the future.

365. Further, with respect to BIAS, we do not forbear from applying sections 255 and 251(a)(2), and the associated rules, that require telecommunications carriers and equipment manufacturers to make their services and equipment accessible to individuals with disabilities, unless not readily achievable, and preclude the installation of "network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to section 255." In prior proceedings, the Commission has emphasized its commitment to implementing the important policy goals of section 255 in the internet access service context. Commenters have noted that broadband adoption, while growing, still lags among certain groups, including individuals with disabilities. Adoption of BIAS by persons with disabilities can enable these individuals to achieve greater productivity, independence, and integration into society in a variety of ways. These capabilities, however, are

not available to persons with disabilities if they face barriers to BIAS usage, such as inaccessible hardware, software, or services. We anticipate that increased adoption of services and technologies accessible to individuals with disabilities will, in turn, spur further availability of such capabilities, and of BIAS deployment and usage more generally.

366. Our forbearance analysis regarding sections 255 and 251(a)(2), and our implementing rules, is also informed by the incremental nature of the requirements imposed. The CVAA addressed advanced communication services (regardless of their regulatory classification) to ensure that such products and services are accessible to persons with disabilities, unless it is not achievable to do so. While the CVAA permits the Commission to adopt regulations that networks used to provide advanced communications services "may not impair or impede the accessibility of information content when accessibility has been incorporated into that content for transmission," such provisions alone do not help the Commission ensure that BIAS is accessible to people with disabilities.

367. As explained above, we find the provisions of the CVAA, while significant, are not sufficient protections in the context of BIAS, despite the claims of several commenters. Insofar as sections 255, 251(a)(2), and our implementing rules impose different requirements that are reconcilable with the CVAA, we find it appropriate to apply those additional protections in the context of BIAS for the reasons described above. For example, providers of BIAS must ensure that network services and equipment do not impair or impede accessibility pursuant to the sections 255 and 251(a)(2) framework. Because this section requires pass through of telecommunications in an accessible format, and 47 CFR 14.20(c) requires pass through of advanced communications services in an accessible format, the two sections work in tandem with each other, and forbearance from sections 255 and 251(a)(2) would therefore result in a diminution of accessibility. In particular, we find that these provisions and regulations are necessary for the protection of consumers and forbearance would not be in the public interest. We recognize that the Commission previously has held that section 2(a) of the CVAA exempts entities, such as internet service providers, from liability for violations of section 716 when they are acting only to transmit covered services or to

provide an information location tool. Thus, service providers that merely provide access to an electronic messaging service, such as a broadband platform that provides an end user with access to a web-based email service, are excluded from the accessibility requirements of section 716. Our decision here is not at odds with Congress's approach to such services under the CVAA, however, because we also have found that "relative to section 255, section 716 requires a higher standard of achievement for covered entities." Thus, under our decision here, BIAS will remain excluded from the "higher standard of achievement" required by the CVAA to the extent provided by that law, and instead will be subject to the lower standard imposed under section 255 in those cases where the CVAA does not apply.

9. Other Title II Provisions

368. We adopt our proposal to not grant forbearance to the extent it was considered and rejected for particular statutory provisions in the *2015 Open Internet Order*. The record does not reflect that the Commission's forbearance criteria or analyses must be updated with regard to these obligations, and no commenter suggests we should forbear from these provisions. Specifically, we do not forbear from section 257 of the Act and provisions insofar as they only reserve State or local authority, as these provisions impose certain obligations on the Commission without creating enforceable obligations that the Commission would apply to telecommunications carriers or telecommunications services. Section 257 also may enhance public safety by giving the Commission additional authority to address outage reporting requirements. We also decline requests to forbear from applying sections 253 and 332(c), which provide us authority to preempt State and local requirements, which is consistent with the preemption approach we articulate in the Order, and we therefore find it is in the public interest to continue applying those provisions. Additionally, for the reasons fully elaborated on in the *2015 Open Internet Order*, we decline to forbear from the CALEA requirements in section 229. To the extent we do not forbear from these or any other provisions or regulations, BIAS providers remain free to seek relief from such provisions or regulations through appropriate filings with the Commissions.

369. We also similarly do not forbear from applying Title II provisions that could be viewed as a benefit to BIAS

providers, such as sections 223, 230(c), and 231. Section 230(c) was not covered by the scope of forbearance in the *2015 Open Internet Order* because "its application does not vary based on the classification of BIAS here." Since section 230(c)'s application has not changed since the Commission adopted the *2015 Open Internet Order*, the Commission again does not forbear. Similarly, applying sections 223 and 231 (to the extent enforced) and their associated limitations on liability, still do not vary with BIAS's classification, and are not encompassed by the forbearance in the Order. Many of the relevant provisions in these sections stem from the Child Online Protection Act (COPA), which has been enjoined as unconstitutional. A Federal court held that COPA is unconstitutional and placed a permanent injunction against its enforcement, and that decision was affirmed on appeal. We also find that, to the extent that Title II provisions benefit BIAS providers and newly apply by virtue of reclassification, applying those provisions better serve the public interest because they promote broadband deployment.

C. Broad Forbearance From Other Title II Provisions for Broadband Internet Access Service

370. Beyond the specific statutory provisions and regulations expressly excluded from forbearance as discussed above and in the sections below, we apply broad forbearance, to the full extent permitted by our authority under section 10 of the Act, from provisions of Title II of the Act and implementing Commission rules that would apply to BIAS by virtue of its classification as a Title II telecommunications service. We are persuaded that this forbearance is appropriate and in the public interest based on our predictive judgment regarding the adequacy of other protections where needed, the role of section 706 of the 1996 Act, and how we have tailored our forbearance to account for updated conclusions in this proceeding regarding the application of particular rules, requirements, and sources of authority to BIAS. The record also provides support for the forbearance approach we take here.

371. Consistent with our analysis in 2015, we conclude that our analytical approach as to all the provisions and regulations from which we forbear in the Order is consistent with section 10(a). We also decline WISPA's request that we conduct a cost-benefit analysis of the imposition of Title II regulations in the context of deciding which regulations we should or should not forbear from. WISPA Comments at 60.

This is unnecessary, as we find that our forbearance is in the public interest and is consistent with 10(a) analysis. Under section 10(a)(1), we consider here whether particular provisions and regulations are "necessary" to ensure "just and reasonable" conduct by BIAS providers. In interpreting that terminology, we conclude that we reasonably can account for policy trade-offs that can arise under particular regulatory approaches, as discussed above. While the specific balancing at issue in *EarthLink v. FCC* may have involved trade-offs regarding competition, we nonetheless believe the view expressed in that decision accords with our conclusion here that we permissibly can interpret and apply all the section 10(a) criteria to also reflect the competing policy concerns here. As the D.C. Circuit also has observed, within the statutory framework that Congress established, the Commission "possesses significant, albeit not unfettered, authority and discretion to settle on the best regulatory or deregulatory approach to broadband." For one, we find it reasonable in the BIAS context for our interpretation and application of section 10(a)(1) to be informed by section 706 of the 1996 Act. Given the characteristics specific to BIAS that we find on the record here—including, among other things, protections from the newly adopted open internet rules and the overlay of section 706—we limit our forbearance from the relevant provisions and regulations to the context of BIAS. Outside that context, they will continue to apply as they have previously, unaffected by the Order. As discussed above, section 706 of the 1996 Act "explicitly directs the FCC to 'utiliz[e]' forbearance to 'encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans,'" and our recent negative section 706(b) determination triggers a duty under section 706 for the Commission to "take immediate action to accelerate deployment." As discussed in greater detail below, a tailored regulatory approach avoids disincentives for broadband deployment, which we weigh in considering what outcomes are just and reasonable—and whether the forbearance provisions are necessary to ensure just and reasonable conduct—under our section 10(a)(1) analyses in this item. Furthermore, our forbearance in the Order, informed by past experience and the record in this proceeding, reflects the recognition that, beyond the specific provisions from which we decline to forbear above and

the bright-line open internet rules we adopt below, particular conduct by a BIAS provider can have mixed consequences, rendering a case-by-case evaluation superior to bright-line rules. Consequently, based on those considerations, we predict that, outside the authority we retain and the rules we apply in the Order, just and reasonable conduct by BIAS providers is better ensured under section 10(a)(1) by the case-by-case regulatory approach we adopt—which enables us to account for the countervailing policy implications of given conduct—rather than any of the more bright-line requirements that would have flowed from the provisions and regulations from which we forbear. As explained above, we conclude that while competition can be a sufficient basis to grant forbearance, it is not inherently necessary to find section 10 satisfied. These same considerations underlie our section 10(a)(2) analyses as well, since advancing BIAS deployment and ensuring appropriately nuanced evaluations of the consequences of BIAS provider conduct better protects consumers. Likewise, these same policy considerations are central to the conclusion that the forbearance granted in the Order, against the backdrop of the protections that remain, best advance the public interest under section 10(a)(3).

372. The Commission's practical experience with the classification of BIAS informs our section 10(a) analysis for the remaining statutory and regulatory obligations triggered by classifying BIAS as a Title II telecommunications service. Although practical experience in and of itself does not resolve the appropriate regulatory treatment of BIAS, it suggests that our approach guards against undue burden that could hinder BIAS deployment or otherwise be contrary to the public interest. We are not persuaded by arguments to the contrary, nor that we should not adopt the regulatory framework in the Order because it will impose such high compliance costs on providers relative to the *status quo* from the near-term past. The record reflects that providers were not deterred from network investment after the Commission adopted a similar regulatory approach in the *2015 Open Internet Order* and that some providers voluntarily continue to follow certain conduct rules. We note in this regard that when exercising its section 10 forbearance authority “[g]uided by section 706,” the Commission permissibly may “decide[] to balance the future benefits” of encouraging broadband deployment “against [the]

short term impact” from a grant of forbearance. Under the section 10(a) analysis, we are particularly persuaded to give greater weight to the likely benefits of proceeding cautiously given the speculative or otherwise limited nature of the arguments in the current record regarding the forbearance approach adopted here, which we discuss in greater detail below. Although we adopt firm forbearance from all direct rate regulation, with respect to other provisions from which we forbear here, we note that it also is within the Commission's discretion to proceed incrementally, and we find that adopting an incremental approach here—by virtue of the forbearance granted here—guards against any unanticipated and undesired detrimental effects on broadband deployment that could arise. While we find that the tailored regulatory framework we adopt in the Order strikes the right balance, we note that the D.C. Circuit has recognized the Commission's authority to revisit its decision should that prove not to be the case.

1. Rate Regulation (Sections 201 and 202)

373. Although we conclude, as the Commission did in 2015, that the section 10 criteria are not met with respect to forbearance from section 201 and 202 in full, “because we do not and cannot envision adopting new *ex ante* rate regulation” or *ex post* rate regulation of BIAS beyond the scope of our open internet conduct rules in the future, we forbear from applying sections 201 and 202 to BIAS to the extent they would permit such regulation. Contrary to New America's Open Technology Institute's claim, our sections 201 and 202 forbearance with respect to rate regulation is consistent with the Commission's approach in 2015. In forbearing from sections 201 and 202 in this manner, we reiterate that states may have a role to play in promoting broadband affordability. Given the protection of our open internet rules, we do not find *ex ante* or *ex post* rate regulation necessary for purposes of section 10(a)(1) and (a)(2), and we find it in the public interest to forbear from applying sections 201 and 202 insofar as they would permit the adoption of such rate regulations for BIAS in the future. We therefore find to be unfounded claims that our refusal to forbear entirely from sections 201 and 202 means that the Commission could introduce rate regulation of BIAS despite our commitment not to do so.

2. Tariffing (Sections 203 and 204)

374. We find the section 10(a) criteria met and forbear from applying section 203 of the Act insofar as it newly applies to BIAS providers by virtue of our classification of BIAS. Section 203 requires Title II common carriers to file a schedule of rates and charges for interstate common carrier services. We forbear from tariffing provisions because we predict that the other protections that remain in place are adequate to guard against unjust and unreasonable, and unjustly and unreasonably discriminatory, rates and practices in accordance with section 10(a)(1) and to protect consumers under section 10(a)(2). We also conclude that those other protections reflect the appropriate calibration of regulation of BIAS at this time, such that forbearance is in the public interest under section 10(a)(3).

375. We find that section 203's requirements are not necessary to ensure just and reasonable, and not unjustly or unreasonably discriminatory, rates and practices under section 10(a)(1) nor to protect consumers under 10(a)(2). Sections 201 and 202 of the Act, from which we do not forbear, and our open internet rules are designed to preserve and protect internet openness by prohibiting unjust and unreasonable, and unjustly or unreasonably discriminatory, conduct by BIAS providers for or in connection with BIAS, protecting the retail mass market customers of BIAS. In calibrating that legal framework, we considered, among other things, the operation of the marketplace in conjunction with those protections. This regulatory scheme is substantially similar to the one we used in the *2015 Open Internet Order*, since there is no evidence that approach did not adequately protect the interests of consumers—including the interest in just, reasonable, and nondiscriminatory conduct—that might otherwise be threatened by the actions of BIAS providers. As such, we make the same finding in the Order. In the event that BIAS providers violate sections 201 or 202 of the Act, the open internet rules, or any other BIAS requirements, they remain subject to complaints and Commission enforcement action.

376. That the Commission has never before imposed tariffing requirements on BIAS as defined here also supports our section 10 analysis. This practical experience informs what issues may arise with forbearance from tariffing requirements in this proceeding and underlies our prediction that the remaining rules and requirements are sufficient to fulfill the requirements under section 10. Additionally, our

forbearance from section 203 is consistent with our broad forbearance from all Title II provisions that could be used to impose *ex ante* or *ex post* rate regulation on BIAS providers, and we therefore make clear that we will not impose any such rate regulation nor any requirement of advanced Commission approval of rates and practices as otherwise would have been imposed under section 203 on BIAS providers.

377. We find that forbearance from tariffing requirements for BIAS satisfies section 10(a)(1) and (a)(2) and is consistent with the public interest under section 10(a)(3) in light of the objectives of section 706. As explained above, section 706 of the 1996 Act “explicitly directs the FCC to ‘utiliz[e]’ forbearance to ‘encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans.’” The D.C. Circuit has further held that the Commission “possesses significant, albeit not unfettered, authority and discretion to settle on the best regulatory or deregulatory approach to broadband.” We find that the scope of our adopted forbearance strikes the right balance at this time between, on the one hand, providing the regulatory protections clearly required by the evidence and our analysis to, among other things, guard the virtuous cycle of internet innovation and investment and, on the other hand, avoiding additional regulations that do not appear required at this time and that risk needlessly detracting from BIAS providers’ broadband investments. We clarify that although we forbear from applying to BIAS section 203 and, as noted below, section 204, forbearing from tariffing does not limit the Commission’s existing authority to study rates or competition.

378. We also conclude that the public interest supports forbearing from tariffing requirements for BIAS under section 10(b)’s requirement that we analyze the impact forbearance would have on competitive market conditions. While we consider the section 10(b) criteria in our section 10(a)(3) public interest analysis, our public interest determination rests on other grounds. In particular, under the entirety of our section 10(a)(3) analysis, as discussed above, we conclude that the public interest supports the forbearance adopted in the Order. These same section 10(b) findings likewise apply in the case of our other section 10(a)(3) public interest evaluations with respect to BIAS, and should be understood as incorporated there. Nonetheless, we also believe that our overall regulatory approach, viewed broadly, advances

competition in important ways. The record reflects that competition is still limited, and does not provide a strong basis for concluding that the forbearance granted in the Order is likely to directly affect the competitiveness of the marketplace for BIAS. Our granted forbearance continues to be part of an overall regulatory approach designed to promote infrastructure investment in significant part by preserving and promoting innovation and competition at the edge of the network, and we similarly conclude that a grant of forbearance from section 203 indirectly promotes market competition by enabling us to strike the right balance at this time in our overall regulatory approach.

379. We disagree with Public Knowledge that we should not forbear from section 203 for BIAS because tariff filings “provide consumers with the transparency necessary to protect their interests.” The transparency rule and the broadband label requirements are designed to provide consumers with disclosures of BIAS providers’ commercial terms, including rates, as well as a wide array of other information about their services, and Public Knowledge fails to explain why these requirements are insufficient to provide consumers with information they need to protect their interest. We are thus not persuaded to depart from our section 10(a) findings above regarding section 203.

380. We also forbear from applying section 204 of the Act insofar as it newly applies to providers by virtue of our classification of BIAS. Section 204 provides for Commission investigation of a carrier’s rates and practices newly filed with the Commission, and to order refunds, if warranted. Since we forbear from section 203’s tariffing requirements, it is not clear what purpose section 204 would serve, and we thus apply our overarching section 10(a) forbearance analysis above to section 204. We decline Public Knowledge’s suggestion that the Commission retain section 204. We are not persuaded by Public Knowledge’s argument that “[t]here appears to be no a priori reason to assume that the Commission can adequately protect consumers by disclaiming its authority to suspend unjust rates and practices (Section 204).” Public Knowledge fails to explain why our remaining authority and regulations would be insufficient to protect consumers, or how section 204 would effectuate that purpose once we have forbore from applying section 203.

3. Enforcement-Related Provisions (Sections 205 and 212)

381. We forbear from applying certain enforcement-related provisions of Title II to BIAS beyond the core Title II enforcement authority discussed above, and find this forbearance warranted under section 10(a). Section 205 provides for Commission investigation of existing rates and practices and to prescribe rates and practices if it determines that the carrier’s rates or practices do not comply with the Communications Act. The Commission has forbore from enforcing section 205 when it sought to adopt a tailored, limited regulatory environment and, notwithstanding that forbearance, sections 201 and 202 and other complaint processes continued to apply. The Commission previously forbore from enforcing section 205 in the *2015 Open Internet Order*, finding that the core Title II enforcement authority, along with the ability to pursue claims in court, as discussed below, provide adequate enforcement options and the statutory forbearance test is met for section 205. Since we are adopting a substantially similar regulatory scheme as the *2015 Open Internet Order* and there is no evidence that those enforcement options were inadequate, we make the same finding in the Order. Consistent with our analysis above, we predict that these provisions are not necessary to ensure just, reasonable, and nondiscriminatory conduct by providers of BIAS or to protect consumers under section 10(a)(1) and (a)(2). In addition, as above, under the tailored regulatory approach we find warranted here, informed by our responsibilities under section 706, we conclude that forbearance is in the public interest under section 10(a)(3). We thus reject claims that we should not forbear from section 205 insofar as it is triggered by our classification of BIAS. Public Knowledge requests that we not forbear from enforcing sections 205, 209, 206, 216–217, and 212 because they provide consumers adequate remedies and the Commission the ability to hold providers accountable. But by Public Knowledge’s own admission applying these provisions is unnecessary, as we “arguably have similar authority under the broad grant of Sections 201 and 202 and its general authority under Section 4(i)” with regard to section 205 and other provisions it requests that we not forbear from enforcement.

382. We also forbear from applying section 212 to the extent that it newly applies by virtue of our classification of BIAS. Section 212 empowers the Commission to monitor interlocking

directorates, *i.e.*, the involvement of directors or officers holding such positions in more than one common carrier. The Commission has granted forbearance from section 212 in the CMRS context on the grounds that forbearance would reduce regulatory burdens without adversely affecting rates in the CMRS market. In so doing, the Commission noted that section 212 was originally placed in the Communications Act to prevent interlocking officers from engaging in anticompetitive practices, such as price fixing, but found protections of sections 201(b) and 221 and antitrust laws were sufficient to protect consumers against the potential harms from interlocking directorates. (The Commission noted that section 221 provided protections against interlocking directorates, but section 221(a) was repealed in the Telecommunications Act of 1996. This section gave the Commission the power to review proposed consolidations and mergers of telephone companies. While section 221(a) allowed the Commission to bolster its analysis to forbear from section 212 in the *Second CMRS Report and Order*, the protections against interlocking directorates provided by section 201(b) and 15 U.S.C. 19 provide sufficient protection to forbear from section 212 for BIAS.) Forbearance also reduced an unnecessary regulatory cost imposed on carriers. The Commission later extended this forbearance to dominant carriers and carriers not yet found to be non-dominant, repealing part 62 of its rules and granting forbearance from the provisions of section 212. Since we are adopting a substantially similar regulatory scheme as the *2015 Open Internet Order* and there is no evidence that other protections are not adequate, we make the same finding in the Order. We predict that other protections will adequately ensure just, reasonable, and nondiscriminatory conduct by BIAS providers and protect consumers here, and thus conclude that the application of section 212 is not necessary for purposes of section 10(a)(1) or 10(a)(2). Moreover, as above, under the tailored regulatory approach we find warranted here, informed by our responsibilities under section 706, we conclude that forbearance is in the public interest under section 10(a)(3). We thus reject Public Knowledge's claim that we should not forbear from section 212 insofar as it is triggered by our classification of BIAS.

4. Information Collection and Reporting (Sections 211, 213, 215, and 220(a)(2), (b), (f)–(j))

383. Outside the national security and public safety context, which we discuss above, we forbear from applying information collection and reporting provisions of the Act insofar as they would newly apply by virtue of our classification of BIAS as a Title II telecommunications service. These provisions principally are used by the Commission to implement its traditional rate-making authority over common carriers. Since we are not applying tariffing requirements to BIAS nor engaging in *ex ante* or *ex post* rate regulation of BIAS, it is not clear what purpose these provisions would serve. The Commission also has undertaken the Broadband Data Collection and adopted broadband labeling requirements since the *2015 Open Internet Order*, both of which empower consumers by providing them with greater transparency as to their broadband service and further suggest these information collection requirements are unnecessary. Given both our intention to tailor the regulations applicable to BIAS and our responsibility under section 706 to encourage deployment, we conclude that forbearance of these information collection and reporting provisions is in the public interest under section 10(a)(3) and applying these sections is not necessary within the meaning of section 10(a)(1) and (a)(2).

384. We disagree, in part, with Public Knowledge, which broadly argues that we should not forbear from sections 211, 213, 215, and 220. We also disagree with Public Knowledge that there is “no reason to forbear simply for the sake of forbearing when a waiver will minimize any regulatory burden without depriving the Commission of useful tools for the future.” We again note that while the Commission may waive its rules, it may not generally waive a provision of a statute. Forbearance is the mechanism for not applying statutory provisions when warranted. As discussed earlier, we retain sections 218 and 219, and certain provisions of section 220, which Public Knowledge also asserts should be excluded from forbearance, to ensure that the Commission has the ability to collect information and require reporting if necessary, including for national security and public safety purposes, and to ensure network resiliency. We conclude that excluding sections 218 and 219, and the section 220 provisions from forbearance, as detailed above, ensures that the Commission can collect

information necessary to carry out its duties with respect to the public interest. Public Knowledge does not name any uncollected information that would enhance our “ability to make informed policy choices that promote the Congressional goals of ubiquitous, affordable deployment.”

5. Interconnection and Market-Opening Provisions (Sections 251, 252, and 256)

385. We find the section 10 criteria met for forbearance from applying the interconnection and market-opening provisions in sections 251 (other than sections 251(a)(2)), 252, and 256 to the extent that they would newly apply through the classification of BIAS as a Title II service. As a result of the forbearance granted from section 251, section 252 thus is inapplicable, insofar as it is simply a tool for implementing the section 251 obligations. Although we do not forbear from applying section 251(a)(2) with respect to BIAS, we note that the Commission previously has held that the procedures of section 252 are not applicable in matters simply involving section 251(a). To the extent that the Commission nonetheless could be seen as newly applying section 252 with respect to BIAS as a result of our classification decision here, we find the section 10 criteria met for forbearance from that provision for the same reasons discussed below with respect to section 251. Given otherwise-existing authority that we retain under our open internet rules and provisions of the Act from which we do not forbear, we find that there is no current Federal need for those provisions—and, indeed, that they would conflict with the regulatory approach to BIAS that we find most appropriate. Thus, applying those provisions of the Act is not “necessary” under section 10(a)(1) and (a)(2). For those same reasons, we also find that forbearance is in the public interest under section 10(a)(3). We note that the Commission has determined that section 251(c) has been fully implemented throughout the United States, and thus permissibly is within the scope of the Commission's section 10 forbearance authority.

386. We begin by putting the key market-opening requirements of the sections 251 and 252 framework in their broader legal and regulatory context under current precedent (while saving discussion of the more limited role of section 256 for our targeted analysis of interconnection below). At a high level, section 251 provides a graduated set of interconnection requirements and other obligations designed to foster competition in telecommunications markets, particularly local markets. The

nature and scope of these obligations vary depending on the type of service provider involved.

- Section 251(a) sets forth general duties applicable to all telecommunications carriers, including the section 251(a)(1) duty “to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.”

- Section 251(b) sets forth additional duties for local exchange carriers pertaining to resale of services, number portability, dialing parity, access to rights-of-way, and reciprocal compensation—the duty to establish reciprocal compensation arrangements for the transport and termination of telecommunications (*i.e.*, arrangements for exchange of traffic terminating on another carrier’s network).

- Section 251(c) sets forth the most detailed obligations, which apply to ILECs, the group of local telephone companies that, prior to the 1996 Act, generally had been subject to little or no competition. These section 251(c) obligations include: the duty to “negotiate in good faith in accordance with section 252 the particular terms and conditions of agreements” to fulfill the section 251(b) and (c) requirements; additional direct, physical interconnection obligations; requirements to unbundle network elements; the duty to allow resale of telecommunications services at wholesale rates; requirements to provide notice of network changes; and a requirement to allow collocation of equipment.

387. In turn, section 252 directs State commissions to mediate and arbitrate interconnection disputes involving an ILEC, as well as to review interconnection agreements arrived at “by negotiation and arbitration.” The Commission has declined to adopt rules advising the State commissions on how to conduct mediations and arbitrations, and has stated that the states are in a better position to develop mediation and arbitration rules that support the objectives of the 1996 Act. ILECs are required to negotiate the implementation of section 251(b) and (c) requirements through interconnection agreements subject to section 252, and the Commission has held that the section 252 process applies even when a request involves section 251(a) and (b) alone, without any request under section 251(c). The Commission also has concluded that section 252 provides a State forum for disputes involving two carriers that are not ILECs regarding the implementation of section 251(b) duties.

388. Although the Commission has authority to adopt rules governing the

implementation of section 251(b) and (c), precedent demonstrates that State commissions acting under section 252 can resolve interconnection disputes even as to issues where the Commission has not adopted rules. Further, agreements between ILECs and other parties under section 252 can be entered “without regard to the standards set forth in subsections (b) and (c) of section 251 of this title.” And while interconnection agreements are subject to approval, by default that entails approval by a State commission—not the FCC. Further, parties aggrieved by State commission actions under section 252 do not raise those with the FCC—instead, they go in the first instance to Federal district court.

389. Even stated at that high level of abstraction, it is clear that the section 251/252 framework is significantly at odds with the regulatory framework we find warranted for BIAS to implement the “just and reasonable” requirements of sections 201 and 202; to protect consumers; and to advance the public interest. Our bright-line conduct rules implementing sections 201 and 202, Title III of the Act, and section 706 of the 1996 Act, squarely address key issues regarding the carriage of traffic, subject to reasonable network management. We otherwise deliberately elect to take a case-by-case approach in evaluating BIAS-related conduct, including traffic exchange agreements. And although we do not categorically preempt all State or local regulation affecting BIAS, we clearly express our intention to preempt conflicting State and local regulations—including regulations more onerous than the regulatory framework we adopt.

390. Trying to square our chosen regulatory approach to BIAS with the section 251/252 framework is problematic, to say the least. As described above, the section 251/252 framework presupposes heavy State involvement in its implementation, providing for states to resolve previously unaddressed legal and policy questions under the Federal framework while also leaving states to impose State law requirements. Sections 251 and 252 also render all such decisions subject to State commission interpretation and enforcement in the first instance, with any direct review coming not from the FCC but from Federal courts. Given our conscious choice to leave significant issues to case-by-case evaluation, if the section 251/252 framework applied we would risk forgoing the ability to be the first one to pass on previously unaddressed policy issues, instead yielding those decisions to State commissions. Although we could seek

to constrain states by adopting *ex ante* rules in this regard specifically implementing section 251, that would force us down a course we have expressly disavowed as unwarranted under the general conduct rule and oversight of traffic exchange agreements, where we find case-by-case review most appropriate. Even then, section 251(d)(3) specifies that, in prescribing and enforcing regulations to implement the requirements of the section, the Commission shall not preclude the enforcement of any regulation, order, or policy of a State commission that: (a) establishes access and interconnection obligations of local exchange carriers; (b) is consistent with the requirements of the section; and (c) does not substantially prevent implementation of the requirements of the section and the purposes of the part. What is more, tying our rules to the section 251/252 framework opens the door for them to be disregarded entirely through intercarrier agreements entered into “without regard to the standards set forth in subsections (b) and (c) of section 251.” In sum, rather than a primarily Federal policy framework administered in the first instance by the Commission—and our choice of the best mix of bright-line rules and case-by-case review—applying the section 251/252 framework risks forcing us into a choice between preserving case-by-case review in many scenarios, but leaving unresolved policy questions to be first addressed by states in many cases, or else forgoing case-by-case review even where we think it is warranted in favor of *ex ante* rules that might have the perverse consequence of opening the door for providers to disregard them.

391. That backdrop is a key overlay to all of our forbearance analyses in this regard. Insofar as applying the section 251/252 framework would undermine the regulatory approach we have identified as the best way to ensure just and reasonable rates and practices under sections 201 and 202 of the Act, and the best way to protect consumers, that is highly relevant to our evaluation of whether there is a current Federal need for the section 251/252 framework in the BIAS context under the section 10(a)(1) and (a)(2) forbearance criteria. Those considerations also carry significant weight in our public interest evaluation under section 10(a)(3). Although Congress directed the Commission, in section 706 of the 1996 Act, to encourage the deployment of advanced telecommunications capability through, among other things, “measures that promote competition in the local telecommunications market”—

and we concede that the section 251/252 framework is one such example—we nonetheless conclude that our approach correctly reflects the overall legal framework Congress established in the 1996 Act. Congress recognized that our preexisting section 201 authority could enable us, in the case of interstate and international services, to do many of the same things addressed for intrastate services as well under section 251, and thus expressly preserved that authority against any inference of an implicit repeal or narrowing through its enactment of section 251. Likewise, the Commission previously has sought to balance the advancement of competition policy with the duty to encourage advanced services deployment pursuant to section 706, which we conclude is advanced by our tailored regulatory approach here. Our overall analysis of the record on investment incentives—including evidence and arguments regarding more extensive or less extensive regulation than the tailored approach adopted here—is discussed in greater detail above.

a. Interconnection and Traffic Exchange

392. Arguments in the record that identify concrete scenarios where sections 251(a)(1), 251(b)–(c), 252, and 256 could be relevant only involve the related issues of interconnection and traffic exchange. We clarify that for purposes of this section we use the term “interconnection” solely in the manner it is used and defined for purposes of these provisions. Most significantly, WTA argues that the section 251/252 framework could help resolve problems rural carriers experience when dealing with “large internet backbone and middle mile transport providers” due to “disadvantages and discrepancies in negotiation power and resources”—including “refusals to upgrade the capacity and quality of middle mile facilities, take-it-or-leave it offers rather than *bona fide* negotiations of IP interconnection and traffic exchange terms and conditions, and demands that broadband traffic be accepted at and delivered to large carrier facilities in distant cities at the WTA member’s expense.” Although those are important concerns, we are not persuaded that applying the section 251/252 framework—or section 256—would be an appropriate course of action. As with our forbearance analysis more generally, we can proceed by assuming that certain requirements apply and evaluate the section 10 criteria on that basis. And because we forbear from the relevant requirements we need not, and do not, resolve whether BIAS could constitute “telephone exchange service” or

“exchange access,” nor whether any particular non-BIAS provider seeking to interconnect and exchange traffic with a BIAS provider is a carrier. To the extent that WTA goes beyond BIAS and argues that the section 251/252 framework should apply to “any other IP broadband services” or “other IP interconnection,” it does not explain what it means in a way that would undercut—or even demonstrate the relevance of—those other scenarios to the forbearance at issue here. We thus do not depart from the forbearance analysis above on the basis of such undeveloped references.

393. *Sections 251(a)(1) and 256.* Section 251(a)(1) requires all carriers to interconnect with other carriers directly or indirectly. However, the identified concerns do not demonstrate a refusal to interconnect (even indirectly). Rather, they reflect dissatisfaction with the claimed inconvenience and expense. Thus, section 251(a)(1) does not appear even potentially to be a solution to these concerns.

394. Likewise, section 256 does not appear any more relevant of a solution, even in theory. Section 251(a)(2)—which we do not forbear from applying, as explained above—prohibits carriers from “install[ing] network features, functions, or capabilities that do not comply with the guidelines and standards established” pursuant to two other provisions of the Act. The first of those provisions is section 255 of the Act, which is designed to make networks more usable by individuals with disabilities—and which is the premise of our decision not to forbear from applying section 251(a)(2). The second of those provisions is section 256, which, without granting the Commission any new authority, provides for the Commission to encourage coordinated network planning and network interconnectivity, including through participating in industry standards-setting. But again, the types of industry standards or network planning contemplated by section 256 do not appear to address the concerns raised by rural carriers about the cost and inconvenience of interconnection.

395. Consequently, because these concretely identified concerns about interconnection would not be addressed by sections 251(a)(1) and 256 in any case, we see no current Federal need to apply those provisions of the Act insofar as they would be newly triggered by our classification of BIAS. Indeed, the Commission retains authority under sections 201 and 202, and the open internet rules, to address interconnection issues should they

arise, including through evaluating whether BIAS providers’ conduct is just and reasonable on a case-by-case basis. These remaining legal protections that apply with respect to BIAS providers will enable us to act if needed to ensure that a provider does not unreasonably refuse to provide service or interconnect. Thus, we do not find it “necessary” to apply section 251(a)(1) or section 256 to ensure just and reasonable rates and practices under section 10(a)(1) or to protect consumers under section 10(a)(2). For those same reasons, we find forbearance in the public interest under section 10(a)(3), consistent with our decision to proceed incrementally and make clear the limited extent of our departure from the preexisting regulatory *status quo*.

396. *Sections 251(c)(2) and 252.* We next turn to the interconnection requirements of section 251(c)(2). That provision requires ILECs to provide interconnection “at any technically feasible point within the carrier’s network . . . on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.” Because it is a provision implemented under the combined section 251/252 framework, it squarely implicates the full array of concerns discussed above about the conflict between that framework and the regulatory approach to BIAS that we conclude is most appropriate.

397. WTA’s arguments do not persuade us that forbearance is unwarranted. For one, it does not appear that WTA’s concerns about rural carriers’ need to carry traffic “to large carrier facilities in distant cities at the WTA member’s expense” meaningfully would be remedied by the application of section 251(c)(2), which still requires the carrier invoking section 251(c)(2) to get its traffic to a “point within the [ILEC’s] network.” Although WTA’s concerns about “refusals to upgrade the capacity and quality of middle mile facilities” and “take-it-or-leave it offers rather than *bona fide* negotiations of IP interconnection . . . terms and conditions” theoretically could be addressed under section 251(c)(2) where that provision applies, the practical scope of that provision appears quite limited as relevant here. Even assuming *arguendo* that the internet backbone providers and middle mile providers of concern to WTA would be telecommunications carriers (or else they would not be subject to the section 251/242 framework in the first place), the universe of ILECs providing such service—the only providers actually subject to section 251(c)—is far more limited. And even then, section 251(c) does not apply to many rural carriers by

virtue of section 251(f). Section 251(f)(1) of the Act establishes a default exemption from all of section 251(c) for a “rural telephone company” absent a request from a carrier invoking section 251(c) and an affirmative determination by a State commission “that such request is not unduly economically burdensome, is technically feasible, and is consistent with section 254 of this title (other than subsections (b)(7) and (c)(1)(D) thereof).” Further, under section 251(f)(2), “[a] local exchange carrier with fewer than 2 percent of the Nation’s subscriber lines installed in the aggregate nationwide may petition a State commission for a suspension or modification of the application of a requirement or requirements of subsection (b) or (c)” of section 251.

398. But once we assume *arguendo* that the internet backbone providers and middle mile providers of concern to WTA would be telecommunications carriers, that scenario is one that the Commission can address far more comprehensively through sections 201 and 202 on a case-by-case basis. And it will be the FCC—rather than State commissions—addressing previously unresolved policy issues and generating a more uniform Federal regulatory framework for BIAS. We otherwise have determined that an FCC-led case-by-case evaluation is the best approach to internet traffic exchange arrangements consistent with our obligation to ensure just and reasonable rates and practices under sections 201 and 202 of the Act. Because we conclude that the section 251(c)(2)/252 framework would interfere with that approach, and because we find that our regulatory approach will enable us to more comprehensively and consistently address any issues that arise in this regard, while appropriately balancing BIAS providers’ investment incentives, we conclude that applying those provisions is not “necessary” under section 10(a)(1) and (a)(2), and that forbearance is in the public interest under section 10(a)(3).

399. Sections 251(b)(5) and 252. The final concrete issue raised by WTA—its concern about “take-it-or-leave it offers rather than *bona fide* negotiations of IP . . . traffic exchange terms and conditions”—requires a clarification about terminology. When the Commission referred to “Internet traffic exchange arrangements” in the 2015 *Open Internet Order* and again here, it contemplated arrangements or agreements potentially dealing with both the physical linking of networks and the associated exchange of traffic. Section 251 reflects a different approach. Subsections (a)(1) and (c)(2)

address the linking of networks, while subsection (b)(5) addresses compensation arrangements for traffic exchange. Thus, when considering concerns associated with traffic exchange under section 251, we must focus on subsection (b)(5).

400. Section 251(b)(5) requires LECs “to establish reciprocal compensation arrangements for the transport and termination of telecommunications.” In the Commission’s implementation of this provision (in conjunction with other statutory provisions) outside the BIAS context, it has established an extensive series of rules addressing traffic exchange arrangements between local carriers and other carriers, that generally has moved in the direction of “bill-and-keep” arrangements rather than per-minute (or other) intercarrier compensation payments. Under bill-and-keep arrangements, a carrier generally looks to its end users—which are the entities and individuals making the choice to subscribe to that network—rather than looking to other carriers and their customers to pay for the costs of its network. The changes to the preexisting intercarrier rate regulations were paired with universal service support when appropriate to account for lost revenues, and with a State role in defining the specific point in the network where each carrier is responsible for its own costs in delivering the network (called the “network edge”).

401. Because section 251(b)(5)—like section 251(c)(2)—is a provision implemented under the combined section 251/252 framework, it squarely implicates the full array of concerns discussed above about the conflict between that framework and the regulatory approach to BIAS that we conclude is most appropriate. Against that backdrop, the record on this issue likewise does not persuade us that forbearance is unwarranted.

402. As a threshold matter, we are not persuaded to simply apply our existing rules implementing section 251(b)(5) in the case of BIAS traffic. Those rules reflect a carefully calibrated regulatory regime designed to account for historical reliance interests as well as the interests of universal service contributors being asked to bear costs associated with revenue replacement mechanisms. They were not adopted with the expectation that they would apply to BIAS traffic, and abruptly doing so could seriously unsettle that careful balance.

403. Although there is debate in the record about whether and when bill-and-keep could be appropriate in this context irrespective of those intercarrier

compensation rules, our past experience counsels for a cautious approach. As noted above, before adopting a shift to bill-and-keep for traffic historically subject to intercarrier compensation, the Commission evaluated a comprehensive record on the merits of such an approach, the associated reliance interests that could be affected, and how to employ universal service support in response to any legitimate reliance interests or need for revenues beyond what could be recovered from end users. Absent a carefully calibrated regulatory approach founded on such a record, an industry-wide shift to mandatory bill-and-keep for BIAS traffic risks disruptive consequences for end-user BIAS rates, overall industry recovery, and provider viability.

404. Thus, we find that either applying our existing intercarrier compensation framework implementing section 251(b)(5) (along with sections 201(b) and 254, among other provisions) or adopting bill-and-keep here as the industry approach to traffic exchange arrangements for BIAS traffic under section 251(b)(5) itself risks undermining just and reasonable rates and practices and harming consumers. Thus, applying such requirements naturally is not necessary to ensure just and reasonable rates and practices under section 10(a)(1) or for the protection of consumers under section 10(a)(2). And for those same reasons, we find forbearance to be in the public interest under section 10(a)(3).

405. The remaining near-term issue is the choice between relying on case-by-case assessments under the regulatory framework for BIAS we already have identified as most appropriate, or instead on attempting case-by-case assessments under the section 251(b)(5)/252 framework. As discussed above, there are inherent incompatibilities between the Federal case-by-case review we contemplate and any approach that relies on the heavily state-commission-dependent section 251/252 framework. Thus, we do not see it as realistically viable to maintain both approaches simultaneously in disparate forums with the likelihood of divergent policy decisions from different decisionmakers. And the record does not reveal benefits from the section 251(b)(5)/252 framework that would offset the harms to what we have identified as the best way to ensure just and reasonable rates and practices, to protect consumers, and to advance the public interest.

406. As an alternative to case-by-case evaluation of traffic exchange issues, we find the section 251(b)(5)/252 framework inferior. For one, as

contemplated by our regulatory approach based principally on sections 201 and 202 of the Act, oversight of internet traffic exchange arrangements can encompass both interconnection and traffic exchange issues. But section 251(b)(5) is limited narrowly to traffic exchange, and at best could be paired with the broadly applicable interconnection requirement of section 251(a)(1) that imposes limited substantive duties unlikely to address the concerns raised in the record and/or the (theoretically) somewhat helpful substantive requirement of section 251(c)(2) that appears likely to apply to at most a very narrow subset of the providers of concern. Further, the notion of a truly case-by-case approach under section 251(b)(5) is at least somewhat illusory. Given the wording of section 251(b)(5), an “originating carrier is barred from charging another carrier for delivery of traffic that falls within the scope of section 251(b)(5).” Thus, section 251(b)(5) itself constrains the possible outcomes of traffic exchange arrangements as compared to the greater flexibility we find in our approach grounded in sections 201 and 202.

407. For all those reasons, we conclude that application of the section 251(b)(5)/252 framework is not necessary under section 10(a)(1) and (a)(2). For those same reasons, we also conclude that forbearance is in the public interest under section 10(a)(3).

b. Generalized Arguments About Competition

408. We also do not depart from our forbearance analysis above—or the forbearance from sections 251 (other than subsection (a)(2)), 252, and 256 in the *2015 Open Internet Order*—based on generalized arguments about the need for, or benefits of, competition. To be clear, we forbear from applying all of section 251 other than subsection (a)(2) insofar as it would newly apply to BIAS or a BIAS provider by virtue of our classification of BIAS as a telecommunications service. Public Knowledge asserts that “[a] wide variety of provisions that the Commission proposes to forbear from enforcing are essential to promoting competition,” but does not identify specifically what provisions it has in mind. Against the backdrop of the *2015 Open Internet Order* having identified sections 251, 252, and 256 as involving interconnection and market-opening provisions, we consider Public Knowledge’s arguments in that context here. To the extent that Public Knowledge had other provisions in mind, its high-level arguments about

competition divorced from any reference to specific provisions or requirements does not persuade us to depart from the forbearance approach adopted in the *2015 Open Internet Order*. Competition is important, and the regulatory framework for BIAS that we adopt here will contribute to increased competition for BIAS itself as well as for the broader internet marketplace. At the same time, it is not the Commission’s purpose to protect specific competitors—or even competition merely for its own sake—but ultimately to seek the benefit of end users. Thus, generalized arguments about competition do not persuade us to depart from the forbearance analysis above, the forbearance analysis in the *2015 Open Internet Order*, or the forbearance from sections 251 (other than subsection (a)(2)), 252, and 256 granted there.

6. Subscriber Changes (Section 258)

409. We forbear from applying section 258 insofar as it would newly apply by virtue of our classification of BIAS as a Title II telecommunications service. Section 258 and the Commission’s implementing rules provide important protections to voice service customers against unauthorized carrier changes. As was the case when the Commission adopted the *2015 Open Internet Order*, the record does not indicate whether or how unauthorized changes involving BIAS providers could occur. Consequently, it remains unclear what purpose applying this provision would serve, especially given the consumer protections afforded by the core BIAS requirements. As under our analyses of other Title II provisions from which we forbear, we conclude that application of section 258 is not necessary for purposes of section 10(a)(1) and (a)(2) and that forbearance is in the public interest under section 10(a)(3). We disagree with Public Knowledge that we should not forbear from section 258. While we do not disagree that section 258 can provide consumers protections for voice services, Public Knowledge fails to articulate how an unauthorized carrier change could occur in the context of BIAS.

7. Other Title II Provisions

410. Beyond the provisions already addressed above, we also forbear from applying additional Title II provisions that could give rise to new requirements by virtue of our classification of BIAS to the extent our section 10 authority allows. We find it notable that no commenter raises significant concerns about forbearing from these

requirements, which reinforces our analysis below.

411. We conclude that the three-part statutory test under section 10(a) is met to forbear from applying certain provisions concerning BOCs in sections 271–276 of the Act to the extent that they would impose new requirements arising from classifying BIAS as a Title II telecommunications service, as the Commission did in the *2015 Open Internet Order*. Sections 271, 272, 274, and 275 establish requirements and safeguards regarding the provision of interLATA services, electronic publishing, and alarm monitoring services by the BOCs and their affiliates. The Commission has determined that section 271 has been fully implemented throughout the United States. Therefore, the prohibition in section 10(d) of the Act against forbearing from section 271 prior to such a determination is not applicable. Section 273 addresses the manufacturing, provision, and procurement of telecommunications equipment and customer premises equipment (CPE) by the BOCs and their affiliates, the establishment and implementation of technical standards for telecommunications equipment and CPE, and joint network planning and design, among other matters. Section 276 addresses the provision of “payphone service,” and in particular establishes nondiscrimination standards applicable to BOCs’ provision of payphone service.

412. We again conclude that the application of any newly triggered provisions of sections 271 through 276 to BIAS is not necessary within the meaning of section 10(a)(1) or (a)(2), and that forbearance from these requirements is consistent with the public interest under section 10(a)(3), with one exception regarding section 276 that we discuss below. Many of the provisions in these sections are not currently in effect at all. Others impose continuing obligations that are, at most, tangentially related to the provision of BIAS. Forbearance from any application of these provisions with respect to BIAS insofar as they are newly triggered by our classification of that service will not meaningfully affect the charges, practices, classifications, or regulations for or in connection with that service, consumer protection, or the public interest. The Alarm Industry Communications Committee (AICC) argues that we should not forbear from section 275 because it “would actively strip the alarm industry of existing protections.” AICC asserts that refraining from forbearance of section 275 would be consistent with the *2015 Open Internet Order* because “that

Order held that forbearance from section 275 was only appropriate where it would impose new requirements arising from the reclassification of BIAS as a Title II service.” We note that the 2015 *Open Internet Order* specifically said that it forbears from section 275, *inter alia*, “to the extent that [it] would impose new requirements arising from the classification of broadband internet access service in this Order.” We take the same approach in the Order, and therefore find that the Order does not strip the alarm industry of any protections that may have existed prior to our reclassification of BIAS. Consistent with our general approach to forbearance here, which seeks to address new requirements that could be triggered by our classification of BIAS, we do not forbear with respect to provisions to the extent that they already applied prior to the Order. For example, section 271(c) establishes substantive standards that a BOC was required to meet to obtain authorization to provide interLATA services in an in-region state, which it must continue to meet to retain that authorization. In addition, section 271(c)(2)(B)(iii), which requires that a BOC provide nondiscriminatory access to poles, ducts, conduits, and rights-of-way in accordance with the requirements of section 224 of the Act, does not depend upon the classification of BOCs’ BIAS. In combination with section 271(d)(6), this provision provides the Commission with an additional mechanism to enforce section 224 against the BOCs. We also do not forbear from section 271(d)(6) to the extent that it provides for enforcement of the provisions we do not forbear from here. In addition, while the BOC-specific provisions of section 276 theoretically could be newly implicated insofar as the reclassification of BIAS might result in some entities newly being treated as a BOC, the bulk of section 276 appears independent of the classification of BIAS and we thus do not forbear as to those provisions.

413. We generally forbear from applying sections 221 and 259 of the Act, consistent with our forbearance throughout the Order. First, as described elsewhere, we forbear from all *ex ante* and *ex post* rate regulation, tariffing, and related recordkeeping and reporting requirements insofar as they would arise from our classification of BIAS. Second, we likewise forbear from unbundling and network access requirements that would newly apply based on the classification decision in the Order. We predict that other protections will be adequate to ensure just, reasonable, and nondiscriminatory conduct by providers

of BIAS and to protect consumers for purposes of section 10(a)(1) and (a)(2). Further, informed by our responsibilities under section 706, we adopt a regulatory approach that we find strikes the appropriate public interest balance under section 10(a)(3). For these reasons, we also forbear from section 221’s property records classification and valuation provisions, which would be used in the sort of rate regulation that we do not find warranted for BIAS. Likewise, just as we forbear from broader unbundling obligations, that same analysis persuades us to forbear from applying section 259’s infrastructure-sharing and notification requirements.

414. We also again grant forbearance from other miscellaneous provisions to the extent that they would newly apply as a result of our classification insofar as they do not appear necessary or even relevant for BIAS. Section 226 protects consumers making interstate operator services calls from pay telephones and other public telephones from unreasonably high rates and anti-competitive practices. Section 227(c)(3) imposes on carriers certain notification obligations related to the Telephone Consumer Protection Act (TCPA), and section 227(e) restricts the provision of inaccurate caller identification information associated with any telecommunications service. Because we are forbearing from these substantive requirements, we note that, as a consequence, there will not be a private right of action granted under section 227(c)(5) based on alleged violations of those forbore-from requirements in the context of BIAS. We note that while the universe of “calls” covered by section 227(b)(1)(A)(iii) is prerecorded or autodialed calls to “a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call” even with the reclassification of mobile BIAS we do not interpret there to be any new or expanded restrictions arising from that provision because the relevant calls also would need to be specifically to a “telephone number” assigned to the relevant service. As a result, there also would not be any private right of action under section 227(b)(3) that is newly triggered by the decisions in the Order. Section 228 regulates the offering of pay-per-call services and requires carriers, *inter alia*, to maintain lists of information providers to whom they assign a telephone number, to provide a short description of the services the information providers offer, and to

provide a statement of the cost per minute or the total cost for each service. Section 260 regulates LEC practices with respect to the provision of telemessaging services. It remains unclear how these provisions would be relevant to BIAS, and commenters do not explain how or argue that they would. Since the core BIAS requirements would also still be available to the Commission, we find that enforcing these provisions, to the extent they would newly apply by virtue of our classification of BIAS, is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with BIAS providers are just and reasonable and are not unjustly or unreasonably discriminatory under section 10(a)(1). Enforcement also is not necessary for the protection of consumers under section 10(a)(2), and forbearance from applying these provisions is consistent with the public interest under section 10(a)(3), particularly given our conclusion, informed by section 706, that it is appropriate to adopt a tailored approach here.

415. We clarify that we will not forbear from applying section 276 to the extent it applies to incarcerated people’s communications services (IPCS) or the Commission’s IPCS rules. Though the IPCS rules themselves do not appear to vary depending on whether BIAS is an “information service” or “telecommunications service,” the Commission previously made this clarification in the 2015 *Open Internet Order* to respond to a concern that forbearance “could be misconstrued as a limitation on the Commission’s authority with respect to any advanced ICS services (such as video visitation) that may replace or supplement traditional ICS telephone calls.” Congress amended section 276 of the Act in January 2023 to expand the Commission’s authority over IPCS under that provision, but the ultimate scope and bounds of that expanded authority is the subject of a pending rulemaking proceeding. Consistent with our conclusion below that it would be contrary to the public interest to forbear from applying section 276 to the extent it applies to IPCS or the Commission’s IPCS rules, given open questions about the scope of the Commission’s expanded authority under section 276, we find it prudent at this time—and consistent with the public interest—to retain our full section 201(b) authority specifically in the context of IPCS, as well. Though no commenter raises similar concerns in this proceeding, we make the same clarification, consistent

with the Commission's ongoing efforts to grant relief from exorbitantly high rates for calls between incarcerated people and their loved ones, particularly in light of Congress recently recognizing the increased role that advanced communications plays in these communications. This also is consistent with the Commission not forbearing from section 225, as the Commission has acted to improve communications access for incarcerated people with disabilities. We therefore find that forbearance would fail to meet the statutory test of section 10 of the Act, in that the protections of section 276 remain necessary to protect consumers and serve the public interest.

8. Truth-in-Billing Rules

416. We again forbear from applying our truth-in-billing rules insofar as they are triggered by our classification of BIAS here. As with our section 10 analysis above, we conclude that our truth-in-billing rules are not needed for the purposes of section 10(a)(1) and (2) and that forbearance is in the public interest under section 10(a)(3). No commenter discusses whether we should or should not forbear from our truth-in-billing rules, and we have no reason to believe that "our core BIAS requirements, including the requirement of just and reasonable conduct under section 201(b), will not provide important protections in this context even without specific rules."

9. Roaming-Related Provisions and Regulation

417. We adopt our proposal to grant the same conditional forbearance from common carrier roaming regulations as in the *2015 Open Internet Order* and find that doing so meets the section 10(a) analysis. As there is no record discussion regarding our forbearance from applying the Commission's roaming rules, we have no reason to believe that we should depart from the forbearance in the *2015 Open Internet Order* or that it would fail to meet the section 10(a) analysis. The Commission has established two different regimes to govern the roaming obligations of commercial mobile providers. One requires certain CMRS providers, "on reasonable request, to provide automatic roaming on reasonable and not unreasonably discriminatory terms and conditions." The second requires providers of commercial mobile data services, as defined and including mobile BIAS, to "offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain specified limits." As the Commission previously

determined in the *2015 Open Internet Order*, it remains the case that reclassifying mobile BIAS as CMRS potentially affects the roaming obligations of mobile BIAS providers in two ways. First, absent any action by the Commission to preserve data roaming obligations, the determination that mobile BIAS is an interconnected service would result in providers of mobile BIAS no longer being subject to the data roaming rule, which applies only to non-interconnected services. Second, the determination that mobile BIAS is CMRS potentially subjects mobile BIAS providers to the terms of the CMRS roaming rules.

418. We again forbear from the application of the CMRS roaming rule, § 20.12(d) of the Commission's rules, to mobile BIAS, conditioned on such providers continuing to be subject to the obligations, process, and remedies under the data roaming rule codified in § 20.12(e). Retaining the roaming obligations for mobile BIAS that applied prior to reclassification remains consistent with our tailored approach, and we are again persuaded that the Commission rules in § 20.12(e) and our remaining core BIAS requirements render the forbearance rules unnecessary. We thus find that applying the forbearance rules is not necessary for purposes of section 10(a)(1) and (a)(2) and that the conditional forbearance is in the public interest under section 10(a)(3).

10. Terminal Equipment Rules

419. We also again forbear from applying certain terminal equipment rules to the extent that they would newly apply by virtue of the classification of BIAS. Similar to the rules adopted in the *2015 Open Internet Order*, the open internet rules we adopt in the Order will prevent BIAS providers from restricting the use of non-harmful devices subject to reasonable network management. The record does not discuss whether we should forbear from our terminal equipment rules. We thus find that applying the Commission's terminal equipment rules, insofar as they would newly apply to BIAS providers by virtue of our classification decision here, are necessary for purposes of section 10(a)(1) and (a)(2), particularly given the availability of the core BIAS requirements, and in particular our bright-line rules. Likewise, as above, under the tailored regulatory approach we find warranted here, informed by our responsibilities under section 706, we conclude that forbearance is in the public interest under section 10(a)(3).

D. Other Regulations and Non-Title II Provisions

1. Maintaining Authority Under Certain Title III Provisions

a. Wireless Licensing

420. We clarify that we do not forbear from applying—or waive—our rules governing the wireless licensing process and authorities and clarify that our adopted forbearance does not encompass Title III licensing, except to the extent specifically noted below. Among other benefits, we find that maintaining these provisions will support our national security goals, as they will allow us to continue to review wireless license applications under our normal processes, including to determine whether they are in the public interest—which includes consideration of national security. As we observed in the *2023 Open Internet NPRM*, our Title III licensing authority with respect to facilities-based mobile BIAS providers independently "grant[s] us important authority that can be used to advance national security and public safety with respect to the services and equipment subject to licensing." In determining whether to grant an original application for a license or permit or an application for renewal of a license under Title III (47 U.S.C. 309(a)), approve the assignment or transfer of control of a Title III license or permit (47 U.S.C. 310(d)), or revoke a Title III license or permit (47 U.S.C. 312(a)(2)), the Commission considers whether the applicant has the requisite citizenship, character, and other necessary qualifications. The Commission also must "determine whether the public interest, convenience, and necessity will be served" by granting the application or revoking the license or permit. Among the factors the Commission may consider are national security, law enforcement, public safety, or other risks. Therefore, given the Commission's public interest obligations in licensing decisions, and based on the key public interest considerations that inform our action in the Order, we retain the right to review fully original applications and applications for assignment or transfer of control of Title III licenses and permits, and we reserve the right to conduct *ad hoc* review of whether a licensee's retention of a Title III license presents national security, law enforcement, public safety, or other risks that warrant revocation of such authority. We discuss how our review under Title III requirements intersects with our determinations regarding foreign ownership requirements below. The record does not address whether we

should adopt the same forbearance for Title III wireless licensing as the Commission did in the *2015 Open Internet Order*, so we have no basis for adopting different findings here. We do mean, however, to apply current Title III wireless licensing requirements (*i.e.*, ones that are new or revised since the *2015 Open Internet Order*). Adopting this approach also has the added benefit of being consistent with the Commission adopting largely the same broad forbearance as the *2015 Open Internet Order*. Consequently, as the Commission found in the *2015 Open Internet Order*, we find that forbearing from the Commission's flexible use rules would be against the public interest under section 10(a)(3) because it would lead to inaccurate license information. Accordingly, we do not forbear from applying—or waive—the wireless licensing requirements under Title III and the Commission's rules, except to the extent specified below.

b. Foreign Ownership of Common Carrier Wireless Licensees (Section 310(a) and (b))

421. With limited exceptions, we do not forbear from section 310(a) and (b) of the Act, which requires the Commission to review foreign investment in radio station licenses and imposes specific limitations on who may hold certain types of radio station licenses. As discussed below, we find that forbearance from section 310(a) and (b), except to the extent the Commission previously determined to forbear from section 310(b)(3) for wireless common carriers, would neither serve the public interest under section 10(a)(3) nor satisfy the requirements of section 10(a)(2) as it pertains to the protection of consumers. As noted below, the Commission previously determined that forbearance from the application of section 310(b)(3) to wireless common carriers, which now includes wireless BIAS providers, was in the public interest with respect to a discrete type of foreign ownership. We anticipate a future proceeding will, among other things, develop a fuller record on the application of the Commission's rules implementing section 310(b)(3) and (b)(4) in the context of BIAS.

422. By the Order, we find that foreign ownership in excess of the statutory benchmarks in common carrier wireless licensees that are providing *only* BIAS is in the public interest under section 310(b)(3) when such foreign ownership is held in the licensee through a U.S. entity that does not control the licensee, and under section 310(b)(4). Common carrier wireless licensees that are providing other

common carrier services in addition to BIAS will still need a ruling for their indirect foreign ownership above the statutory benchmarks, as the waiver will only apply to BIAS and not other common carrier wireless services. We also waive the associated requirements for such licensees to request a declaratory ruling under §§ 1.5000 through 1.5004 of the Commission's rules, until the adoption of any rules for BIAS.

423. Section 310(a) and (b) of the Act provide for Commission review of foreign investment in radio station licenses and impose specific restrictions on who may hold certain types of radio station licenses. Section 310(a) prohibits foreign governments or their representatives from holding any radio station license, and section 310(b)(1) and (b)(2) prohibits foreign individuals or their representatives and corporations organized under the laws of a foreign government from holding a broadcast, common carrier, or aeronautical en route and aeronautical fixed (hereinafter, aeronautical) radio station license. The prohibitions in section 310(a), (b)(1), and (b)(2) are absolute, and the Commission has no discretion to waive them. The Commission has stated that, for purposes of section 310(a), a “‘representative’” is a person or entity that acts “‘in behalf of’” or “‘in connection with’” the foreign government. Section 310(b)(3) prohibits foreign individuals, governments, and corporations from owning or voting more than 20% of the capital stock of a broadcast, common carrier, or aeronautical radio station licensee. Section 310(b)(3), unlike section 310(b)(4), does not give the Commission the discretion to permit foreign ownership above the statutory threshold. Section 310(b)(4) establishes 25% benchmarks for investment by foreign individuals, governments, and corporations in a U.S.-organized entity that directly or indirectly controls a U.S. broadcast, common carrier, or aeronautical radio licensee. Foreign individuals, governments, or entities may own, directly or indirectly, more than 25% (and up to 100%) of the stock of a U.S.-organized entity that holds a controlling interest in a broadcast, common carrier, or aeronautical radio licensee, unless the Commission finds that the public interest will be served by refusing to permit such foreign ownership. In the *2012 Foreign Ownership First Report and Order* (77 FR 50628 (Aug. 22, 2012)), the Commission determined to forbear from applying the foreign ownership limits in section 310(b)(3) to the class of common

carrier licensees in which the foreign investment is held in the licensee through a U.S.-organized entity that does not control the licensee, to the extent the Commission determines such foreign ownership is consistent with the public interest under the policies and procedures that apply to the Commission's public interest review of foreign ownership subject to section 310(b)(4) of the Act. The Commission's forbearance authority does not extend to broadcast or aeronautical radio station licensees covered by section 310(b)(3). The forbearance approach that the Commission adopted in the *2012 Foreign Ownership First Report and Order* applies only to foreign ownership in common carrier licensees held through intervening U.S.-organized entities that do not control the licensee. The Commission codified this forbearance approach in the *2013 Foreign Ownership Second Report and Order*, which adopted rules to treat foreign investment under section 310(b)(4) and the forbearance approach of section 310(b)(3) consistently.

424. *Forbearance Is Not in the Public Interest With Limited Exceptions.* We do not forbear from section 310(a) and (b) of the Act except to (1) extend our existing section 310(b)(3) forbearance policy to not require the filing of a petition for declaratory ruling or similar request where and to the extent the Commission has already found the foreign ownership at issue to be in the public interest and (2) provide a reasonable period for other BIAS providers newly subject to section 310(b)(3) to reduce their foreign ownership interests below the statutory limit or restructure their holdings to include an intervening, non-controlling U.S. interest holder. Our determination that this limited forbearance is in the public interest rests on the same reasoning as our determination below that waiver of the associated rules is in the public interest. The Commission concluded in 2012 that application of the statutory threshold is not necessary to ensure that rates are just and reasonable and not unjustly or unreasonably discriminatory, and we determine below that consumers will benefit from our decision not to require BIAS-only providers to file petitions for declaratory ruling under the circumstances described here. Except to this limited extent, we find that forbearance from section 310(a) and (b) would neither serve the public interest under section 10(a)(3) nor satisfy the requirements of section 10(a)(2) as it pertains to the protection of consumers. Congress created the Commission,

among other reasons, “for the purpose of the national defense [and] for the purpose of promoting safety of life and property through the use of wire and radio communication.” We find that our decision not to forbear ensures the Commission can continue to advance the public interest, and furthers two core purposes—national security and the promotion of safety of life and property—for which Congress created the Commission. In the *2023 Open Internet NPRM*, we sought comment “on any other provisions of the Act or Commission rules that likewise should be expressly excluded from the scope of forbearance based on national security and/or public safety considerations, including, for example, sections 305, 310, and 332 of the Act.” In evaluating a petition for a declaratory ruling seeking a determination that it is in the public interest to exceed the statutory foreign ownership benchmarks, the Commission’s public interest analysis under section 310(b)(3) and (b)(4) considers, among other things, any national security, law enforcement, foreign policy, and trade policy concerns raised by the proposed foreign investment. The Commission has also identified public safety and security of critical infrastructure as relevant to the Commission’s review of foreign investment under section 310(b)(4). We find that our decision not to forbear further from section 310(a) and (b) is consistent with the Commission’s statutory responsibilities under section 10(a) and is warranted based on the key public interest considerations that inform our action in the Order and to enable the Commission to address national security, public safety, and other public interest concerns with respect to BIAS.

425. Public Interest Finding and Waiver of Rules. Notwithstanding the determination about public interest considerations supporting our decisions regarding section 310(b)’s application to BIAS, we reserve the right, as part of our review under Title III licensing provisions, to override that determination with respect to specific applications. Under the existing section 310(b)(3) forbearance policy, and under the Commission’s rules applicable to section 310(b)(4), wireless common carriers must file a petition for declaratory ruling before they may exceed the statutory foreign ownership thresholds. The Commission applies the same rules to both types of petitions for declaratory ruling. Sections 1.5000 through 1.5004 of the Commission’s rules implement section 310(b)(3)—with regard to the class of common carrier

radio station licensees subject to the forbearance approach adopted in the *2012 Foreign Ownership First Report and Order* that seek Commission approval to exceed the 20% foreign ownership limit in section 310(b)(3)—and section 310(b)(4) of the Act. We recognize that application of these rules may raise operational issues in the context of BIAS. WISPA, for example, addresses the potential impact on common carrier wireless licensees that would be subject to section 310(b) pursuant to our reclassification of BIAS under Title II. The Commission anticipates releasing a further notice of proposed rulemaking to address this and other comments. By the Order, and pending the outcome of a further notice of proposed rulemaking, we find that foreign ownership interests that exceed the statutory benchmarks in common carrier wireless licensees that are providing *only* BIAS are in the public interest under section 310(b)(3)—when such foreign ownership is held in the licensee through a U.S. entity that does not control the licensee—and under section 310(b)(4). The waiver that we adopt in the Order shall not apply to any common carrier wireless licensee providing *only* BIAS that does not fall within this class, including foreign ownership held directly in a common carrier wireless licensee under section 310(b)(3). Foreign ownership held directly in common carrier licensees under section 310(b)(3) is not subject to the forbearance approach adopted in the *2012 Foreign Ownership First Report and Order* and shall not be covered in the waiver that we adopt in the Order. As such, the 20% foreign ownership limit set forth in section 310(b)(3) shall apply to such common carrier wireless licensee providing *only* BIAS that does not fall within this class. For the same reasons discussed below in support of our waiver of the rules, and in furtherance of our decision to extend our existing section 310(b)(3) forbearance policy for common carrier licensees to BIAS-only providers, we temporarily find that foreign ownership in a common carrier wireless licensee providing *only* BIAS is in the public interest where foreign interests are held in a licensee through an intervening U.S. entity that does not control the licensee, even though we are temporarily not requiring the filing of a petition for declaratory ruling as to such interests. For such licensees, we waive the requirements to request a declaratory ruling under §§ 1.5000 through 1.5004 of the Commission’s rules, pending adoption of any rules for BIAS. We recognize that, for the period

for which we waive §§ 1.5000 through 1.5004 of the rules as specified herein, we will not be receiving petitions for declaratory ruling seeking prior approval to exceed the section 310(b)(3) and (b)(4) statutory benchmarks—as set out in the existing rules—from common carrier wireless licensees that are providing *only* BIAS, and it is our intent to address this matter in a further notice of proposed rulemaking. This waiver of those rules as it relates to the foreign ownership of common carrier wireless licensees providing *only* BIAS will not apply to foreign ownership held directly in such licensees under section 310(b)(3). We note that the blanket section 214 authority that we grant to such common carrier wireless licensees providing BIAS, pursuant to our reclassification of BIAS in the Order, is subject to the Commission’s power to revoke such authority. The Commission also has the power to revoke a Title III station license, including “for willful or repeated violation of, or willful or repeated failure to observe any provision of this chapter or any rule or regulation of the Commission authorized by this chapter or by a treaty ratified by the United States.”

426. We further find that temporary forbearance is warranted to afford additional time after the Order’s effective date for other BIAS providers newly subject to Title II to restructure to the extent necessary to bring any direct foreign ownership interest in the licensee below the statutory limit or to include a non-controlling intervening U.S. interest holder. WISPA asked the Commission to provide time for these providers to come into compliance with section 310(b)(3) and the terms of the forbearance policy applicable to BIAS providers with foreign interests in the licensee held through a non-controlling U.S. entity. We find that a compliance period of twelve months after the effective date is reasonable based on the amount of time that it could take to restructure corporate ownership or take other similar steps to come into compliance given our experience with transactions of a similar scale and type and strikes the right balance between maximizing public interest benefits and minimizing potential public interest harm. For that period of time, enforcement of the statutory prohibition in section 310(b)(3) is not necessary to protect consumers or ensure just and reasonable and nondiscriminatory rates and practices. Forbearing from enforcement of the prohibition for that period of time serves the public interest by allowing newly covered BIAS providers to continue providing service

during the limited time necessary to protect existing investments in such businesses without presenting undue risk of harm given the limited duration of this temporary forbearance. Following that period of time, forbearance will no longer serve the public interest except as the Commission adopted in the *2012 Foreign Ownership First Report and Order* and as applied herein with respect to foreign interests held in the licensee through a non-controlling U.S. interest holder.

427. The Commission may waive its rules and requirements for “good cause shown.” Good cause, in turn, may be found “where particular facts would make strict compliance inconsistent with the public interest.” In making this determination, the Commission may “take into account considerations of hardship, equity, or more effective implementation of overall policy,” and if “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.” As discussed above, the current rules that implement section 310(b)(3) and (b)(4) of the Act establish requirements and conditions for obtaining the Commission’s prior approval of foreign ownership in common carrier wireless licensees, among other licensees. Importantly, the current rules that we waive, as set out in the Order, were established in the context of traditional telecommunications services, and thus we find there is good cause to waive those rules pending adoption of any rules for BIAS.

428. As such, we find that, for the period leading to adoption of any rules for BIAS, foreign ownership in excess of the statutory benchmarks in common carrier wireless licensees that are providing *only* BIAS is in the public interest under section 310(b)(3) when such foreign ownership is held in the licensee through a U.S.-organized entity that does not control the licensee and under section 310(b)(4). For such licensees, we waive the requirements to request a declaratory ruling under §§ 1.5000 through 1.5004 of the Commission’s rules, pending the adoption of any rules for BIAS. We find that our decision to waive §§ 1.5000 through 1.5004 of the Commission’s rules with respect to this class of licensees is in the public interest given our consideration of hardship and equity that may be raised by immediate application of those rules to such licensees following our action in the Order. The reclassification of BIAS under Title II is a special circumstance that requires careful consideration of rules concerning BIAS and thus

warrants deviation at this time from the application of our current rules implementing section 310(b)(3) and (b)(4), pending a further notice of proposed rulemaking. We find that the public interest is served as our approach will ensure that consumers can continue to receive the BIAS services to which they subscribe. Additionally, by waiving the requirements to request a declaratory ruling under §§ 1.5000 through 1.5004 of the Commission’s rules, where it pertains to the foreign ownership of common carrier wireless licensees that are providing only BIAS as set out in the Order, we will avoid any disruption to or uncertainty for BIAS consumers and BIAS providers. As we conclude in the present Order, our action to reclassify BIAS under Title II will protect consumers and ensure a safe, secure, and open internet. Accordingly, we find that granting a waiver of the requirements to request a declaratory ruling under §§ 1.5000 through 1.5004 of the Commission’s rules, where it pertains to the foreign ownership of common carrier wireless licensees that are providing only BIAS as set out in the Order, is fully consistent with our responsibility to account for the effective implementation of our overall obligations and objectives to address national security, law enforcement, public safety, or other public interest concerns while ensuring the uninterrupted provision of BIAS for consumers pending a further notice of proposed rulemaking to develop a fuller record. This waiver as set out in the Order will remain in effect pending such further notice of proposed rulemaking and the adoption of any rules for BIAS.

429. We find that it is in the public interest not to disturb the section 310(b)(3) forbearance approach the Commission adopted in the *2012 Foreign Ownership First Report and Order* and to temporarily apply it to those common carrier wireless licensees providing only BIAS as set out in the Order. We recognize that the forbearance analysis adopted in the *2012 Foreign Ownership First Report and Order* relied on the filing of a declaratory ruling and prior approval of the Commission. At this time, however, we find that there is good cause to apply the section 310(b)(3) forbearance approach to those common carrier wireless licensees providing only BIAS, where strict compliance with the rules implementing section 310(b)(3)—in those instances where the foreign ownership is held in the licensee through a U.S. entity that does not control the licensee—would be

inconsistent with the public interest based on consideration of hardship and equity that may be raised by immediate application of those rules until the Commission releases a further notice of proposed rulemaking to develop a fuller record on this matter. Pending such further notice of proposed rulemaking, we note that the Commission stated in the *2012 Foreign Ownership First Report and Order*, with regard to the class of common carrier licensees subject to the forbearance approach adopted in that Order, “that the public interest would be served by not applying the foreign ownership limit of section 310(b)(3) to licensees subject to section 310(b)(3) forbearance . . . for the same reasons that the public interest is served when we allow, under section 310(b)(4), greater than 25 percent foreign ownership in a U.S.-organized entity that does control the licensee under otherwise identical circumstances.” The approach that we adopt in the Order would allow us to treat foreign ownership in excess of the statutory benchmarks in common carrier wireless licensees providing only BIAS consistently under section 310(b)(4) and (b)(3), respectively, whether the foreign ownership is held through a controlling U.S. parent of the common carrier licensee or through an intervening U.S. entity that does not control the licensee, by including such licensees here and waiving §§ 1.5000 through 1.5004 of the Commission’s rules until adoption of any rules.

2. Forbearance From Certain Provisions of Titles III, VI, and Other Commission Rules

430. We forbear from applying other provisions of the Act insofar as they would be triggered by classifying BIAS as a telecommunications service, to the extent of our section 10 authority. In particular, beyond the Title II provisions and certain implementing rules discussed above, we grant forbearance, as the Commission did in the *2015 Open Internet Order*, from obligations related to BIAS providers’ provision of BIAS under certain provisions of Title III, Title VI, and associated Commission rules. We conclude that the same analysis justifies forbearance from these provisions, and the record does not dispute that. We thus predict, as we did in the *2015 Open Internet Order*, that other provisions and rules will be adequate to ensure just, reasonable, and nondiscriminatory conduct by BIAS providers and to protect consumers for purposes of section 10(a)(1) and (a)(2). Further, informed by our responsibilities under section 706, we find the tailored regulatory approach we

adopt strikes the appropriate public interest balance under section 10(a)(3). Accordingly, we adopt the following forbearance:

- First, we forbear from applying certain provisions of Titles III and VI and Commission rules associated with those Titles or the provisions of Title II from which we forbear that may apply by their terms to providers classified in particular ways. The Commission has forbore from provisions of Title II and from Commission rules in many instances in the past. However, nothing in the language of section 10 categorically limits the scope of Commission forbearance only to the provisions of Title II, and although it has been less common for the Commission to forbear from provisions of Titles III and VI, it has done so at times. For clarity, we note that by “rules” we mean both codified and uncoded rules. In addition, by “associated” Commission rules, we mean rules implementing requirements or substantive Commission jurisdiction under provisions in Title II, III, and/or VI of the Act from which we forbear. As to this first category of requirements, and except as to the core BIAS requirements, we forbear from any such provisions and regulations to the full extent of our authority under section 10, but only insofar as a BIAS provider falls within those categories or provider classifications by virtue of its provision of BIAS, but not insofar as those entities fall within those categories of classifications by virtue of other services they provide. The Order’s classification of BIAS could trigger requirements that apply by their terms to “common carriers,” “telecommunications carriers,” “providers” of common carrier or telecommunications services, or “providers” of CMRS or commercial mobile services. Similarly, other provisions of the Act and Commission rules may impose requirements on entities predicated on an entity’s classification as a “common carrier,” “telecommunications carrier,” “provider” of common carrier or telecommunications service, or “provider” of CMRS or commercial mobile service without being framed in those terms.

- Second, we forbear from applying certain provisions of Titles III and VI and Commission rules associated with those Titles or the provisions of Title II from which we forbear that may apply by their terms to services classified in particular ways. The classification of BIAS as a telecommunications service and, in the mobile context, CMRS, under the Communications Act, thus could trigger any requirements that

apply by their terms to “common carrier services,” “telecommunications services,” or “CMRS” or “commercial mobile” services. Similarly, other provisions of the Act and Commission rules may impose requirements on services predicated on a service’s classification as a “common carrier service,” “telecommunications service,” “CMRS,” or “commercial mobile” service without being framed in those terms. Regarding this second category of requirements (to the extent not already covered by the first category), and except as to the core BIAS requirements, we forbear from any such provisions and regulations to the full extent of our authority under section 10 specifically with respect to BIAS, but do not forbear from these requirements as to any other services (if any) that BIAS providers offer that are subject to these requirements.

- Third, while commenters do not appear to have identified such rules, there potentially could be other Commission rules for which our underlying authority derives from provisions of the Act all of which we forbear from under the first two categories of requirements identified above, but which are not already subject to that identified scope of forbearance. To the extent not already identified in the first two categories of requirements above, and except as to the core BIAS requirements, we forbear to the full extent of our authority under section 10 from rules based entirely on our authority under provisions from which we forbear under the first and second categories above (or for which the forbore-from provisions provide essential authority) insofar as the rules newly apply as a result of the classification of BIAS.

- Fourth, we include within the scope of our broad forbearance for BIAS any preexisting rules with the primary focus of implementing the requirements and substantive Commission jurisdiction in sections 201 and/or 202, including forbearing from preexisting pricing, accounting, billing, and recordkeeping rules. This forbearance would not include rules implementing our substantive jurisdiction under provisions of the Act from which we do not forbear that merely cite or rely on sections 201 or 202 in some incidental way, such as by, for example, relying on the rulemaking authority provided in section 201(b). Consistent with our discussions above, this category also does not include our open internet rules or MTE rules. As with the rules identified under the first and second categories above, we do not forbear insofar as a provider is subject to these

rules by virtue of some other service it provides.

- Fifth, the classification of BIAS as a telecommunications service could trigger certain contributions to support mechanisms or fee payment requirements under the Act and Commission rules, including some beyond those encompassed by the categories above. Insofar as any provisions or regulations not already covered above would immediately require the payment of contributions or fees by virtue of the classification of BIAS (rather than merely providing Commission authority to assess such contributions or fees) they are included within the scope of our forbearance. As under the first and second categories above, we do not forbear insofar as a provider is subject to these contribution or fee payments by virtue of some other service it provides.

III. Report and Order: Open Internet Rules

431. The rules we adopt in the Order mark the return to the Commission’s longstanding basic framework governing BIAS provider conduct to protect the open internet. We establish “rules of the road” that are straightforward and clear, prohibiting specific practices harmful to an open internet—blocking, throttling, and paid prioritization—as well as a strong standard of conduct designed to prevent deployment of new practices that would harm internet openness, and certain enhancements to the transparency rule. Our rules are designed to prevent BIAS providers from engaging in practices that are harmful to consumers, competition, and public safety. As proposed in the *2023 Open Internet NPRM*, our approach reinstates the rules that the Commission adopted in 2015. We find that the temporary deviation from this framework, which the Commission adopted in the *RIF Order*, left consumers exposed to behavior that can hinder their ability to access—and the Commission without recourse to protect and promote—an open internet. As we explained in the *2023 Open Internet NPRM*, we find that the rules we adopt in the Order are “consistent with numerous other steps the Commission has taken to ensure that this country has access to affordable, competitive, secure, and reliable broadband.”

A. Need for Rules

432. We affirm our tentative conclusion from the *2023 Open Internet NPRM* that baseline internet conduct rules for BIAS providers are necessary to enable the Commission to prevent and address conduct that harms

consumers and competition. BIAS is an essential service that is critical to so many aspects of everyday life, from healthcare and education to work, commerce, and civic engagement. Because of its importance, we conclude that rules are necessary to promote free expression; encourage innovation, competition, and consumer demand; and protect public safety. As the Commission found in both 2010 and 2015, BIAS providers continue to have the incentive and ability to harm internet openness. We find that the framework the Commission adopted in the *RIF Order* provides insufficient protection from these dangers, and that a safe, secure, and open internet is too important to consumers and innovators to leave unprotected.

1. Promoting Free Expression and Encouraging Innovation, Competition, and Consumer Demand

433. The internet serves as a cornerstone for free expression, fostering a diverse and inclusive digital space where individuals can share ideas, opinions, and information without undue influence or interference. It promotes the exchange of diverse perspectives, ultimately enriching society by exposing individuals to a wide range of thoughts and experiences. As the Supreme Court noted in 1997, the internet enables any person to “become a town crier with a voice that resonates farther than it could from any soapbox.” In the *2023 Open Internet NPRM*, we sought comment on the need for conduct rules to protect free expression, innovation, and investment. The record confirms the Commission’s long-held tenet that an open internet is critical to facilitate the free flow of diverse speech and content, and serves as a platform for speech and civic engagement. Several commenters highlight that open internet rules would ensure that BIAS providers cannot discriminate against content, thereby providing a space for all voices, including those from diverse and minority backgrounds. We agree with the Communications Workers of America that a BIAS provider’s “ability to place restrictions on what speech is permitted on its platform creates a chilling effect on civic discourse.”

434. In addition to protecting free expression, an open internet encourages competition and ensures that breakthrough innovations are not limited. In the *2015 Open Internet Order*, the Commission recognized that “innovations at the edges of the network enhance consumer demand, leading to expanded investments in broadband infrastructure that, in turn, spark new

innovations at the edge.” This self-reinforcing cycle, which the Commission has referred to as a “virtuous cycle” and which was a primary basis for the actions the Commission took in the *2010 Open Internet Order* and the *2015 Open Internet Order*, was accepted by the *Verizon* court. The *Verizon* court found that “the Commission’s determination that internet openness fosters the edge-provider innovation that drives this ‘virtuous cycle’ was . . . reasonable and grounded in substantial evidence,” and that “the Commission has adequately supported and explained its conclusion that, absent rules such as those set forth in the *Open Internet Order*, broadband providers represent a threat to internet openness and could act in ways that would ultimately inhibit the speed and extent of future broadband deployment.”

435. In the *RIF Order*, the Commission did not question the existence of the virtuous cycle or the fact that, at least in theory, BIAS providers might take actions that undermine the cycle. However, the Commission pointed out that BIAS providers may also contribute to the “virtuous cycle,” and, without presenting any evidence or reasoned analysis, opined that the three potential sources of harm by BIAS providers to the “virtuous cycle” “have been overestimated, and can be substantially eliminated or reduced by the more light-handed approach [the *RIF Order*] implements.”

436. In the *2023 Open Internet NPRM*, we sought comment on the “virtuous cycle” and whether “it is necessary to secure the open internet to preserve the virtuous cycle.” Of the few parties that comment on this issue, none question the validity of the “virtuous cycle” or the fact that innovations at the edge of the network can increase consumer demand, which can lead to expanded investments in broadband infrastructure, which in turn stimulate further innovation at the edge. Rather, those opposing the proposed bright-line rules instead either argue that BIAS providers lack the incentive or ability to engage in activities that would undermine the “virtuous cycle” or that BIAS providers have not engaged in such activities, or they suggest, irrelevantly, that other entities, including large edge providers, transit providers, backbone providers, and CDNs can also affect and undermine the consumer experience. We note that, to the extent that other entities may have the incentive or ability to engage in anticompetitive activities that undermine the virtuous cycle, such

activities are beyond the scope of this proceeding.

437. We agree with Netflix that “where both affiliated and independent content providers compete on a level playing field that offers the same access to terminating access networks, these companies are spurred to compete vigorously and to continue to improve their offerings by investing in quality content and technology.” The record reflects wide agreement that the internet ecosystem has become more diverse during the past decade with the entrance of new network operators, new intermediaries such as CDNs and interexchange carriers, and new edge providers. Small and emerging edge providers constitute particularly dynamic drivers of innovation and are a critical part of the diversity of the internet ecosystem. In March 2023, 1,054,052 business establishments in the United States (11.6% of all businesses) were less than one year old and 2,436,791 (26.8% of all businesses) were less than three years old. Although many of these companies may go out of business, others innovate successfully and become a major impetus to innovation and growth in the economy. Most of these businesses depend on reliable, open internet connections to build and scale their businesses. Research on internet-based innovation shows that the innovative generativity of the internet is strongly related to its open, transparent, and modular architecture. These technological design choices greatly reduce the costs of innovation for edge providers and hence stimulate more innovation experiments. They enable coordination and the realization of synergies between the participants in the internet ecosystem. These insights are congruent with recent research in innovation economics. This work shows that particularly important innovation drivers are (1) the contestability of a market (that is, the intensity of competition in the market segment and the competitive threats exerted by potential new entrants); (2) the available technological and business innovation opportunities; and (3) the appropriability of temporary risk premiums that reward taking the innovation risk. In digital ecosystems, innovation is further stimulated by synergies between market participants (e.g., between ISPs and edge providers) but it is impeded by coordination costs between market participants. The importance of synergies and complementarities in interdependent innovation processes was examined rigorously. An important insight from this research is that innovation is

stimulated in a reciprocal process, with edge provider innovation stimulating infrastructure innovation. In turn, infrastructure innovation enhances the innovation opportunities and activities of edge providers. The negative effects of coordination costs, such as the costs of adapting an application to different ISPs and the costs of negotiating agreements. However, this generativity can be weakened, and the innovation performance degraded, if individual market participants have incentives that impede this complementary innovation process. The more recent innovation research often uses the term “complementary innovation” or “interdependent innovation” to refer to the reciprocal synergies that exist in digital innovation systems. The notion of a virtuous cycle of innovation and investment, used in the *2010 Open Internet Order* and *2015 Open Internet Order*, describes key features of such complementary innovation processes. The more recent research clarifies that several types of complementary innovation coexist in the advanced internet that thrive under different conditions. A vast set of innovation opportunities will thrive in a best-effort internet offering that is transparent and provides nondiscriminatory connectivity for edge providers and users. Emerging technologies such as new forms of edge computing and open radio access network (open RAN) will further expand these innovation opportunities. In all these cases, the virtuous cycle of complementary innovation creates synergies between innovation processes in networks, applications, services, and devices. While we do not disagree with commenters who argue that excessive regulation can stifle innovation by creating barriers to entry and reduce competition, we do dispute that the rules we adopt in the Order would constitute the type of regulation that would stifle innovation. If anything, the surge in innovation over the past 25 years underscores the success of innovators under an open internet. We believe this success can be attributed, at least in part, to the absence of any preemptive control by service providers or any other entities over new applications, services, or content. We agree with the Electronic Frontier Foundation, which asserts that an open internet is also essential to help new businesses find investors. As the Greenlining Institute explains, “[w]ithout net neutrality rules, the next Amazon or YouTube may never get off the ground and an *ex post* regulatory intervention will be too little, too late.”

As discussed below, we find that BIAS providers have the incentive and technical ability to engage in activities that harm edge providers, which can reduce investment and innovation at the edge, which in turn can harm consumers and ultimately reduce incentives to invest in broadband infrastructure. As the Commission explained in the *2010 Open Internet Order*, pervasive interference with the open internet would likely slow or even break the virtuous cycle of innovation enabled by internet, likely causing irreversible or very costly harms. If broadband provider practices chill entry and innovation by edge providers and thereby prevent development of the next revolutionary technology or business, the missed opportunity may be significant, and it may be impossible to restore the lost innovation, investment, and competition after the fact. Additionally, because the internet is a general purpose technology, erosion of internet openness threatens to harm innovation, investment in the core and at the edge of the network, and competition in many sectors. This can have a disproportionate effect on small, entering, and non-commercial edge providers that drive much of the innovation on the internet. Effective open internet rules can both prevent or reduce the risk of these harms and help to ensure the public has unfettered access to diverse sources of news, information, and entertainment, as well as an array of technologies and devices that enhance health, education, and the environment. Moreover, as the Commission explained in the *2015 Open Internet Order*, such “behavior [by BIAS providers to throttle or degrade edge content] has the potential to cause a variety of other negative externalities that hurt the open nature of the internet.” The Commission went on to explain that “[b]roadband providers have incentives to engage in practices that will provide them short term gains but will not adequately take into account the effects on the virtuous cycle . . . [and] that the unaccounted-for harms to innovation are negative externalities [that] are likely to be particularly large because of the rapid pace of internet innovation, and wide-ranging because of the role of the internet as a general purpose technology.”

438. Thus, the conduct that we seek to prevent can not only harm edge providers, which will reduce their incentives to invest and innovate, but can also harm consumers. This harmful conduct may even reduce other BIAS providers’ incentives to invest in

broadband infrastructure. Overall, the record before us corroborates the need for a balanced approach to safeguard edge innovation while allowing entrepreneurial experimentation to advance innovation. The Order achieves this balance by establishing a framework of bright-line rules for BIAS. These rules offer guardrails to safeguard important open internet principles that will maintain edge-provider innovation and protect the smallest and most vulnerable edge providers. At the same time, the ability of BIAS providers to offer specialized and innovative new services is preserved by allowing BIAS providers to use appropriate network management, offer enterprise services, and offer non-BIAS data services. We believe that, overall, the benefits of this balanced approach, which secures an open internet while allowing flexibility for edge and BIAS provider innovation, outweigh its costs. As such, we conclude that the protections we adopt in the Order will help to facilitate “the development of diverse, content, applications, and services,” and enable “a virtuous cycle of innovation.”

2. Protecting Public Safety

439. The conduct rules that we adopt in the Order are necessary to prevent and mitigate harms to public safety that could result from blocking, throttling, paid prioritization, and other actions that have the potential to impair public safety communications. These conduct rules may also support consumer use of telehealth service and remote healthcare monitoring, such as through connected devices, by ensuring consumers can continue to access these services without the threat of blocking, throttling, or other degradation. The prohibited conduct could make it more difficult for the public to receive emergency services and critical information and could impair the ability of first responders to communicate during emergency situations. As discussed above, one of the Commission’s fundamental obligations is to advance public safety. The *Mozilla* court highlighted this obligation and recognized its significance, emphasizing that “whenever public safety is involved, lives are at stake.” The court went on to note that “[a]ny blocking or throttling of [safety officials’] internet communications during a public safety crisis could have dire, irreversible results.” Similarly, in the *2015 Open Internet Order*, the Commission recognized that paid prioritization and peering disagreements can negatively affect public safety communications traveling over the same networks.

440. Above, we discuss the wide range of public safety communications and applications that rely on broadband networks and the related national security concerns impacting broadband services, providers, and critical infrastructure. The CPUC points out that first responders use “communications tools to respond to life-threatening situations,” such as by “notify[ing] residents and businesses by mobile phone, text message, email and social media with time-sensitive, geographically specific emergency notifications.” We agree with the CPUC that the ability of first responders to “communicate with the public in a timely manner is, literally, a matter of life and death.”

441. We conclude that open internet conduct rules are necessary to support public safety communications by preventing “harmful practices that could impede emergency response and critical information sharing.” The D.C. Circuit found that “the harms from blocking and throttling during a public safety emergency are irreparable . . . [because] people could be injured or die.” Santa Clara asserts that “such practices could interfere with the communications about the existence of a fire line or evacuation zone, the location of flooding, or the location of criminal suspects or missing individuals, among many other critical and time-sensitive communications.”

442. Several commenters emphasize the importance of the conduct rules for public safety. For example, the AICC contends that the proposed “bright-line rules would serve a vital role in protecting public safety” by preventing “interruptions in signal transmissions between customers and the monitoring centers which serve them.” New America’s Open Technology Institute agrees, stating that “it is imperative that the Commission . . . regulate BIAS . . . and take enforcement action in the interest of public safety through Title II classification and the creation of conduct standards.” The CPUC also agrees, arguing that “strong, non-discriminatory rules are needed to ensure that providers of emergency services or public safety agencies are not impaired in providing comprehensive, timely information to the public in a crisis.”

443. We also agree with commenters who assert that the conduct rules will provide other public safety benefits beyond emergency communications. As the CPUC points out, “[t]he ‘Internet of Things’ is deeply intertwined with many facets of society, including critical infrastructure such as the energy grid and water pipelines.” The CPUC

contends that “[a]llowing ISPs to engage in paid prioritization deals with energy suppliers” could have detrimental impacts on demand response programs that are vital to “California’s battle against catastrophic wildfires.” The CPUC further explains that, “[s]ince demand response relies on fast, instantaneous communication to the customer, non-discriminatory Open internet rules are vital to dispatching demand response during times of extreme grid stress.” The CPUC concludes that “it is critical to energy safety and reliability that internet communications . . . not be subject to paid prioritization delays, payment demands, or service degradation due to priority accorded to other users who pay extra.”

444. We conclude that the conduct rules will benefit public safety as proactive actions to protect life and property by preventing potential harms from occurring, as opposed to the Commission solely taking enforcement actions after the harms have already occurred. Santa Clara recognizes the benefits of the conduct rules, which “impose requirements on ISPs *ex ante*, that is, *before* their blocking, throttling, or unreasonable interference can hinder or prevent time-sensitive, life-saving public safety communications from reaching their destinations.” In addition, Santa Clara reiterates that “*ex post* remedies cannot adequately protect against or compensate for the harms that ISP interference can cause to public safety.” Free Press agrees because, “[w]ithout agency authority for *ex post* enforcement (or authority for *ex ante* rules) the Commission cannot do its job to promote public safety.” INCOMPAS also agrees with the need for *ex ante* rules, on the basis that the Commission’s “fundamental obligation to promote and protect public safety . . . includes ensuring that emergency situations are prevented, mitigated, and/or handled immediately.” We agree that “[t]he harm caused by blocking and throttling [public safety] communications simply cannot be remedied after the fact.” We also agree that the conduct rules are needed to enable the Commission to “deal with public safety issues before a public safety situations arises—not afterwards.” Notably, the *Mozilla* court expressed skepticism about the Commission’s contention in the *RIF Order* that post-activity enforcement is a suitable method to address harmful conduct in the public safety context, finding that “the harm to the public cannot be undone” by *ex post* enforcement. For these reasons, we

conclude that the conduct rules are necessary because *ex ante* regulations would provide better public safety protections than an *ex post* enforcement framework.

445. Some commenters also contend that the conduct rules would have a limited impact on public safety because public safety entities heavily rely on enterprise-level dedicated networks, which fall outside of the scope of reclassification. As explained above, public safety officials’ reliance on BIAS has become integral to their essential functions and services, aside from their reliance on enterprise-based systems. We agree with INCOMPAS’s analysis in its petition for reconsideration that “[t]he Commission should not ignore the effects of reclassifying BIAS on public safety by conflating the idea that non-BIAS services are also used to address public safety issues.”

446. We reject the argument of some commenters that the conduct rules are unnecessary due to the lack of evidence of public safety harms. Multiple commenters refute these arguments. For example, New America’s Open Technology Institute cites the Mendocino Complex Fire in 2018 as evidence that, “in the absence of general conduct standards and rules against blocking, throttling, or prioritization, ISP behavior did directly impact public safety efforts.” New America’s Open Technology Institute states that “the full extent of these impacts . . . is unknown” but cites to other comments to explain that “it is difficult, if not impossible, for governments to identify harms caused by violations of net neutrality principles.” INCOMPAS notes that, with regard to the Santa Clara County incident, “there [was] no agency authority to determine whether [the service provider] violated the rules, and that in itself is dangerous for public safety.” We agree with INCOMPAS that the Commission needs the authority to address public safety matters through *ex ante* rules before a public safety situation arises.

447. Commenters reach differing conclusions regarding the significance of the 2018 Mendocino Complex Fire. Commenters who support reclassification point to the wildfire incident as an example demonstrating the need for the open internet rules and for the Commission to have greater authority to examine and investigate such incidents, and ultimately, to prevent future harms from occurring. Without such rules, these commenters warn, BIAS providers will engage in conduct that could result in harm to public safety, and that voluntary commitments are insufficient to ensure

public safety. Commenters who oppose reclassification contend that the wildfire incident is irrelevant to, and an unpersuasive example used in support of, reclassification and the open internet rules, because “the data plan at issue was marketed to government users, and therefore not covered by the FCC’s 2015 rules, nor by the definition of BIAS contained in the NPRM” and that Verizon’s actions would not have violated the *2015 Open Internet Order*. In other words, they state that the type of data use plan that Verizon offered and that the Santa Clara fire department purchased did not violate the *2015 Open Internet Order*. Opponents also argue that the Santa Clara fire department did not purchase a data plan that was appropriate for their needs. In our view, the 2018 Mendocino Complex Wildfire incident demonstrates that given the high stakes at issue—the loss of life and property—reliance on the free market alone is insufficient in the area of public safety.

448. We also disagree with commenters that argue open internet rules could deter providers from blocking or throttling access to websites that pose a threat to public safety for fear of violating the rules. We find that these concerns lack merit because the rules we adopt in the Order only apply to lawful content and the use of non-harmful devices. As was the case with the 2015 open internet rules, transfers of unlawful content or unlawful transfers of content are not covered by the no-throttling and no-blocking rules.

449. *Public Safety Accessibility for People with Disabilities*. We find that the adoption of the open internet conduct rules will allow the Commission to ensure that people with disabilities both have access to essential information and can communicate with public safety personnel during emergencies.

450. Many people with hearing- and speech-based disabilities rely on data-intensive, latency-sensitive video applications, such as VRS and other types of internet-based relay services, to communicate with public safety personnel. In the *2023 Open Internet NPRM*, we tentatively concluded that such data-intensive, latency-sensitive applications would be at a higher risk of being degraded by BIAS providers during emergency situations. Throttling or paid prioritization of certain services over others has the effect of degrading the network carrying individuals with hearing and speech disabilities’ essential video communications, and discriminating against them by preventing them from communicating in the same manner as individuals without

disabilities. We also tentatively concluded in the *2023 Open Internet NPRM* that the proposed conduct rules would prevent this degradation of such communications. In their comments, both the CPUC and the Equity Advocates support this finding and argued that the application of “strong net neutrality protections” to BIAS networks would benefit people with disabilities. Applying the prohibitions on blocking, throttling, and paid prioritization to BIAS will ensure that individuals with hearing and speech disabilities who need to use data-intensive video applications have access to reliable and accessible means to communicate with emergency service operators. As a result of the rules prohibiting throttling and blocking of lawful content, any person who uses internet-based relay services to communicate with emergency management agencies can be confident that they can do so without experiencing a degraded network connection. Additionally, the general conduct rule we adopt will ensure that BIAS providers do not unreasonably interfere with, disadvantage, or discriminate against the internet-based relay services that individuals with disabilities use for emergency communications.

451. The conduct rules prohibiting throttling and blocking, and governing the general conduct of BIAS providers will ensure that people with disabilities have access to essential information during emergencies. As Santa Clara raises in its comments, cities, localities, states, and other entities operating during emergencies increasingly rely on BIAS networks to send out essential information through social-media, email, and other internet-supported channels. For some people with disabilities, accessing information through these internet-supported channels may be their preferred way of receiving accessible information alerting them, for example, of a wildfire or a hurricane. The same populations may use BIAS to communicate to friends and families that they have evacuated or taken other safety precautions during emergencies. We agree with commenters that it is essential for members of the disability community to be able to receive information and for emergency service organizations to be able to transmit public safety information. In sum, the conduct rules that we adopt in the Order will ensure that people with disabilities, especially those individuals with hearing or visual disabilities, can access essential public safety information.

3. BIAS Providers’ Incentive and Ability To Harm Internet Openness

452. Based on the record in this proceeding, and consistent with the findings of the Commission in both the *2010 Open Internet Order* and the *2015 Open Internet Order*, we find that open internet rules are needed because BIAS providers have the economic incentive and technical ability to engage in practices that pose a threat to internet openness and have engaged in such practices in the past.

453. As explained below, BIAS providers may have incentives to block, throttle, or otherwise degrade service to specific edge providers, classes of edge providers, or end users. They also have incentives to increase revenues by charging edge providers in addition to end users. And, if BIAS providers can charge for prioritized access, BIAS providers will have incentives to degrade the quality of service to non-prioritized traffic classes and users.

454. In the *2010 Open Internet Order*, the Commission explained that BIAS providers may face at least three types of incentives to reduce the current openness of the internet. We find that this analysis continues to be correct, even after accounting for developments in the broadband ecosystem and advances in broadband technology over the last decade.

455. First, a BIAS provider may have incentives to block, degrade, or otherwise disadvantage services offered by specific edge providers or classes of edge providers by controlling the transmission of network traffic over the provider’s broadband connection. These incentives are particularly strong if a third party’s services compete with the BIAS provider’s own revenue-generating offerings. For example, if a large, vertically integrated BIAS provider offers video streaming and other content services, such as cable television service, in competition with content offered by edge providers, it would have an incentive to discriminate against those edge providers. Unless safeguards are in place, a vertically integrated BIAS provider may have incentives to interfere with the transmission of such competing services. Similarly, a vertically integrated BIAS provider may have an incentive to limit the entry of new content or application providers that may compete with its own offerings in the future. The record suggests that BIAS providers have engaged in such behavior.

456. Such incentives also exist if a BIAS provider has contractual arrangements with a third-party edge provider in which the third-party pays

the ISP to terminate traffic.

Commissioner Carr in his dissent suggests that, because a small BIAS provider is unlikely to block access to Netflix, this suggests that regulation is unnecessary. This argument fails for a number of reasons, most importantly because, if a BIAS provider, regardless of its size, provides a service that competes directly with an edge provider's service (or is affiliated with a provider of a competing service or has a contractual relationship with such a competing provider), that BIAS provider will have an incentive to block or degrade access to the competing provider's service in order to increase its own profits. Whether a small BIAS provider in Louisiana could provide a service comparable to Netflix's may or may not be possible, but that does not mean there would not be other services and edge providers for which a small provider might have a stronger incentive to degrade access. In this case, the BIAS providers would have an incentive to interfere with and degrade the quality of the transmission provided to non-affiliated content providers. Some commenters contend that, in both cases (of vertical integration of the BIAS provider and contractual agreements with third-party content providers), paid peering and interconnection agreements may be used to raise rival content providers' costs through inefficiently high payments and that such practices will negatively affect the internet ecosystem.

457. Second, a BIAS provider may have an incentive to charge specific edge providers or classes of edge providers for access or prioritized access to the provider's end users. A BIAS provider could have an incentive to charge inefficiently high fees to edge providers because the BIAS provider is typically an edge-provider's only option for reaching a particular end user. Thus, as the Commission noted in the *2015 Open Internet Order*, BIAS providers have the ability to act as gatekeepers. The additional cost associated with these fees, in turn, would reduce the incentives of edge providers to innovate. Harms from such inefficiently high charges could be particularly impactful because many edge innovations generate large benefits for the internet as a whole (what economists call positive spillover effects). Reduced edge innovation activity therefore may cause harms for the internet ecosystem that extend beyond an individual edge provider.

458. Third, if a BIAS provider can profitably charge edge providers for prioritized access to end users, it may have an incentive to strategically degrade, or decline to maintain or

increase, the quality of service to non-prioritized uses and users in order to raise the profits from selling priority access. And even though the quality of broadband access generally has improved over time, as reflected in higher download and upload speeds, a BIAS provider might withhold or decline to expand capacity in order to "squeeze" and degrade nonprioritized traffic, thus increasing network congestion.

459. We note, as the Commission did in both the *2015 Open Internet Order* and the *2010 Open Internet Order*, that BIAS providers need not possess monopoly power over end users in order to engage in conduct that harms edge providers, consumers, and the open internet. We recognize, however, that BIAS providers generally possess some degree of market power. As discussed below this market power generally arises from product differentiation and a limited choice among BIAS providers, significant switching costs, and customer inertia, though the incentive and ability to engage in such conduct is likely exacerbated by an increase in market power. As the Commission explained in the *2010* and *2015 Open Internet Orders*, a "broadband provider's incentive to favor affiliated content or the content of unaffiliated firms that pay for it to do so, its incentive to block or degrade traffic or charge edge providers for access to end users, and its incentive to squeeze non-prioritized transmission will all be greater if end users are less able to respond by switching to rival broadband providers." Similarly, in the *2015 Open Internet Order*, the Commission observed that "a broadband provider's incentive to favor affiliated content or the content of unaffiliated firms that pay for it to do so, to block or degrade traffic, to charge edge providers for access to end users, and to disadvantage non-prioritized transmission all increase when end users are less able to respond by switching to rival broadband providers."

460. In *Verizon*, the D.C. Circuit found that the Commission "adequately supported and explained" that, absent open internet rules, "broadband providers represent a threat to internet openness and could act in ways that would ultimately inhibit the speed and extent of future broadband deployment." And in the *2015 Open Internet Order*, the Commission generally adopted the analysis underlying the Commission's *2010 Open Internet Order*. Based on the record in this proceeding, we continue to find the analysis contained in both

the *2010* and *2015 Open Internet Orders* persuasive.

461. Opponents of open internet regulation present several arguments as to why BIAS providers will not have the incentive or ability to engage in conduct that harms the open internet. As discussed below, we find that none of these arguments are well-founded. First, opponents argue that BIAS providers lack the incentive to block, throttle, or otherwise disadvantage unaffiliated edge providers because they face effective competition and because end users can switch to other service providers. The Commission has acknowledged that the gatekeeper role of BIAS providers could be "mitigated if a consumer could easily switch broadband providers." However, there are several problems with the opponents' argument in practice. While the number of BIAS providers is increasing and BIAS providers are expanding their networks, many consumers still lack a choice of BIAS providers or, where they do have a choice, they have a choice of only two providers and/or the services offered by competing providers are often not close substitutes. The *2024 Section 706 Report* shows that as of year-end 2022, 37.4% of households lived in areas where only one provider offered wireline or terrestrial fixed wireless broadband internet access services at 100 Mbps download and 20 Mbps upload speeds (100/20 Mbps), the new benchmark for defining advanced telecommunications capability, and the Commission's fixed speed benchmark for broadband, while 36.6% of households lived in areas with two providers offering 100/20 Mbps service, and only 18.2% lived in areas where they had a choice of three or more providers offering 100/20 Mbps service. 7.9% of households did not have any terrestrial fixed broadband provider offering 100/20 Mbps service. The figures in the text include fixed wireless services at 100/20 Mbps. If fixed wireless is excluded, then 49.8% of households had a choice of only one provider offering 100/20 Mbps, 34.9% of households had a choice of two providers offering these speeds, and only 5.1% of households had a choice of three or more providers offering 100/20 Mbps. We reach no conclusion as to whether, or how close, a substitute fixed wireless is for wireline fixed broadband, though we note that subscription rates for fixed wireless are only 4%, which may suggest that fixed wireless is not a close substitute for fixed wireline service at 100/20 Mbps. NCTA takes issue with the Commission's reliance on

these data, which represent the most recent Commission-analyzed competition data, claiming that the June 2023 Broadband Data Collection data demonstrate “existing competition is already sufficient to prevent open internet harms while it is driving increased investment and deployment.” As discussed above, we do not rest our findings about BIAS providers’ incentives and abilities to harm internet openness solely or even primarily on the competitive state of the marketplace, though to be sure, these incentives are influenced by a consumer’s ability to switch to a competitive provider. In any event, even if we take NCTA’s June 2023 data calculations at face value, we find that the incremental increases in competition do not meaningfully change our incentive and ability analysis. NCTA also submits that the Commission should account for wireless and low Earth orbit satellite providers in its competitive analysis. However, the Commission has consistently found that fixed and mobile broadband services are not full substitutes, and given the nascent availability of low Earth orbit satellite services, we find it is premature to make a determination regarding the potential substitutability of these services for fixed terrestrial service. Furthermore, with respect to NCTA’s claims regarding the impact of future potential competition, we find that our analysis is best conducted based on the current state of the marketplace rather than speculation regarding future BIAS deployment. At the Commission’s long-term speed goal of 1,000 Mbps download and 500 Mbps upload, 34.4% of households lived in areas with one provider of such service, 3.5% lived in areas with two providers, and only 0.2% lived in areas offering a choice of three or more providers. To report service availability at the long-term speed goal, the Commission uses BDC data reporting 940GB download and 500 Mbps upload. In most locations, end users also have access to satellite and mobile broadband services. However, the Commission has found that fixed and mobile broadband services are not full substitutes to each other and both services are necessary to ensure that all Americans have access to advanced telecommunications capability. Both have different service capabilities and use cases, and because these services are complements, and many consumers subscribe to both, which means that the incentives to degrade one of these services would not fully affect consumers’ use of the other service. Further, the 2024 Section 706 Report observed that satellite services have a

relatively low subscription rate despite their apparent widespread service availability, and satellite capacity limits the number of subscribers that can be served without service degradation.

462. Several commenters argue that the development of cellular FWA as an alternative to more traditional fixed BIAS is an example that broadband deployment, innovation, and competition are flourishing, and that the Commission’s proposed rules are unnecessary. Cellular FWA, the subclass of FWA offered using 4G or 5G mobile technologies, is a relatively new residential fixed wireless broadband internet access service offered by nationwide providers AT&T, T-Mobile, and Verizon. As USTelecom notes, “[n]ew 5G fixed wireless offerings provide a competitive alternative to . . . wireline offerings.” INCOMPAS and Free Press, conversely, suggest that claims of cellular FWA’s competitive effects on the fixed BIAS market may be exaggerated, arguing that the fixed BIAS market is highly concentrated and requires open internet regulation. While Free Press acknowledges fixed wireless as a potential source of competition for home broadband, it argues in favor of the need to reclassify broadband as Title II “regardless of how competitive the market is.” While we acknowledge the availability of cellular FWA as an alternative to wired home internet offerings, we note that the development of this technology—and any resulting impact on competition—is not sufficient by itself to outweigh our concerns regarding BIAS providers’ incentives.

463. A second response to the argument that BIAS providers lack the incentive to engage in conduct that harms edge providers is that even where consumers face a choice among BIAS providers that are close substitutes, they likely face high switching costs. The record shows broad support for the relevance of switching costs in reducing the intensity of competition. Other commenters emphasize that competition among BIAS providers has reduced switching costs and increased customer choice options. While we recognize that these competitive forces may exist to lower switching costs for some consumers in some areas, many areas and groups remain for whom switching costs remain high. As the Commission explained in the 2015 *Open Internet Order*, consumers may face “high upfront device installation fees; long-term contracts and early termination fees; the activation fee when changing service providers; and compatibility costs of owned equipment not working with the new service.” In addition,

BIAS providers can use bundling strategies to increase switching costs.

464. Third, even where a BIAS provider degrades the quality of an edge provider’s service to the extent that it is noticeable to the consumer, the consumer may not be able to determine whether the poor quality is due to the BIAS provider or to the edge provider. Consumers often lack the information needed to understand how the practices of their current BIAS provider may affect their user experience and are confused by the complexity of multifaceted pricing plans and discount offers. This uncertainty reduces consumers’ willingness to switch, solidifying the gatekeeper position of BIAS providers, and weakening the checks provided by competing providers.

465. Another argument raised by opponents of open internet rules is that BIAS providers will not have the incentive to degrade or disadvantage edge providers to the extent that BIAS and edge services are complements. We find that this argument does not always hold. For example, if a BIAS provider is vertically integrated with a content provider or has a contractual relationship with an edge provider that competes directly against other edge providers, then the BIAS provider may have an incentive to block or degrade access to unaffiliated edge providers. Similarly, if a BIAS provider sees an edge provider as a potential future competitor in an upstream market, it may have the incentive to discriminate in providing access. Finally, each BIAS provider only accounts for how its actions impact its own profits and ignores the effect it has on other BIAS providers and the broader internet ecosystem. As a result, each individual BIAS provider’s profit-maximizing decision, when aggregated across all BIAS providers, can be harmful. For example, an individual BIAS provider may find charging edge providers a small amount increases its profits. To the extent that charge leads edge providers to degrade output, the BIAS provider would only account for the impact on its own customers, but not the impact on customers of other BIAS providers. While the BIAS provider might use some of its revenue from the edge providers to compensate its own customers and negate the harm, other users of the edge providers’ services would still be harmed by the charge. While the harm caused when a single BIAS provider takes such action may be small, all BIAS providers have an incentive to behave this way, substantially harming edge provision.

466. Opponents of the proposed open internet rules further argue that a supposed lack of examples of BIAS providers blocking or throttling edge content proves that such rules are not needed. We find this argument unpersuasive. As an initial matter, we note that open internet rules and active enforcement of such rules have been in effect nearly continuously in some form since 2010. Following the *RIF Order*, various states began enacting their own open internet rules, and given the national scope of many BIAS providers and services, such State rules provided at least some constraint on the ability of BIAS providers to engage in behavior that would harm internet openness. Indeed, AT&T abandoned its sponsored data plan that zero-rated affiliated DirecTV video as a direct result of the passage of the California open internet regulations. AT&T stated that, “[g]iven that the internet does not recognize state borders, the new law not only ends our ability to offer California customers such free data services but also similarly impacts our customers in states beyond California.” As we explained above, BIAS providers continue to have strong incentives and the ability to favor some edge provider content and to discriminate against other content, especially when a BIAS provider is vertically integrated, or has contractual relationships, with edge provider content that competes with unaffiliated content. Therefore, the perceived lack of examples of BIAS providers engaging in practices that harm internet openness is more likely evidence in favor of the effectiveness of open internet regulation and enforcement rather than evidence of a lack of incentives for BIAS providers to engage in such activities.

467. However, there have been repeated cases of discriminatory conduct that often required Commission action to resolve and would likely be addressed by the rules we adopt in the Order. The record and independent research document a list of incidences, such as blocking, throttling, and other forms of conduct that harm edge providers. This includes the blocking by Madison River Communications of VoIP service provided by Vonage; the throttling and blocking of peer-to-peer (P2P) traffic by cable providers; the blocking of video calling on the Apple FaceTime app by AT&T; and, as discussed below, recent evidence that major BIAS providers are currently engaged in throttling. BIAS provider RCN settled a class action lawsuit related to its throttling of P2P traffic on its network. RCN denied any wrongdoing, but it acknowledged that in

order to ease network congestion, it targeted specific P2P applications. A 2008 study by the Max Planck Institute revealed significant blocking of BitTorrent applications in the United States. Comcast and Cox were both cited as examples of providers blocking traffic. AT&T initially restricted use of Apple’s FaceTime application to times when the end user was connected to Wi-Fi and thus to another BIAS provider. In addition, there have been many instances over the past decade where BIAS providers changed the traffic that was requested by their users, including by redirecting search requests to websites chosen by the BIAS provider in exchange for payments; injecting JavaScript code into traffic, raising security concerns; adding unique tracking IDs to web requests, raising privacy concerns; and stripping email encryption requests, raising security and privacy concerns.

468. The *RIF Order* asserted that there are only a few examples of BIAS providers engaging in practices harmful to internet openness, and that proponents of the *2015 Open Internet Order* “relied on purely speculative threats.” It argued that, in a holistic view, both BIAS and edge providers “are important drivers of the virtuous cycle” of investment and innovation, and that regulatory analysis must examine this two-sided market interaction. The *RIF Order* then concludes that, seen through a two-sided market lens, BIAS providers “face material competitive constraints.” Furthermore, it contended that the terminating monopoly problem forces BIAS providers to compete for subscribers, thus creating downward price pressure for end users. Moreover, it claimed that smaller BIAS providers cannot exercise market power against large edge providers. Finally, the *RIF Order* argued that positive externalities associated with the general-purpose technology internet and their regulatory implications were not substantiated by commenters who supported the *2015 Open Internet Order’s* approach and thus considered their support of the application of Title II regulation to all BIAS providers “unreasonable and unreasoned.”

469. As our analysis in this section shows, these arguments are not persuasive. Although it is correct that both BIAS and edge providers provide impetus for innovation, the interests of BIAS providers and edge providers often conflict with each other. BIAS providers have incentives to disadvantage competing edge providers and edge providers that might offer competing services in the future. And as

discussed above, even where end users have competitive choices, they generally face significant switching costs and often lack the ability to identify when their BIAS provider is degrading the quality of particular edge services. Consequently, even from a two-sided-market perspective, the interactions between each side of the market are not well aligned. Finally, externalities deserve serious consideration as they imply that the decentralized decisions of BIAS providers and edge providers can have undesirable sectoral outcomes, even when BIAS providers have no incentives to favor their own operations. For example, if a BIAS provider imposes an access fee on an edge provider, it is only considering the effect of such a charge on its own profits, and not the potential reduced edge provider innovation and investment caused by the new cost imposed on the edge provider. A BIAS provider’s mere exploitation of its existing market power will reduce edge provider investment, a harm the BIAS provider will only account for to the extent it reduces its own profits, ignoring the damage to the broader internet ecosystem.

4. The *RIF Order’s* Framework Is Insufficient To Safeguard and Secure the Open Internet

470. We find that framework in the *RIF Order* does not adequately protect consumers from the potential harms of BIAS provider misconduct. As discussed above, BIAS providers have the incentive and technical ability to engage in conduct that undermines the openness of the internet. In 2018, when the Commission repealed the open internet conduct rules, the Commission asserted that a modified transparency rule, combined with the effects of competition, would prevent BIAS provider conduct that might threaten the internet’s openness. Notwithstanding this conclusion, the Commission found that “[i]n the unlikely event that ISPs engage in conduct that harms internet openness,” preexisting antitrust and consumer protection laws will protect consumers. In the *RIF Order*, the Commission further found that even if the conduct rules adopted by the Commission in 2015 provided “any additional marginal deterrence,” those benefits were not worth the costs. We believe that this framework is insufficient to safeguard and secure the open internet.

471. While the D.C. Circuit found the *RIF Order’s* framework to represent a reasonable policy view, the court was skeptical of the Commission’s analysis. Even while upholding the Commission’s reliance on consumer protection and

antitrust law to protect the open internet in *Mozilla*, the court observed that the *RIF Order's* "discussion of antitrust and consumer protection law is no model of agency decisionmaking." As the court explained, although "[t]he Commission theorized why antitrust and consumer protection law is preferred to *ex ante* regulations [it] failed to provide any meaningful analysis of whether these laws would, in practice, prevent blocking and throttling." Consequently, although "the Commission opine[d] that '[m]ost of the examples of net neutrality violations discussed in the [2015 *Open Internet Order*] could have been investigated as antitrust violations,'" the *RIF Order* "fail[ed] to explain what, if any, concrete remedies might address these antitrust violations." The court found it "concerning that the Commission provide[d] such an anemic analysis of the safety valve that it insists will limit anticompetitive behavior among broadband providers."

472. Consistent with the D.C. Circuit's skepticism of the *RIF Order's* approach, we find that the consumer protection and antitrust laws, even combined with transparency requirements, are insufficient to protect against blocking, throttling, and other conduct that harms the open internet. We believe that the approach we adopt in the Order, based on the 2015 *Open Internet Order*, is consistent with a light-touch regulatory framework to protect internet openness. Even while upholding the *RIF Order*, the D.C. Circuit was "troubled by the Commission's failure to grapple with the fact that, for much of the past two decades, broadband providers were subject to some degree of open internet restrictions," and we aim to return to the Commission understanding that existed from the 2005 *Internet Policy Statement* through the repeal of the 2015 *Open Internet Order* in 2017.

473. As an initial matter, we find the *RIF Order's* reliance on transparency as a deterrent for problematic practices to be insufficient to protect consumers and edge providers from BIAS provider misconduct. We affirm our tentative conclusion from the 2023 *Open Internet NPRM* that there are types of conduct, such as blocking, throttling, and traffic discrimination, that require *ex ante* intervention to prevent their occurrence in the first instance. We agree with those commenters that argue it is not enough for the Commission to require that BIAS providers disclose their policies on these network practices in the commercial terms of their service offerings because it does not restrict BIAS providers from engaging in harmful behavior. We conclude that a comprehensive set of conduct rules,

which includes a transparency element, is required to protect consumers from harmful BIAS provider conduct, and that the open internet rules we adopt in the Order, including bright-line rules, are necessary to safeguard and secure the open internet. As discussed above, we find that: (1) BIAS providers may have the incentive to engage in conduct that harms edge providers and the open internet even where they lack market power over end users; and (2) contrary to the claims of some commenters, there have been several instances of conduct that the Commission felt a need to address and correct, despite the fact that there were open internet rules in place.

474. Furthermore, based on the record in this proceeding, we find that the *RIF Order's* reliance on the DOJ and the FTC for enforcement of the consumer protection and antitrust laws is unlikely to provide sufficient deterrence to BIAS providers from engaging in conduct that may harm consumers, edge providers, and the open internet. Both the DOJ and the FTC have authority to enforce the Federal antitrust laws, and particularly sections 1 and 2 of the Sherman Act. Section 1 of the Sherman Act makes illegal "[e]very contract, combination . . . , or conspiracy in restraint of trade . . . among the several States," while section 2 prohibits monopolization, attempts to monopolize, or combinations or conspiracies to monopolize "any part of the trade or commerce among the several States." In the 2010 and 2015 *Open Internet Orders*, the Commission found that it was necessary to adopt certain rules to protect the openness of the internet and that sole reliance on enforcement of the antitrust laws by the DOJ and FTC was insufficient to protect edge providers, consumers, and the open internet. In the *RIF Order*, the Commission reconsidered and concluded that conduct that harms the openness of the internet was unlikely, and that other legal regimes—particularly antitrust law and section 5 of the Federal Trade Commission Act (FTC Act)—were sufficient to protect consumers.

475. We disagree with commenters who argue that existing consumer protection and antitrust laws provide adequate protection against the harms the open internet rules we adopt in the Order seek to prevent. To begin with, the FTC's section 5 authority does not apply to "common carriers subject to" the Communications Act, so if BIAS providers are properly classified as common carriers, section 5 does not apply at all. With respect to antitrust oversight, it is not clear that all conduct that could harm consumers and edge providers would constitute an "unfair

method of competition" under section 5 of the FTC Act or a violation of section 1 or 2 of the Sherman Act. The FTC goes on to explain that conduct that violates section 5 includes practices "deemed to violate the antitrust laws," "conduct deemed to be an incipient violation of the antitrust laws," and "conduct that violates the spirit of the antitrust laws," but none of the examples cited by the FTC clearly address the types of conduct the open internet rules seek to prohibit. For example, if a vertically integrated BIAS provider blocked or throttled the content of a particular edge provider with which it competed in the content market, it is not clear whether such conduct would constitute a violation of section 2 of the Sherman Act. It is well settled that there are two elements to the offense of unlawful monopolization under section 2 of the Sherman Act: "(1) the possession of monopoly power in the relevant market; and (2) the willful acquisition or maintenance of that power as distinguished from growth or development as a consequence of a superior product, business acumen, or historic accident." As the Commission has repeatedly explained, however, it is not necessary for a BIAS provider to have "market power with respect to end users" for it to be able to engage in conduct that harms edge providers, the open internet, and consumers. This conclusion was accepted and affirmed by the D.C. Circuit in *Verizon*, where it stated:

Broadband providers' ability to impose restriction on edge providers does not depend on their benefiting from the sort of market concentration that would enable them to impose substantial price increases on end users—which is all the Commission said in declining to make a market power finding. . . . Rather, broadband providers' ability to impose restriction on edge providers simply depends on end users not being fully responsive to the imposition of such restrictions.

Thus, section 2 of the Sherman Act will not provide adequate protection, at least in cases where the BIAS provider lacks monopoly power over its end user customers. In *Mozilla*, the D.C. Circuit reiterated its concern about the insufficiency of the *RIF Order's* reliance on antitrust law, explaining that the *RIF Order* "fail[ed] to explain what, if any, concrete remedies might address these antitrust violations." As such, while the Sherman Act may complement the rules we adopt in the Order, it would not be sufficient on its own to protect edge providers, consumers, and the open internet.

476. Similarly, it is not clear that all conduct that harms edge providers,

consumers, and the open internet would necessarily violate section 5 of the FTC Act's prohibition on "unfair or deceptive acts or practices" even while BIAS providers are not classified as common carriers and thus are subject to the FTC Act. Whether an act is unfair or deceptive under consumer protection law each depends on its own subjective test. Commenters argue that the FTC is a more appropriate enforcer of open internet principles, emphasize that the FTC has the authority to enforce BIAS provider pledges and commitments not to block, throttle, or otherwise harm consumers. But these commenters do not address whether the FTC would have any enforcement authority with respect to a BIAS provider that does not make affirmative pledges or commitments. Nor is it clear how the FTC would rule should a BIAS provider engage in other types of conduct that do not amount to blocking or throttling, but that nevertheless harm edge providers and the open internet. As such, we disagree that consumer protection law is adequate to protect the open internet.

477. We also find that there are significant advantages to adopting *ex ante* bright-line rules compared with relying on an *ex post* case-by-case approach, the latter of which is necessary for the DOJ and FTC. First, *ex ante* bright-line rules can reduce regulatory uncertainty and provide better guidance to BIAS providers, edge providers, and end users. In the antitrust context, the U.S. Supreme Court has created certain *per se* rules that prohibit particular types of conduct. It has described this *per se* approach as "reflect[ing] broad generalizations holding true in so many cases that inquiry into whether they apply to the case at hand would be needless and wasteful." Where, as here, however, no commenter claims that the blocking or throttling of a specific edge-provider's lawful content will increase consumer or social welfare, we find it reasonable and efficient to adopt a bright-line prohibition. In contrast, *ex post* case-by-case enforcement like that under the FTC and DOJ involves greater expense, longer delays in prosecuting enforcement actions, and greater uncertainty as to which types of conduct are allowed or proscribed.

478. We further find that the oversight and enforcement elements of the *RIF Order's* framework likely do not provide consumers a meaningful opportunity to obtain relief. The primary means by which the *RIF Order* suggests consumers might seek redress for harmful BIAS provider conduct is to submit complaints to the FTC, with the hope that the complaint might spark an

agency investigation. The *Mozilla* court criticized the *RIF Order's* reliance on antitrust and consumer protection law. Moreover, the Supreme Court's decision in *AMG Capital Management v. Federal Trade Commission* restricted the FTC's ability to seek monetary relief on behalf of consumers. Finally, while the Commission also suggested that consumers could seek non-legal forms of relief by switching to an alternative BIAS provider and bringing public attention to the BIAS provider conduct at issue to influence that provider into changing its behavior, we find that there may be high costs associated with trying to switch providers. While some of these options may provide relief for some subset of consumers, overall, they are far from widely available. As part of arguments opposing the re-adoption of internet conduct rules, some commenters highlight the example of a small ISP in the Pacific Northwest as positive proof that consumer backlash can prevent violations of open internet principles. In this circumstance, a small BIAS provider announced that it would block access to social media sites that had permanently banned the former president. After public criticism, the BIAS provider backtracked. We do not doubt that transparency plays an important role in policing BIAS provider behavior, as this example demonstrates. However, we observe that this particular situation involves an important public figure and some of the largest social media companies in the country. It is not clear that a situation that did not involve some of the largest figures in the country would gain the same type of traction with the public, and a smaller edge provider would not be in the same position as those in this example to draw attention to the behavior. This lack of predictability makes reliance on transparency an uncertain course for consumers to obtain relief. As discussed above, the D.C. Circuit expressed concern that the *RIF Order* "failed to provide any meaningful analysis of whether [antitrust and consumer protection] laws would, in practice, prevent blocking and throttling." Furthermore, the harms contemplated in section V.A.3 may not always be observable to the average consumer.

479. Finally, we agree with Public Knowledge that "Congress correctly identified that telecommunications services require sector-specific rules from an expert regulator: the FCC." To the extent that the conduct complained of does not involve a violation of a bright-line rule, as with enforcement under the Sherman Act and to the

extent that section 5 of the FTC Act might apply, it seems inefficient to place enforcement responsibility with generalist agencies rather than with the FCC, which possesses the technical and market knowledge and expertise concerning communications and broadband technologies. Indeed, the common carrier exception in section 5 of the FTC Act appears to presume that telecommunications carriers should instead be principally governed by sector-specific FCC rules. Moreover, because the FCC is constantly monitoring the telecommunications markets that it is charged with regulating, it is more likely to detect and deter conduct that harms the open internet. Finally, the FCC is better placed to enforce open internet rules and such violations where remedying harmful conduct is likely to require ongoing monitoring and supervision by the expert agency's enforcement oversight. Thus, we reaffirm our belief that the Commission, as the expert agency on communications, is best positioned to safeguard internet openness. In the *RIF Order*, the Commission removed its own authority to enforce open internet requirements, leaving the responsibility of addressing harmful BIAS provider conduct to the FTC. The current Chair of the FTC has recognized the need for the Commission's critical oversight. In remarks released in 2021, Chair Lina M. Khan noted that "the Federal Communications Commission has the clearest legal authority and expertise to fully oversee internet service providers." She continued that she "support[s] efforts to reassert [the FCC's] authority and once again put in place the nondiscrimination rules, privacy protections, and other basic requirements needed to create a healthier market." In response to the *2023 Open Internet NPRM*, several commenters agreed, arguing that the Commission's general expertise is needed.

B. Rules To Safeguard and Secure the Open Internet

1. Bright-Line Rules

480. The record in this proceeding is rife with support for the reinstatement of strong, enforceable open internet rules to prohibit BIAS providers from blocking, throttling, or engaging in paid or affiliated prioritization arrangements. Without rules in place to safeguard and secure the open internet, the incentives BIAS providers have to act in ways that are harmful to investment and innovation threaten both broadband networks and edge content, as the D.C.

Circuit has recognized. We find that a safe, secure, and open internet is too important to consumers and innovators to leave unprotected. As in 2015, we believe that conduct-based rules targeting specific practices are necessary, and accordingly adopt bright-line rules to prohibit blocking, throttling, and paid prioritization by providers of both fixed and mobile BIAS. For the reasons described below, we find each of these practices inherently unjust and unreasonable, in violation of section 201(b) of the Act, and that these practices threaten the virtuous cycle of innovation and investment.

481. We disagree with commenters that assert that reinstatement of conduct rules is unnecessary because BIAS providers have not engaged in widespread blocking or throttling of traffic since the elimination of the conduct rules in 2018. As an initial matter, there exists evidence—as well as numerous consumer allegations—that BIAS providers have not refrained from this conduct. Contrary to industry assertions claiming that rules are unnecessary because *YourT1Wifi.com* reversed its policy, we do not believe that consumers should have to rely on public outcry alone to be able to reach all content of their choosing. The Commission has received nearly 40,000 consumer complaints since adoption of the *RIF Order* raising speed, throttling, open internet, and data cap concerns. Some consumers assert, for example, that certain video traffic was throttled by their BIAS provider, as demonstrated by the fact that VPN-masked video traffic had no similar issues. We make no determinations regarding the allegations in these complaints in the Order. To the extent that some BIAS providers have acted consistently with open internet principles, we agree with Netflix and Mozilla that the combination “of individual state laws and a pending regulatory proceeding disincentivized ISPs from undermining the open internet.” In any event, we find that it is not acceptable for consumers to be beholden to the voluntary whims of their BIAS provider or be selectively protected depending on the State in which they live or the size of their provider, nor is it sufficient to promote innovation among edge providers. As we explain throughout this section, there is nothing in the record that convinces us that customers of small BIAS providers are entitled to less protection than customers of large BIAS providers. Nor do we find that imposition of these open internet rules on small BIAS providers will be so

burdensome as to justify a six-month or one-year delay in implementation for these providers (except where we provide a temporary exemption for certain of the transparency rule requirements, as discussed below), particularly given that ACA Connects itself indicates that small BIAS providers are already complying with the open internet principles. We are similarly not convinced of the need for a FNPRM, as requested by WISPA, examining, among other things, whether the “Regulatory Flexibility Act requires the Commission to exempt small BIAS providers from the rules” and the “costs to comply with all of the regulatory obligations the Commission has imposed on BIAS providers over the past two years,” and “propos[ing] to permanently exempt small providers from the bright line rules, the general conduct rule, and the new transparency requirements.” The Commission sought comment on the effect of the proposed rules and policies on small entities in the *2023 Open Internet NPRM* and the accompanying Initial Regulatory Flexibility Analysis. The Commission has carefully considered these impacts in adopting the requirements in the Order, and as such, a FNPRM examining these issues is not necessary. In adopting strong, enforceable open internet rules, we will ensure a safe and open internet for all consumers nationwide and promote innovation that fuels the virtuous cycle.

a. Preventing Blocking of Lawful Content, Applications, Services, and Non-Harmful Devices

482. We reinstate a bright-line rule prohibiting BIAS providers from blocking lawful content, applications, services, or non-harmful devices. This “no-blocking” principle has long been a cornerstone of the Commission’s policies. While first applied in the internet context as part of the Commission’s *Internet Policy Statement*, the no-blocking concept dates back to the Commission’s protection of end users’ rights to attach lawful, non-harmful devices to communications networks. We continue to find, as the Commission has previously, that “the freedom to send and receive lawful content and to use and provide applications and services without fear of blocking continues to be essential to the internet’s openness.” Because of BIAS providers’ potential incentives to block edge providers’ content in certain circumstances, the need to protect a consumer’s right to access lawful content, applications, services, and to use non-harmful devices is as important today as it was when the Commission

adopted the first no-blocking rule in 2010. Consistent with our proposal, we reinstate the no-blocking rule, which is widely supported in the record, providing that a person engaged in the provision of broadband internet access service, insofar as such person is so engaged, shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management.

483. Consistent with the 2015 no-blocking rule, the phrase “content, applications, and services” refers to all traffic transmitted to or from end users of a broadband internet access service, including traffic that may not fit clearly into any of these categories. The no-blocking rule applies to transmissions of lawful content only and does not prevent or restrict a BIAS provider from refusing to transmit unlawful material, such as child pornography or copyright-infringing materials. The no-blocking rule also entitles end users to connect, access, and use any lawful device of their choice, provided that the device does not harm the network. The no-blocking rule prohibits network practices that block a specific application or service, or any particular class of applications or services, unless it is found to be reasonable network management. Finally, as with the 2010 and 2015 no-blocking rules, this document’s no-blocking rule prohibits BIAS providers from charging edge providers a fee to avoid having edge providers’ content, services, or applications blocked from reaching BIAS providers’ end-user customers.

484. We agree with the Free State Foundation that, “[b]y offering subscribers access to whatever lawful internet content they want, broadband ISPs enhance the perceived value of their services and thereby increase demand, subscribership, and opportunities for financial returns and profits.” Further, we expect that provider costs for compliance with the no-blocking rule will be minimal, given that many BIAS providers have continued to comply with the no-blocking rule even after its repeal in 2018, and that providers themselves assert that they have every incentive not to block traffic.

b. Preventing Throttling of Lawful Content, Applications, Services, and Non-Harmful Devices

485. Consistent with our proposal, we reinstate a separate bright-line rule prohibiting BIAS providers from impairing or degrading lawful internet traffic on the basis of content, application, service, or use of non-harmful device—conduct that was

prohibited under the commentary to the no-blocking rule adopted in the *2010 Open Internet Order*, and that the Commission explicitly prohibited in 2015. We use the term “throttling” to refer to conduct that is not outright blocking, but that inhibits the delivery of particular content, applications, or services, or particular classes of content, applications, or services.

486. We adopt the following no-throttling rule applicable to BIAS providers, which tracks the language of the Commission’s *2015 Open Internet Order*, providing that a person engaged in the provision of broadband internet access service, insofar as such person is so engaged, shall not impair or degrade lawful internet traffic on the basis of internet content, application, or service, or use of a non-harmful device, subject to reasonable network management.

487. With the no-throttling rule, we ban conduct that is not outright blocking, but inhibits the delivery of particular content, applications, or services, or particular classes of content, applications, or services. Likewise, we prohibit conduct that impairs or degrades lawful traffic to a non-harmful device or class of devices. We interpret this prohibition to include, for example, any conduct by a BIAS provider that impairs, degrades, slows down, or renders effectively unusable particular content, services, applications, or devices, that is not reasonable network management. Our interpretation of “throttling” encompasses a wide variety of conduct that could impair or degrade an end user’s ability to access content of their choosing. We clarify that a BIAS provider’s decision to speed up “on the basis of internet content, applications, or services” would “impair or degrade” other content, applications, or services which are not given the same treatment. For purposes of this rule, “content, applications, and services” has the same meaning given to this phrase in the no-blocking rule. Like the no-blocking rule, BIAS providers may not impose a fee on edge providers to avoid having the edge providers’ content, service, or application throttled. Further, transfers of unlawful content or unlawful transfers of content are not protected by the no-throttling rule. As in past *Orders*, we continue to recognize that in order to optimize end-user experience, BIAS providers must be permitted to engage in reasonable network management practices. We note, however, that the record reflects that “[t]here are many factors that limit video impact, including the fact that video providers use adaptive bitrates to select video resolution (bitrates) according to available bandwidth, they use

congestion-control algorithms while transmitting, and network providers expanded network capacity during the COVID lockdown era.”

488. Because our no-throttling rule addresses instances in which a BIAS provider targets particular content, applications, services, or non-harmful devices, it does not address the practice of slowing down or speeding up an end user’s connection to the internet based on a choice clearly made by the end user. For example, a BIAS provider may offer a data plan in which a subscriber receives a set amount of data at one speed tier and any remaining data at a lower tier. We note that user-selected data plans with reduced speeds must comply with our transparency rule, such that the limitations of the plan are clearly and accurately communicated to the subscriber. If there were internet openness concerns with the particulars of a data plan, the Commission could undertake a review under the general conduct standard, discussed below. In contrast, if a BIAS provider degraded the delivery of a particular application or class of application, it would violate the bright-line no-throttling rule. Further, consistent with the *2015 Open Internet Order*, the no-throttling rule also addresses conduct that impairs or degrades content, applications, or services that might compete with a BIAS provider’s affiliated content. For example, if a BIAS provider and an unaffiliated entity both offered over-the-top applications, the no-throttling rule would prohibit the BIAS provider from constraining bandwidth for the competing over-the-top offering to prevent it from reaching the BIAS provider’s end user in the same manner as the affiliated application.

489. We agree with the Information Technology Industry Council that the no-throttling rule “ensures the internet remains a vibrant platform for any individual, startup, or company to provide new, innovative, and competitive offerings without needing to worry that access to their offerings may be blocked or degraded for anticompetitive purposes.” Because we find that BIAS providers have the incentive and ability to throttle or otherwise interfere with traffic of competing content providers, we conclude that a bright-line rule prohibiting throttling, subject to reasonable network management, is necessary. Further, we believe that the bright-line rule we adopt in the Order to protect consumers’ right to access lawful internet traffic of their choice without impairment or degradation will not impose significant compliance burdens or costs, particularly given that

many BIAS providers continue to advertise on their website that they do not throttle traffic except in limited circumstances. Finally, we disagree with commenters that argue that concerns about throttling lack persuasiveness, citing the datedness of examples provided in the record. Professor David Choffnes explains that data show that “nearly every cellular provider that offers mobile BIAS in the US throttles at least one video streaming service,” explaining that there is “direct empirical evidence that ISPs in the US . . . [use] special networking equipment called middleboxes that inspect the contents of our network traffic to make guesses as to what application is being used, and then potentially limit the bandwidth available to that application in response.” While we do not rely on these findings as justification for the no-throttling rule, they remain instructive regarding BIAS providers’ technical ability to throttle traffic.

c. No Paid or Affiliated Prioritization

490. We reinstate the prohibition on paid or affiliated prioritization practices, subject to a narrow waiver process. In the *2023 Open Internet NPRM*, the Commission proposed to reestablish a ban on arrangements in which a BIAS provider accepts consideration (monetary or otherwise) from a third party to manage its network in a manner that benefits particular content, applications, services, or devices, or manages its network in a manner that favors the content, applications, services, or devices of an affiliated entity. The Act defines “affiliate” as “a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, the term ‘own’ means to own an equity interest (or the equivalent thereof) of more than 10 percent.” After consideration of the record, we conclude that paid prioritization network practices harm consumers, competition, and innovation, as well as create disincentives to promote broadband deployment and, as such, we reinstate a bright-line rule prohibiting such practices.

491. We adopt the following paid prioritization rule applicable to BIAS providers, which tracks the language of the Commission’s *2015 Open Internet Order*, providing that a person engaged in the provision of broadband internet access service, insofar as such person is engaged, shall not engage in paid prioritization. “Paid prioritization” refers to the management of a broadband provider’s network to directly or

indirectly favor some traffic over other traffic, including through use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either (a) in exchange for consideration (monetary or otherwise) from a third party, or (b) to benefit an affiliated entity.

492. We find that the same concerns present in 2015 remain true in the Order, that preferential treatment arrangements have the potential to create a chilling effect, disrupting the internet's virtuous cycle of innovation, consumer demand, and investment. While small BIAS providers argue that they have neither the incentive nor market power to limit access to edge provider applications, services, and devices, and "reciprocally to control or limit edge provider access to their small customer bases," for the reasons we describe below we find it appropriate to establish a bright-line rule applicable to all BIAS providers in order to provide certainty to BIAS and edge providers alike. In the *2023 Open Internet NPRM*, we tentatively concluded that, absent open internet rules, BIAS providers might engage in practices that "could unravel the virtuous cycle" and that there are "far more edge services that are small . . . which the *RIF Order* does not acknowledge or evaluate." We sought comment on these tentative conclusions and on whether small edge providers had any leverage in negotiations with BIAS providers and on whether BIAS providers "seeking paid prioritization arrangements . . . would disproportionately harm small edge providers. As discussed above, we find, in general, that BIAS providers have the incentive and ability engage in conduct that harms edge providers, particularly small edge providers. Based on the record and related research on competition in vertically related markets, we find more specifically that forms of paid and affiliate prioritization can be used by BIAS providers in ways that may harm edge providers and edge innovation. In particular, BIAS providers may use paid or affiliated prioritization to raise the costs of edge providers that compete with their vertically integrated edge affiliates or with edge providers with whom they have a contractual arrangement. In addition, if BIAS providers can profitably charge edge providers for prioritized access, they may have an incentive to strategically degrade, or decline to maintain or increase, the quality of service to non-prioritized uses and users in order to raise the profits from selling priority access. Thus, BIAS

providers might withhold or decline to expand capacity in order to "squeeze" and degrade nonprioritized traffic, thus increasing network congestion. These types of conduct create competitive disadvantages for unaffiliated edge providers. Other things being equal, they increase the costs of innovation for edge providers and reduce the number of innovation experiments. In turn, this will likely decrease the rate of edge and network innovation.

493. The Commission has previously found it well established that BIAS providers have both the incentive and the ability to engage in paid prioritization. In its *Verizon* opinion, the D.C. Circuit noted the powerful incentives BIAS providers have to accept fees from edge providers in return for excluding their competitors or for granting prioritized access to end users. The record reflects commenter concerns regarding preferential treatment arrangements, with many advocating for a flat ban on paid prioritization. Commenters argue, for example, that permitting paid prioritization will result in a two-tiered internet, with a "fast" lane for those willing and able to pay, and a "slow" lane for everyone else. Other commenters argue that paid prioritization will distort the market; harm competition, consumers, edge providers (particularly small edge providers), and free expression; and discourage innovation. The American Library Association also expressed concern that permitting paid prioritization would also disadvantage "non-profit or public interest entities such as libraries and other public institutions that often operate under very tight budgets."

494. Our concerns regarding paid prioritization are compounded by the fact that documenting the harms could prove challenging, as it is impossible to identify small businesses and new applications that are stifled before they become commercially viable. We are also concerned that the widespread use of paid prioritization practices would cause damage to internet openness that would be difficult to reverse. As we noted in the *2023 Open Internet NPRM*, we find it encouraging that some BIAS providers continue to advertise that they do not engage in paid or affiliated prioritization practices. As with our no-blocking and no-throttling bright-line rules, however, we continue to believe that the potential harm to the open internet is too significant to rely on promises from BIAS providers because "the future openness of the internet should not turn on the decision[s] of a particular company."

495. The record reflects some positive use cases of paid prioritization, and conversely, some costs associated with a ban on such practices. For example, ADTRAN asserts that "requiring free prioritization ignores the costs that are incurred in enabling that service and encourages over-consumption," and also highlights uses of paid prioritization in other settings. The International Center for Law and Economics emphasizes the importance of prioritization when congestion is detected on the network. While we do not discount the potential benefits of paid prioritization, we remain convinced that the potential harms to consumers and the open internet outweigh any speculative benefits.

496. As in 2015, we find that there are advantages to adopting a bright-line rule prohibiting paid prioritization. For one, we believe it will protect consumers against a harmful practice that may be difficult to understand, even if disclosed. In addition, this approach relieves small edge providers, innovators, and consumers of the burden of detecting and challenging instances of harmful paid prioritization. Prohibiting paid prioritization outright will also likely help foster broadband network investment by setting clear boundaries of acceptable and unacceptable behavior. Thus, we find it most appropriate to adopt a bright-line rule banning paid prioritization arrangements, while entertaining waiver requests under limited circumstances. Consistent with the *2015 Open Internet Order* and the record, we clarify that the ban on paid prioritization does not restrict the ability of a BIAS provider to enter into an agreement with a CDN to store content locally within the BIAS provider's network.

497. Under the Commission's longstanding waiver rule, the Commission may waive any rule in whole or in part, for good cause shown. A general waiver of the Commission's rules is only appropriate if special circumstances warrant a deviation from the general rule and such a deviation will serve the public interest. In 2015, the Commission found that it was appropriate to adopt specific rules concerning the factors that it will use to examine a waiver request of the paid prioritization ban, and we proposed to adopt a waiver rule for the paid prioritization ban consistent with the *2015 Open Internet Order*. We conclude that it remains appropriate to accompany a rule prohibiting paid prioritization arrangements with specific guidance on how the Commission would evaluate subsequent waiver requests.

498. Accordingly, we adopt a rule concerning waiver of the paid prioritization ban that establishes a balancing test, consistent with our proposal, providing that the Commission may waive the ban on paid prioritization only if the petitioner demonstrates that the practice would provide some significant public interest benefit and would not harm the open nature of the internet.

499. In accordance with the framework established in 2015, applicants seeking a waiver of the paid prioritization ban will be required to make two related showings. First, the applicant must demonstrate that the practice will have some significant public interest benefit. The applicant can make such a showing by providing evidence that the practice furthers competition, innovation, consumer demand, or investment. Second, the applicant must demonstrate that the practice does not harm the open nature of the internet, including, but not limited to, providing evidence that the practice: (i) does not materially degrade or threaten to materially degrade the BIAS of the general public; (ii) does not hinder consumer choice; (iii) does not impair competition, innovation, consumer demands, or investment; and (iv) does not impede any forms of expression, types of service, or points of view. An applicant seeking waiver relief under this rule faces a high bar. We anticipate approving such exemptions only in exceptional cases.

500. We disagree with commenters that assert that delays associated with the waiver process will deter investment and innovation in prioritization services. As an initial matter, we find that prioritization services themselves generally deter investment and innovation. In any event, the Commission has shown itself capable of handling a variety of different types of waiver requests on a timely basis, so assertions about delay are speculative at this juncture. We also disagree with the parties that suggest the waiver process we re-adopt in the Order provides insufficient guidance to potential waiver applicants. We are not merely relying on the Commission's general longstanding waiver standard and instead provide specific factors that the Commission will evaluate in considering such waiver requests, which, for instance, provide guidance on how a party might show a "public benefit" or show how the conduct "does not harm the open nature of the internet."

2. General Conduct Rule

501. In addition to the three bright-line rules, we also reinstate a no-

unreasonable interference/disadvantage standard, under which the Commission can prohibit practices that unreasonably interfere with the ability of consumers or edge providers to select, access, and use BIAS to reach one another, thus causing harm to the open internet. This no-unreasonable interference/disadvantage general conduct standard will operate on a case-by-case basis, applying a non-exhaustive list of factors, and is designed to evaluate other current or future BIAS provider policies or practices—not covered by the bright-line rules—and prohibit those that harm the open internet. Our prohibitions on blocking, throttling, and paid prioritization are critical to protecting and promoting the open internet, and we expect that these bans will prevent many of the harms identified above. We conclude, however, as the Commission found in 2015, that the Commission needs a mechanism to enable it to respond to attempts by BIAS providers to wield their gatekeeper power in ways that might otherwise compromise the open internet. In other words, the general conduct rule is a necessary backstop to ensure that BIAS providers do not find a technical or economic means to evade the bright-line prohibitions on blocking, throttling, and paid prioritization.

502. In the *2023 Open Internet NPRM*, we proposed adopting a general conduct rule that tracks the language and approach that the Commission adopted in the *2015 Open Internet Order*. We sought comment on our analysis that a general conduct rule is still needed to operate as a catch-all backstop to the three bright-line prohibitions we proposed, and on the need and characteristics of any potential modifications we should make to the version of the rule that the Commission had previously adopted, if commenters deemed such a rule necessary. We also sought comment on the accuracy of the *RIF Order*'s critiques that the general conduct rule was "vague and ha[d] created regulatory uncertainty in the marketplace hindering investment and innovation," and steps the Commission might take to increase BIAS providers' understanding of potentially prohibited practices under a re-adopted rule.

503. The Commission has long identified the need to protect consumers and edge providers from discriminatory conduct by BIAS providers. In 2010, the Commission enshrined this goal in a no-unreasonable discrimination rule that enabled the Commission to evaluate, on a case-by-case basis, the conduct of fixed BIAS providers based on a number of factors. At the time, the *2010 Open Internet Order* exempted mobile BIAS

providers from the anti-discrimination rule. When challenged, the D.C. Circuit accepted the Commission's underlying policy rationale for the regulations in the *2010 Open Internet Order*, including its nondiscrimination rule; however, the court vacated the Commission's anti-discrimination and no-blocking rules for imposing *de facto* common carrier status on BIAS providers in violation of the Commission's then-classification of BIAS as an information service. In 2015, when the Commission reclassified BIAS as a telecommunications service, it adopted a revised general conduct rule that was designed to prevent BIAS providers from unreasonably interfering with, or disadvantaging, consumers' ability to reach the internet content, services, and applications of their choosing or edge providers' ability to access consumers using the internet. The D.C. Circuit subsequently upheld the *2015 Open Internet Order* in full, including the Commission's new no-unreasonable interference/disadvantage standard (*i.e.*, the 2015 general conduct rule).

504. We agree with the goals of the Commission's previous nondiscrimination and general conduct rules, and we conclude that such a rule is still needed as a backstop to the bright-line prohibitions on blocking, throttling, and paid prioritization to protect the open nature of the internet. Accordingly, we adopt the following general conduct rule to address unreasonable discrimination, providing that any person engaged in the provision of broadband internet access service, insofar as such person is so engaged, shall not unreasonably interfere with or unreasonably disadvantage (a) end users' ability to select, access, and use broadband internet access service or the lawful internet content, applications, services, or devices of their choice, or (b) edge providers' ability to make lawful content, applications, services, or devices available to end users. Reasonable network management shall not be considered a violation of this rule.

For the purposes of this rule, we define "edge provider" as "any individual or entity that provides any content, application, or service over the internet, and any individual or entity that provides a device used for accessing any content, application, or service over the internet." And we define "end user" as "any individual or entity that uses a broadband internet access service." Consistent with the Commission's guidance in 2015, we note that the general conduct standard we adopt in the Order "represents our

interpretation of sections 201 and 202 in the broadband internet access context and, independently, our interpretation—upheld by the *Verizon* court—that rules to protect internet openness promote broadband deployment via the virtuous cycle under section 706 of the 1996 Act.”

505. We find that this rule is necessary to protect the ability of consumers and edge providers to use the open internet for several reasons. First, we agree with the American Civil Liberties Union and other commenters that the rule will allow the Commission to respond to harmful conduct not easily categorized as blocking, throttling, or paid prioritization. Second, because of the “constantly evolving nature of technologies underlying the internet ecosystem,” it is difficult to predict all of the practices that might harm the openness of the internet, and we agree with those commenters, such as the Ad Hoc Telecom Users Committee and Cloudflare, who argue that the Commission needs flexibility to address consumer and competitive harms as technology evolves. And third, the general conduct rule will provide the Commission a means of addressing BIAS providers that develop policies and practices that evade the bright-line prohibitions. As Professor Jon Peha notes, even with the adoption of the bright-line rules, BIAS providers would still have the incentive to act as gatekeepers.

506. Consistent with our proposal, we adopt a case-by-case approach that will consider the totality of the circumstances when analyzing whether conduct satisfies the general conduct standard to protect the open internet. We endeavor to maintain an internet ecosystem that balances the Commission’s ability to protect consumers and edge providers from harmful conduct, while still allowing BIAS providers the flexibility and encouragement to develop new technologies and business practices. We conclude, based on the record before us, that evaluating potential conduct on a case-by-case basis will allow the Commission to respond to emerging practices that may harm the open nature of the internet while enabling BIAS providers to offer innovative services that keep pace with evolving technology and business practices. We make clear that the general conduct rule is not an attempt to institute any form of rate regulation; nor is it an attempt by the Commission to expand our bright-line conduct rules in an indeterminate manner. The general conduct rule is designed to operate as a backstop to the

Commission’s prohibitions on blocking, throttling, and paid prioritization to address, on a case-by-case basis, practices that may harm the open nature of the internet.

507. To provide guidance to BIAS providers regarding the application of the general conduct rule, we adopt a non-exhaustive list of factors that we will consider to aid in our analysis. These factors include: (i) whether a practice allows end-user control and enables consumer choice; (ii) whether a practice has anticompetitive effects in the market for applications, services, content, or devices; (iii) whether a practice affects consumers’ ability to select, access, or use lawful broadband services, applications, or content; (iv) the effect a practice has on innovation, investment, or broadband deployment; (v) whether a practice threatens free expression; (vi) whether a practice is application agnostic; and (vii) whether a practice conforms to best practices and technical standards adopted by open, broadly representative, and independent internet engineering, governance initiatives, or standards-setting organizations. Consistent with the *2015 Open Internet Order*, we note that in addition to this list, there may be other considerations relevant to determining whether a particular practice violates the no-unreasonable interference/disadvantage standard. We decline to adopt the New York State School Boards Association’s proposal that we adopt an additional factor that “weighs whether a practice will inhibit the ability of educational institutions to provide educational materials to students.” We believe that the educational access concerns raised are adequately covered by the existing “free expression” and “consumer ability to access” factors or could be considered on a case-by-case basis as needed.

508. When the D.C. Circuit upheld the general conduct rule as adopted in the *2015 Open Internet Order*, it recognized the need to build flexibility into the rule. The court noted that, if regulations were too specific, it would open up large loopholes, a concern that the court observed was especially applicable because of the speed at which broadband technology evolves. We conclude that evaluating potential conduct against these factors will allow BIAS providers to “reasonably discern whether certain practices would violate the rule,” and that “having clear standards for evaluation of questionable behavior in the form of the general conduct factors . . . will permit more rapid resolution of potentially harmful practices.” To address concerns raised in the record concerning the meaning of

the factors, how the factors will be weighed against each other, and the list’s non-exhaustive nature, we describe in detail each of the factors below and we establish an advisory opinion process for BIAS providers to seek Commission advice on potential conduct, if they so choose. We anticipate that the factors we outline for consideration of practices will provide important guideposts for consumers, edge providers, and BIAS providers on whether practices are likely to unreasonably disadvantage or interfere with end users ability to reach the internet content, services, and applications of their choosing or of edge providers to access consumers using the internet.

509. *End-User Control.* We reaffirm our conclusion from the *2015 Open Internet Order* and find that a practice that allows end-user control and that is consistent with promoting consumer choice is less likely to unreasonably interfere with or cause an unreasonable disadvantage affecting the end user’s ability to use the internet as he or she sees fit. It is critical that consumers’ decisions, rather than those of BIAS providers, remain the driving force behind the development of the internet. We observe that there are competing narratives surrounding certain mobile plans that provide different video resolution levels. We find that the current record lacks sufficient specificity about specific plans to make a definitive determination. Practices that favor end-user control and empower meaningful consumer choice are more likely to satisfy the general conduct standard than those that do not. As the Commission recognized in 2010 and 2015, we remain aware of the reality that user control and network control are not mutually exclusive. Rather, practices will fall somewhere on a spectrum between more end-user control and more BIAS provider control. There also may be practices that involve complete BIAS provider control that nonetheless satisfy the general conduct rule. Some commenters point to the fact that the Commission recognizes this range between end-user control and BIAS provider control as evidence of this factor’s vagueness problem. However, we find that our approach is consistent with the Commission’s regulatory approach in other contexts that require the Commission, and providers, to balance competing interests, and we believe that this approach provides appropriate guidance to BIAS providers while still enabling them to experiment and innovate with practices that function across this

spectrum. We emphasize that in all practices, BIAS providers should be fully transparent to the end user and effectively reflect end users' choices. The Electronic Frontier Foundation asserts that "in practice transparency is a poor substitute for meaningful choice." As part of our case-by-case analysis for this factor, the Commission will examine whether transparency regarding the practice at issue actually enables meaningful consumer choice.

510. *Competitive Effects.* As discussed above, we find that BIAS providers have incentives to interfere with and disadvantage the operation of third-party internet-based services that compete with the providers' own services or with those of an edge provider with which the BIAS provider has a contractual relationship. A practice that has anticompetitive effects in the market for applications, services, content, or devices would likely unreasonably interfere with, or unreasonably disadvantage, edge providers' ability to reach consumers in ways that would have a dampening effect on innovation, interrupting the virtuous cycle. We find that practices like this, *i.e.*, anticompetitive practices, are likely to harm consumers' and edge providers' ability to use BIAS to reach one another. For example, fees that discourage consumer choice among BIAS providers could fall within the rule's scope. In contrast, more competition leads to more options for consumers in services, applications, content, and devices. Therefore, we find that practices that would enhance competition would weigh in favor of promoting consumers' and edge providers' ability to use BIAS to reach one another. We disagree with Free State Foundation's contention that considering the competitive effects of a practice is unhelpful because it is not tied to particular economic theory. Commission staff, and in particular the Commission's Office of Economics and Analytics, is well versed in examining the competitive effects of our rules and of industry practices, using generally accepted economic theory and analytical techniques. And this is particularly true where the Commission has examined potentially anticompetitive conduct by vertically integrated firms. For example, since the introduction of competition into the interstate long-distance telephone market, the Commission has repeatedly investigated claimed anticompetitive concerns raised by vertically integrated firms. Furthermore, as part of the Commission's review of the competitive effects of a given practice, we will also

review the relevant entities' corporate structure, to consider the extent of an entity's vertical integration as well as its relationships with affiliated entities.

511. *Consumer Protection.* As in 2015, we intend the general conduct rule to act as a strong consumer protection standard. It prohibits BIAS providers from employing any deceptive or unfair practice that will unreasonably interfere with or unreasonably disadvantage end-user consumers' ability to select, access, or use broadband services, applications, or content, so long as the services are lawful, subject to the exception for reasonable network management. For example, unfair or deceptive billing practices, as well as practices that fail to protect the confidentiality of end users' proprietary information, will be unlawful if they unreasonably interfere with or unreasonably disadvantage end-user consumers' ability to select, access, or use broadband services, applications, or content, so long as the services are lawful, subject to the exception for reasonable network management. As the Commission explained in 2015, while each practice will be evaluated on a case-by-case basis, this rule is intended to include protection against fraudulent practices such as "cramming" and "slamming" that have long been viewed as unfair and disadvantageous to consumers.

512. *Effect on Innovation, Investment, or Broadband Deployment.* We continue to find that internet openness drives a "virtuous cycle" in which innovations at the edges of the network enhance consumer demand, leading to expanded investments in broadband infrastructure that, in turn, spark new innovations at the edge. As such, a practice that will act to stifle innovation, investment, or broadband deployment would likely unreasonably interfere with or unreasonably disadvantage end users' or edge providers' use of the internet.

513. *Free Expression.* Consistent with the Commission's findings in the 2015 *Open Internet Order*, we believe that practices that threaten the use of the internet as a platform for free expression would also likely unreasonably interfere with or unreasonably disadvantage consumers' and edge providers' ability to use broadband service to communicate with each other, thereby causing harm to that ability. Such practices, in turn, would dampen consumer demand for broadband services, disrupting the virtuous cycle, and harming end user and edge provider use of the internet under the general conduct rule we adopt in the Order. As the Commission found in 2015, we find that the general conduct standard we adopt in the Order does not

unconstitutionally burden any of the First Amendment rights held by BIAS providers because BIAS providers are conduits, not speakers, with respect to BIAS.

514. *Application Agnosticism.* We further find that application-agnostic (sometimes referred to as use-agnostic) practices likely will not cause an unreasonable interference with or an unreasonable disadvantage to end users' or edge providers' ability to use BIAS to communicate with each other. Because application-agnostic practices do not interfere with end users' choices about which content, applications, services, or devices to use, neither do they distort competition and unreasonably disadvantage certain edge providers, they likely would not cause harm by unreasonably interfering with or unreasonably disadvantaging end users or edge providers' ability to communicate using BIAS. A network practice is application-agnostic if it does not differentiate in treatment of traffic, or if it differentiates in treatment of traffic without reference to the content, application, or device. We will consider a practice to be application-specific if it is not application-agnostic. Application-specific network practices include, for example, those applied to traffic that has a particular source or destination, that is generated by a particular application or by an application that belongs to a particular class of applications, that uses a particular application- or transport-layer protocol, or that has particular characteristics (*e.g.*, the size, sequencing, and/or timing of packets). There may still be circumstances where application-agnostic practices raise competitive concerns, and as such may violate our standard to protect the open internet. As with all practices, the Commission will evaluate these situations on a case-by-case basis.

515. *Standard Practices.* Lastly, in evaluating whether a practice violates our general conduct rule, we will consider whether a practice conforms to best practices and technical standards adopted by open, broadly representative, and independent internet engineering, governance initiatives, or standards-setting organizations. These technical advisory groups play an important role in the internet ecosystem, and at times are convened by the Commission. We make clear, however, that we are not delegating authority to interpret or implement our rules to outside bodies.

516. *Rejection of Alternatives.* We decline to adopt the alternative approaches to the general conduct rule suggested in the record, including:

reliance on the “just and reasonable” language of sections 201 and 202; prohibiting unreasonable discrimination; assessing only whether the practice at issue promotes or hinders free expression, and whether the practice is “application agnostic”; or adopting a “commercial reasonableness” standard for overseeing BIAS provider conduct under section 706 of the 1996 Act and our ancillary authority. As we explain above, we find it important for the Commission to be able to weigh all of the factors we describe in order to provide the maximum flexibility to providers in managing their networks and developing innovative services, plans, and packages for customers, particularly given the rapidly developing and evolving technological landscape in both the network and at the edge, and some of the proposed alternatives would not advance that interest as well as the rule we adopt. We agree with commenters that evaluating conduct using the multi-factor analysis under the general conduct rule will likely result in faster resolution for BIAS providers, and is easier for consumers and edge providers to use when evaluating BIAS provider conduct. We also find that, as a general matter, practices evaluated under the alternative standards outlined in the record would likely result in the same outcome if evaluated under the general conduct standard we adopt in the Order, given the substantial overlap in the factors. For example, Professor Jon Peha explains that under a bright-line prohibition against unreasonable discrimination, it would be permissible if a subscriber chose for their BIAS provider to discriminate in order to ensure that a telemedicine application receives superior quality of service. As part of its consideration of the practice under the general conduct standard we adopt, the Commission would weigh the fact that the practice allows end-user control and is consistent with promoting consumer choice. However, we believe the factors we outline for consideration of practices will provide more clarity to consumers, edge providers, and BIAS providers, as well as more flexibility for BIAS providers to innovate. We consequently find that the additional guidance provided by our general conduct rule has certain advantages for case-by-case adjudications over proceeding purely under the text of sections 201 and 202 alone. Finally, as the Commission concluded in 2015, we are unpersuaded that adopting a rule prohibiting commercially unreasonable practices is the most appropriate approach for

protecting and promoting an open internet. Internet openness involves many relationships that are not business-to-business and serves many purposes that are noncommercial. Further, smaller edge providers also may not “have the resources to fight against commercially unreasonable practices, which could result in an unfair playing field before the Commission,” potentially stifling innovation and harming competition.

517. We conclude that the language we adopt in the Order offers sufficient clarity to BIAS providers, consumers, and edge providers on what conduct is prohibited, while still allowing and encouraging innovation and technological development. We disagree with those commenters who argue that the proposed general conduct rule is too vague and unclear, and that the rule’s alleged vagueness would cause regulatory uncertainty that will stifle investment and harm innovation. Because of the insight into our approach provided by the rule itself and our guidance above, we conclude that stakeholders have more clarity—not less—than they would have had if we relied on sections 201 and 202 of the Act alone. We nevertheless retain authority to address practices under sections 201 and 202 of the Act except to the extent that we forbear from doing so.

518. Second, our advisory opinion process is available to allow BIAS providers to seek a determination of the legality of a practice, without having to actually engage in that practice and risk being held in violation in order to obtain a decision. As explained below, the Enforcement Bureau will not bring an enforcement action against a requesting party with respect to any action taken in good faith reliance upon an advisory opinion if all of the relevant facts were fully, completely, and accurately presented to the Bureau, and where such action was promptly discontinued upon notification of rescission or revocation of the Commission’s or the Bureau’s approval.

519. Third, although we conclude that our rule, coupled with the guidance above, gives providers warning of a range of prohibited conduct, our priority with this rule is ensuring that harmful practices can be stopped when they are identified. Thus, although we certainly will consider the imposition of penalties when specific interpretations or applications of our rule address particular conduct, we otherwise will focus solely on remedying the provider’s behavior going forward. This is consistent with the approach the

Commission has taken in the past in cases of violations of internet policy.

520. Finally, as the D.C. Circuit found in 2016 when it upheld the *2015 Open Internet Order* in full, the Commission’s general conduct rule is not impermissibly vague, and provides sufficient notice to the affected entities of what conduct would be prohibited moving forward. We adopt the same rule and framework in the Order that the D.C. Circuit upheld in 2016, and, as discussed further below, we conclude that the general conduct rule, and the multi-factor framework we offer to provide guidance on its application, provides BIAS providers sufficient notice regarding what conduct is prohibited under the rule.

521. *Application to Zero Rating.* In the *2023 Open Internet NPRM*, we sought comment on whether there were additional steps we should take to ensure that BIAS providers understand the types of conduct and practices that might be prohibited under the proposed general conduct standard, asking, for example, whether “there are any zero rating or sponsored data practices that raise particular concerns under the proposed general conduct standard.” Based on the record, and consistent with the *2015 Open Internet Order* and our proposal, we find it appropriate to assess zero-rating programs under the general conduct standard to determine whether such practices cause harm to the open nature of the internet. We address the implications of our decision on zero rating on California’s net neutrality law in the preemption discussion. We acknowledge that sponsored data programs—where a BIAS provider zero rates an edge product for economic benefit, either by receiving consideration from a third party to have the edge product zero rated or where a BIAS provider favors an affiliate’s edge products—raise concerns under the general conduct standard. Nonetheless, we will continue to evaluate such programs based on a totality of the circumstances.

522. Zero rating is the practice of a BIAS provider exempting edge services, devices, applications, and/or content (edge products) from an end user’s usage allowance or data cap. Zero rating enables the BIAS provider to make some edge products cheaper to access, which can put those edge products at an advantage over others. In the *2015 Open Internet Order*, the Commission recognized that zero rating had the potential to distort the market and incentivize restrictive caps, but noted that “new service offerings, depending on how they are structured, could benefit consumers and competition.”

Based on this, the Commission stated that it would “look at and assess such practices under the no-unreasonable interference/disadvantage standard, based on the facts of each individual case, and take action as necessary.”

523. The record indicates that zero-rating programs can be structured in a manner that benefits consumers, competition, and traffic management. Allowing a mechanism that lowers the cost of accessing certain edge products could be beneficial to consumers, and at least one commenter contends that zero-rating programs can help bring new entrants online.

524. However, the record also reveals concerns about certain forms of zero rating, such as where BIAS providers use zero rating to favor some edge products over others, especially as a business practice in exchange for consideration or to favor a provider's affiliates. Commenters claim that since adoption of the *2015 Open Internet Order*, BIAS providers have adopted such programs that favor affiliates and charge competing edge providers high per-gigabyte rates. Commenters express concern that where there is an economic incentive to use zero rating to favor some edge products over others, zero rating can create the same harms to the open internet as paid prioritization. Further, the record reflects that sponsored data programs may favor large edge providers, as they are the only providers that can afford to participate in such programs. These comments also suggest that zero rating, like paid prioritization, is a practice that could result in distortions in the internet market by creating negative externalities that raise the cost for the entire edge market, which can decrease innovation and harm the virtuous cycle.

525. Given the potential benefits and harms of zero-rating practices and their potential effect on the virtuous cycle, we will analyze zero-rating programs under the multi-factor analysis of the general conduct standard to ensure that innovative offerings are permitted and encouraged where the open internet is not harmed. By placing zero-rating programs under the general conduct standard, we do not preclude beneficial zero-rating innovations that may assist BIAS providers needing to manage scarce resources fairly and reasonably, while also potentially allowing lower-cost access to edge products of exceptional societal value or of value to particular consumers, as chosen by those consumers. But each zero-rating program can be different, and we find that applying the multi-factor analysis of the general conduct standard on a case-by-case basis allows for such

innovations while curbing potentially market-distorting behavior by BIAS providers.

526. To provide greater clarity, we identify certain types of programs that may raise concerns under the general conduct standard because they may be more likely to unreasonably interfere with, or unreasonably disadvantage, consumers and edge providers. Specifically, a zero-rated program is likely to raise concerns under the general conduct standard where it zero rates an edge product (1) in exchange for consideration (monetary or otherwise) from a third party, or (2) to favor an affiliated entity. These sponsored data programs are examples of business practices that are not a part of reasonable network management and therefore fall outside of “best practices and technical standards” developed by standards-setting organizations. The information in the record regarding sponsored data programs offered since 2015 indicates that those programs raise concerns under the general conduct standard, in that they may unreasonably interfere with end users' ability to select, access, and use BIAS or the lawful internet content, applications, services, or devices of their choice and unreasonably disadvantage edge providers' ability to make lawful content, applications, services, or devices available to end users, raising the cost to bring innovative new options to the edge market. Thousands of express comments filed in the docket state that “[t]he agency must move forward a strong rule that rejects zero rating.”

527. We are not convinced by commenters that argue that sponsored data programs should always be permitted because they lower the cost of subscribing to BIAS. The record suggests that zero-rating programs can increase the prices to consumers directly, and indirectly in the form of passed-through charges by the edge provider. Nor are we convinced by suggestions made by two commenters that sponsored data programs are the equivalent of toll free calling, presumably because with toll free calling, the business assumes the cost of the call rather than the consumer. On this basis alone, they suggest that sponsored data programs, like toll free calling, should be permitted. In suggesting that zero rating should be treated the same as toll free calling, however, one commenter notes that zero rating should still be “offered on a nondiscriminatory basis with special attention paid to its use by content providers co-owned with the telecommunications provider to avoid

cross-subsidy situations.” We find this comparison to be unpersuasive, given the many distinctions between toll free calling in the telephony context, as compared to edge products offered over BIAS (e.g., an 800 number is used to reach a business, whereas the edge product is often the edge provider's entire business; the edge provider might be dependent on the BIAS provider to reach the BIAS provider's end users). Finally, other proponents of sponsored data zero-rating contend that such programs can increase consumer choice when accessing edge products. However, other commenters suggest sponsored data zero-rating programs can distort consumer choice by pressuring consumers to access the cheaper edge products chosen for them by the BIAS provider, counter to the aims of an open internet. Despite these concerns, we will continue to evaluate such programs based on a totality of the circumstances, including potential benefits.

528. While we identify sponsored data programs as the type of practices that may raise concerns under the general conduct standard, subject to a totality of circumstances determination, we note that there could be other types of zero-rating practices that are less likely to raise concerns under the general conduct standard, again based on a case-by-case evaluation. For example, some commenters have asserted that zero rating all edge products during low traffic hours or zero rating all of the edge products within the same category of products would be unlikely to cause unreasonable interference/disadvantage to edge products, as well as being application agnostic under the general conduct rule factors. New America's Open Technology Institute asks the Commission to clarify that it is “likely to find that a zero rating practice is unreasonably discriminatory if BIAS customers are offered an exemption from their data caps or limits for the applications, content or service provided by one or more specific edge providers to the exclusion of other similar or competing edge providers, whether or not the BIAS provider receives payment or is favoring an affiliate.” While zero rating all apps in the same category is more likely to be an acceptable zero rating practice under the general conduct standard, providers, acting in good faith, may have difficulty determining which apps should and should not be included in the same categories or have other logistical issues when including similar apps. Accordingly, we will review such zero rating on a case-by-case basis under the

general conduct standard. Professor van Schewick observes that there can be competitive concerns with any categorization. We will consider those practices, as well as any other zero-rating practices, under the general conduct standard, which relies on case-by-case review based on established factors.

529. *Application to Data Caps.* Data caps—also referred to as usage allowances or in some cases, a type of usage-based billing—are a BIAS provider restriction on the amount of data a customer can consume over a specified period of time (e.g., 25GB per month). Professor Scott Jordan urges the Commission to find that data caps that do not qualify as reasonable network management are likely to violate the general conduct standard. In particular, Professor Jordan explains that, based on his research, data caps that are not tailored to a primary purpose of managing congestion are likely to have negative effects on competition, network investments, broadband deployment, innovation, and investment by edge providers; and are likely to reduce end user control. In their white paper submitted by USTelecom and NCTA, Dr. Mark Israel et al. dispute Professor Jordan's claims, asserting that usage-based pricing “offers a mechanism for broadband providers to create incentives for users to internalize the costs that they impose on broadband networks and to distribute the greater costs of the network onto those users that make greater use of the network while putting downward pressure on the prices that light users pay,” and that if such plans were prohibited by the Commission, “moderate and light users (including those with lower incomes) would likely be forced to pay more than if [data caps are] allowed.”

530. We agree with Professor Jordan that the Commission can evaluate data caps under the general conduct standard. We do not at this time, however, make any blanket determinations regarding the use of data caps based on the record before us. The record demonstrates that while BIAS providers can implement data caps in ways that harm consumers or the open internet, particularly when not deployed primarily as a means to manage congestion, data caps can also be deployed as a means to manage congestion or to offer lower-cost broadband services to consumers who use less bandwidth. As such, we conclude that it is appropriate to proceed incrementally with respect to data caps, and we will evaluate individual data cap practices under the general conduct standard based on the

facts of each individual case, and take action as necessary.

3. Transparency Rule

531. Transparency has long been a key element of the Commission's framework for protecting the open nature of the internet, recognized and upheld by both the courts and Congress, and in the Order, we update our transparency rule to reflect that important role. Specifically, we modify the transparency rule by reversing the changes made to the text of the rule under the *RIF Order*, restoring the requirements to disclose certain network practices and performance characteristics eliminated by the *RIF Order*, and adopting changes to the means of disclosure, including adopting a direct notification requirement. We find that these actions appropriately balance the benefits to consumers and edge providers and the costs to BIAS providers. As explained below, we find that any changes or modifications to disclosures required by the *Broadband Label Order* (87 FR 76959 (Dec. 16, 2022)) are most appropriately addressed in response to that proceeding's *FNPRM* (87 FR 77048 (Dec. 16, 2022)).

532. In the *2010 Open Internet Order*, the Commission adopted a transparency rule that required a BIAS provider to “publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain internet offerings.” The *2011 Advisory Guidance* advised providers on appropriate methods for disclosing performance metrics, network practices, and commercial terms, and clarified how providers could comply with the requirement to provide such information to consumers at the “point-of-sale.” The *2014 Advisory Guidance* reminded providers that their transparency rule disclosures and advertising claims must be consistent.

533. Finding that BIAS end-users and edge providers would be better served and informed by additional disclosures, the Commission adopted targeted, incremental enhancements to the 2010 transparency rule in the *2015 Open Internet Order* requiring providers to disclose additional information about performance characteristics, commercial terms, and network practices. Specifically, in regards to performance characteristics, the Commission required providers to disclose all performance characteristics, including

packet loss, for each broadband service offered, and mandated that all performance-related disclosures reasonably reflect the performance a consumer could expect in the geographic area in which the consumer would be purchasing service. The Commission also required that BIAS providers provide more precise information regarding commercial terms, including the full monthly service charge during the promotional period, the full monthly charge after the expiration of a promotional rate, any one-time or recurring fees or surcharges, and data caps and allowances. Regarding network practices, the Commission required BIAS providers to make additional disclosures pertaining to congestion management, application-specific behavior, device attachment rules, and security. Lastly, the Commission required BIAS providers to directly notify end users “if their individual use of a network will trigger a network practice, based on their demand prior to a period of congestion that is likely to have a significant impact on the end user's use of service.” To assist providers with compliance, the Commission also offered a voluntary broadband label “safe harbor.” Shortly thereafter, the Commission also adopted the *2016 Advisory Guidance*, detailing acceptable methods for reporting performance characteristics and clarifying the “point-of-sale” requirements.

534. In 2017, however, the Commission reversed course and in the *RIF Order* eliminated the enhancements adopted by the *2015 Open Internet Order*, including the requirements to: (1) disclose packet loss; (2) ensure performance related-characteristics reasonably reflect the performance a consumer could expect in the geographic area in which the consumer would be purchasing service; (3) ensure network performance is measured over a reasonable period of time and during times of peak service; (4) disclose any network practice applied to traffic associated with a particular user or user group, including any application-agnostic degradation of service to a particular end user; and (5) directly notify a user if an individual use of a network would trigger a network practice based on demand prior to a period of congestion that is likely to have a significant impact on the end user's service. The Commission also eliminated the *2016 Advisory Guidance*, which advised providers on how to report performance characteristics consistent with the *2015 Open Internet Order* enhancements. Additionally,

because the *RIF Order* eliminated the bright-line rules prohibiting blocking, throttling, and paid or affiliated prioritization practices, the Commission revised the obligations of the transparency rule to require BIAS providers to disclose such practices. The Commission also revised the text of the rule to require that any person providing broadband internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband internet access services to enable consumers to make informed choices regarding the purchase and use of such services and entrepreneurs and other small businesses to develop, market, and maintain internet offerings, in order to reflect the Commission's reliance on section 257 of the Act as authority for the transparency rule. The *Verizon* court upheld the transparency rule as a reasonable exercise of the Commission's authority under section 706 of the 1996 Act. In the *RIF Order*, the Commission departed from its long-held view and instead concluded that the directives to the Commission in section 706 of the 1996 Act are better interpreted as hortatory, and not as grants of regulatory authority. As a result, the Commission relied on authority under section 257 of the Act for the transparency rule. Section 257(a) directs the Commission to "identify[] and eliminat[e] . . . market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services, or in the provision of parts or services to providers of telecommunications services and information services." Section 257(c) directed the Commission to triennially report to Congress on such marketplace barriers and how they have been addressed by regulation or could be addressed by recommended statutory changes. Congress later repealed subsection (c) of section 257 and replaced it with section 13, which imposes a substantially similar reporting requirement.

535. As part of the Infrastructure Act in 2021, Congress directed the Commission to promulgate rules for an FDA nutrition-style label of broadband facts to be displayed at the point-of-sale by providers based on the *2015 Open Internet Order* broadband label safe harbor. In November 2022, the Commission adopted the *Broadband Label Order* implementing this congressional direction, which requires "ISPs to display, at the point of sale, labels that disclose certain information

about broadband prices, introductory rates, data allowances, and broadband speeds, and to include links to information about their network management practices, [and] privacy policies." The Commission recently declined broad reconsideration of the broadband label rules in the *Broadband Label Reconsideration Order* (88 FR 63853 (Sept. 18, 2023)) but does have an ongoing *Broadband Label FNPRM* (87 FR 77048 (Dec. 16, 2022)). Providers also must make clear whether the price for a given service is an introductory rate and, if so, what the price will be after the introductory period ends. Since April 10, 2024, providers with more than 100,000 subscribers have been obligated to display the broadband label.

a. Content of the Transparency Rule

536. We adopt the transparency rule originally adopted in 2010 and reaffirmed in 2015. Doing so caters to a broader relevant audience of interested parties than the audience identified in the *RIF Order*. As such, we revise the transparency rule to provide that a person engaged in the provision of broadband internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain internet offerings.

537. The *RIF Order* revised the text of the transparency rule, which had been in place since 2010 and upheld by the courts twice as a lawful exercise of the Commission's regulatory authority under section 706 of the 1996 Act, and independently under the Commission's exercise of its authority under Title II. When the Commission found it did not have independent regulatory authority under section 706 in the *RIF Order*, finding instead that section 706 was "merely hortatory," it eliminated the Commission's underlying authority for the transparency rule. Instead, it chose to rely solely on section 257 of the Act and revised the text of the rule to reflect that reliance. As discussed further below, we reaffirm our interpretation of section 706 of the 1996 Act as an independent source of regulatory authority, and rely on our regulatory authority under section 706, our authority under Title II of the Act to prohibit unjust and unreasonable practices, and our authority under section 257 as the legal bases for the transparency rule. As such, we return to

the prior formulation of the transparency rule, which more appropriately captures the relevant audience of BIAS providers' transparency disclosures—content, application, service, and device providers. Reinstating the text of the transparency rule from the *2010 Open Internet Order* is also consistent with the Commission's finding in the *Broadband Label Order* that while the labels primarily serve as a quick reference tool, "the transparency rule seeks to enable a deeper dive into details of broadband internet service offerings, which could be relevant not only for consumers as a whole, but also for consumers with particularized interests or needs, as well as a broader range of participants in the internet community—notably including the Commission itself." We find that content, application, service, and device providers are vital to the health of the internet ecosystem and that given their reliance on broadband services, returning the scope of the transparency rule to explicitly cover their interests is warranted and alleviates any confusion created by the changes adopted in the *RIF Order*.

538. Consistent with prior Commission guidance, we make clear that BIAS providers must maintain the accuracy of all disclosures. Thus, "whenever there is a material change in a provider's disclosure of commercial terms, network practices, or performance characteristics, the provider has a duty to update the disclosure in a manner that is 'timely and prominently disclosed in plain language accessible to current and prospective end users and edge providers, the Commission, and third parties who wish to monitor network management practices for potential violations of open internet principles.'" A "material change" is "any change that a reasonable consumer or edge provider would consider important to their decisions on their choice of provider, service, or application."

539. Beginning with the *2010 Open Internet Order*, the Commission has provided guidance on the network management practices, performance, and commercial terms that BIAS providers must disclose. We repeat the relevant guidance here, updated as appropriate based on the record.

Network Practices

- *Congestion Management.* Descriptions of congestion management practices, if any. These descriptions should include the types of traffic subject to practices; purposes served by practices; the practices' effects on end

users' experience; criteria used in practices, such as indicators of congestion that trigger a practice, including any usage limits triggering the practice, and the typical frequency of congestion; usage limits and the consequences of exceeding them; and references to engineering standards, where appropriate.

- *User-Based Practices.* Practices that are applied to traffic associated with a particular user or user group, including any application-agnostic degradation of service to a particular end user, the purpose of the practice, which users or data plans may be affected, the triggers that activate the use of the practice, the types of traffic that are subject to the practice, and the practice's likely effects on end users' experiences.

- *Affiliated Prioritization.* Any practice that directly or indirectly favors some traffic over other traffic, including through use of techniques such as traffic shaping, prioritization, or resource reservation, to benefit an affiliate, including identification of the affiliate.

- *Paid Prioritization.* Any practice that directly or indirectly favors some traffic over other traffic, including through use of techniques such as traffic shaping, prioritization, or resource reservation, in exchange for consideration, monetary or otherwise.

- *Zero Rating.* Any practice that exempts edge services, devices, applications, and content (edge products) from an end user's usage allowance or data cap.

- *Application-Specific Behavior.* Whether and, if applicable, why the provider blocks or rate-controls specific protocols or protocol ports, modifies protocol fields in ways not prescribed by the protocol standard, or otherwise inhibits or favors certain applications or classes of applications.

- *Device Attachment Rules.* Any restrictions on the types of devices and any approval procedures for devices to connect to the network. Mobile providers must disclose their third-party device and application certification procedures, if any; clearly explain their criteria for any restrictions on the use of their network; and expeditiously inform device and application providers of any decisions to deny access to the network or of a failure to approve their particular devices or applications. Mobile providers should also follow the guidance the Commission provided to licensees of the upper 700 MHz C Block spectrum regarding compliance with their disclosure obligations, particularly regarding disclosure to third-party application developers and device manufacturers of criteria and approval procedures (to the extent applicable).

For example, these disclosures include, to the extent applicable, establishing a transparent and efficient approval process for third parties, as set forth in Rule § 27.16(b).

- *Security.* Practices used to ensure end-user security or security of the network, including types of triggering conditions that cause a mechanism to be invoked (but excluding information that could reasonably be used to circumvent network security). As the Commission has previously explained, we expect BIAS providers to exercise their judgment in deciding whether it is necessary and appropriate to disclose particular security measures. We do not expect BIAS providers to disclose internal network security measures that do not bear on a consumer's choices.

Performance Characteristics

- *Service Description.* A general description of the service, including the service technology, expected and actual access speed and latency, packet loss, and the suitability of the service for real-time applications. Fixed BIAS providers may use the methodology from the Measuring Broadband America (MBA) program to measure actual performance, or may disclose actual performance based on internal testing, consumer speed test data, or other data regarding network performance, including reliable, relevant data from third-party sources. BIAS providers that have access to reliable information on network performance may disclose the results of their own or third-party testing. Those mobile BIAS providers that do not have reasonable access to such network performance data may disclose a Typical Speed Range (TSR) representing the range of speeds and latency that can be expected by most of their customers, for each technology/service tier offered, along with a statement that such information is the best approximation available to the broadband provider of the actual speeds and latency experienced by its subscribers. Actual network performance data should be reasonably related to the performance the consumers would likely experience in the geographic area in which the consumer is purchasing service, and should be measured in terms of average performance over a reasonable period of time and during times of peak usage.

- *Impact of Non-BIAS Data Services.* What non-BIAS data services, if any, are offered to end users; whether and how any non-BIAS data services may affect the last-mile capacity available for, and the performance of, BIAS; and a description of whether the service relies on particular network practices and

whether similar functionality is available to applications and services offered over BIAS.

Commercial Terms

- *Pricing.* For example, monthly prices, usage-based fees, other fees, data caps and allowances, and fees for early termination or additional network services. Monthly pricing shall include the full monthly service charge, and any promotional rates should be clearly noted as such, specify the duration of the promotional period, and note the full monthly service charge the consumer will incur after the expiration of the promotional period. We clarify that price disclosure requirements, which have been part of the transparency rule since 2010, will not lead to the publishing of data that will act as a *de facto* tariff system, as the International Center for Law & Economics cautions. We observe that the transparency requirements, including publication of commercial terms, such as rates, have been upheld by the D.C. Circuit under section 706 and in any event, Congress specifically gave the Commission authority to require that broadband providers publish their rates in the IJA. Other fees include all additional one time and/or recurring fees and/or surcharges the consumer may incur either to initiate, maintain, or discontinue service, including the name, definition, and cost of each additional fee. These may include modem rental fees, installation fees, service charges, and early termination fees, among others. BIAS providers should disclose any data caps or allowances that are a part of the plan the consumer is purchasing, as well as the consequences of exceeding the cap or allowance (e.g., additional charges, loss of service for the remainder of the billing cycle).

- *Privacy Policies.* For example, whether network management practices entail inspection of network traffic, and whether traffic information is stored, provided to third parties, or used by the carrier for non-network management purposes.

- *Redress Options.* Practices for resolving end-user and edge provider complaints and questions.

Below, we discuss in more detail our rationale for revisions to the current transparency rule.

540. *Network Practices.* As an initial matter, because we no longer permit blocking, throttling, affiliated prioritization, or paid prioritization under the Order, we find that there is no need to continue requiring providers to report such practices as was required under the *RIF Order*, except to the

extent that a provider engages in paid or affiliated prioritization subject to a Commission waiver. We agree with commenters who assert that the *RIF Order* created unnecessary confusion around the required network practice disclosures, and we reaffirm that providers must disclose congestion management practices, application-specific behavior, device attachment rules, and security practices. We also reaffirm that the transparency rule requires that BIAS providers disclose any practices applied to traffic associated with a particular user or user group, including any application-agnostic degradation of service to a particular end user. As the Commission explained in the *2015 Open Internet Order*, for example, a BIAS provider “may define user groups based on the service plan to which users are subscribed, the volume of data that users send or receive over a specified time period of time or under specific network conditions, or the location of users.” We also require that “disclosures of user-based or application-based practices [must] include the purpose of the practice, which users or data plans may be affected, the triggers that activate the use of the practice, the types of traffic that are subject to the practice, and the practice’s likely effects on end users’ experiences.” In addition, we require BIAS providers to disclose any zero-rating practices, specifically, any practice that exempts particular edge services, devices, applications, and content (edge products) from an end user’s usage allowance or data cap. We find that requiring disclosure of information pertaining to zero-rating practices will better enable the Commission and internet researchers to identify those zero-rating practices that may harm the openness of the internet. And as the Commission has previously explained, “[t]hese disclosures with respect to network practices are necessary: for the public and the Commission to know about the existence of network practices that may be evaluated under the rules, for users to understand when and how practices may affect them, and for edge providers to develop internet offerings.”

541. We decline the request by one commenter to require BIAS providers to make disclosures that would permit end users to identify application-specific usage or to distinguish which user or device contributed to which part of the total data usage. We find, as we did in the *2015 Open Internet Order*, that collection of application-specific usage data by a BIAS provider may require use

of deep packet inspection practices that may pose privacy concerns for consumers.

542. *Performance Characteristics.* We reinstate the enhanced performance characteristics disclosures eliminated by the *RIF Order* to require BIAS providers to disclose packet loss under the transparency rule. This proceeding is not the appropriate forum for us to determine whether such disclosures should be added to the broadband label as some commenters request, and in any event, the Commission recently declined this suggested addition to the broadband label in the *Broadband Label* proceeding. As Professor Scott Jordan explains, the three primary network performance metrics are speed (throughput), latency (end-to-end delay), and packet loss, which have been consistently recognized as such since the early days of the internet. Latency and packet loss are particularly relevant metrics to real-time applications. We agree with Professor Jordan that “both latency and packet loss are critical to the user-perceived performance of real-time applications,” such as video-conferencing applications, and the record reflects that the suitability of BIAS for real-time applications depends on both of these metrics. We believe that such information is also readily available to BIAS providers from commercial network performance measurement companies, along with speed and latency measurements.

543. Contrary to AT&T’s assertions that requiring disclosure of packet loss would be burdensome, we expect that many BIAS providers “already measure packet loss today, as this primary network performance metric is required in order to determine the suitability of their [services] for the real-time applications that are important to many of their customers.” As Professors Peha and Jordan explain, “measurements of latency, which are already required, inevitably enable simultaneous measures of packet loss with de minimis effort.” And to the extent CTIA argues that the Office of Management and Budget’s (OMB)’s previous “refusal to approve packet loss should foreclose collecting that information from mobile providers,” we disagree. We also note that interested parties will have the opportunity to comment on any burdens associated with these requirements pursuant to the Paperwork Reduction Act (PRA). In its 2016 review, OMB found that “packet loss will not be a required performance metric for mobile disclosure” at this time, and directed the Commission to assess “i. the practical utility of packet loss as it

relates to mobile performance disclosure;” “ii. ‘accurate’ methods of calculating mobile packet loss (*i.e.*, drive testing, voluntary app, etc.);” and “iii. whether using voluntary consensus standards would be a viable alternative.” We agree with Professors Peha and Jordan that the “practical utility of packet loss as it relates to mobile performance is clearly established by the rapidly increasing number of end users who utilize video conference apps on their smartphones.” Finally, while we acknowledge that the Commission recently declined to require packet loss as part of the broadband label, the Commission nonetheless found that packet loss “may provide useful information to certain consumers.” We also observe that the disclosures required by the transparency rule serve to inform more than just consumers—they also serve edge providers and other interested third parties, including the Commission. Limiting the transparency rule requirements to information displayed via the broadband label would therefore not provide adequate insight for edge providers, internet researchers, certain consumers, or the Commission. As such, we reject arguments by commenters that the Commission should not require packet loss disclosure under the transparency rule because it declined to do so in the *Broadband Label* proceeding. To the extent commenters express concern regarding the performance characteristics disclosures required under the *Broadband Label Order*, the *Broadband Label* proceeding is the appropriate forum in which to address them.

544. We also reinstate the transparency requirements in the *2015 Open Internet Order* and *2016 Advisory Guidance* that require performance characteristics to be reported with greater geographic granularity and to be “measured in terms of average performance over a reasonable period of time and during times of peak usage.” The record reflects that mobile BIAS providers “have access to substantially different amounts of spectrum in different geographical regions, and thus speeds may vary substantially by region,” and that disclosure requirements with geographic granularity are “essential to determine real-time application performance and provide consumers with necessary information to make an informed choice.” We thus disagree with AT&T that disclosure of actual network performance reasonably related to the performance that consumers would likely experience in the geographic

areas in which a customer is purchasing service is of “little to no meaningful or beneficial use for consumers to make informed decisions.” Further, we find that peak usage performance can differ substantially from non-peak usage period performance and from all day performance, and we agree that “peak usage period speeds are more useful information to consumers” than are speeds calculated from measurements over 24-hour periods. As such we find it appropriate to reinstate these enhancements to the transparency rule.

545. We are not persuaded by AT&T’s assertions that reporting actual peak usage metrics on a geographically disaggregated basis would be “an enormous undertaking,” and agree with Professor Jordan that “it is implausible that broadband providers do not already today measure broadband performance in various geographical regions,” as providers likely use that information to inform their decisions regarding additional spectrum purchases in various geographical regions as well decisions about when and where to place additional cellular antennas to improve performance in these granular geographic areas.

546. In response to concerns about reporting peak usage in the record, we make clear that peak usage periods may be based solely on the local time zone, and that BIAS providers retain flexibility to determine the appropriate peak usage periods for their network performance metrics (but must disclose the peak usage periods chosen for such disclosures). We decline to otherwise codify specific methodologies for measuring the actual performance required by the transparency rule, finding, as in 2010 and 2015, that there is a benefit in permitting measurement methodologies to evolve and improve over time, with further guidance from Bureaus and Offices—like in 2011 and 2016—as to acceptable methodologies. We delegate authority to the Office of Engineering Technology (OET) and the Consumer and Governmental Affairs Bureau (CGB) to lead this effort. We expect this effort will include, among other things, examining the appropriate geographic measurement units for reporting. We need not determine, at this time, the accuracy of CTIA’s assertion that “consumers have no idea what [Cellular Market Areas (CMAs)] are, and even if they did, they likely would not know what CMA they are in at any given time since they use wireless on the go.” Consumers know where they live and likely purchased service, and as long as BIAS providers “show the measurements associated with the CMA containing the

consumer’s listed address,” as T-Mobile did for several years following the *2015 Open Internet Order*, the consumer “does not have to know where the CMAs are, or even what a CMA is.”

547. The record demonstrates, however, that unlike their larger counterparts, BIAS providers that have 100,000 or fewer broadband subscribers may generally lack access to the resources necessary to easily comply with these enhanced performance characteristic transparency requirements. As such, we temporarily exempt (with the potential to become permanent) BIAS providers that have 100,000 or fewer broadband subscribers as per their most recent FCC Form 477, aggregated over all affiliates of the provider, from the requirements to disclose packet loss and report their performance characteristics with greater geographic granularity and to be measured in terms of average performance over a reasonable period of time and during times of peak usage. We observe that our description of small providers to which we apply this exemption aligns with exceptions the Commission has previously provided for small providers, including the implementation of the Safe Connections Act, a longer implementation period for certain providers in the *Broadband Label* proceeding, a delayed deadline to implement caller ID authentication rules stemming from the TRACED Act, and in describing which small providers are exempt from certain rural call completion rules. While we believe that reinstating these performance characteristic transparency enhancements will have minimal costs for most larger BIAS providers, we take seriously the concerns raised in the record about the additional compliance costs for small businesses. Moreover, we observe that the Commission provided a temporary exception (with the potential to become permanent) for some providers from the enhancements adopted in the *2015 Open Internet Order*. In light of the concerns in the record, past precedent, and the expenditures BIAS providers that have 100,000 or fewer broadband subscribers have already made—and continue to make—to address the requirements adopted by the *Broadband Label Order*, we find that an exemption for these providers is supported in this case. We note that in each of those proceedings, the Commission specifically sought comment on, and considered the impact of, its proposals on small entities, consistent with the requirements of the Regulatory Flexibility Act. We delegate to CGB the authority to determine

whether to maintain the exemption, and if so, the appropriate bounds of the exemption. We direct CGB to seek comment on the question and adopt an order announcing whether it is maintaining an exemption by no later than 18 months after publication of the Order in the **Federal Register**. WISPA also requests that the Commission apply any temporary or permanent exemptions to BIAS providers with 250,000 or fewer subscribers. WISPA provides no explanation as to how many additional small providers would be covered by its proposed change to the scope of our exemptions, nor does it explain why such an expansion inscope is needed, other than asserting that “[i]f exempting small ISPs from these rules was important in 2016, it is all the more important now given the other burdensome regulations that the Commission has imposed on BIAS providers.” As such, we decline to expand the temporary exemptions in the Order to BIAS providers with 250,000 or fewer subscribers.

548. We decline, however, to require disclosure of additional performance characteristics, as suggested by Measurement Lab, such as the source, location, timing, or duration of network congestion; and packet corruption and jitter. Noting that “congestion may originate beyond the broadband provider’s network and the limitations of a broadband provider’s knowledge of some of these performance characteristics,” the Commission specifically declined to require the source, location, timing, or duration of network congestion in 2015. The Commission also declined to include packet corruption and jitter because of concerns around the difficulty of defining metrics for such performance characteristics. We find that Measurement Lab fails to adequately address the concerns expressed by the Commission in the *2015 Open Internet Order* and we thus decline to require these additional disclosures.

549. *Commercial Terms*. We find that additional disclosures pertaining to commercial terms are not necessary at this time. The broadband label now requires largely the same commercial term disclosures, including information about promotional rates, fees, and/or surcharges, and all data caps or data allowances as those the Commission required in the *2015 Open Internet Order*. Thus, we find no need to restore the commercial term enhancements required by the *2015 Open Internet Order*. To the extent the record identifies requests for additional pricing information, we find that a potential addition aimed at informing consumers

about pricing would be best considered in the broadband label docket. We also decline to require more extensive privacy disclosures, as some commenters request, as we find that this is not the appropriate proceeding in which to address the content of BIAS providers' privacy notices.

550. *Requested Updates to the Broadband Label.* The record indicates that in addition to packet loss, commenters urge a wide variety of additional disclosures or changes to the broadband label, including requirements to disclose speed ranges for fixed and mobile broadband; to change how speeds are reported (e.g., change "typical" speeds and latency to median speeds and median latency); to include specific privacy disclosures directly on the label; to incorporate network management tables directly on the label; to include cybersecurity disclosures; to include network reliability measurements (e.g., number of minutes of outage per year); and to include the labels on a user's monthly bill (in addition to the point of sale). The Commission considered many of these requests as part of the record in the *Broadband Label* proceeding, and rejected them in the *Broadband Label FNPRM*.

b. Means of Disclosure

551. We agree with New America's Open Technology Institute that "[t]o be truly 'publicly available,' these disclosures must be where the public would expect to find them—on provider websites marketing these services." As such, we require providers to disclose all information required by the transparency rule on a publicly-available, easily-accessible website. We believe that consumers expect to find information about a provider's services on the provider's public website and that most consumers would not consider visiting the Commission's website, particularly the ECFS, to find information about a provider's services. We find that by requiring providers to provide disclosures on their own websites, consumers will have greater access, and if there is any additional cost to providers, it would be minimal. Ensuring disclosures under the transparency rule are accessible to individuals with disabilities remains a priority, and as such, we require BIAS providers to post the disclosures on their websites using an accessible format. Consistent with the

Commission's approach in the *Broadband Label Order*, we strongly encourage BIAS providers to use the most current version of the Web Content Accessibility Guidelines, an approach unopposed in the record.

552. *Machine-Readable Format.* As with the broadband label, we require that all transparency disclosures made pursuant to the transparency rule also be made available in machine-readable format. By "machine readable," we mean providing "data in a format that can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost." The machine-readable disclosures should be made available in a spreadsheet file format such as the comma-separated values (.csv) format and be available on the same page and accessible via the same URL as the relevant "non-machine-readable" disclosures (e.g., network practice disclosures should be available in both the traditional narrative format and the machine-readable format on the same page of the provider's website). We agree with commenters who note that machine readability enables interested parties to better compare the transparency disclosures of different companies. As a result, this information can be more easily studied by third parties and then more easily conveyed by those third parties to end users, who may otherwise be unable to, or uninterested in, understanding detailed privacy or network management practices. We find, therefore, that machine readability will further increase transparency. Notably, no commenter objects to this specific requirement in the record. We note that some commenters did object to the machine-readability requirement in the *Broadband Label Order*. In that proceeding, however, we found that transferring the data into machine-readable format did not impose a high burden upon providers or require a high degree of technical difficulty. As no commenter has raised any specific objections to machine-readability in the current proceeding, we conclude that there is no reason to depart from the findings we made with regard to the machine-readability requirement for the broadband label.

c. Direct User Notification

553. Consistent with our findings in the *2015 Open Internet Order*, we require BIAS providers to directly notify end users "if their individual use of a network will trigger a network practice, based on their demand prior to a period of congestion, that is likely to have a significant impact on the end user's use

of the service." The Commission eliminated this requirement in the *RIF Order*, finding it "unduly burdensome" for BIAS providers, without any analysis. Commenters in opposition of such a requirement contend that because consumers are provided advance notice of network management practices, any subsequent notification about particular actions is unnecessary and unduly burdensome to providers. As the Commission explained in the *2015 Open Internet Order*, however, "[t]he purpose of such notification is to provide the affected end users with sufficient information and time to consider adjusting their usage to avoid application of the practice." While our transparency rule requires BIAS providers to disclose details regarding their network practices, the record provides no evidence that consumers are easily able to track their usage to identify when their usage is likely to trigger a network practice so that they may then adjust their usage accordingly. We find that because providers must already monitor their networks in order to apply network practices when a user takes a particular action, a specific event occurs, or a data cap threshold is reached, providers are better positioned to advise customers about the circumstances surrounding the applied network practice than are users positioned to track and identify such occurrences on their own.

554. We are also skeptical of WTA's assertion that "direct notification would entail major hardship and unnecessary expense for service providers to maintain accurate and up-to-date versions of the frequently changing lists of their customers and contact addresses (whether email, text or physical)," as providers need customer contact information for billing purposes. Thus, because providers must necessarily actively monitor their networks in order to apply network practices and already collect contact information for their users, we believe that any additional burden would come from identifying the particular application of a network practice and notifying the user. We do not anticipate that the burdens associated with notifying customers would be significant, as we expect that most providers who offer plans without unlimited data already provide an automated notification to users notifying them that they will be billed an additional fee for additional data upon reaching their data threshold or provide some method of tracking monthly usage. For example, mobile BIAS providers either automatically notify users when they will soon go over

a data cap or permit them to turn on data usage notifications. AT&T provides notification to users subject to a data threshold when they reach 75% of the threshold. Fixed providers with data caps also provide similar notifications or offer similar tools to track usage. Therefore, we find that the benefits to consumers outweigh any additional costs to BIAS providers, particularly since, as in 2015, we do not require real-time notifications.

555. *Temporary Exemption for BIAS Providers with 100,000 or Fewer Broadband Subscribers.* In response to concerns expressed in the record pertaining to the direct customer disclosure requirement, we provide a temporary exemption (with the potential to become permanent) to the direct notification requirement for BIAS providers that have 100,000 or fewer broadband subscribers as per their most recent FCC Form 477, aggregated over all provider affiliates. We observe that this temporary exemption aligns with the longer implementation period for the broadband label applicable to certain providers. We believe that providers that have 100,000 or fewer broadband subscribers are less likely to already have in place the tools and mechanisms needed to allow customers to track usage or provide automated direct notifications, and we therefore afford such providers additional time to develop appropriate systems. We delegate to CGB the authority to determine whether to maintain the exemption, and if so, the appropriate bounds of the exemption. We direct CGB to seek comment on the question and adopt an Order announcing whether it is maintaining an exemption no later than 18 months after publication of the Order in the **Federal Register**.

C. Reasonable Network Management

556. The record broadly supports maintaining an exception for reasonable network management. We agree that a reasonable network management exception to the no-blocking rule, the no-throttling rule, and the general conduct rule is necessary for BIAS providers to optimize overall network performance and maintain a consistent quality experience for consumers while carrying a variety of traffic over their networks. The transparency rule does not include an exception for reasonable network management. We clarify, however, that the transparency rule “does not require public disclosure of competitively sensitive information or information that would compromise network security or undermine the efficacy of reasonable network

management practices.” Therefore, the no-blocking rule, the no-throttling rule, and the general conduct rule will be subject to reasonable network management for both fixed and mobile BIAS providers. We note that unlike conduct implicating the no-blocking, no-throttling, or general conduct rule, paid or affiliated prioritization is not a network management practice because it does not primarily have a technical network management purpose. In retaining the exception, we return to the definition of reasonable network management adopted by the Commission in 2015, providing that a network management practice is a practice that has a primarily technical network management justification, but does not include other business practices. A network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband internet access service.

557. When considering whether a practice violates the no-blocking rule, no-throttling rule, or general conduct rule, the Commission may first evaluate whether a practice falls within the exception for reasonable network management. For a practice to even be considered under this exception, a BIAS provider must first show that the practice is primarily motivated by a technical network management justification rather than other business justifications. If a practice is primarily motivated by another non-network related justification, then that practice will not be considered under this exception. The term “particular network architecture and technology” refers to the differences across broadband access platforms of any kind, including cable, fiber, DSL, satellite, unlicensed Wi-Fi, fixed wireless, and mobile wireless.

558. We find that permitting reasonable network management practices that are primarily technical in nature will provide BIAS providers sufficient flexibility to manage their networks, while at the same time will help protect against BIAS providers using the exception to circumvent open internet protections. We agree with Professor Jon Peha that if a practice can be considered reasonable network management “simply because it is needed in support of a ‘business practice,’ this opens potentially a large loophole unless one severely limits the meaning of ‘business practice.’” Likewise, as Public Knowledge explains, “any traffic management practice, including one that is nakedly

anticompetitive, can be characterized as having some technical purpose—for example, to slow down a rival’s traffic.” We agree that restricting the scope of “reasonable network management” to practices that are *primarily* justified as traffic management techniques will help prevent the exception from becoming a loophole permitting otherwise unlawful business and traffic management practices.

559. We believe that the reasonable network management exception provides both fixed and mobile BIAS providers sufficient flexibility to manage their networks. We recognize, consistent with the consensus in the record, that the additional challenges involved in mobile BIAS network management mean that mobile BIAS providers may have a greater need to apply network management practices, including mobile-specific network management practices, and to do so more often to balance supply and demand while accommodating mobility. As the Commission has previously observed, mobile network management practices must address dynamic conditions that fixed networks typically do not, such as the changing location of users as well as other factors affecting signal quality. Similarly, SpaceX argues that satellite providers require additional network management flexibility to account for the same challenges that the *2015 Open Internet Order* recognized in the context of mobile and Wi-Fi networks, including dynamic conditions, spectrum constraints, and congestion issues. WISPA likewise explains that fixed wireless providers face challenges “managing networks of multiple spectrum bands.” The ability to address these dynamic conditions in mobile, wireless, and satellite network management is especially important given capacity constraints these BIAS providers, many of them small, face. The Commission will take into account when and how network management measures are applied as well as the particular network architecture and technology of the BIAS in question, in determining if a network management practice is reasonable.

560. We disagree with Ericsson that just because a network management practice can have both a primary technical reason and include other business practices, our definition “presents a false dichotomy.” As an initial matter, the standard we adopt in the Order does not require that a network management practice’s purpose be *solely* technical in nature, but rather *primarily* technical in nature. The exemption does not exclude practices

that have multiple purposes, so long as the practice's purpose is primarily technical. It would, however, not extend to network management practices established for other purposes that lack a primarily technical purpose. To the extent that a BIAS provider engages in a network management practice for purposes other than a primarily technical reason, such practice is not *per se* prohibited, but would be evaluated under the general conduct standard or assessed for compliance with the prohibitions against blocking and throttling. We thus reject assertions in the record that distinctions of intent are not workable, that technical and business decision-making are not severable, or that the 2015 definition will adversely impact "business models that allow mobile operators to optimize their networks in response to consumers' choices and could even bar any practice that affects the provider's costs or revenues." Further, we find unavailing commenters' assertions that the reasonable network management exception we adopt in the Order is vague or ambiguous. While we acknowledge, as the Commission has previously, the advantages a more detailed definition of reasonable network management can have on long-term network investment and transparency, we conclude that a more detailed definition risks quickly becoming outdated as technology evolves, as borne out by commenters' own assertions.

561. *Evaluating Network Management Practices.* We recognize the need to ensure that the reasonable network management exception will not be used to circumvent the open internet rules while still allowing BIAS providers flexibility to experiment and innovate as they reasonably manage their networks. We therefore elect to maintain a case-by-case approach. Case-by-case analysis will allow the Commission to use the conduct-based rules adopted in the Order to take action against practices that are known to harm consumers without interfering with BIAS providers' beneficial network management practices. Beneficial practices include protecting their broadband internet access services against malicious content or offering a service limited to "family friendly" materials to end users who desire only such content. The case-by-case review also allows sufficient flexibility to address mobile-specific management practices because, by the terms of our rule, a determination of whether a network management practice is reasonable takes into account the

particular network architecture and technology. We also note that our transparency rule requires disclosures that provide an important mechanism for monitoring whether providers are inappropriately exploiting the exception for reasonable network management.

562. We decline to specify particular network management practices as *per se* unreasonable, as advocated by WISPA, in order to afford BIAS providers maximum flexibility in managing their dynamic networks. While we are sensitive to the needs of small BIAS providers, we do not believe the record currently supports a one-size-fits-all approach. However, to provide greater clarity, particularly for small BIAS providers, and to further inform the Commission's case-by-case analysis, we offer the following guidance regarding legitimate network management purposes. We also note that, consistent with the 2010 and 2015 reasonable network management exceptions, BIAS providers may request a declaratory ruling or an advisory opinion from the Commission before deploying a network management practice, but are not required to do so.

563. As with the network management exception in the 2015 *Open Internet Order*, BIAS providers may implement network management practices that are primarily used for, and tailored to, ensuring network security and integrity, including by addressing traffic that is harmful to the network, such as traffic that constitutes a denial-of-service attack on specific network infrastructure elements. Likewise, BIAS providers may also implement network management practices that are primarily used for, and tailored to, addressing traffic that is unwanted by end users. Further, network management practices that alleviate congestion without regard to the source, destination, content, application, or service are also more likely to be considered reasonable network management practices in the context of this exception. As in the no-throttling rule and the general conduct standard, we include classes of content, applications, services, or devices. In evaluating congestion management practices, a subset of network management practices, we will also consider whether the practice is triggered only during times of congestion and whether it is based on a user's demand during the period of congestion. In addition, we maintain the guidance that a network management practice is more likely to be found reasonable if it is transparent and allows the end user to control it. Finally, we also reaffirm that reasonable network

management practices should be as application-agnostic as possible.

D. Oversight of BIAS Providers' Arrangements for Internet Traffic Exchange

564. Because we conclude that BIAS necessarily includes the exchange of internet traffic by an edge provider or an intermediary with the BIAS provider's network, disputes involving a BIAS provider regarding internet traffic exchange that interfere with the delivery of a BIAS end user's traffic are subject to our authority under Title II of the Act. The Commission has previously found, and the current record reflects, that anticompetitive and discriminatory practices in this portion of BIAS could have a deleterious effect on the open internet. The record evidence thus undermines USTelecom's assertion that because "transit providers and their customers almost always rely on multiple redundant paths for the exchange of traffic to customers on any ISP's network, and edge providers dynamically shift between transit providers in real time to avoid congestion," a BIAS provider "thus could not execute a 'degradation by congestion' strategy without limiting capacity across all of its peering points for extended periods." When internet traffic exchange breaks down—regardless of the cause—it risks preventing consumers from reaching the services and applications of their choosing, disrupting the virtuous cycle, and potentially causing public safety or other harms. Further, consumers' ability to respond to unjust or unreasonable BIAS provider practices are limited by switching costs. We therefore retain targeted authority under sections 201, 202, and 208 of the Act (and related enforcement provisions) to protect against such practices, and will continue to monitor BIAS providers' internet traffic exchange arrangements to ensure that they are not harming or threatening to harm the open nature of the internet. This regulatory backstop is not a substitute for robust competition. The Commission's regulatory and enforcement oversight, including over common carriers, is complementary to vigorous antitrust enforcement. Thus, it will remain essential for the Commission, as well as the DOJ, to continue to carefully monitor, review, and where appropriate, take action against any anticompetitive mergers, acquisitions, agreements or conduct, including where BIAS is concerned. We conclude, consistent with the 2015 *Open Internet Order*, that case-by-case review under sections 201 and 202 is the appropriate vehicle for enforcement

“where disputes are primarily over commercial terms and that involve some very large corporations, including companies like transit providers and CDNs, that act on behalf of smaller edge providers.” Thus, the Commission will be available to hear disputes raised under sections 201 and 202 on a case-by-case basis. In addition, Federal courts will also be able to adjudicate complaints brought under Title II. We also observe that section 706 provides the Commission with an additional, complementary source of authority to ensure that internet traffic exchange practices do not harm the open internet.

565. We disagree with USTelecom’s assertions that our oversight of BIAS providers’ arrangements for internet traffic exchange would “result in irrationally asymmetric regulation of bilateral negotiations” and “would leave the ISP’s counterparty . . . an unregulated entity immune from such complaints, giving it new opportunities for regulatory gamesmanship.” While BIAS providers would be subject to the Commission’s prohibitions against unjust and unreasonable practices, the other parties to such agreements are not without oversight; such parties would remain subject to the FTC’s oversight of “unfair and deceptive” practices as well as the FTC’s and DOJ’s antitrust authority. Further, we observe that should a complaint arise regarding BIAS provider internet traffic exchange practices, practices by edge providers (and their intermediaries) would be considered as part of the Commission’s evaluation as to whether BIAS provider practices were “just and reasonable” under the Act.

566. We decline to apply any open internet rules to internet traffic exchange. We note that this exclusion also extends to interconnection with CDNs. Internet traffic exchange agreements have historically been and will continue to be commercially negotiated. Given the constantly evolving market for internet traffic exchange, we conclude that at this time it would be difficult to predict what new arrangements will arise to serve consumers’ and edge providers’ needs going forward, as usage patterns, content offerings, and capacity requirements continue to evolve. Consistent with the Commission’s findings in 2015 and subsequent inquiries, we find that the best approach with the respect to arrangements for internet traffic exchange is to rely on the regulatory backstop of sections 201 and 202, which prohibit common carriers from engaging in unjust and unreasonable practices. Our “light touch” approach therefore does not

directly regulate interconnection practices. We make clear, however, that BIAS providers may not engage in interconnection practices that “circumvent the prohibitions contained in the open internet rules” or that have the purpose or effect of evading our rules to protect internet openness.

567. We conclude that it would be premature to adopt prescriptive rules to address any problems that have arisen or may arise, and we decline at this time to adopt a rule requiring BIAS providers to offer settlement-free peering to edge providers and transit providers that agree to reasonably localize the exchanged traffic, or to otherwise prohibit fees associated with internet traffic exchange arrangements, as some commenters suggest. The record reflects competing narratives regarding the imposition of paid peering arrangements. For example, one research study claims that paid peering results in higher prices for consumers, reduces consumer surplus, and results in higher profits for broadband providers. In contrast, USTelecom asserts that “the providers of such double-sided platforms [like ISPs] routinely assess fees on both sides, and it is well understood that charges to one side of the platform (here, direct-interconnection fees) exert downward pressure on charges to the other side (here, resulting in lower consumer broadband bills).” USTelecom further argues that “eliminating direct-interconnection fees would eliminate price signals that, today, give content-originating networks efficient incentives to reduce unnecessary costs in their transmission of internet traffic,” explaining that “the prospect of such fees currently gives streaming video providers incentives to implement efficient forms of digital compression that reduce traffic loads while still providing high video quality to end users” and that “[i]mposing a new obligation of settlement-free direct interconnection would undermine those efficiency-inducing price signals, generate wasteful over-expenditure of finite network resources, and thus impose on broadband providers avoidable costs that consumers would ultimately bear in the form of higher broadband bills.” Lumen, in response, asserts that “the fees large BIAS providers attempt to impose are indeed supracompetitive . . . and can exceed what Lumen charges for transit service,”—a highly competitive market—demonstrating “conclusively” that their charges are supracompetitive. And New America’s Open Technology Institute asserts that “[e]dge providers

have plenty of price incentives to move, manage, and deliver traffic efficiently without the BIAS provider extracting a toll for access to their subscribers.” We are cautious of imposing a one-size-fits-all rule on this dynamic sector of the broadband industry based on the record before us, which raises potential concerns about such arrangements but lacks detail regarding specific incidences of such actions. Instead, we will proceed on a case-by-case basis regarding assertions or claims that arrangements for internet traffic exchange, including fee-based arrangements, violate sections 201 or 202 of the Act, or are being used to circumvent or evade open internet protections. As we note above, the Commission has taken action to require settlement-free peering agreements where appropriate.

E. Enforcement of Open Internet Rules

568. Effective and timely conflict resolution and clear guidance on permitted and prohibited practices under the rules we adopt in the Order are important to further our goal to secure and safeguard an open internet. As in the past, we expect that many disputes that will arise can and should be resolved by the parties without Commission involvement. We continue to encourage parties to resolve disputes through informal discussion and private negotiations whenever possible.

569. At the same time, we are prepared to enforce our open internet rules as the need arises. To that end, we will rely on a multifaceted enforcement framework comprised of advisory opinions, enforcement advisories, Commission-initiated investigations, and informal and formal complaints. Some commenters endorse a multifaceted enforcement framework. The advisory opinions and enforcement advisories should provide upfront clarity, guidance, and predictability with respect to the open internet rules, thereby giving providers an avenue to avoid formal complaint litigation, remediation, or fines after the fact. Commission-initiated investigations will also play a role in our enforcement framework. Investigations may stem from review of informal complaints, from which trends of behavior can be identified, or information otherwise brought to the Commission’s attention. When the Commission determines a violation has occurred, we will pursue remedies and penalties. Lastly, the formal complaint processes will provide parties options to bring open internet rule violations to the Commission’s attention and to resolve specific disputes. As explained *infra*, the

Enforcement Bureau's Market Disputes Resolution Division provides confidential mediation services, at no cost, to assist parties in settling or narrowing disputed issues. We find that, when necessary, the formal complaint process will provide a backstop framework that will effectively and timely address open internet disputes and provide guidance on practices that are permitted or prohibited under our rules.

1. Advisory Opinions and Enforcement Advisories

570. *Advisory Opinions.* The Commission previously concluded in 2015 that the use of advisory opinions would be in the public interest and had the potential to provide clarity, guidance, and predictability concerning the Commission's open internet rules. In 2017, the *RIF Order* ended the use of enforcement advisory opinions, asserting that they were no longer necessary due to the elimination of the conduct rules. In the Order, we reaffirm the conclusions of the *2015 Open Internet Order*, and adopt an updated process for providers seeking an advisory opinion from Commission staff regarding the open internet rules to provide upfront clarity, guidance, and predictability. Updated process steps are not intended to substantively differ from those outlined in the *2015 Open Internet Order*. We continue to believe an advisory opinion process will provide clarity and guidance to providers seeking to comply with our regulations. We believe the advisory opinion process we adopt in the Order will help, and not impede, innovation by providing published guidance that illustrates how we implement our laws and regulations.

571. Under the process we adopt in the Order, any BIAS provider may request an advisory opinion regarding the permissibility of its proposed policies and practices affecting access to BIAS. As noted in our rules, requests for an advisory opinion may be filed via the Commission's website or with the Office of the Secretary and must be copied to the Chief of the Enforcement Bureau and the Chief of the Investigations and Hearings Division of the Enforcement Bureau. We hereby delegate to the Enforcement Bureau the authority to receive such requests and issue such advisory opinions, and we direct the Enforcement Bureau to coordinate closely with other relevant Bureaus and Offices regarding such advisory opinions. The Enforcement Bureau will have discretion to determine whether to issue an advisory opinion in response to a particular request or group of requests

and will inform each requesting entity, in writing, whether the Bureau plans to issue an advisory opinion regarding the matter in question. The Enforcement Bureau shall decline to issue an advisory opinion if the relevant policy or practice is the subject of a pending government investigation or proceeding.

572. BIAS providers may submit requests for advisory opinions regarding prospective policies and practices affecting broadband access. A request must pertain to a policy or practice that the requesting party intends to utilize, rather than a mere possible or hypothetical scenario. As a general matter, the Enforcement Bureau will prioritize requests involving substantial questions with no clear Commission precedent and/or subject matter involving significant public interest. Other Federal agencies have similar advisory opinion processes. For example, the Rules of Practice of the FTC provide that the FTC or its staff, in appropriate circumstances, may offer industry guidance in the form of an advisory opinion. The FTC specifies that it will consider requests for advisory opinions, where practicable, under the following circumstances: "(1) The matter involves a substantial or novel question of fact or law and there is no clear Commission or court precedent; or (2) The subject matter of the request and consequent publication of Commission advice is of significant public interest."

573. When submitting requests, BIAS providers must include all material information such that Commission staff can make a fully informed determination on the matter. Requesting parties will also be required to certify that factual representations made to the Enforcement Bureau are truthful, accurate, and do not contain material omissions. The Enforcement Bureau will have discretion to request additional information from the requesting entity and from other parties that might have relevant information or be impacted by the request. These might include, for example, impacted consumers or state, local, or Tribal governments.

574. Our advisory opinion process will affect BIAS providers and the Commission's enforcement actions as described below. First, the process is fully voluntary. No BIAS provider will be rewarded or penalized for seeking an advisory opinion, and the seeking (or not) of an advisory opinion will not itself influence any enforcement-related decision by the Commission. Second, in an advisory opinion, the Enforcement Bureau will issue a determination of whether or not the policy or practice

detailed in the request complies with the open internet rules. We disagree with Smithwick & Belendiuk's assertion that that the Commission must provide the public an opportunity to comment on a BIAS provider's request for an advisory opinion, or eliminate the process entirely. As Smithwick & Belendiuk itself acknowledges, a BIAS provider may "face a legitimate potential for competitive harm if its operational plan are made public at the advisory opinion stage," and further, the Commission does not routinely seek public input on its interpretation of its own rules.

575. The Bureau will not respond to requests for opinions that relate to ongoing or prior conduct, and the Bureau may initiate an enforcement investigation to determine whether such conduct violates the open internet rules. Third, a requesting party may rely on an advisory opinion to the extent that its request fully and accurately describes all material facts and circumstances. Fourth, advisory opinions will be issued without prejudice to the Enforcement Bureau's or the Commission's ability to reconsider the questions involved, and rescind the opinion. We disagree with commenters who assert that advisory opinions are not helpful because they would only apply to the requesting party and the facts at hand and not other providers or because any guidance would be revocable and not binding. While advisory opinions will specifically engage with the facts provided by a requesting party, we believe published advisory opinions will inform other providers with similar questions, and that usefulness will still apply even if the Commission subsequently revises its guidance.

576. The Enforcement Bureau will attempt to respond to requests for advisory opinions as efficiently as possible. We decline to establish firm deadlines, however, because we anticipate that the nature, complexity, and magnitude of requests may vary widely. Furthermore, it may take time for Commission staff to request any additional information needed to issue an opinion. Once issued, the Enforcement Bureau will make the advisory opinion available to the public. Entities concerned about privacy and sensitive market information may request confidential treatment of certain information, as provided under Commission rules. And to provide further guidance to industry and consumers, the Bureau will also release the initial request and any additional materials deemed necessary to contextualize the opinion.

577. We continue to believe an advisory opinion process will provide clarity and guidance to providers seeking to comply with our regulations. While some commenters assert that seeking an advisory opinion would potentially harm the requesting party, the advisory opinion process we adopt in the Order does not contemplate the Enforcement Bureau taking enforcement action solely in response to a provider seeking an advisory opinion.

2. Complaint Processes

578. *Informal Complaints.* As stated in the 2023 *Open Internet NPRM*, the Commission's informal complaint process under § 1.41 of the rules "remain[s] available to parties with respect" to open internet rules. Commenters support continued use of the informal complaint process as an effective enforcement mechanism of our rules. For example, NDIA affirms the value of the informal complaint pathway in its "accessibility to most consumers." The Commission previously found, and we continue to find, that § 1.41 provides "a simple and cost-effective option for calling attention to open internet rule violations." With reclassification, §§ 1.711 through 1.717 also apply to informal complaints arising under Title II of the Act. Consumers may submit informal complaints online, and no filing fee is required. Informal complaints are filed through the Commission's user-friendly complaint interface, the Consumer Inquiries and Complaint Center Help Center. We note that the Commission's Consumer Complaint Center is responsive on mobile devices and that the Commission's call center is staffed by both English- and Spanish-speaking agents who can file complaints on behalf of consumers. Individuals who use videophones and are fluent in American Sign Language (ASL) may call the Commission's ASL Consumer Support line for assistance in ASL with filing informal complaints or obtaining consumer information. Those who wish to file an informal complaint may simply visit the Consumer Inquiries and Complaint Center portal on the Commission's website and click the internet icon to access relevant information and the online complaint intake system. Consistent with our current process and procedures, consumers may also file informal complaints by fax or postal mail. The informal consumer complaint process facilitates a conversation between the consumer and the provider to address disputed issues. It does not involve arbitration, mediation, or investigation. These complaints will be reviewed and

may be served on the consumer's BIAS provider for investigation and response to the consumer within 30 days. WISPA requests a 30-day negotiating period before filing an informal complaint. We decline WISPA's request, but we note that the informal complaint process is designed to allow parties to reach an informal, negotiated resolution before proceeding to a more formal process. Although individual informal complaints will not typically result in written Commission Orders, the Enforcement Bureau will examine trends or patterns in complaints to identify potential targets for investigation and enforcement action. The availability of complaint procedures does not bar the Commission from initiating separate and independent enforcement proceedings for potential violations. The Commission reviews informal complaints and, when applicable, will initiate investigations internally in furtherance of our enforcement efforts. These include Commission-initiated inquiries under section 403 of the Act, which may lead to the issuance of forfeitures under section 503(b) of the Act.

579. *Formal Complaints.* The RIF Order eliminated the open internet complaint rules adopted in the 2010 *Open Internet Order* and preserved in the 2015 *Open Internet Order*. With our action in the Order to reclassify BIAS as a Title II telecommunications service, absent adoption of a different approach, the section 208 formal complaint rules will apply. In the 2023 *Open Internet NPRM*, we sought comment on whether it would be beneficial to re-establish a formal complaint process for complaints arising under our open internet rules and whether our section 208 formal complaint process is sufficient for this purpose. We agree with commenters that the formal complaint process should continue to be part of the enforcement framework for the open internet rules. Several commenters state that formal complaint procedures are necessary to ensure equal access to BIAS and support having a structured formal complaint process. In its comment, the U.S. Chamber of Commerce objects to "adopt[ing] a formal complaint mechanism under section 208 of the Communications Act for alleged instances of digital discrimination." The instant Order, however, only concerns open internet rules and takes no position on the applicability of section 202 to the digital discrimination rules. We further conclude that the existing formal complaint rules codified at §§ 1.720

through 1.740 of our rules should apply to formal open internet complaints.

580. The Commission updated the existing section 208 rules in 2018, and they govern all formal complaint proceedings delegated to the Enforcement Bureau. These comprehensive rules are largely the same as the prior open-internet-specific formal complaint rules, providing for a complaint, answer, and reply, as well as discovery and briefing, as appropriate. They also establish deadlines for the resolution of complaints. We reject WISPA's request that the Commission be required to render a decision on any complaint within 60 days from the date the BIAS provider files its response to the Commission. The formal complaint rules are designed to resolve complaints on a written record and give defendants sufficient opportunity to respond to the allegations against them so as to afford due process. The rules contemplate the exchange of information and other efforts to narrow the issues in dispute and streamline the adjudicative process. A 60-day deadline would not provide adequate time for the development of a complete record in a complex case. We also reject WISPA's request for a shortened, one-year statute of limitations from the time of an alleged open internet rule violation. Section 415 of the Act generally provides that complaints be filed within two years from the time the cause of action accrues, and WISPA provides no basis justifying a departure from this statutory requirement. For these reasons we find it unnecessary, as WISPA requests, for the Commission to seek additional comment on streamlined enforcement procedures and timeframes for BIAS providers with 250,000 or fewer subscribers. We find that the size of the defendant BIAS provider (or the number of subscribers it has) does not determine the complexity or scope of the violations alleged, nor does it form the basis for developing a separate set of procedures or deadlines. Furthermore, we find it unnecessary to examine whether to establish a specific forfeiture amount for smaller providers under part 8 of the Commission's rules. The Commission's rules already provide for discretion when assessing penalties, so there is no need to limit that discretion solely for small BIAS providers. Moreover, we believe that using the section 208 formal complaint rules will avoid the potential for two different complaint processes if a complaint includes both open internet violations and other Title II violations.

581. ACA Connects expresses concern about the burden and cost associated with defending potential complaint

proceedings. We find such proceedings are likely to be rare and unlikely to be particularly burdensome. To reiterate, we view formal complaint litigation as a last resort. The section 208 formal complaint rules require a complainant to certify that it has made a good faith effort to settle the dispute. Additionally, either party may seek voluntary mediation at the Commission—before a complaint is filed or while the complaint is pending—in an effort to avoid litigation. Mediation may be requested by a letter or by filing an informal complaint with the Enforcement Bureau's Market Disputes Resolution Division. Mediation often obviates the need for litigation or, barring settlement of the entire dispute, may narrow issues for adjudication.

F. Legal Authority

582. We rely on multiple sources of independent, complementary legal authority for the open internet rules we adopt in the Order, including Titles II and III of the Act and section 706 of the 1996 Act. These are the same sources of authority that the Commission relied upon when it adopted rules in the *2015 Open Internet Order*, which were upheld in full by the D.C. Circuit. These sources of authority work to safeguard and secure internet openness to ensure that the internet continues to grow as a platform for competition, free expression, and innovation; to be a driver of economic growth; and to be an engine of the virtuous cycle of broadband deployment, innovation, and consumer demand.

583. In the Order, we find that BIAS is a telecommunications service subject to Title II, with forbearance where appropriate under section 10 of the Act, allowing the Commission to exercise its authority under sections 201 and 202 of the Act to ensure that BIAS providers do not engage in unjust and unreasonable practices or preferences. As described below, under section 706, the Commission has the authority to adopt these open internet rules to encourage and accelerate the deployment of broadband to all Americans. The rules are also supported by Title III of the Act, under which the Commission has broad spectrum management authority to protect the public interest through spectrum licensing and regulations. Each of these sources of authority provides an alternative ground to independently support our open internet rules. With respect to our revised transparency rule, we rely on the same sources of authority along with section 257 of the Act (and associated authority now in section 13 of the Act), consistent with the relevant reasoning of

the *2010 Open Internet Order* and the *RIF Order*. Below, we discuss the basis and scope of each of these sources of authority, provide an overview of prior precedents which justifies such use, and then explain their application to the open internet rules we adopt in the Order.

1. Title II of the Act With Forbearance

584. As in the *2015 Open Internet Order*, we find that the open internet rules we adopt in the Order are also supported by our legal authority under Title II to regulate telecommunications services. We rely on sections 201, 202, and 208 of the Act, along with the related enforcement authorities of sections 206, 207, 209, 216, and 217, as additional legal authority for the open internet rules we adopt in the Order.

585. Section 201(a) places a duty on common carriers to furnish communications services subject to Title II “upon reasonable request” and “establish physical connections with other carriers” where the Commission finds it to be in the public interest.” Section 201(b) provides that “[a]ll charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is declared to be unlawful.” Section 201(b) also gives the Commission the authority to “prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this chapter.” Section 202(a) makes it unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

586. Thus, the unjust and unreasonable standards in sections 201 and 202 afford the Commission significant discretion to distinguish acceptable behavior from behavior that violates the Act. Indeed, the very terms “unjust” and “unreasonable” are broad, inviting the Commission to undertake the kind of line-drawing that is necessary to differentiate just and reasonable behavior on the one hand from unjust and unreasonable behavior on the other. As the D.C. Circuit has stated, for example, “the generality of

these terms . . . opens a rather large area for the free play of agency discretion, limited of course by the familiar ‘arbitrary’ and ‘capricious’ standard in the Administrative Procedure Act.” Stated differently, because both sections “set out broad standards of conduct,” it is up to the “Commission [to] give[] the standards meaning by defining practices that run afoul of carriers’ obligation, either by rulemaking or by case-by-case adjudication.” Acting within this discretion, the Commission has exercised its authority under section 201(b), through both adjudication and rulemaking, to ban unjust and unreasonable carrier practices as unlawful under the Act. The Commission need not proceed through adjudication in announcing a broad ban on a particular practice. Indeed, the text of section 201(b) itself gives the Commission authority to “prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this chapter.” Although the particular circumstances have varied, in reviewing these precedents, we find that the Commission generally takes this step where necessary to protect competition and consumers against carrier practices for which there was either no cognizable justification for the action or where the public interest in banning the practice outweighed any countervailing policy concerns.

587. Our rulemaking actions interpret and apply the statutory authority at issue here, thereby enabling the Commission to address the sorts of core communications policy issues that the agency has dealt with since the enactment of the Communications Act. This is illustrated by the many historical precedents for the regulation of carriers consistent with the conduct rules we adopt.

588. *Prohibitions on Blocking and Throttling.* The conduct rules we adopt in the Order are consistent with longstanding Commission precedent under the Act, and in some respects also historical common carriage requirements more generally. Our rules prohibiting blocking or throttling of traffic except for purposes of reasonable network management or at the desire of end users aligns with policies the Commission long has applied to carriers under the Communications Act. These rules also accord with longstanding requirements imposed on common carriers of various sorts to defer to their customers regarding the content being carried and to ensure that content gets to its destination in a timely and reliable manner.

589. *Restriction on paid prioritization.* Our rule banning paid prioritization also reflects the Commission's historical recognition that just and reasonable rates and practices can require regulating carriers' relationships with other communications suppliers. The Commission historically has regulated those relationships as needed, including to restrict carriers' ability to impose charges on providers delivering them communications traffic. We recognize that in addition to benefitting BIAS customers, our justification for the ban on paid prioritization rests in part on the identified harms to edge provider operations and innovation—but that, too, is consistent with how the Commission has exercised its authority historically. For example, the Supreme Court has rejected the view that section 201(b) limits the Commission to addressing practices exclusively when they harm customers, rather than also encompassing harms to communications service suppliers, basing its rationale in part on historical regulation under the Interstate Commerce Act. Further, a policy goal of the historical *Computer Inquiries* regime was to guard against the risk of carriers harming competitive providers of enhanced services.

590. *General Conduct Rule.* Our general conduct rule, by which we evaluate conduct not covered by the bright-line rules, is consistent with the Commission's historical exercise of authority under the Act. Since its original enactment in 1934, the Communications Act has prohibited unjust, unreasonable, and unjustly or unreasonably discriminatory, rates and practices by carriers, and the Commission has regularly judged carriers' conduct against those standards on a case-by-case basis. The origins of common carrier duties under common law, and then under the Interstate Commerce Act, likewise commonly were subject to case-by-case adjudication.

591. The specific considerations that guide the application of the general conduct rule also reflect the types of factors the Commission historically has weighed in evaluating the justness and reasonableness of carrier conduct.

- For example, section 201(b) of the Act has long been understood to allow for carrier practices that enable end users to control their use of the service to which they have subscribed as just and reasonable, absent a countervailing adverse public impact.

- Consumer protection, such as protection against deceptive or misleading practices, also has been a part of the Commission's

implementation of section 201(b) of the Act.

- The Commission historically has implemented the Act to guard against conduct that would have harmful competitive effects, as well.

- The Commission not only has considered effects on innovation and investment in its implementation of longstanding provisions of the Act, but since the enactment of the 1996 Act also has relied on the mandate to advance broadband deployment in section 706 of that statute.

- The Commission also has treated compliance with industry standards or best practices as relevant—though not dispositive—to its evaluation of the justness and reasonableness of carrier practices.

Thus, the consideration of such factors through a case-by-case reasonableness evaluation is fully consistent with longstanding historical practice.

592. The record also provides broad support for relying on authority in sections 201 and 202 of the Act. Some commenters oppose relying on sections 201 and 202, because these sections may be unduly burdensome, particularly on smaller providers. In such cases, commenters urge the Commission to forbear from sections 201, 202, and 208 for smaller BIAS providers, or alternatively, initiate a new proceeding to define the limits of obligations for small BIAS providers. Other commenters argue that the Commission should focus on Title II authority rather than section 706. These commenters contend that the Commission should focus on Title II authority rather than section 706. For the reasons set forth above, we find the open internet rules we adopt in the Order are supported by our legal authority under Title II.

593. As proposed in the *2023 Open Internet NPRM*, and consistent with the *2010 Open Internet Order* and the *RIF Order*, and as affirmed by the D.C. Circuit in *Mozilla*, we rely on section 257 of the Act (now in conjunction with section 13 of the Act) as additional legal authority for the transparency requirements we retain. Section 257(a) directs the Commission to “identify[] and eliminate[] . . . market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services, or in the provision of parts or services to providers of telecommunications services and information services.” The RAY BAUM'S Act of 2018 eliminated section 257(c) of the Act, and instead included language in new section 13 of the Act, 47 U.S.C. 163, requiring similar

review under that provision. Thus, to be clear, section 257 previously included subsection (c), which directed the Commission to submit a triennial report to Congress on the market entry barriers for entrepreneurs and other small businesses. The RAY BAUM'S Act now requires the Commission to submit a biennial report that is similar to the report previously required under section 257(c). In carrying out section 257(a), the Commission “shall seek to promote the policies and purposes of this chapter favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity.”

594. We continue to find that section 13(d)(3) is properly understood as not only imposing a current obligation to “consider market barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b),” but also imposing an ongoing obligation to do so. In this regard, section 13(a) directs the Commission to submit a report to Congress, “[i]n the last quarter of every even-numbered year, on the state of the communications marketplace.” The report must assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 522), broadcast stations, providers of satellite communications, internet service providers, and other providers of communications services. The report must “assess whether laws, regulations, regulatory practices (whether those of the Federal Government, States, political subdivisions of States, Indian tribes or tribal organizations (as such terms are defined in section 5304 of title 25), or foreign governments), or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services.” Section 163(d)(3) further directs that, “[i]n assessing the state of competition . . . and regulatory barriers . . . , the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b) of this title.”

2. Section 706 of the 1996 Act

595. We adopt our proposal to return to the Commission's prior judicially affirmed interpretation of section 706 of the 1996 Act as granting the Commission regulatory authority. We do so in light of the considerations that persuaded the Commission to adopt such interpretations in the past, and that persuaded courts to affirm those interpretations. Consistent with the prior approach, we rely on section 706(a) as part of our authority for the adoption of open internet rules. We also rely on section 706(b) to the extent that the Commission concludes under section 706(a) that advanced telecommunications capability is not being deployed to all Americans in a reasonably timely fashion. The Commission's most recent section 706 report issued last month concluded that advanced telecommunications capability was *not* being deployed to all Americans in a reasonable and timely fashion. The record reflects support for returning to the Commission's prior interpretation of section 706(a) and (b) as grants of regulatory authority from a range of commenters, including State and local groups, public interest groups, think tanks, academia, and others. These commenters generally argue that interpreting section 706 as a grant of regulatory authority provides a better reading of the statute than the interpretation adopted in the *RIF Order*, is supported by judicial and Commission precedent, is supported by legislative history, and will survive judicial scrutiny even with limited deference. The record also reflects commenters who oppose returning to interpreting section 706 as a grant of regulatory authority, for reasons such as the provision should be viewed as exhortative rather than as a directive, the provision is not supported by statutory interpretation, and the provision is not supported by clear congressional intent. For the reasons discussed by the Commission in the *2010 Open Internet Order* and the *2015 Open Internet Order*, the D.C. Circuit in *Verizon* and *USTA*, the Tenth Circuit in *In re FCC*, and in the Order, we disagree. We also disagree with other commenters' claims that the Commission could adopt rules using section 706 and Title I authority.

596. The *RIF Order* principally grounded its rationale for changing the interpretation of section 706 on its view that section 706 was better interpreted as hortatory. As explained below, upon further analysis, we conclude that interpreting section 706(a) and (b) as grants of regulatory authority represents

the better reading of the statute and likewise provides a basis for us to change our interpretation.

597. For one, we have ample support for relying on specific rationales for interpreting section 706(a) and (b) of the 1996 Act as grants of regulatory authority. In *Comcast*, the D.C. Circuit identified section 706(a) as a provision that "at least arguably . . . delegate[s] regulatory authority to the Commission," and in fact "contain[s] a direct mandate—the Commission 'shall encourage.'" In the *2010 Open Internet Order*, the Commission explained why section 706(a) and (b) each represent a grant of regulatory authority to the Commission after considering the statutory text, regulatory and judicial precedent, and legislative history, and rejecting objections to that interpretation. In particular, the Commission explained that Congress, in directing the Commission to "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans . . . by utilizing . . . price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment," necessarily vested the Commission with the statutory authority to carry out those acts. Indeed, the relevant Senate Report explained that the provisions of Section 706 are "intended to ensure that one of the primary objectives of the [1996 Act]—to accelerate deployment of advanced telecommunications capability—is achieved," and stressed that these provisions are "a necessary fail-safe" to guarantee that Congress's objective is reached. As the Commission explained, it would be odd indeed to characterize Section 706(a) as a "fail-safe" that "ensures" the Commission's ability to promote advanced services if it conferred no actual authority. As with the *2010 Open Internet Order*, our reading, Section 706(a) authorizes the Commission to address practices, such as blocking VoIP communications, degrading or raising the cost of online video, or denying end users material information about their broadband service, that have the potential to stifle overall investment in internet infrastructure and limit competition in telecommunications markets.

598. Consistent with what the Commission went on to explain, section 706(a) accordingly provides the Commission with a specific delegation of legislative authority to promote the deployment of advanced services, including by means of the open internet rules adopted in the *2010 Open Internet*

Order. As the Commission explained in *2010 Open Internet Order*, our understanding of section 706(a) is also harmonious with other statutory provisions that confer a broad mandate on the Commission. For example, section 706(a)'s directive to "encourage the deployment [of advanced telecommunications capability] on a reasonable and timely basis" using the methods specified in the statute is no broader than other provisions of the Commission's authorizing statutes that command the agency to ensure "just" and "reasonable" rates and practices, or to regulate services in the "public interest." Our section 706(a) authority is also generally consistent with—though narrower than—the understanding of ancillary jurisdiction under which this Commission operated for decades before the *Comcast* decision. The similarities between the two in fact explain why the Commission had not, before the *2010 Open Internet Order*, had occasion to describe section 706(a) in this way. That is because in the particular proceedings prior to *Comcast*, providing such understanding of section 706(a) that we articulate in the *2010 Open Internet Order* would not meaningfully have increased the authority that we understood the Commission already possessed.

599. In addition, in the *2015 Open Internet Order*, the Commission built on the foundation of its explanations in the *2010 Open Internet Order*, rejecting various objections to the interpretation of section 706(a) and (b) as grants of regulatory authority and elaborating on the Commission's authority to adopt rules implementing that provision, and to enforce those rules.

600. The Commission concluded in the *2015 Open Internet Order* and *2010 Open Internet Order* that open internet rules were a reasonable way to implement Commission authority under section 706(a) and (b), and the nexus between open internet rules and the directives in section 706(a) and (b) was affirmed by the D.C. Circuit in *Verizon*. For those same reasons, we find that the open internet rules we adopt here are a reasonable exercise of section 706(a) authority. As the Commission recently concluded that advanced telecommunications capability is not being deployed to all Americans in a reasonable and timely fashion under section 706(b), the open internet rules we adopt here are a reasonable exercise of authority under that provision as well.

601. To be clear, we interpret section 706(a) and (b) as independent, complementary sources of affirmative Commission authority for the rules

adopted in the Order. Our interpretation of section 706(a) as a grant of express authority is in no way dependent upon our findings in the section 706(b) inquiry. Thus, even if the Commission's inquiry were to have resulted in a positive conclusion such that our section 706(b) authority were not triggered, this would not eliminate the Commission's authority to take actions to encourage broadband deployment under section 706(a). And Commission actions adopted pursuant to a negative section 706(b) determination would not simply be swept away by a future positive section 706(b) finding, and subsequently render those actions unnecessary or unauthorized without any further Commission process. Throwing away such measures because they are working would be like "throwing away your umbrella in a rainstorm because you are not getting wet." Even if that were not the case, independent section 706(a) authority would remain. We mention, however, two legal requirements that appear relevant. First, section 408 of the Act mandates that "all" Commission orders (other than orders for the payment of money) "shall continue in force for the period of time specified in the order or until the Commission or a court of competent jurisdiction issues a superseding order." Second, the Commission has a "continuing obligation to practice reasoned decisionmaking" that includes revisiting prior decisions to the extent warranted. We are aware of no reason why these requirements would not apply in this context.

602. The Commission takes such measures precisely to achieve section 706(b)'s goal of accelerating deployment.

603. Our return to an interpretation of section 706 of the 1996 Act as granting the Commission regulatory authority and, in turn, as a basis for open internet rules is also propelled by the realization that BIAS has become even more essential to consumers for work, health, education, community, and everyday life. While internet access has long been important to daily life, the COVID-19 pandemic and the subsequent rapid shift of work, education, and health care online has demonstrated how essential BIAS connections are for consumers' participation in our society and economy. In light of this reality, we believe that returning to the Commission's prior interpretation of section 706 is necessary and timely given the critical importance of ensuring the Commission's authority to fulfill policy objectives and responsibilities to protect this vital service.

604. We find that the Commission has the legal authority to return to the prior, judicially affirmed, pre-*RIF Order* interpretations of section 706(a) and (b) of the 1996 Act. The APA's requirement of reasoned decision-making ordinarily demands that an agency acknowledge and explain the reasons for a changed interpretation. But so long as an agency "adequately explains the reasons for a reversal of policy," its new interpretation of a statute cannot be rejected simply because it is new. In *Fox*, the Supreme Court emphasized that, although an agency must acknowledge that it is changing course when it adopts a new construction of an ambiguous statutory provision, "it need not demonstrate to a court's satisfaction that the reasons for the new policy are better than the reasons for the old one" Rather, it is sufficient that "the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better, which the conscious change of course adequately indicates." We have so done here.

605. We are unpersuaded by arguments in the *RIF Order* that section 706(a) and (b) of the 1996 Act are better interpreted as hortatory, and not as grants of regulatory authority. For the reasons set forth below, we find there are deficiencies in the *RIF Order's* analysis that lead us to conclude that the *RIF Order's* reasoning, which has already been rejected by a court, is misguided and misplaced, and once again should be rejected. We therefore return to the Commission's prior judicially affirmed interpretation of section 706(a) and (b) of the 1996 Act as grants of regulatory authority and conclude that it is a better reading of the statute.

606. First, according to the *RIF Order's* reasoning, the language in section 706(a) and (b) should be viewed as statutory surplusage that neither grants nor restrains Commission authority, but merely expresses the sense of Congress that advanced telecommunications are important. The D.C. Circuit has already twice affirmatively rejected this line of reasoning. In *Verizon*, the court affirmed as reasonable the Commission's interpretation that section 706(a) and (b) are grants of regulatory authority. The court held that section 706(a) "vest[s] the Commission with actual authority to utilize the regulatory methods set forth in the statute to "encourage the development of advanced telecommunications capability." This authority, Congress explained, is a "fail safe" to enable the Commission to achieve the goal of permitting all

Americans to send and receive information in all forms—voice, data, graphics, and video—over a high-speed, switched, interactive broadband, transmission capability." And section 706(b) imposes an affirmative duty on the Commission "to conduct a regular inquiry 'concerning the availability of advanced telecommunications capability.'" And in the event that it determines that such capability is not "being deployed to all Americans in a reasonable and timely fashion," the statute compels the Commission to "take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market." In *USTA*, the court likewise affirmed as reasonable the Commission's interpretations that section 706(a) and (b) are grants of regulatory authority. Moreover, although the Tenth Circuit failed to recognize that the Commission had, in fact, interpreted section 706(a) as a grant of regulatory authority in the *2010 Open Internet Order*, it affirmed the Commission's reliance on section 706(b) as a grant of regulatory authority.

607. Second, the *RIF Order* was too quick to dismiss the importance of the term "shall" in section 706(a) ("shall encourage") and (b) ("shall take immediate action"), a term which describes a particularly potent word in statutory construction that "usually connotes a requirement," and serves as a legislative mandate for regulation. Although the *RIF Order* recognized that the term "shall" generally indicates a command that admits of no discretion, it gave short shrift to the importance of its use in these statutory provisions, and instead interpreted the provisions as exhortative. The *RIF Order* reasoned that the Commission has other authority in the Communications Act under which it can exercise the mandates in section 706(a) and (b), and thus there is no need to interpret these provisions as directives, in spite of the significant contrary evidence. But the D.C. Circuit explained in *Verizon* that section 706 "does not limit the Commission to using other regulatory authority already at its disposal, but instead grants it the power necessary to fulfill the statute's mandate." We believe that acceptance of the *RIF Order's* reasoning would contravene the statute's clear language and structure and nullify textually applicable provisions. Indeed, if such faulty reasoning were allowed to stand, the term "shall" could be nullified in any other textually applicable provision where there may be other sources of

authority under the Act, an outcome we reject.

608. Third, we also are unpersuaded by the *RIF Order's* argument that if section 706(a) and (b) were interpreted as grants of regulatory authority, it would enable the internet and information services to be heavily regulated in a manner inconsistent with the policy goals reflected in the Act. Although the *RIF Order* acknowledged that the Commission's prior interpretation of section 706 was, by its own terms, constrained in order to be consistent with the Act, it claimed that such constraints did not adequately address its statutory concerns. In the view of the *RIF Order*, seemingly the only outcomes of interpreting section 706 as granting regulatory authority would be extreme results where those constraints had little meaning and left the Commission with essentially unbounded authority or were such severe limitations as to render section 706 of little possible use. But as prior Commission and judicial precedents explain, there are several limitations to section 706(a) authority, which makes these views unfounded. In *Verizon*, the D.C. Circuit agreed with the Commission that while authority under section 706 may be broad, it is not unbounded. Specifically, authority under section 706(a) must fall within the scope of the Commission's subject-matter jurisdiction over "interstate and foreign commerce in communications by wire and radio." Additionally, the Commission's actions under section 706(a) must be designed to "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans." Moreover, the court in *Verizon* firmly concluded that the Commission's *2010 Open Internet Order* regulations fell within the scope of section 706. It explained that the rules "not only apply directly to broadband providers, the precise entities to which section 706 authority to encourage broadband deployment presumably extends, but also seek to promote the very goal that Congress explicitly sought to promote." Further, the court credited "the Commission's prediction that the [2010] Open Internet Order regulations will encourage broadband deployment." The same is true of the open internet rules we adopt in the Order. Our regulations again only apply to last-mile providers of BIAS—a service that is not only within our subject-matter jurisdiction, but also expressly within the terms of section 706. And, again, each of our rules is designed to remove barriers in order to achieve the express

purposes of section 706. We also find that our rules will provide additional benefits by promoting competition in telecommunications markets, such as, for example, by fostering competitive provision of VoIP and video services and informing consumers' choices.

609. Fourth, we are also unpersuaded by the *RIF Order's* concerns about our ability to enforce violations of requirements adopted under section 706(a) and (b) of the 1996 Act. The rules we adopt in the Order implement the provisions of the Communications Act and are thus covered by our Titles IV and V authorities to investigate and enforce violations of these rules. With specific respect to section 706, in *Verizon*, the D.C. Circuit suggested that section 706 was part of the Communications Act of 1934. Under such a reading, rules adopted pursuant to section 706 fall within our Title IV and V authorities. The 1996 Act incorporated the relevant statutory definitions in the Act, which the Commission has broad authority to implement. The 1996 Act also required the Commission to adopt rules or orders that turned on the interpretation of those statutory definitions.

610. But even if this were not the case, we believe it reasonable to interpret section 706 itself as a grant of authority to investigate and enforce our rules. Moreover, to the extent that section 706 was not viewed as part of the Communications Act, we have authority under section 4(i) of the Communications Act to adopt rules implementing section 706. Thus, even then the Commission's rules, insofar as they are based on our substantive jurisdiction under section 706, nonetheless would be issued under the Communications Act. "[B]y its terms our section 4(i) rulemaking authority is not limited just to the adoption of rules pursuant to substantive jurisdiction under the Communications Act, and the *Verizon* court cited as reasonable the Commission's view that Congress, in placing upon the Commission the obligation to carry out the purposes of section 706, 'necessarily invested the Commission with the statutory authority to carry out those acts.'" Under such a reading, rules adopted pursuant to section 706 fall within our Titles IV and V authorities. The Commission would also have all of its standard rulemaking authority under sections 4(i), 201(b), and 303(r). Our enforcement authority was not explicitly discussed in either the *2010 Open Internet Order* or *Verizon*. The court did cite as reasonable, however, the Commission's view that Congress, in placing upon the Commission the obligation to carry out

the purposes of section 706, "necessarily invested the Commission with the statutory authority to carry out those acts." We believe it likewise reasonable to conclude that, having provided the Commission with affirmative legal authority to take regulatory measures to further section 706's goals, Congress invested the Commission with the authority to enforce those measures as needed to ensure those goals are achieved. Courts have long recognized the Commission's authority to interpret and implement the Communications Act of 1934. Both the *2015 Open Internet Order* and the *RIF Order* recognized this authority.

3. Title III of the Act for Mobile Providers

611. As in the *2015 Open Internet Order*, we find that the open internet rules we adopt in the Order are further supported in the case of mobile BIAS by our broad legal authority under Title III of the Act to protect the public interest through spectrum licensing and regulations, including sections 303 and 316 of the Act.

612. Section 303(b) directs the Commission, consistent with the public interest, to "[p]rescribe the nature of the service to be rendered by each class of licensed stations and each station within any class." The open internet rules we adopt in the Order prescribe the nature of the service to be rendered by licensed entities providing mobile BIAS. The rules we adopt in the Order specify the form this service must take for those who seek licenses to offer it. In providing such licensed service, BIAS providers must adhere to the rules we adopt in the Order.

613. This authority is bolstered by at least two additional provisions. First, as the D.C. Circuit has explained, section 303(r) provides the Commission authority to "make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this chapter." Second, section 316 authorizes the Commission to adopt new conditions on existing licenses if it determines that such action "will promote the public interest, convenience, and necessity." The Commission also has ample authority to impose conditions to serve the public interest in awarding licenses in the first instance. Moreover, this document's rules do not make any fundamental changes to those licenses. Rather, our rules are largely consistent with the current operation of the internet and the current practices of mobile BIAS providers.

614. The *RIF Order* acknowledged that the Commission could rely on Title III licensing authority to support conduct rules but declined to follow the Commission's historical approach due to concerns about disparate treatment of wireline and wireless internet service providers. As discussed above, we classify BIAS as a Title II service and mobile BIAS as commercial mobile service. We believe that our reclassification avoids any inconsistent treatment between different categories of BIAS providers that may have resulted under the *RIF Order's* classification. Moreover, we recognize that the D.C. Circuit's *Mozilla* decision includes a brief statement as part of its review of the *RIF Order's* preemption decision stating that BIAS is not "radio transmission," so Title III does not apply. But the *RIF Order* did not attempt to apply (or justify applying) Title III to BIAS, and the *Mozilla* decision did not develop any reasoning in support of that assertion. Rather, we read the *Mozilla* court's statement that "BIAS is not 'radio transmission'" as limited to the court's decision to vacate the *RIF Order's* blanket preemption of State and local regulation of BIAS. In particular, the D.C. Circuit found that the Commission "fail[ed] to ground its sweeping Preemption Directive . . . in a lawful source of statutory authority," and concluded that "in any area where the Commission lacks the authority to regulate, it equally lacks the power to preempt state law." Given this backdrop, we do not believe the court's statement should be read to call into question the Commission's prior recognition that mobile BIAS falls within the scope of Title III. Commenters did not address the court's statement regarding radio transmission in the *Mozilla* decision or the Commission's view that the court's statement does not call into question our prior recognition that mobile BIAS falls within the scope of Title III.

615. Finally, CTIA argues that the Act forbids applying Title II common carrier regulations to BIAS, and in particular, to mobile BIAS. Similarly, a broad coalition consisting of local groups and individuals located throughout the U.S. urges the Commission to avoid reclassifying any mobile data-only service, but if it does, it should maintain the current regulatory classification under section 332(c)(2) as a non-common-carrier private mobile service and thereafter exercise authority over mobile data-only service under sections 301, 302, 304, 309, and 316 of the Act. For the reasons discussed above, we reject these arguments and conclude

that mobile BIAS is best viewed as a commercial mobile service, or, in the alternative, the functional equivalent of commercial mobile service, and therefore, not private mobile service.

G. Other Laws and Considerations

616. As the Commission did in the *2015 Open Internet Order*, we make clear that the open internet rules we adopt in the Order do not expand or contract BIAS providers' rights or obligations with respect to other laws or preclude them from responding to safety and security considerations—including the needs of emergency communications and law enforcement, public safety, and national security authorities—or affect the ability of BIAS providers to make reasonable efforts to address transfers of unlawful content and unlawful transfers of content.

617. *Emergency Communications and Safety and Security Authorities.* Consistent with our proposal in the *2023 Open Internet NPRM*, and the *2010* and *2015 Open Internet Orders*, we adopt a rule that acknowledges the ability of BIAS providers to serve the needs of law enforcement and the needs of emergency communications and public safety, national, and homeland security authorities, which provides that nothing in the part supersedes any obligation or authorization a provider of broadband internet access service may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities, consistent with or as permitted by applicable law, or limits the provider's ability to do so.

618. We reiterate that the purpose of the safety and security provision is first to ensure that open internet rules do not restrict BIAS providers in addressing the needs of law enforcement authorities, and second to ensure that BIAS providers do not use the safety and security provision without the imprimatur of a law enforcement authority, as a loophole to the rules. As the Commission has previously explained, application of the safety and security rule should be tied to invocation by relevant authorities rather than to a BIAS provider's independent notion of the needs of law enforcement.

619. The record reflects no disagreement that the open internet rules we adopt in the Order do not supersede any obligation a BIAS provider may have—or limit its ability—to address the needs of emergency communications or law enforcement, public safety, or homeland or national security authorities (together, "safety and security authorities"). BIAS providers have obligations under

statutes such as CALEA, the Foreign Intelligence Surveillance Act, and the Electronic Communications Privacy Act that could in some circumstances intersect with open internet protections. Likewise, in connection with an emergency, there may be Federal, state, tribal, and local public safety entities, homeland security personnel, and other authorities that need guaranteed or prioritized access to the internet in order to coordinate disaster relief and other emergency response efforts, or for other emergency communications.

620. *Transfers of Unlawful Content and Unlawful Transfers of Content.* We also adopt our proposal to make clear that the open internet rules protect only lawful content, and are not intended to inhibit efforts by BIAS providers to address unlawful transfers of content or transfers of unlawful content, to ensure that open internet rules are not used as a shield to enable unlawful activity or to deter prompt action against such activity. Specifically, we find that nothing in the part prohibits reasonable efforts by a provider of broadband internet access service to address copyright infringement or other unlawful activity.

621. The record is generally supportive of our proposal to make clear that the open internet rules protect only lawful content, and are not intended to inhibit efforts by BIAS providers to address unlawful transfer of content or transfers of unlawful content.

622. For example, as the Commission explained in the *2015 Open Internet Order*, the no-blocking rule should not be invoked to protect copyright infringement, which has adverse consequences for the economy, nor should it protect child pornography. We reiterate that our rules do not alter copyright laws and are not intended to prohibit or discourage voluntary practices undertaken to address or mitigate the occurrence of copyright infringement. However, as in 2015, we note that we "retain the discretion to evaluate the reasonableness of broadband providers' practices under this rule on a case-by-case basis."

H. Cost-Benefit Analysis

623. In the *2023 Open Internet NPRM*, we sought comment on the costs and benefits of Title II reclassification of BIAS and the proposed open internet rules. The record reflects a broad range of views on the potential costs and benefits of both. We apply a cost-benefit framework to evaluate the overall effect (net benefits or net costs) of reclassifying BIAS as a Title II telecommunications service and the open internet rules. While the record,

and indeed the nature of the benefits and costs under consideration, do not allow us to quantify the magnitude of the effects of the key decisions in the Order, we are able to reasonably assess their directional impact, that is, whether the result is on-net beneficial or costly. For example, it is difficult to quantify with precision the benefits of a more vibrant and thriving internet ecosystem, or of increased national security or public safety.

624. The primary benefits and costs attributable to the Order are the changes in the economic welfare of consumers, BIAS providers, and edge providers that would occur due to our actions. Our cost-benefit analysis nets out transfers among these economic actors. We evaluate the costs and benefits of reclassifying BIAS as a Title II telecommunications service and of adopting our open internet rules relative to the regulatory framework introduced by the *RIF Order*, but adjust that baseline in light of changes since the Commission adopted it. Therefore, we compare the expected costs and benefits of these actions against the *RIF Order* framework of Title I classification of BIAS, but account for the existence of State open internet requirements, the statutorily required broadband label, and other changed circumstances since the *RIF Order*. Relevant changes that have occurred since the *RIF Order* include the national security environment and the increased need for cybersecurity. We find that the benefits of Title II reclassification and the proposed open internet rules outweigh the costs.

1. Title II Reclassification

625. *Fulfilling Key Public Interest Obligations and Objectives.* As discussed in detail above, our reclassification decision will ensure the Commission can fulfill statutory obligations and important policy objectives. BIAS providers function as gatekeepers for both their end-user customers who access the internet, and for the edge providers, transit providers, and CDNs that require reliable access to BIAS end-user subscribers. The reclassification of BIAS and the rules we set forth in the Order will ensure that the internet remains open and that the virtuous cycle of edge innovation and broadband investment continues unabated. Furthermore, we find our reclassification of BIAS as a Title II service will have substantial additional benefits enabling the Commission to defend national security, promote cybersecurity, safeguard public safety, monitor network resiliency and reliability, protect consumer privacy

and data security, support consumer access to BIAS, enable access to infrastructure, and improve disability access. As explained in that section above, we conclude that the *RIF Order* and *RIF Remand Order* did not fully consider, or gave too little weight, to those benefits of the classification of BIAS as a telecommunications service. Consequently, we reject those cost-benefit analyses as predicated on a finding of too little benefit from a Title II classification of BIAS. Although many of these policy benefits do not readily lend themselves to quantification, they flow directly from our reclassification of BIAS as a telecommunications service.

626. *Effect on Investment.* Commenters argue that one of the greatest potential costs of reclassifying BIAS as a Title II telecommunications service is that it will lower BIAS provider investment incentives by reducing profits associated with the provision of BIAS, as well as by increasing regulatory uncertainty. These commenters claim that BIAS provider investment declined following previous announcements of Title II reclassification, and they cite studies that purport to demonstrate empirically that the application of Title II to BIAS providers harms investment. As our detailed analysis above shows, the concerns of these commenters are unfounded, as there is little compelling evidence that applying Title II to BIAS has such a measurable effect on investment. As we explain in that section above, our assessment of the available evidence regarding the effect of reclassification on investment leads to a different conclusion than that in the *RIF Order*. Insofar as the *RIF Order's* and *RIF Remand Order's* cost-benefit analyses were predicated on that different understanding of the effect of reclassification on investment, we reject them on that basis.

627. We first note that generic claims that regulation can be harmful to investment and innovation do not persuade us in this specific case. Regulation is just one of several factors that drive investment and innovation in the broadband marketplace. Today, new State and Federal support programs are a significant driver of BIAS investment, and we expect Title II classification to allow BIAS-only providers to face lower deployment costs, for example, because they will be able to take advantage of our pole attachment rules under section 224 or seek assistance from the Commission or courts under section 253. In addition, the effects of regulations depend on the nature of the regulations adopted and on market conditions, and they may vary by

market participant. As research and past experience show, appropriate telecommunications regulation may be required to create market conditions that are conducive to infrastructure investment, and we conclude that this is true in the present case. The Cable Act of 1984 and its subsequent regulatory implementation by the Commission also dramatically increased investment in the cable industry by providing access to poles, ducts, conduits and public rights of way. In terms of open internet regulations in particular, many studies in the economics literature find that regulation can have positive effects on both BIAS and edge provider investment incentives, and also find that overall economic welfare may be higher.

628. Given the lack of clear direction provided by the theoretical economics literature on how reclassification may affect BIAS investment, commenters and our own analysis draw on the empirical economics literature to evaluate the likely impact. In contrast to the claims by commenters opposed to Title II reclassification, and the authors of the studies they cite, our analysis persuades us that reduced BIAS provider investment has not been causally linked to Title II reclassification. We find that the studies in the record that claim to establish this link are in some cases not applicable to the U.S. context and in all cases suffer from methodological and data issues that render their conclusions unreliable. With regard to the one rigorous empirical study where the underlying data used by the author were readily available, we find that, after correcting the data, which had been revised and updated by the Bureau of Economic Analysis, and fixing the methodological problems identified with the study, the correct conclusion from the study is that there is no evidence that the announcement of Title II reclassification had any statistically significant effect on investment. We note that a second study by Briglauer et al. was cited in the record but the underlying data for this study were not available to us in our analysis. This study was heavily relied upon by the *RIF Order* to reach a conclusion that Title II reclassification is harmful to investment, but after these corrections, this study supports our conclusion that there is no empirical evidence in the record that Title II reclassification would have any significant negative impact on broadband investment. We therefore give little weight to these claims and view these claimed costs as being

relatively limited in our cost-benefit analysis.

629. *Regulatory Compliance Costs.* Commenters separately argue that Title II classification will result in higher regulatory compliance costs compared to Title I classification, and that increased compliance costs will disproportionately impact small BIAS providers that lack the resources to handle the new compliance obligations. Although no commenter provided quantitative estimates of the magnitude of these potential compliance costs, we acknowledge that reclassifying BIAS as a Title II telecommunications service may lead to some increase in compliance costs. In our predictive judgment, and based on qualitative analysis, however, we believe that these compliance costs are likely to be small and are outweighed by the benefits of reclassification that have been identified in our analysis.

630. We first note that any direct increase in compliance costs from the regulatory changes adopted in the Order appears modest, and to the extent we adopt any new rules governing BIAS in the future, we will assess incremental compliance costs, if any, at that time as part of a cost-benefit analysis. We further note that we have taken several steps to reduce compliance burdens, especially for BIAS providers with 100,000 or fewer subscribers. In the cases where we do apply a Title II provision to BIAS, we attempt to minimize compliance costs in the application of the provision. For example, we grant blanket section 214 authority for the provision of BIAS to any entity currently providing or seeking to provide BIAS—except those specifically identified entities whose application for international section 214 authority was previously denied or whose domestic and international section 214 authority was previously revoked and their current or future affiliates and subsidiaries. Similarly, we waive the rules implementing section 222 to the extent such rules are applicable to BIAS as a telecommunications service and any future application of rules will be undertaken only after seeking public comment and considering the costs of such rules. In all cases where applying a provision may increase regulatory compliance costs, we have been careful to apply the provisions of Title II to BIAS providers only in a manner in which the expected benefits exceed expected costs. For example, we do not apply sections 201 and 202 in their entirety because we conclude that the costs of applying the provisions to impose *ex ante* or *ex post* rate regulation

on BIAS would exceed the benefits. Finally, the Title II provisions that assist BIAS network deployment, including sections 224 and 253 (in addition to section 332), do not impose affirmative obligations or compliance costs on BIAS providers. Rather, they simply give BIAS providers new rights to seek assistance from the Commission and/or courts, if they find that such assistance is on-net beneficial. For example, a BIAS provider seeking pole access under section 224 would only do so if it were to its benefit. Similarly, a BIAS provider would only seek Commission or court intervention under section 253 if it were to its benefit.

631. The adoption of bright-line rules should also generally lower overall compliance costs because they provide greater certainty to market participants in regard to conduct that would likely result in an enforcement action relative to the current regulatory framework established by the *RIF Order* in which there is uncertainty as to which conduct would be deemed to be harmful to edge providers or the open internet and such conduct is subject to *ex post*, case-by-case enforcement by antitrust or consumer protection authorities, or by states that have passed open internet rules. The *RIF Order* framework could therefore lead to lengthy enforcement actions and ultimately higher compliance costs for BIAS providers as they are required to determine through a trial-and-error process whether actions that would violate the bright-line rules we adopt would be subject to enforcement at the State or Federal level. In our judgment, establishing bright-line Federal rules and enforcing those rules through a single expert agency will achieve timelier and more consistent outcomes and reduce the costs of uncertainty for all interest holders, and thus yield significant public interest benefits. As noted above, our approach to preemption also provides regulatory certainty insofar as it is clear that the Commission, versus another Federal agency, will address, and as needed preempt, on a case-by-case basis, State or local laws that unduly frustrate or interfere with interstate communications.

632. “*Regulatory Creep.*” The last broad set of potential costs that some commenters raise with respect to reclassification of BIAS as a Title II telecommunications service pertain to “regulatory creep.” Although we forbear from applying Title II rate regulation provisions to BIAS, some commenters express concern that the Commission will adopt future rate regulation. We are not persuaded by these unsupported assertions. We have carefully tailored

application of all Title II provisions to current broadband market conditions and avoided any unnecessary regulations. Moreover, decades of Commission precedent suggest that, in contrast to regulatory creep, the Commission has tended to deregulate over time and to forbear from additional statutory provisions and Commission rules. For example, the Commission in 1980 streamlined the regulation of non-dominant interexchange carriers by eliminating *ex ante* rate regulation and streamlining existing section 214 requirements. And after Congress gave the Commission forbearance authority under the 1996 Act, the Commission has forbore from dozens of statutory provisions and Commission rules, where it found that enforcement was not necessary to preserve “just and reasonable” terms of service, to protect consumers, or to serve the public interest. The Commission’s forbearance decisions include eliminating tariff-filing requirements, the ending of certain Automated Reporting Management Information System (ARMIS) reporting requirements, and streamlining the regulation of business data services. We see no reason the Commission would depart from this general tendency to remove regulations when they are no longer required due to changed circumstances. Finally, we note that any changes to this framework or future rules the Commission considers adopting under the Title II framework would be subject to notice and comment and an analysis of the record, including any purported costs, prior to adoption.

2. Bright-Line Rules

633. *No-Blocking and No-Throttling Rules.* While larger BIAS providers have repeatedly assured their customers and publicly advertised that they will not block access to legal content or engage in throttling, not all BIAS providers have made such commitments. Moreover, there are no assurances that providers will continue to make or adhere to such commitments in the future, and the framework established in the *RIF Order* allows BIAS providers to engage in such activities as long as they disclose these practices to consumers. Given that BIAS providers have incentives and the ability to engage in blocking and throttling, our rules against this conduct protect free expression online, reduce uncertainty for edge providers when developing new services and applications, and provide necessary foundations for preventing anticompetitive or discriminatory conduct that harms edge providers and the open internet. Even if, in the absence of rules, BIAS providers

generally would not block or throttle the edge services offered today, our bright-line rules will reduce uncertainty for, and protect, innovators seeking to offer new edge services, particularly if those new services would compete with services that BIAS providers offer now or will offer in the future. If investors fear future blocking or throttling could be forthcoming despite current BIAS provider commitments, such investments in new edge services may not be undertaken. At the same time, the no-blocking and no-throttling rules, because they are clear bright-line rules, should deter such conduct, or to the extent such conduct does occur, should enable the Commission to aggressively respond. Thus, we conclude that these rules will create substantial economic value for edge providers and consumers, and for the economy broadly. We note that even the *RIF Order* acknowledged that “the costs of [banning blocking and throttling] are likely small,” though it went on to State that the rule “may create some compliance costs.” We agree that the costs of banning blocking and throttling are likely to be small and further conclude that any compliance costs are also likely small, particularly for those BIAS providers that have committed to refrain from—and intend to continue refraining from—such conduct. We part ways with the *RIF Order* insofar as it also concluded that the benefits of those rules also are likely to be small based on the availability of “antitrust and consumer protection law, coupled with consumer expectations and ISP incentives.” As we discuss above, by contrast, we find antitrust and consumer protection laws to be insufficient to guard the open internet. We also conclude that the marketplace alone is not sufficient to guard against harmful blocking and throttling of internet traffic. Consequently, in contrast to the *RIF Order*, we not only find the costs of our rules banning blocking and throttling to be low, but we also conclude that these rules provide meaningful benefits that more than outweigh those limited costs.

634. *No Paid or Affiliated Prioritization.* As discussed above, we find that, absent regulation, BIAS providers may use paid and affiliated prioritization in ways that harm edge providers and the open internet. In particular, they could have the incentive and ability to use paid or affiliated prioritization to raise the costs of edge providers that compete with their vertically integrated edge affiliates or with edge providers with whom they have contractual arrangements. Moreover, if they can profitably charge

edge providers for prioritized access, BIAS providers may have an incentive to strategically degrade, or decline to maintain or increase, the quality of service to non-prioritized users and users in order to raise the profits from selling priority access. We further find that adopting a bright-line rule prohibiting paid and affiliated prioritization has the advantage of relieving small edge providers, innovators, and consumers of the burden of detecting and challenging cases of socially harmful paid prioritization.

635. The *RIF Order*’s cost-benefit analysis concluded that a ban on paid prioritization has a net negative effect on economic welfare. We find that this conclusion was the result of the *RIF Order* heavily discounting the benefits of banning paid prioritization identified above and substantially overstating the costs. On the cost side, the *RIF Order* first contends that “the ban on paid prioritization has created uncertainty and reduced ISP investment,” but, as we have demonstrated, claims regarding the *2015 Open Internet Order*’s allegedly detrimental effect on investment were unsupported. The *RIF Order* analysis further states “that the ban [on paid prioritization] is likely to prevent certain types of innovative applications from being developed or adopted.” We disagree with this statement for two reasons. First, the rules adopted in the *Order* do not prohibit BIAS providers from developing innovations that require quality of service differentiation that are compatible with the open internet rules. Second, while we recognize that there may also be positive use cases of paid prioritization and some costs associated with a ban on such practices, we find that such positive use cases may be addressed through the waiver rule we adopt. Consequently, the *RIF Order*’s claim that there would be high costs in the form of forgone investment and innovation cannot be sustained. Thus, we find the benefits of adopting a bright-line rule prohibiting paid prioritization exceed its costs.

3. General Conduct Rule

636. We also find that the expected benefits of the general conduct standard we adopt will exceed the expected costs. We find, as the Commission found in 2015, that the Commission needs a backstop mechanism to respond to attempts by BIAS providers to wield their gatekeeper power in ways that do not violate the bright-line rules, but nevertheless may compromise the open internet. We acknowledge that several commenters raise concerns about possible regulatory uncertainty created

by the general conduct rule and its potential negative effects on investment and innovation. To the extent that these commenters are addressing the costs and benefits of our decision, we find that these concerns should be reduced as a result of our providing a list of factors that we will consider in our analysis and our creation of an advisory opinion process. Indeed, in upholding the *2015 Open Internet Order*’s general conduct rule, the D.C. Circuit cited with approval to “the Commission’s articulation of the Rule’s objectives and the specification of factors that will inform its application,” and emphasized that the Commission “also included a description of how each factor will be interpreted and applied” with examples “specifically identify[ing] the kind of conduct that would violate the Rule.” In this context, the court explained, “[t]he flexible approach adopted by the General Conduct Rule aims to address that concern [of over-specificity leading to loopholes] in a field in which ‘specific regulations cannot begin to cover all of the infinite variety of conditions.’” Exercising our predictive judgment, we find that the general conduct rule should not impose significant *ex ante* compliance costs on BIAS providers, but it should enable the Commission on a case-by-case basis to address conduct that is not covered by the bright-line rules, but that nevertheless harms consumers, edge providers, and the open internet. Creating a flexible general conduct rule allows more agile Commission responses to developments that might harm the open internet, and should spur innovation experiments and experiential learning by providing guidance on the types of actions that are likely to harm the open internet.

637. We recognize that this conclusion differs substantially from the *RIF Order*, which found that the costs of the general conduct rule exceed the benefits. We find that the Commission’s analysis in the *RIF Order* significantly understated the benefits of the general conduct rule and overstated costs. The *RIF Order* analysis asserts that the benefits of the general conduct rule are nearly zero because the consumer protection and antitrust laws provide adequate protections and because examples of harmful conduct are rare. We disagree with both premises as we have shown that BIAS providers have the incentive and ability to harm edge providers and have provided examples of when such conduct has occurred. Furthermore, we find that existing antitrust and consumer protection enforcement are insufficient to protect

consumers and edge providers from BIAS provider conduct that may harm the open internet. In addition, the primary costs associated with the conduct rule that the *RIF Order* identified were that it would reduce investment, and we have shown that the evidence the *RIF Order* presented as the basis for these concerns is unreliable. We conclude that the general conduct rule is a necessary component of a forward-looking regulatory framework that will provide both greater flexibility for the Commission to address new issues as they arise and greater certainty to BIAS providers in terms of the factors that will be considered when assessing whether new practices will be likely to harm the open internet.

4. Transparency Rule

638. In evaluating the potential costs and benefits of the transparency rule we adopt, we need to compare it to the *status quo*. As discussed above, as part of the IJJA, Congress directed the Commission to promulgate rules for a broadband label to be displayed at the point of sale by BIAS providers. The *Broadband Label Order* responded to this Congressional directive and reintroduced many of the transparency requirements eliminated in the *RIF Order* as required by the IJJA. Therefore, the baseline transparency framework against which costs and benefits are compared has changed significantly since the cost-benefit analysis performed in the *RIF Order*. The transparency rules established in the Order represent only small, incremental changes relative to the prevailing statutorily required regulations. The most important incremental changes relative to this new baseline is our adoption of the direct customer disclosure requirement and our re-adoption of the 2015 enhancements to the performance characteristics disclosure requirements. However, as we explain above, given that such performance characteristic information is widely commercially available and large BIAS providers already have direct notification capabilities in their networks, and that we provide a temporary exemption for BIAS providers with 100,000 or fewer subscribers, the current change in incremental costs of adopting this rule are small. Furthermore, adopting these changes will provide consumer benefits that exceed these small costs by enabling consumers to select the appropriate BIAS that meets their needs and by ensuring that the consumer notification capabilities that are already in place are consistently providing consumers with sufficient information

and time to consider adjusting their usage to avoid their BIAS provider from applying a network management practice that could result in additional unwanted charges or other adverse effects.

5. Preemption

639. As discussed above, we preempt State or local measures that “interfere or are incompatible with the federal regulatory framework we establish today.” Further, we will proceed on a case-by-case basis to consider challenged measures “in light of the fact specific nature of particular preemption inquiries.” We find that, under this standard and approach, the Commission can preempt incompatible State and local regulations, which we predict will reduce the costs on BIAS providers caused by inconsistent State and local regulations and reduce regulatory uncertainty. At the same time, this standard recognizes and accommodates the “concurrent regulatory authority [of states] over communications networks.” This stands in contrast to the situation under the *RIF Order* where the D.C. Circuit invalidated the *RIF Order*’s attempt at preemption, thereby allowing for the emergence of inconsistent State laws, which could increase compliance costs. Consequently, we find that the benefits of the approach we adopt here will exceed the costs.

IV. Constitutional Considerations

A. First Amendment

1. Free Speech Rights

640. We believe that the rules we adopt in the Order fully comport with the First Amendment and do not unlawfully infringe any free speech rights, contrary to the few commenters who suggest otherwise. That is so for two reasons. First, when BIAS providers are carrying their users’ communications, they are not themselves acting as speakers or engaged in any expressive activity subject to the First Amendment, but instead are acting as mere conduits for the speech of others. Alternatively, even if BIAS providers were treated as speakers themselves when carrying their customers’ communications, the rules we adopt in the Order withstand the applicable intermediate standard of scrutiny because they are tailored to serve important governmental interests without unduly burdening speech. We note that most of the comments filed by BIAS providers and their trade associations in this proceeding have not raised or joined these First Amendment arguments.

641. The Supreme Court has rejected similar arguments that private parties have a freestanding First Amendment right to refuse to carry or allow third-party speech when it does not interfere with the private party’s own ability to speak. In *PruneYard Shopping Center v. Robins*, the Court rejected a shopping mall’s First Amendment challenge to a State law requiring it to allow members of the public to distribute pamphlets on the mall’s property. The Court explained that allowing others to distribute their messages would not impair the mall owner’s right to free expression because “[t]he views expressed by members of the public” in a forum open to the public “will not likely be identified with those of the owner,” and because the owner always “can expressly disavow any connection with the message . . . and could explain that the persons are communicating their own messages by virtue of [the] state law.” Similarly, in *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.*, the Court unanimously rejected several law schools’ First Amendment challenge to a law requiring them to permit military recruiters access to school facilities, despite the schools’ ideological objections to the military’s employment policies, as a condition for Federal funding. The Court held that permitting access by military recruiters would not violate the schools’ First Amendment rights because “[n]othing about recruiting suggests that law schools agree with any speech by recruiters, and nothing . . . restricts what the law schools may say about the military policies.”

642. The rules we adopt in the Order do not abridge any speech or expression by BIAS providers because, when a BIAS provider offers BIAS as understood by consumers and as defined in the Order—that is, a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints—the BIAS provider is acting merely as a conduit for others’ speech, not as a speaker itself. In other words, when providing BIAS, BIAS providers “merely facilitate the transmission of the speech of others rather than engage in speech in their own right.” Consumers “expect that they can obtain access to all content available on the internet, without the editorial intervention of their broadband provider.” When BIAS providers deliver content that has been requested by their customers, they are no different from telephone companies or package

delivery services like FedEx, which have never been thought to be engaging in their own expressive activity when merely carrying the messages of others.

643. Unlike newspapers, websites, social media platforms, or even cable operators, BIAS providers do not select, alter, arrange, annotate, or contextualize the content that their users request or that edge providers deliver in response. BIAS providers neither select which information to present nor determine how it is presented. Consumers understand and expect BIAS providers providing BIAS to transparently transmit information to and from the applications and services of *the consumers'* choosing, not *their BIAS providers'* choosing, without change in form or content. Consumers do not understand a BIAS provider to be selecting or compiling speech to present the BIAS provider's own expressive offering. Unlike the editors of a newspaper, the curators of a library or museum, or the managers of a theater, BIAS providers do not select which speech to feature, nor do they arrange or compile the speech they transmit into a new form of expression. BIAS providers instead deliver the content that their users independently have chosen, without engaging in any distinct expressive activity or communicating any distinct message.

644. The record in this proceeding confirms this conclusion. In the *2023 Open Internet NPRM*, we sought comment on “whether or to what extent ISPs engage in content moderation, curation, or otherwise limit or exercise control over what third-party content their users are able to access on the internet.” We further observed that “some social media platforms and other edge providers purport to engage in various forms of content moderation or editorial control” and asked whether there is “any record of ISPs announcing and engaging in comparable activity?” In response, no BIAS provider has identified *any* evidence of BIAS providers engaging or wishing to engage in any such practices, nor has any other commenter. We find that silence telling. Despite our asking, there is no evidence in the record that any BIAS provider covered by our Order engages in any exercise of editorial control, curation, or other expressive activity. And, we note, BIAS providers have often relied on their status as mere conduits and their lack of editorial control to obtain immunity from copyright violations and other liability for material distributed over their networks.

645. We further agree with the D.C. Circuit that, in providing BIAS, BIAS providers do not communicate any

distinct or discernible message of their own: “The Supreme Court has explained that the First Amendment comes ‘into play’ only . . . when an ‘intent to convey a particularized message [is] present, and in the surrounding circumstances the likelihood [is] great that the message would be understood by those who viewed it.’” But a BIAS provider’s delivery of content requested by a user neither reflects an intent to convey any particular message nor is likely to be perceived or understood by the user as conveying the provider’s message. “[W]hen a subscriber uses his or her broadband service to access internet content of her own choosing, she does not understand the accessed content to reflect her broadband provider’s editorial judgment or viewpoint,” and “nothing about affording indiscriminate access to internet content suggests that the broadband provider *agrees* with the content an end user happens to access.”

646. Similarly, we are not persuaded that a BIAS provider’s decision to block or throttle a given website or application would, standing alone, constitute expressive or communicative conduct implicating the First Amendment. Blocking or throttling internet traffic is not inherently expressive: A customer “may have no reason to suppose that her inability to access a particular application, or that the markedly slow speeds she confronts when attempting to use it, derives from her ISP’s choices rather than from some deficiency in the application. After all, if a subscriber encounters frustratingly slow buffering of videos when attempting to use Netflix, why would she naturally suspect the fault lies with her ISP rather than with Netflix itself?” Such conduct would not convey a message without some separate “explanatory speech”—that is, the conduct would support a message “only [if the BIAS provider] accompanied [its] conduct with speech explaining it,” such as a statement on its website or in its customer bills explaining what content it restricts and why. And the Supreme Court has explained that where conduct “is not inherently expressive” without separate explanatory speech, parties “are not speaking” when they seek to engage in that conduct, so the conduct itself is not protected by the First Amendment. BIAS providers may still express their views on any internet content or other matters by stating those views on their websites, in their customer bills, or elsewhere, and that explanatory speech would receive full First Amendment protection—but the separate *act* of blocking or throttling individual

websites or applications is not “inherently expressive” conduct and is not protected by the First Amendment.

647. We find additional support for this view in the long history of common carriage regulation in the United States. “The common carrier doctrine is a body of common law dating back long before our Founding” that “vests [the government] with the power to impose nondiscrimination obligations on communication and transportation providers that hold themselves out to serve all members of the public without individualized bargaining.” The Supreme Court has frequently distinguished common carriers from speakers, broadcasters, or editors engaged in First Amendment activity. As the D.C. Circuit has observed, common carriers “have long been subject to nondiscrimination and equal access obligations akin to” those we adopt here “without raising any First Amendment question.” This “absence of any First Amendment concern in the context of common carriers rests on the understanding that such entities, insofar as they are subject to equal access mandates, merely facilitate the transmission of the speech of others rather than engage in speech in their own right.” And “[g]iven the firm rooting of common carrier regulation in our Nation’s constitutional tradition, any interpretation of the First Amendment that would make [it] facially unconstitutional would be highly incongruous.”

648. To be sure, a different question would be presented if a BIAS provider were to create and market a curated internet access product that caters to some target audience and is clearly presented as such to consumers. The rules we adopt in the Order apply only to offerings of mass-market broadband service providing indiscriminate access to all or substantially all internet endpoints, which consumers understand to transparently transmit information to and from the internet applications and services of their choosing without being curated or edited by their BIAS provider. A curated internet product, if clearly identified and marketed as such, would fall outside the scope of the Order. And if a BIAS provider “represent[s] itself to consumers as affording them less of a ‘go wherever you’d like to go’ service and more of a ‘go where we’d like you to go’ service,” that might well be an expressive offering receiving First Amendment protection. A BIAS provider that wishes to provide such a curated service may freely do so, so long as the BIAS provider “make[s] adequately clear its intention to provide

edited services of that kind, so as to avoid giving customers a mistaken impression that they would enjoy indiscriminate access to all content available on the internet[] without the editorial intervention of their broadband provider.”

649. If a BIAS provider decides to offer a service that is clearly identified as providing edited or curated internet access, consumers would be free to decide whether to subscribe to that curated offering based on its expressed editorial policies or viewpoint. No commenter has offered evidence of any curated internet access product in the marketplace, and we take no position on whether there is market demand for such a product. But what BIAS providers may not do is provide consumers what purports to be ordinary mass-market broadband service, which consumers reasonably understand to provide indiscriminate access to all or substantially all internet applications and services of their choosing, and then engage in discriminatory practices that deny customers the service they reasonably expect. Our rules thus simply ensure that BIAS providers “act in accordance with their customers’ legitimate expectations.” We agree with the *USTA* decision that nothing supports “the counterintuitive notion that the First Amendment entitles an ISP to engage in the kind of conduct barred by the net neutrality rule—*i.e.*, to hold itself out to potential customers as offering them an unfiltered pathway to any web content of *their* own choosing, but then, once they have subscribed, to turn around and limit their access to certain web content based on the *ISP’s* own commercial preferences.”

650. Even if our rules were construed to somehow implicate BIAS providers’ First Amendment speech rights, they would still be permissible as content-neutral regulations satisfying intermediate scrutiny. The rules make no distinction based on content or viewpoint, and a content-neutral regulation will be upheld if it “furthers an important or substantial government interest . . . unrelated to the suppression of free expression” and if it “do[es] not burden substantially more speech than is necessary.”

651. The rules we adopt in the Order serve multiple important—indeed compelling—governmental interests. To begin, the rules “[a]ssur[e] that the public has access to a multiplicity of information sources” by promoting “the widest possible dissemination of information from diverse and antagonistic sources.” The Supreme Court has declared this to be “a governmental purpose of the highest

order,” as it “promotes values central to the First Amendment.” The rules we adopt in the Order also enable fair competition among edge providers and ensure a level playing field for a wide variety of speakers who might otherwise be disadvantaged, and the Supreme Court has likewise deemed it “undisputed” that “the Government has an interest in eliminating restraints on fair competition . . . , even when the individuals or entities subject to particular regulations are engaged in expressive activity protected by the First Amendment.” And we find that our rules will substantially further the national interest in ensuring that Americans have widespread access to a vibrant internet on reasonable terms. Indeed, Congress has specifically directed the Commission to “encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans” and to “promote the continued development of the internet and other interactive computer services and other interactive media.”

652. None of these important governmental interests involves the suppression of free expression or targets any speakers’ messages based on their content. For the reasons we have explained, moreover, we firmly believe the actions we take in the Order further these interests. And the rules we adopt are tailored to accomplish those interests without placing an unnecessary burden on speech: BIAS providers themselves remain free to speak on an unlimited range of subjects, including by publicizing their views on their own websites or by delivering their messages on inserts accompanying customers’ monthly bills; they simply may not unreasonably suppress the speech of others in their capacity as conduits. And in any event, “even on the doubtful assumption that a narrower but still practicable . . . rule could be drafted . . . content-neutral regulations are not ‘invalid simply because there is some imaginable alternative that might be less burdensome on speech.’”

653. We disagree with CTIA’s argument that under the Supreme Court’s *Turner* decisions, the government can satisfy intermediate First Amendment scrutiny only by providing specific evidence that a given BIAS provider possesses market power within its specific geographic market. For one thing, *Turner* discussed three important interests: (1) preserving free broadcast television, (2) promoting a multiplicity of voices, and (3) promoting fair competition. For another, even as to competition-related interests, the Court held that there is an important Federal

interest in “preserving a multiplicity of broadcast outlets *regardless of whether the conduct that threatens it . . . rises to the level of an antitrust violation.*”

654. More generally, such a market power requirement would be at odds with the ordinary operation of intermediate scrutiny under the First Amendment, which has routinely been articulated as requiring “an important or substantial governmental interest . . . unrelated to the suppression of free expression” but never as requiring any specific showing of market power. And it would be ahistorical for a constitutional amendment adopted in 1791 to be predicated on modern-day concepts of market power. To be sure, the Court in the *Turner* cases found that cable companies had “bottleneck” control, but in doing so, did not rely on granular empirical evidence or market-by-market analysis, but instead largely on legislative findings, anecdotal testimony, and general economic principles. In response to *the dissent’s* argument that a court must carefully and independently examine the economic evidence, the Court acknowledged it was ultimately upholding the challenged must-carry rules based on “defer[ence] to the reasonable judgment of a legislative body” and opined that “[t]he level of detail in factfinding required by the dissent would be an improper burden for courts to impose on the Legislative Branch.” Our explanation of “how broadband providers’ position in the market gives them the economic power to restrict edge-provider traffic and charge for the services they furnish edge providers”—that is, that a BIAS provider possesses a terminating-access monopoly over edge providers’ ability to reach the BIAS provider’s customer, sustained by barriers to entry arising from switching costs and imperfect information, which allows BIAS providers to act as gatekeepers—is at least as sufficient to sustain the rules we adopt in the Order.

655. In sum, the rules we adopt in the Order do not unconstitutionally abridge any speech or expression by BIAS providers. As the record confirms, BIAS providers are merely conduits for others’ speech—not speakers themselves—when delivering content that has been requested by their users. BIAS providers do not select, alter, arrange, annotate, or contextualize the content that their users request or that edge providers deliver in response, and there is no evidence in the record that any BIAS providers covered by our order engage in any exercise of editorial control, curation, or other expressive activity. And even if BIAS providers

could somehow show that they were engaged in expression protected by the First Amendment, the rules we adopt in the Order would still satisfy constitutional requirements because they further important governmental interests without any substantially greater burden on speech than necessary to fulfill those interests.

2. Compelled Disclosure

656. CTIA—alone—briefly argues that our updated transparency rule unconstitutionally compels speech. We disagree. The Supreme Court held in *Zauderer v. Office of Disciplinary Counsel of the Supreme Court of Ohio* (*Zauderer*) that requiring businesses to disclose “purely factual and uncontroversial information” about their services is generally permissible so long as the requirements are not “unjustified” or “unduly burdensome.” Our transparency rule complies with that standard, just like the similar 2010, 2015, and 2018 transparency rules embraced by multiple administrations and upheld through multiple court challenges.

657. Here, as in *Zauderer*, our updated transparency rule is a reasonable measure to prevent deception or consumer confusion, among other things. The record of consumer complaints received by the Commission reflects that consumers are often unaware of or confused by practices that may result in slowed or impaired access to internet applications and services, impose data caps, or otherwise fail to provide the level of service reasonably expected at the advertised rates. Our rules ensure that consumers purchasing BIAS receive what they reasonably expect—that is, unimpeded access to all or substantially all internet endpoints of their choosing. Courts have recognized that BIAS providers have both the incentive and the ability to engage in harmful conduct, often in ways that might not be readily apparent to users; without enforceable transparency measures, consumers might have no ability to know if their BIAS provider is engaging in such practices.

658. The disclosures required by the updated transparency rule will also provide essential information the Commission needs to fulfill its statutory mandate to biennially report to Congress on the State of the communications marketplace, including the State of competition in the marketplace and any marketplace practices that pose a barrier to competitive entry into the marketplace.

659. Other important governmental interests also strongly support our

updated transparency rule. The disclosures required by our transparency rule protect competition and curb the incentive of BIAS providers to interfere with, or disadvantage, third-party edge providers’ services by helping to ensure that such practices come to light. More generally, accurate information about BIAS provider practices encourages innovation and the development of high-quality services, and in turn helps drive consumer demand and broadband investment. Transparency and disclosure of BIAS provider practices further ensure that edge providers have the information they need to develop conforming applications and services. And transparency ultimately helps ensure that consumers, edge providers, and all other participants in the internet economy have confidence in the networks and business practices of the BIAS providers they rely on for their communications.

660. The need for our transparency rule is thus clear. And on the other side of the ledger, CTIA makes no showing that requiring BIAS providers to disclose “purely factual and uncontroversial information about the terms under which . . . services will be available” would be unduly burdensome.

661. Finally, even if *Zauderer* did not apply, we find that the updated transparency rule would withstand scrutiny even under the *Central Hudson* framework for substantially the same reasons, and for the reasons given in the *RIF Order*. Recognizing that the First Amendment “affords a lesser protection to commercial speech than to other constitutionally guaranteed expression,” the government may regulate commercial speech under *Central Hudson* to directly advance a substantial government interest so long as the regulation is not more extensive than necessary to fulfill that interest. We note that the *Central Hudson* test is a peculiar fit here because it purports to govern “restrictions” on speech, whereas disclosure requirements are not restrictions.

662. As explained, our transparency rule serves multiple substantial governmental interests in preventing deception and consumer confusion, protecting competition, and encouraging innovation. The rule also directly advances those interests. For consumers, “subscribers will be able to use the disclosed information to evaluate BIAS offerings and determine which offering will best enable the use of the applications and service they desire.” “In addition,” these disclosures “help ensure accountability by ISPs and

the potential for quick remedies if problematic practices occur.” Meanwhile, edge providers who “might be particularly sensitive to the manner in which an ISP provides broadband internet access service potentially could benefit from [this information] to better ensure the performance of th[eir] internet applications and services” and “to evaluate how well their offerings will perform.” This transparency “helps reduce barriers to entry that otherwise could exist and encourages entrepreneurs’ and small businesses’ ability to compete and develop and advance innovating offerings in furtherance of our statutory objectives.” Moreover, disclosure of information to the Commission will allow the Commission to publish reports and information for consideration by consumers and edge providers, and “will provide the Commission the information it needs for the evaluation required by [section 13] of the Act, enabling [the agency] to spur regulatory action or seek legislative changes as needed.” And the transparency rule is appropriately tailored to these interests and no more extensive than necessary to substantially fulfill them. The *RIF Order* cited section 257 of the Act, which directed the Commission “to report to Congress on such marketplace barriers and how they have been addressed by regulation or could be addressed by recommended statutory changes.” Congress later repealed subsection (c) of section 257 and replaced it with section 13, 47 U.S.C. 163, which imposes a substantially similar reporting requirement.

B. Fifth Amendment Takings

663. As with the Commission’s analysis under the Fifth Amendment’s Takings Clause in the *2015 Open Internet Order*, we do not identify any takings concerns with our actions here. Because our actions here merely regulate the commercial relationship between BIAS providers and their customers, they do not grant a right to physical occupation of the broadband providers’ property and thus do not constitute a *per se* taking. Our actions also do not constitute a regulatory taking under the relevant ad hoc balancing test because of the minimal effect on BIAS providers’ reasonable investment-backed expectations and the nature of our actions, which are far removed from a traditional physical invasion of property by the government. Nor are our actions confiscatory, because our regulatory approach enables BIAS providers to obtain a fair return on the network costs incurred in carrying traffic to and from BIAS end users.

1. Per Se Taking

664. We reject claims that our actions would effect a *per se* taking by granting third parties a right to physically occupy broadband providers' facilities. The record does not reflect a concern that our actions in the Order deprive BIAS providers of all economically beneficial use of their property—nor would we find such a concern merited. We therefore limit our discussion to the physical occupation theory of *per se* takings. As a threshold matter, as the Commission observed in the *2015 Open Internet Order*, “[c]ourts have repeatedly declined to extend *per se* takings analysis to rules regulating the transmission of communications traffic over a provider’s facilities,” and “these decisions comport with the Supreme Court’s perspective that permanent physical occupation of property is a narrow category of takings jurisprudence and is ‘easily identifiable’ when it does occur.” The record here does not reveal precedent to the contrary. At most, the record notes concurring or dissenting statements of judges or justices—frequently merely tentatively noting and/or setting aside possible takings questions—that predate most of the precedent on which we rely. The record also references an argument made in cable must-carry-related advocacy before the Commission seeking to rely on precedent addressing the scenario where “the Government has condemned business property with the intention of carrying on the business, as where public-utility property has been taken over for continued operation by a governmental authority.” But *Kimball Laundry* referenced the government’s takeover of an entire going concern, citing specific examples involving water utilities. We are not persuaded that it automatically follows from such precedent that any step short of that—including regulation of the transmissions over a carrier’s network—must be understood as involving a physical intrusion that triggers a *per se* taking analysis, particularly given the separate line of precedent—not invoked here—that a *per se* taking occurs where a property owner is denied all economically beneficial use of property. Since our rules also do not impose requirements that otherwise could be understood as requiring physical access to BIAS providers’ property, we are not persuaded that there is a government-required physical occupation of BIAS providers’ property here at all.

665. Independently, requirements like those restricting blocking and throttling regulate BIAS providers’ commercial

relationship with their end-user customers. Such requirements simply ensure that end users can use the service that BIAS providers have offered them, and that the end users have paid for, to obtain access to content, applications, and services that end users have elected to receive. Note that our rules do not apply to “curated” services and, where our bright-line conduct rules apply, allow for reasonable network management. The Commission explained in 2015 that where “owners voluntarily invite others onto their property—through contract or otherwise—the courts will not find that a physical occupation has occurred for purposes of constituting a *per se* taking.” Where, as here, BIAS providers have invited traffic on their networks through the offering of BIAS, reasonable conduct regulations can be imposed on the use of such properties without raising *per se* takings concerns. Thus, to the extent that BIAS providers allow customers to transmit or receive information over their networks, the imposition of reasonable conduct rules on the provision of BIAS does not constitute a *per se* taking.

666. Finally, even if the rules did impose a type of physical occupation on the facilities of BIAS providers, such an imposition is not an unconstitutional taking because BIAS providers are compensated for the traffic passing over their networks through end-user revenues.

2. Regulatory Taking

667. Contrary to CTIA’s claims, the actions we take in the Order also do not constitute a regulatory taking under the “essentially ad hoc, factual inquiries” into a variety of unweighted factors used by courts. Those factors evaluate the “economic impact of the regulation,” the degree of interference with “investment-backed expectations,” and “the character of the government action.” “[E]ach of these [factors] focuses directly upon the severity of the burden that government imposes upon private property rights.” Because our actions in the order are far removed from anything “functionally equivalent to the classic taking in which government directly appropriates private property or ousts the owner from his domain,” we find no regulatory taking.

668. As relevant to the multi-factor takings analysis, we find the economic impact of our actions on BIAS providers’ property interests to be limited. As we explain above, our classification of BIAS as a telecommunications service is unlikely to be closely tied to BIAS provider

investment decisions, which instead are more likely driven by broader economic conditions, technology changes, and BIAS providers’ general business development decisions. And in any case, although some diminution in value of property is necessary, it is not itself sufficient to constitute a taking.

669. We also find no meaningful interference with BIAS providers’ investment-based expectations. “[T]o support a claim for a regulatory taking, an investment-backed expectation must be reasonable,” involving “an objective, but fact-specific inquiry into what, under all the circumstances, the [plaintiff] should have anticipated.” As a general matter, property owners cannot expect that existing legal requirements regarding their property will remain entirely unchanged, and the Commission explained at length in 2015 the history of Commission jurisdiction and regulatory oversight over BIAS. Additionally, persons operating in a regulated environment develop fewer reliance interests in industries subject to comprehensive regulation. Such considerations have even greater force in light of intervening events. The regulatory approach adopted by the Commission in the *2015 Open Internet Order* was affirmed by the D.C. Circuit in the face of legal challenges, and petitions for rehearing en banc and certiorari were rejected by the D.C. Circuit and the Supreme Court, respectively. We recognize that the Federal government, in opposing the petitions for certiorari, pointed to the fact that the *2015 Open Internet Order* had been superseded by the *RIF Order*. But the issue is not whether the regulatory approach in the *2015 Open Internet Order* was set in stone, but the reasonableness of any BIAS provider expectation that such a regulatory approach was foreclosed. Irrespective of the specific arguments made by the Federal government at that time, we see the Supreme Court’s denial of certiorari as at least one part of the overall history relevant to evaluating BIAS providers’ reasonable expectations. By contrast, when the Commission sought to change course in the *RIF Order*, the regulatory approach adopted there was vacated in part and the classification decision was remanded. The Commission’s attempt to respond to the remand in the *RIF Remand Order* is subject to petitions for reconsideration before the Commission and judicial review in the D.C. Circuit, which have remained pending until our action in the Order. We dispense with the petitions for reconsideration in this item. That history subsequent to the *2015 Open Internet Order* demonstrates

that BIAS providers have even less basis than before to reasonably expect that they would operate under a materially different regulatory approach than what we adopt in the Order.

670. The character of our actions here also cuts against a finding of a regulatory taking. In that regard, the *Penn Central* Court held that a taking “may more readily be found when the interference with property can be characterized as a physical invasion by government . . . than when interference arises from some public program adjusting the benefits and burdens of economic life to promote the common good.” As we already have explained when rejecting a *per se* takings claim, our regulatory approach to BIAS simply seeks to ensure that end users can use the service that BIAS providers have offered them and that the end users have paid for, rather than involving something that properly could be understood as a physical invasion by the government.

671. Finally, because we do not regulate BIAS providers’ ability to set market rates for the broadband internet access services they offer end users, there is no reason to believe that our actions will deprive broadband providers of just compensation, thus fully addressing any takings claim.

3. Confiscation

672. Commenters fare no better when they seek to invoke Fifth Amendment precedent from the ratemaking context. As the Supreme Court has held: “The guiding principle [in the ratemaking context] has been that the Constitution protects utilities from being limited to a charge for their property serving the public which is so ‘unjust’ as to be confiscatory. . . . If the rate does not afford sufficient compensation, the [government] has taken the use of utility property without paying just compensation.” Because we leave BIAS providers free to set market rates for the broadband internet access services they offer end-users, we see no evidence that our regulatory approach “threaten[s] an [ISP’s] financial integrity” and is confiscatory.

673. We reject commenters’ efforts to reach a contrary conclusion by identifying a separate, service that BIAS providers may offer to edge providers and focusing narrowly on what BIAS providers can charge edge providers for such a service. As the Commission recognized in 2015, and we affirm in the Order, any such “‘edge service’ is secondary, and in support of, the promise made to the end user, and broadband provider practices with respect to edge providers—including

terms and conditions for the transfer and delivery of traffic to (and from) the BIAS subscriber—impact the broadband provider’s provision of the Title II broadband internet access service.”

Given the relationship between BIAS end users and edge providers, it is the same traffic delivery that is at issue whether viewed from the perspective of the end user or the edge provider—the traffic demanded by end users, for example, is the traffic that edge providers seek to deliver, with the BIAS provider serving as the intermediary from the perspective of either end of the exchange. From a takings standpoint, we thus conclude that the relevant issue is whether a BIAS provider’s use of its network for the carriage of BIAS traffic is subject to confiscatory Commission regulation. The Order leaves BIAS providers free to charge market-based rates for the use of its facilities to carry the relevant traffic. Indeed, the freedom to charge market-based end-user rates has been—and remains—a consistent part of the Commission’s overall regulatory approach for BIAS whether under the framework of the *2015 Open Internet Order*, the *RIF Order*, or the Order and is consistent with the Commission strong commitment to not engage in rate regulation, despite speculative claims from some commenters that the Commission may someday decide to reverse course. We are persuaded that “the end result” of the regulatory approach we adopt here allows for the “attraction of capital and compensation for risk” for a BIAS provider’s investment in its network used to carry BIAS traffic.

V. Order on Reconsideration

674. We now turn to the Petitions for Reconsideration of Common Cause et al., INCOMPAS, Public Knowledge, and Santa Clara seeking reconsideration of the *RIF Remand Order*. As described more fully below, we grant these petitions to the extent consistent with and described in the Order, and otherwise dismiss as moot all four petitions. In particular, for the reasons discussed in the Order, we vacate the *RIF Remand Order* and find that through the *2023 Open Internet NPRM* and the Order, we provide the relief petitioners have sought.

675. In *Mozilla*, the D.C. Circuit remanded the *RIF Order* for further consideration, finding that the Commission failed to adequately evaluate and address the potential negative effects of reclassifying BIAS as a Title I information service on (1) protecting public safety; (2) promoting infrastructure deployment by regulating pole attachment rights; and (3)

providing Lifeline support for BIAS to low-income consumers through the Universal Service Fund. In response to the court’s remand, the Wireline Competition Bureau issued a Public Notice (85 FR 12555 (Mar. 3, 2020)) seeking to refresh the record on these issues. Subsequently, the Commission adopted the *RIF Remand Order*, in which it reaffirmed its conclusions from the *RIF Order* and found that reclassification of BIAS as a Title I information service would promote public safety, facilitate broadband infrastructure deployment, and allow the Commission to continue to provide Lifeline support for BIAS.

676. The *RIF Remand Order* (and, through it, the *RIF Order*) has remained under further administrative and judicial review. One week after the *RIF Remand Order* was published in the **Federal Register**, the CPUC filed a petition for judicial review in the D.C. Circuit. Meanwhile, Common Cause et al., INCOMPAS, Public Knowledge, and Santa Clara filed timely petitions for agency reconsideration of the *RIF Remand Order* (discussed further below). The D.C. Circuit has held judicial review of the *RIF Remand Order* in abeyance pending the Commission’s consideration of the petitions for reconsideration.

677. On October 19, 2023, the Wireline Competition Bureau issued a Public Notice (88 FR 74389 (Oct. 31, 2023)) seeking comment on the issues raised in the four petitions for reconsideration and on the connection between those issues and the recently adopted *2023 Open Internet NPRM*. Several commenters responded to the Bureau’s Public Notice, either in separate filings that specifically discuss the merits of one or more petitions or as part of their overall comments to the *2023 Open Internet NPRM*. To the extent necessary, we grant INCOMPAS’s request that we waive the page limitation set forth in § 1.429 of the Commission’s rules that applies to Oppositions to Petitions for Reconsideration and Replies to Oppositions. Given that the two proceedings are interrelated and in light of the number and complexity of issues, we find that good cause is shown and that it is in the public interest to allow stakeholders to submit filings responsive to both proceedings that may exceed the page limitation.

678. Petitioners ask that the Commission reverse, vacate, or withdraw the *RIF Remand Order*, and request that the Commission initiate a new rulemaking to reclassify BIAS as a Title II telecommunications service and reinstate the open internet conduct

rules. Collectively, petitioners make several procedural arguments for why the Commission should reconsider the *RIF Remand Order*. Common Cause et al. and Public Knowledge each assert that procedural deficiencies in the process the Commission used to adopt the *RIF Remand Order* are cause for reconsideration. Common Cause et al. argue that because the Commission failed to open the record to receive comment on the impact of the COVID-19 pandemic, it failed to adequately consider harms of reclassifying BIAS as a Title I information service on public safety, pole attachments, and the Lifeline program. In addition, Public Knowledge claims that because the Commission did not adopt a notice of proposed rulemaking prior to adopting the *RIF Remand Order*, and instead sought comment through a Bureau-issued public notice, the Commission did not follow the proper rulemaking procedures under the APA.

679. Common Cause et al., INCOMPAS, and Santa Clara also each provide several substantive arguments for why the *RIF Remand Order* should be reconsidered. Common Cause et al. argue that the *RIF Remand Order* weakened the Lifeline program at a time when it was most needed. In limiting the Lifeline program to facilities-based broadband-capable networks that support voice service, Common Cause et al. argue that the Commission failed to account for how this would affect BIAS during the COVID-19 pandemic and ignored evidence of BIAS-only providers that were seeking to enter the Lifeline program. These petitioners also take issue with the *RIF Remand Order's* conclusion that even if a court were to reject the Commission's legal authority to provide Lifeline support to the BIAS of a common carrier, the overall benefits of reclassification would outweigh this cost. Common Cause et al. assert that this position contradicts both the Commission's policy and statutory goals of achieving universal service, and that it also goes against the purpose for which the Lifeline program was first created.

680. Santa Clara argues in its Petition that, despite the Commission's statutory mandate to consider and promote public safety, the Commission failed to seriously consider this issue in either the *RIF Order* or the *RIF Remand Order*. Because modern public safety efforts rely on the public's access to BIAS, Santa Clara argues that the Commission needs the ability to adopt *ex ante* conduct rules in order to fulfill its public safety mandate. Santa Clara disagrees with the *RIF Order's* analysis that consumers and edge providers will

be protected from BIAS provider misconduct by a combination of market forces, consumer choice, public pressure, and *ex post* antitrust and consumer protection remedies. And it argues that instead of responding to the *Mozilla* court's criticism of this reasoning, the *RIF Remand Order* simply restates it without further analysis. Furthermore, Santa Clara criticizes the *RIF Remand Order* for the negative impact it will have on the development of public-safety-focused edge provider content. Finally, Santa Clara rejects the *RIF Remand Order's* conclusion that reclassification of BIAS as a Title I information service will increase investment and innovation, and that these benefits will outweigh any harm to public safety, and further argues that the Commission ignored evidence of the harmful impact of reclassification on public safety.

681. INCOMPAS asserts in its Petition that the *RIF Remand Order* did not sufficiently address the *Mozilla* court's concerns regarding public safety and pole attachments. INCOMPAS notes that while it supports the Commission's reconsideration of the *RIF Remand Order* due to the harms to Lifeline consumers, it focuses its petition on public safety and pole attachment concerns because those are the issues that directly relate to the issues that its member companies face. With regard to public safety, INCOMPAS argues broadly that the *RIF Remand Order* is flawed because it "turns its back on the historical role of the Commission to protect the public's ability to connect without permission." More specifically, INCOMPAS asserts that the *RIF Remand Order* relies on unsubstantiated claims of increased investment to support its conclusions that the benefits of Title I classification outweigh potential public safety concerns. INCOMPAS also argues that the Commission wrongly dismisses the potential harms to public safety submitted into the record and overlooks the importance of having an expert agency with the authority to create *ex ante* rules to protect the public. And in reaching its conclusions, the petitioner criticizes the Commission for not properly accounting for the lack of competition in the residential BIAS market or the harms that large BIAS providers will cause consumers and edge providers. With respect to pole attachments, INCOMPAS contends that the *RIF Remand Order's* examination of the issue similarly does not comply with the *Mozilla* court's instructions. INCOMPAS takes issue with the inadequate consideration the *RIF Remand Order* gives to how

reclassification will eliminate BIAS-only providers' pole attachment rights; rejects the *RIF Remand Order's* argument that this lack of pole attachment rights under section 224 will allow BIAS-only providers to enter into more flexible and innovative arrangements; and argues that, contrary to its suggestion otherwise, the *RIF Remand Order* does not resolve the issue of State authority to regulate pole attachments.

682. In light of the Commission's actions in the Order, we grant in large part and otherwise dismiss as moot each of the four Petitions for Reconsideration of the *RIF Remand Order*. The Commission will consider a petition for reconsideration when the petitioner shows either a material error in the Commission's original order, or raises additional facts or arguments, not known or existing at the time of the petitioner's last opportunity to present such matters. Petitions for reconsideration which rely on facts or arguments not previously presented to the Commission but which were known or existing at the time of the petitioner's last opportunity to present such matters may nonetheless be granted if the Commission determines that consideration of the facts and arguments relied on is required in the public interest. While the Petitioners raise some arguments that existed at the time of the filing of their Petitions, we find it would serve the public interest to consider them in the Order, when we have fully considered how the Title II classification and our open internet rules impact public safety, pole attachments, and Lifeline service. Indeed, we explain above how classification of BIAS as an information service is inconsistent with the best interpretation of the statute and cannot be reconciled with our responsibilities with regard to public safety, pole attachments, and universal service support to low-income consumers. Thus, to the extent the Petitions requested that the Commission reconsider and/or vacate the *RIF Remand Order* or *RIF Order* itself, we do so here. As a procedural matter, we find that we have effectively provided the relief sought by each of the Petitions through a combination of the *2023 Open Internet NPRM* and the Order's actions. To the extent the Petitions sought readoption or reimposition of open internet conduct rules consistent with the *2015 Open Internet Order* and reclassification and/or reversion of BIAS as a Title II telecommunications service, we find that we have done so in the Order. As a substantive matter, for the

reasons explained above, we agree with the petitioners that the Commission's analysis in the *RIF Order* and *RIF Remand Order* was insufficient in addressing the public safety, pole attachment, and Lifeline-related repercussions of classifying BIAS as a Title I information service. To the extent the Petitions sought a new open-internet-related rulemaking in response to the *Mozilla* remand, we dismiss them as moot in light of the rulemaking proceeding we have conducted to consider precisely those issues. To the extent concerns or issues raised in the Petitions remain, we dismiss them as moot on the basis that the adoption of the Order effectively replace and overturn the *RIF Order* and *RIF Remand Order*. The *RIF Order* was vacated in part and otherwise remanded to the Commission by the D.C. Circuit. Because the majority of the *RIF Order* framework thus remained in effect, our action on reconsideration has only prospective consequences, rather than having retrospective effect of the sort not possible through our new rulemaking action here.

VI. Severability

683. We consider the actions we take in the Order to be separate and severable such that in the event any particular action or decision is stayed or determined to be invalid, we would find that the resulting regulatory framework continues to fulfill our goal of preserving and protecting the open internet and that it shall remain in effect to the fullest extent permitted by law. Though complementary, each of the rules, requirements, classifications, definitions, and other provisions that we establish in the Order operate independently to promote and protect the open internet, safeguard national security and public safety, and promote the deployment of broadband on a timely basis.

684. *Severability of Open Internet Rules from One Another.* The open internet rules we adopt in the Order each operate independently to protect the open internet, promote the virtuous cycle, and encourage the deployment of broadband on a timely basis. The severability of the Commission's open internet rules was recognized by the *Verizon* court, which held that the Commission's transparency rule established in the *2010 Open Internet Order* was severable from the nondiscrimination and no-blocking rules also established in that Order. We continue to apply that view to the transparency, no-blocking, no-throttling, no-paid prioritization, and general conduct rules we adopt in the Order.

While the Order's newly adopted rules put in place a suite of open internet protections, we find that each of these rules, on its own, serves to protect the open internet. Each rule protects against different potential harms and thus operates semi-independently from one another. For example, the no-blocking rule protects consumers' right to access lawful content, applications, and services by constraining BIAS providers' incentive to block competitors' content. The no-throttling rule serves as an independent supplement to this prohibition on blocking by banning the impairment or degradation of lawful content that does not reach the level of blocking. Should the no-blocking rule be declared invalid, the no-throttling rule would still afford consumers and edge providers significant protection, and thus could independently advance the goals of the open internet, if not as comprehensively were the no-blocking rule still in effect. The same reasoning holds true for the ban on paid prioritization, which protects against particular harms independent of the other bright-line rules. Finally, the no-unreasonable interference/disadvantage standard governs BIAS provider conduct generally, providing independent protections against those three harmful practices along with other and new practices that could threaten to harm internet openness. Were any of these individual rules held invalid, the resulting regulations would remain valuable tools for protecting the open internet.

685. *Severability of Rules Governing Mobile/Fixed Providers.* We have also made clear in the Order that our rules apply to both fixed and mobile BIAS. These are two different services, and thus the application of our rules to either service functions independently. Accordingly, we find that should application of our open internet rules to either fixed or mobile BIAS be held invalid, the application of those rules to the remaining fixed or mobile service would still fulfill our regulatory purposes and remain intact.

VII. Procedural Matters

686. *Regulatory Flexibility Act.* 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, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the potential impact of the rule and policy

changes adopted in the Order on small entities. The FRFA is set forth in section VIII.

VIII. Final Regulatory Flexibility Analysis

687. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Safeguarding and Securing the Open Internet Notice of Proposed Rulemaking (2023 Open Internet NPRM)*, released October of 2023. The Commission sought written public comment on the proposals in the *2023 Open Internet NPRM*, including comment on the IRFA. The comments received are discussed below in section B. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration

688. Broadband internet access service (BIAS) connections, not unlike other essential utilities, have proved essential to every aspect of our daily lives, from work, education, and healthcare, to commerce, community, and free expression. The COVID-19 pandemic revealed that without a BIAS connection, consumers could not fully participate in vital aspects of daily life. We find, and the record overwhelmingly reflects, that BIAS is not a luxury, but a necessity for education, communication, healthcare, and participation in the economy. The actions taken in the Order to restore the Commission's Title II authority over BIAS, reclassify mobile BIAS as a commercial mobile service, and adopt open internet conduct rules are necessary to help ensure the health, vitality, and security of the entire internet ecosystem.

689. *Need for, and objective of, reclassification.* Our classification decision in the Order reestablishes the Commission's authority to protect consumers and resolves the pending challenges to the Commission's 2017 classification decision. We conclude that BIAS is best classified as a telecommunications service based on an analysis of the statutory definitions for "telecommunications service" and "information service" established in the 1996 Act. This conclusion reflects the best reading of the statutory terms applying basic principles of textual analysis to the text, structure, and context of the Act in light of (1) how consumers understand BIAS and (2) the factual particulars of how the technology that enables the delivery of BIAS functions. We also conclude that

BIAS is not best classified as an information service. Classifying BIAS as a telecommunications service accords with Commission and court precedent and is fully and sufficiently justified under the Commission's longstanding authority and responsibility to classify services subject to the Commission's jurisdiction, as necessary. Additionally, as the expert agency entrusted by Congress to oversee our country's communications networks and services, our experience demonstrates that for the Commission to protect consumers and ensure a safe, reliable, and open internet, it must exercise its authority to do so under Title II of the Communications Act. As such, we also separately conclude that multiple policy considerations, relating to internet openness, national security, public safety, consumer privacy, broadband deployment, and disability access, each independently and collectively, support the reclassification of BIAS as a telecommunications service.

690. We also reclassify mobile BIAS as a commercial mobile service. As we explain in the Declaratory Ruling, reclassifying mobile BIAS as a commercial mobile service is necessary to avoid the statutory contradiction that would result if the Commission were to conclude that mobile BIAS is a telecommunications service but not a commercial mobile service. Moreover, as we discuss in the Declaratory Ruling, because consumers regularly use both fixed and mobile broadband, it is critical to protect both services equally.

691. *Need for, and objectives of, the open internet rules.* We affirm our belief from the 2023 *Open Internet NPRM* that baseline internet conduct rules for BIAS providers are necessary to enable the Commission to prevent and address conduct that harms consumers and competition. BIAS is an essential service that is critical to so many aspects of everyday life, from healthcare and education to work, commerce, and civic engagement. Because of its importance, we conclude that rules are necessary to promote free expression, encourage innovation, competition, and consumer demand, and protect public safety. As the Commission found in both 2010 and 2015, BIAS providers continue to have the incentive and ability to harm internet openness. We find that the framework that the Commission adopted in 2017 provides insufficient protection from these dangers, and that a safe, secure, and open internet is too important to consumers and innovators to leave unprotected. As in 2015, we find that conduct-based rules targeting specific practices are necessary, and accordingly

adopt bright-line rules to prohibit blocking, throttling, and paid prioritization by providers of both fixed and mobile broadband internet access service.

692. First, we reimpose a bright-line rule that prohibits providers from blocking lawful content, applications, services, or non-harmful devices, subject to reasonable network management. This "no-blocking" principle has long been a cornerstone of the Commission's policies, and in the internet context, dates back to the Commission's *Internet Policy Statement*. Second, we reimpose a separate bright-line rule prohibiting BIAS providers from impairing or degrading lawful internet traffic on the basis of content, application, service, or use of non-harmful device, subject to reasonable network management. We interpret this prohibition to include, for example, any conduct by a BIAS provider that impairs, degrades, slows down, or renders effectively unusable particular content, services, applications, or devices, that is not reasonable network management. We find this prohibition to be a necessary complement to the no-blocking rule. Without an equally strong no-throttling rule, BIAS providers might be able to thwart the no-blocking rule by throttling or degrading traffic that is essentially blocking but that does not quite meet the no-blocking standard. Third, we reimpose the prohibition on paid or affiliated prioritization practices, subject to a narrow waiver process. As in 2015, we find that a prohibition on paid prioritization is necessary because preferential treatment arrangements have the potential to create a chilling effect, disrupting the internet's virtuous cycle of innovation, consumer demand, and investment.

693. In addition to the three bright-line rules, we also reinstate a no-unreasonable interference/disadvantage standard, under which the Commission can prohibit practices that unreasonably interfere with the ability of consumers or edge providers to select, access, and use broadband internet access service to reach one another, thus causing harm to the open internet. This no-unreasonable interference/disadvantage general conduct standard will operate on a case-by-case basis, applying a non-exhaustive list of factors, and is designed to evaluate other current or future BIAS provider policies or practices—not covered by the bright-line rules—and prohibit those that harm the open internet. While we believe that our prohibitions on blocking, throttling, and paid prioritization will prevent many harms to the open internet, we believe that reimplementing the general

conduct standard is a necessary backstop to ensure that BIAS providers do not find technical or economic ways to evade our bright-line rules.

694. We also restore the text of the transparency rule to its original format adopted in 2010 and reaffirmed in 2015. We believe this change is necessary in order to encompass a broader relevant audience of interested parties than that captured by the *RIF Order* and more appropriately reflects the nature of the current transparency landscape where the broadband labels serve as a quick reference for consumers, and the transparency rule enables a deeper dive. Furthermore, we made minor revisions to the disclosures required by the transparency rule to better enable end-user consumers to make informed choices about broadband services and similarly to provide edge providers with the information necessary to develop new content, applications, services, and devices that promote the virtuous cycle of investment and innovation. In revising the specific transparency requirements, we contemplated the recently adopted broadband label rules to minimize unnecessary duplication and improve efficiency for providers.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

695. In response to the 2023 *Open Internet NPRM*, four entities filed comments or reply comments that specifically addressed the IRFA to some degree: WISPA, NTCA—the Rural Broadband Association (NTCA), ACA Connects, and National Rural Electric Cooperative Association (NRECA). Some of these entities, as well as others, filed comments or reply comments that more generally considered the small business impact of our proposals. We considered the proposals and concerns described by the various commenters in adopting the Order and accompanying rules.

696. Some commenters expressed concern that reclassification and reimplementation of the open internet rules would be particularly onerous for small providers and suggest that the Commission issue a blanket exemption for small providers or from "all but the most essential" rules. ACA Connects urges the commission to delay application of the rules on small providers for at least six months or one year, forbear from applying sections 201, 202, and 208 to small providers, or defer sections 201 and 202 obligations into another proceeding to specifically define and limit the obligations for small providers. The National Federation of Independent Businesses

(NFIB) recommends that the Commission add certain language to our rules to protect small providers. NTCA states that even with proposed forbearance, small BIAS providers will face significant economic burdens, and there is no marketplace justification for regulatory intervention. WISPA urges the Commission to issue a FNPRM that examines whether to exempt small providers from the bright-line rules, general conduct rule, and transparency enhancements and to apply any exemptions to BIAS providers with 250,000 or fewer subscribers. WISPA also requests that the Commission reconsider application of sections 206, 207, 208, 214, 218 and 220 of the Act to small providers and permanently exempt small BIAS-only providers from the Commission's transfer-of-control requirements. We carefully considered the effects reclassification and our rules would have on all BIAS providers and small entities, and while we did not create exemptions for small providers, we included temporary exemptions (with the potential to become permanent) for providers with 100,000 or fewer subscribers from the performance characteristic reporting enhancements and the direct notification requirement under the transparency rule, which will have the effect of benefitting many small providers. We do not believe exemptions beyond that which we have provided are necessary or in the public interest, particularly a blanket exemption from all rules, as the record fails to demonstrate customers of small BIAS providers should be afforded less protection than those of larger BIAS providers. Furthermore, as we noted above, in certain cases, reclassification will afford small providers additional rights (e.g., pole attachment rights) to which they are currently not entitled.

697. NRECA urges the commission to define "small entities" as those with 100,000 broadband customers or less rather than those with 1,500 employees or less as we proposed in our IRFA. NRECA suggests that our proposed definition is problematic because it would "create a situation where a small-entity exception would swallow the general rule." According to NRECA, because most covered entities would fall within the "small entity" category under the Small Business Administration (SBA) size thresholds used in the IRFA, these thresholds would "limit the Commission's ability to implement small-entity exceptions that would be meaningful for truly small entities." NTCA echoed NRECA's concerns regarding the definition.

WISPA, however, does not agree with NRECA's proposed definition. We decline commenters' invitation to deviate from the SBA size standards for purposes of the regulatory flexibility analysis. NRECA does not argue that the size standard is inappropriate for regulatory flexibility analysis purposes. Rather, it focuses on exemptions from the rules adopted herein "and for subsequent Title II regulations." As noted above, however, we have largely declined to provide exemptions from the rules adopted in the Order, as customers of all BIAS providers should be afforded their protection. The exceptions are temporary exemptions (with the potential to become permanent) from the performance characteristics disclosure enhancements and direct notification requirement for BIAS providers that we reason are less likely to already have in place the tools and mechanisms needed to allow customers to track usage or provide automated direct notifications or the resources to immediately report this information.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

698. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the SBA, and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

699. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. 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. Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes

such definition(s) in the **Federal Register**." 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.

1. Total Small Entities

700. *Small Businesses, Small Organizations, Small Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.

701. Next, the type of small entity described as a "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

702. Finally, the small entity described as a "small governmental jurisdiction" is defined generally as "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand." U.S. Census Bureau data from the 2022 Census of Governments indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,845 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts) with enrollment populations of less than 50,000. Accordingly, based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 entities fall into the category of "small governmental jurisdictions."

2. Wired Broadband Internet Access Service Providers

703. *Wired Broadband Internet Access Service Providers (Wired ISPs).*

Providers of wired broadband internet access service include various types of providers except dial-up internet access providers. Wireline service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction is classified as a broadband connection under the Commission's rules. Wired broadband internet services fall in the Wired Telecommunications Carriers industry. The SBA small business size standard for this industry classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees.

704. Additionally, according to Commission data on internet access services as of June 30, 2019, nationwide there were approximately 2,747 providers of connections over 200 kbps in at least one direction using various wireline technologies. The Commission does not collect data on the number of employees for providers of these services, therefore, at this time we are not able to estimate the number of providers that would qualify as small under the SBA's small business size standard. However, in light of the general data on fixed technology service providers in the Commission's 2022 *Communications Marketplace Report*, we believe that the majority of wireline internet access service providers can be considered small entities.

3. Wireline Providers

705. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband

internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

706. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

707. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

708. *Competitive Local Exchange Carriers (Competitive LECs).* Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small

business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

709. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

710. *Operator Service Providers (OSPs).* Neither the Commission nor the SBA has developed a small business size standard specifically for operator service providers. The closest applicable industry with a SBA small business size standard is Wired Telecommunications Carriers. The SBA small business size standard classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service

Monitoring Report, as of December 31, 2021, there were 20 providers that reported they were engaged in the provision of operator services. Of these providers, the Commission estimates that all 20 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, all of these providers can be considered small entities.

711. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 90 providers that reported they were engaged in the provision of other toll services. Of these providers, the Commission estimates that 87 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

4. Wireless Providers—Fixed and Mobile

712. *Wireless Broadband Internet Access Service Providers (Wireless ISPs or WISPs).* Providers of wired broadband internet access service include various types of providers except dial-up internet access providers. Wireline service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the internet at information transfer rates exceeding 200 kbps in at least one direction is classified as a broadband connection under the Commission's rules. Wired broadband internet services fall in the Wired Telecommunications Carriers industry. The SBA small business size standard for this industry classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms

that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees.

713. Additionally, according to Commission data on internet access services as of June 30, 2019, nationwide there were approximately 2,747 providers of connections over 200 kbps in at least one direction using various wireline technologies. The Commission does not collect data on the number of employees for providers of these services, therefore, at this time we are not able to estimate the number of providers that would qualify as small under the SBA's small business size standard. However, in light of the general data on fixed technology service providers in the Commission's 2022 *Communications Marketplace Report*, we believe that the majority of wireline internet access service providers can be considered small entities.

714. *Wireless Telecommunications Carriers (except Satellite).* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

715. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees.

Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

716. *Wireless Communications Services.* Wireless Communications Services (WCS) can be used for a variety of fixed, mobile, radiolocation, and digital audio broadcasting satellite services. Wireless spectrum is made available and licensed for the provision of wireless communications services in several frequency bands subject to part 27 of the Commission's rules. Wireless Telecommunications Carriers (*except Satellite*) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

717. The Commission's small business size standards with respect to WCS involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in WCS. When bidding credits are adopted for the auction of licenses in WCS frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in the designated entities section in part 27 of the Commission's rules for the specific WCS frequency bands.

718. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

719. *Wireless Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Wireless Resellers. The closest industry with a SBA small business size standard is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications and they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under the SBA size standard for this industry, a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services during that year. Of that number, 1,375 firms operated with fewer than 250 employees. Thus, for this industry under the SBA small business size standard, the majority of providers can be considered small entities.

720. *1670–1675 MHz Services.* These wireless communications services can be used for fixed and mobile uses, except aeronautical mobile. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

721. According to Commission data as of November 2021, there were three active licenses in this service. The Commission's small business size standards with respect to 1670–1675 MHz Services involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For licenses in the 1670–1675 MHz service band, a “small business” is defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a “very small business” is defined as an entity that, together with its affiliates and controlling interests, has had average

annual gross revenues not exceeding \$15 million for the preceding three years. The 1670–1675 MHz service band auction's winning bidder did not claim small business status.

722. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

723. *Wireless Telephony.* Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. The closest applicable industry with an SBA small business size standard is Wireless Telecommunications Carriers (except Satellite). The size standard for this industry under SBA rules is that a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 331 providers that reported they were engaged in the provision of cellular, personal communications services, and specialized mobile radio services. Of these providers, the Commission estimates that 255 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

724. *Broadband Personal Communications Service.* The broadband personal communications services (PCS) spectrum encompasses services in the 1850–1910 and 1930–1990 MHz bands. The closest industry with a SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms

that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

725. Based on Commission data as of November 2021, there were approximately 5,060 active licenses in the Broadband PCS service. The Commission's small business size standards with respect to Broadband PCS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. In auctions for these licenses, the Commission defined “small business” as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a “very small business” as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. Winning bidders claiming small business credits won Broadband PCS licenses in C, D, E, and F Blocks.

726. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

727. *Specialized Mobile Radio Licenses.* Special Mobile Radio (SMR) licenses allow licensees to provide land mobile communications services (other than radiolocation services) in the 800 MHz and 900 MHz spectrum bands on a commercial basis including but not limited to services used for voice and data communications, paging, and facsimile services, to individuals, Federal Government entities, and other entities licensed under part 90 of the Commission's rules. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA size standard for this industry classifies a business as small if it has 1,500 or

fewer employees. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 95 providers that reported they were of SMR (dispatch) providers. Of this number, the Commission estimates that all 95 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, these 119 SMR licensees can be considered small entities.

728. Based on Commission data as of December 2021, there were 3,924 active SMR licenses. However, since the Commission does not collect data on the number of employees for licensees providing SMR services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard. Nevertheless, for purposes of this analysis the Commission estimates that the majority of SMR licensees can be considered small entities using the SBA's small business size standard.

729. *Lower 700 MHz Band Licenses.* The lower 700 MHz band encompasses spectrum in the 698–746 MHz frequency bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

730. According to Commission data as of December 2021, there were approximately 2,824 active Lower 700 MHz Band licenses. The Commission's small business size standards with respect to Lower 700 MHz Band licensees involve eligibility for bidding

credits and installment payments in the auction of licenses. For auctions of Lower 700 MHz Band licenses the Commission adopted criteria for three groups of small businesses. A very small business was defined as an entity that, together with its affiliates and controlling interests, has average annual gross revenues not exceeding \$15 million for the preceding three years, a small business was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and an entrepreneur was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million for the preceding three years. In auctions for Lower 700 MHz Band licenses seventy-two winning bidders claiming a small business classification won 329 licenses, twenty-six winning bidders claiming a small business classification won 214 licenses, and three winning bidders claiming a small business classification won all five auctioned licenses.

731. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

732. *Upper 700 MHz Band Licenses.* The upper 700 MHz band encompasses spectrum in the 746–806 MHz bands. Upper 700 MHz D Block licenses are nationwide licenses associated with the 758–763 MHz and 788–793 MHz bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard

applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

733. According to Commission data as of December 2021, there were approximately 152 active Upper 700 MHz Band licenses. The Commission's small business size standards with respect to Upper 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a "small business" as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than \$15 million for the preceding three years. Pursuant to these definitions, three winning bidders claiming very small business status won five of the twelve available licenses.

734. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

735. *700 MHz Guard Band Licensees.* The 700 MHz Guard Band encompasses spectrum in 746–747/776–777 MHz and 762–764/792–794 MHz frequency bands. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show

that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

736. According to Commission data as of December 2021, there were approximately 224 active 700 MHz Guard Band licenses. The Commission's small business size standards with respect to 700 MHz Guard Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a "small business" as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than \$15 million for the preceding three years. Pursuant to these definitions, five winning bidders claiming one of the small business status classifications won 26 licenses, and one winning bidder claiming small business won two licenses. None of the winning bidders claiming a small business status classification in these 700 MHz Guard Band license auctions had an active license as of December 2021.

737. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

738. *Air-Ground Radiotelephone Service* Air-Ground Radiotelephone Service is a wireless service in which licensees are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft. A licensee may provide any type of air-ground service (*i.e.*, voice telephony, broadband internet, data, etc.) to aircraft of any type, and serve any or all aviation markets (commercial, government, and general). A licensee must provide

service to aircraft and may not provide ancillary land mobile or fixed services in the 800 MHz air-ground spectrum.

739. The closest industry with an SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (*except* Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

740. Based on Commission data as of December 2021, there were approximately four licensees with 110 active licenses in the Air-Ground Radiotelephone Service. The Commission's small business size standards with respect to Air-Ground Radiotelephone Service involve eligibility for bidding credits and installment payments in the auction of licenses. For purposes of auctions, the Commission defined "small business" as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. In the auction of Air-Ground Radiotelephone Service licenses in the 800 MHz band, neither of the two winning bidders claimed small business status.

741. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, the Commission does not collect data on the number of employees for licensees providing these services therefore, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

742. *Advanced Wireless Services (AWS)*—(1710–1755 MHz and 2110–2155 MHz bands (AWS-1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz

and 2175–2180 MHz bands (AWS-2); 2155–2175 MHz band (AWS-3); 2000–2020 MHz and 2180–2200 MHz (AWS-4)). Spectrum is made available and licensed in these bands for the provision of various wireless communications services. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

743. According to Commission data as of December 2021, there were approximately 4,472 active AWS licenses. The Commission's small business size standards with respect to AWS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of AWS licenses, the Commission defined a "small business" as an entity with average annual gross revenues for the preceding three years not exceeding \$40 million, and a "very small business" as an entity with average annual gross revenues for the preceding three years not exceeding \$15 million. Pursuant to these definitions, 57 winning bidders claiming status as small or very small businesses won 215 of 1,087 licenses. In the most recent auction of AWS licenses 15 of 37 bidders qualifying for status as small or very small businesses won licenses.

744. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

745. *3650–3700 MHz band.* Wireless broadband service licensing in the 3650–3700 MHz band provides for nationwide, non-exclusive licensing of terrestrial operations, utilizing

contention-based technologies, in the 3650 MHz band (*i.e.*, 3650–3700 MHz). Licensees are permitted to provide services on a non-common carrier and/or on a common carrier basis. Wireless broadband services in the 3650–3700 MHz band fall in the Wireless Telecommunications Carriers (*except* Satellite) industry with an SBA small business size standard that classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

746. The Commission has not developed a small business size standard applicable to 3650–3700 MHz band licensees. Based on the licenses that have been granted, however, we estimate that the majority of licensees in this service are small Internet Access Service Providers (ISPs). As of November 2021, Commission data shows that there were 902 active licenses in the 3650–3700 MHz band. However, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

747. *Fixed Microwave Services.* Fixed microwave services include common carrier, private-operational fixed, and broadcast auxiliary radio services. They also include the Upper Microwave Flexible Use Service (UMFUS), Millimeter Wave Service (70/80/90 GHz), Local Multipoint Distribution Service (LMDS), the Digital Electronic Message Service (DEMS), 24 GHz Service, Multiple Address Systems (MAS), and Multichannel Video Distribution and Data Service (MVDDS), where in some bands licensees can choose between common carrier and non-common carrier status. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA small size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of fixed

microwave service licensees can be considered small.

748. The Commission's small business size standards with respect to fixed microwave services involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in fixed microwave services. When bidding credits are adopted for the auction of licenses in fixed microwave services frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in part 101 of the Commission's rules for the specific fixed microwave services frequency bands.

749. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

750. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and "wireless cable," transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)). Wireless cable operators that use spectrum in the BRS often supplemented with leased channels from the EBS, provide a competitive alternative to wired cable and other multichannel video programming distributors. Wireless cable programming to subscribers resembles cable television, but instead of coaxial cable, wireless cable uses microwave channels.

751. In light of the use of wireless frequencies by BRS and EBS services, the closest industry with a SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (*except* Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

752. According to Commission data as of December 2021, there were approximately 5,869 active BRS and EBS licenses. The Commission's small business size standards with respect to BRS involves eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of BRS licenses, the Commission adopted criteria for three groups of small businesses. A very small business is an entity that, together with its affiliates and controlling interests, has average annual gross revenues exceed \$3 million and did not exceed \$15 million for the preceding three years, a small business is an entity that, together with its affiliates and controlling interests, has average gross revenues exceed \$15 million and did not exceed \$40 million for the preceding three years, and an entrepreneur is an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million for the preceding three years. Of the ten winning bidders for BRS licenses, two bidders claiming the small business status won 4 licenses, one bidder claiming the very small business status won three licenses and two bidders claiming entrepreneur status won six licenses. One of the winning bidders claiming a small business status classification in the BRS license auction has an active licenses as of December 2021.

753. The Commission's small business size standards for EBS define a small business as an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$55 million for the preceding five (5) years, and a very small business is an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$20 million for the preceding five (5)

years. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

5. Satellite Service Providers

754. *Satellite Telecommunications.* This industry comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications." Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$38.5 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than \$25 million. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 65 providers that reported they were engaged in the provision of satellite telecommunications services. Of these providers, the Commission estimates that approximately 42 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, a little more than half of these providers can be considered small entities.

755. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to,

and receiving telecommunications from, satellite systems. Providers of Internet services (e.g., dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of \$35 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Based on this data, the Commission estimates that the majority of "All Other Telecommunications" firms can be considered small.

6. Cable Service Providers

756. *Cable and Other Subscription Programming.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (e.g., limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA small business size standard for this industry classifies firms with annual receipts less than \$41.5 million as small. Based on U.S. Census Bureau data for 2017, 378 firms operated in this industry during that year. Of that number, 149 firms operated with revenue of less than \$25 million a year and 44 firms operated with revenue of \$25 million or more. Based on this data, the Commission estimates that a majority of firms in this industry are small.

757. *Cable Companies and Systems (Rate Regulation).* The Commission has developed its own small business size standard for the purpose of cable rate regulation. Under the Commission's rules, a "small cable company" is one serving 400,000 or fewer subscribers nationwide. Based on industry data, there are about 420 cable companies in the U.S. Of these, only seven have more than 400,000 subscribers. In addition, under the Commission's rules, a "small system" is a cable system serving 15,000 or fewer subscribers. Based on industry data, there are about 4,139 cable systems (headends) in the U.S. Of these, about 639 have more than 15,000 subscribers. Accordingly, the Commission estimates

that the majority of cable companies and cable systems are small.

758. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, contains a size standard for a "small cable operator," which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000." For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 498,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator. Based on industry data, only six cable system operators have more than 498,000 subscribers. Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. We note however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million. Therefore, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

7. Other

759. *Electric Power Generators, Transmitters, and Distributors.* The U.S. Census Bureau defines the utilities sector industry as comprised of "establishments, primarily engaged in generating, transmitting, and/or distributing electric power. Establishments in this industry group may perform one or more of the following activities: (1) operate generation facilities that produce electric energy; (2) operate transmission systems that convey the electricity from the generation facility to the distribution system; and (3) operate distribution systems that convey electric power received from the generation facility or the transmission system to the final consumer." This industry group is categorized based on fuel source and includes Hydroelectric Power Generation, Fossil Fuel Electric Power Generation, Nuclear Electric Power Generation, Solar Electric Power Generation, Wind Electric Power Generation, Geothermal Electric Power Generation, Biomass Electric Power Generation, Other Electric Power Generation, Electric Bulk Power Transmission and Control and Electric Power Distribution.

760. The SBA has established a small business size standard for each of these groups based on the number of employees which ranges from having fewer than 250 employees to having fewer than 1,000 employees. U.S. Census Bureau data for 2017 indicate that for the Electric Power Generation, Transmission and Distribution industry there were 1,693 firms that operated in this industry for the entire year. Of this number, 1,552 firms had less than 250 employees. Based on this data and the associated SBA size standards, the majority of firms in this industry can be considered small entities.

761. *All Other Information Services.* This industry comprises establishments primarily engaged in providing other information services (except news syndicates, libraries, archives, internet publishing and broadcasting, and web search portals). The SBA small business size standard for this industry classifies firms with annual receipts of \$30 million or less as small. U.S. Census Bureau data for 2017 show that there were 704 firms in this industry that operated for the entire year. Of those firms, 556 had revenue of less than \$25 million. Consequently, we estimate that the majority of firms in this industry are small entities.

762. *Internet Service Providers (Non-Broadband).* Internet access service providers using client-supplied telecommunications connections (e.g., dial-up ISPs) as well as VoIP service providers using client-supplied telecommunications connections fall in the industry classification of All Other Telecommunications. The SBA small business size standard for this industry classifies firms with annual receipts of \$35 million or less as small. For this industry, U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Consequently, under the SBA size standard a majority of firms in this industry can be considered small.

E. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

763. Reclassifying broadband as a Title II service may lead to some increase in compliance costs for small entities, however we find that these compliance costs are likely to be quite small. The Order reimposes the text of the transparency rule from 2015, and clarifies and adopts certain changes to the transparency rule that may impact small entities. We reinstate rules that prohibit BIAS providers from blocking or throttling the information transmitted

over their networks or engaging in paid or affiliated prioritization arrangements, and reinstate a general conduct standard that prohibits practices that cause unreasonable interference or unreasonable disadvantage to consumers or edge providers. We modify the transparency rule by reversing the changes made under the *RIF Order*, restoring the requirements to disclose certain network practices and performance characteristics eliminated by the *RIF Order*, and adopting changes to the means of disclosure, including adopting a direct notification requirement. Below, we summarize the recordkeeping and reporting obligations of the Order.

764. First, we describe the specific commercial terms, network performance characteristics, and network practices providers must disclose to ensure compliance with the transparency rule. For example, to fully satisfy their duty to disclose network performance characteristics, providers must now disclose their zero rating practices. Specifically, BIAS providers must report any practice that exempts particular edge services, devices, applications, and content (edge products) from an end user's usage allowance or data cap. We reinstate the enhanced performance characteristics disclosures eliminated in 2017 to require BIAS providers to disclose packet loss and to require that performance characteristics be reported with greater geographic granularity and be measured in terms of average performance over a reasonable period of time and during times of peak usage. We temporarily (with the potential to become permanent) exempt BIAS providers that have 100,000 or fewer broadband subscribers as per their most recent FCC Form 477, aggregated over all affiliates of the provider, from these latter requirements.

765. Second, we require that providers make all necessary disclosures on their own publicly-available websites. We no longer permit direct disclosure to the Commission, as allowed under the *RIF Order*. Additionally, we require that all disclosures made pursuant to the transparency rule be made in machine-readable format. By "machine readable," we mean providing "data in a format that can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost."

766. Third, we re-implement the requirement for BIAS providers to directly notify end users if their particular use of a network will trigger a network practice, based on a user's demand during more than the period of

congestion, that is likely to have a significant impact on the end user's use of the service. The purpose of such notification is to provide the affected end users with sufficient information and time to consider adjusting their usage to avoid application of the practice. Recognizing the extra burden this requirement creates, we provide a temporary exemption, with the potential to become permanent, for providers with 100,000 or fewer subscribers that will be promulgated by the Consumer & Governmental Affairs Bureau. We discuss this exemption and other steps to minimize compliance costs in section F, below.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities and Significant Alternatives Considered

767. The RFA requires an agency to provide "a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected."

768. We have considered the factors for reinstating the obligations above and modifying the transparency rule subsequent to receiving substantive comments from the public and potentially affected entities. The Commission has considered the economic impact on small entities, as identified in comments filed in response to the *2023 Open Internet NPRM* and its IRFA in reaching its final conclusions and taking action in this proceeding.

769. We considered, for example, whether to fully reimplement the transparency requirements from the *2015 Open Internet Order* and adopted a temporary (with the potential to become permanent) exemption for providers with 100,000 or fewer subscribers from the compliance with certain reporting requirements regarding performance characteristics to minimize burdens for providers. Furthermore, in response to concerns expressed by some commenters, we provided a temporary (with the potential to become permanent) exemption from compliance with the direct notification requirement for providers with 100,000 or fewer subscribers, as such providers are less likely to already have in place the tools and mechanisms needed to allow customers to track usage or provide automated direct notifications. This exemption, which will have the effect of

benefitting many small providers, provides regulatory flexibility while maintaining the Commission's goals and is similar to exemptions we have adopted in other contexts. For example, for the broadband labels proceeding, we created a longer implementation period for certain providers.

770. As we did in 2015, we determined that a flat ban on paid prioritization has advantages over alternative approaches, particularly in relieving small edge providers, innovators, and consumers of the burden of detecting and challenging instances of harmful paid prioritization. In developing our rule, we specifically noted the concerns commenters expressed over the harms that would particularly befall small edge providers should they be required to pay for priority access. We believe that the adoption of a bright-line rule prohibiting paid prioritization will likely lower compliance costs for small and other entities because they provide greater certainty to market participants. Also, costs for compliance will be lower compared to the current regulatory framework where harmful conduct would be subject to *ex post*, case-by-case enforcement by antitrust and consumer protection authorities. This could lead to lengthy enforcement actions and higher compliance costs for BIAS providers. In our judgment, enforcement by an expert agency will achieve timelier and more consistent outcomes and reduce the costs of uncertainty resulting in significant public interest benefits.

771. In reimplementing our no-unreasonable interference/disadvantage standard, we were mindful of how a rule that operates on a case-by-case basis may be more difficult for smaller providers. As such, we attempted to provide an extensive list of factors that we will consider in our analysis. Moreover, in consideration of the concerns raised by certain commenters that this rule will create difficulty for smaller providers, we implemented an advisory opinion process whereby providers may seek specific guidance from the Commission.

772. We continue to find that our existing informal complaint rule offers an accessible and effective mechanism for parties—including consumers and small businesses with limited resources—to report possible noncompliance with our open internet rules without being subject to burdensome evidentiary or pleading requirements. In formulating our open internet formal complaint rules, we noted NFIB's request to “make [our] regulations as concise and simple as

possible,” and opted to maintain our existing formal complaint rules codified at §§ 1.720 through 1.740 to streamline the complaint process, which should accord with NFIB's request.

773. Upon finding that BIAS is best classified under the statute as a telecommunications service under Title II, we broadly forbear, to the full extent permitted by our authority under section 10 of the Act, from applying provisions of Title II of the Act and implementing Commission rules that would apply to BIAS by virtue of its classification as a Title II service—including from all *ex ante* direct rate regulation—to minimize the burdens on all BIAS providers, including small BIAS providers. For provisions of Title II that the Commission finds it is not in the public interest from which to forbear with respect to BIAS providers, we take additional actions to minimize the effects on small providers. For example, in applying section 222 to BIAS, we waive application of all of the Commission's rules implementing section 222 to BIAS. Likewise, to address the potential impact on BIAS providers that will be subject to section 214 of the Act, we grant blanket section 214 authority for the provision of BIAS to any entity currently providing or seeking to provide BIAS—except those specific identified entities whose application for international section 214 authority was previously denied or whose domestic and international section 214 authority was previously revoked and their current and future affiliates and subsidiaries. We also waive the current rules implementing section 214(a)–(d) of the Act with respect to BIAS to the extent they are otherwise applicable. Additionally, we find that foreign ownership in excess of the statutory benchmarks in common carrier wireless licensees that are providing only BIAS is in the public interest under section 310(b)(3) when such foreign ownership is held in the licensee through a U.S.-organized entity that does not control the licensee, and under section 310(b)(4) of the Act, and we waive the requirements to request a declaratory ruling under §§ 1.5000 through 1.5004 of the Commission's rules pending adoption of any rules for BIAS. The Commission expects to release a FNPRM at a future time to examine whether any section 214 rules specifically tailored to BIAS, including for small providers, are warranted. Consistent with our tailored regulatory approach, we also considered the impact of section 214 exit certification requirements and find that it is prudent and in the public interest to forbear

from requiring providers to obtain approval from the Commission to discontinue, reduce, or impair service to a community. We expect that this will minimize burdens on small entities.

774. We also considered the benefits certain Title II provisions offer to providers, particularly BIAS-only providers, which are frequently small providers, in making its forbearance determination. For example, the Commission did not find the standards for forbearance to be met with respect to sections 224, 253, and 332, which all assist providers with network deployment. Section 224 guarantees pole attachment rights to all BIAS providers, including BIAS-only providers, who are frequently small entities. Section 253 permits BIAS-only providers to seek the Commission's intervention when State or local regulations interfere with their network deployment. Meanwhile, section 332 guarantees that State and local governments act on requests by wireless providers, including BIAS-only providers, to place, construct, or modify personal wireless service facilities within a reasonable period of time.

G. Report to Congress

775. The Commission will send a copy of the *Declaratory Ruling, Order, Report and Order, and Order on Reconsideration*, including the FRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Declaratory Ruling, Order, Report and Order, and Order on Reconsideration*, including the FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Declaratory Ruling, Order, Report and Order, and Order on Reconsideration* and FRFA (or summaries thereof) will also be published in the **Federal Register**.

IX. Ordering Clauses

776. Accordingly, *it is ordered*, pursuant to the authority contained in sections 1, 2, 3, 4, 10, 13, 201, 202, 206, 207, 208, 209, 214, 215, 216, 217, 218, 219, 220, 230, 251, 254, 256, 257, 301, 303, 304, 307, 309, 310, 312, 316, 332, 403, 501, 503, and 602 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, as amended, 47 U.S.C 151, 152, 153, 154(i)–(j), 160, 163, 201, 202, 206, 207, 208, 209, 214, 215, 216, 217, 218, 219, 220, 230, 251, 254, 256, 257, 301, 303, 304, 307, 309, 310, 312, 316, 332, 403, 501, 503, 522, 1302, that the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration *is adopted* and that parts 8 and 20 of the

Commission's Rules, 47 CFR parts 8 and 20, *are amended*.

777. *It is further ordered*, pursuant to sections 1, 4(i), 4(j), 214, 215, 218, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 214, 215, 218, 403, and §§ 1.1, 2.903, 63.12, 63.18, and 63.21 of the Commission's rules, 47 CFR 1.1, 2.903, 63.12, 63.18, and 63.21, that blanket section 214 authority for the provision of broadband internet access service is granted to any entity currently providing or seeking to provide broadband internet access service except for China Mobile International (USA) Inc., China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, Pacific Networks Corp., and ComNet (USA) LLC and their current and future affiliates and subsidiaries.

778. *It is further ordered*, pursuant to sections 1, 4(i), 4(j), 214, 215, 218, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 214, 215, 218, 403, and §§ 1.1, 2.903, 63.12, 63.18, and 63.21 of the Commission's rules, 47 CFR 1.1, 2.903, 63.12, 63.18, and 63.21, that China Mobile International (USA) Inc., China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, Pacific Networks Corp., and ComNet (USA) LLC, and their affiliates and subsidiaries as defined pursuant to 47 CFR 2.903(c), shall discontinue any and all provision of BIAS no later than sixty (60) days after the effective date of the Order as established in the **Federal Register**.

779. *It is further ordered*, pursuant to sections 1, 2, 4(i), 4(j), 160, 201–205, 211, 214, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 160, 201–205, 211, 214, 303(r); sections 1–6 of the Cable Landing License Act of 1921, 42 Stat. 8, 47 U.S.C. 34–39; section 402(b)(2)(B), (c) of the Telecommunications Act of 1996, Public Law 104–104, 110 Stat. 56, 47 U.S.C. 204 note, 208 note, 214 note; and § 1.3 of the Commission's rules, 47 CFR 1.3, that §§ 1.763, 43.82, 63.03, 63.04, 63.09 through 63.14, 63.17, 63.18, 63.20 through 63.25, 63.50 through 63.53, 63.65, 63.66, 63.100, 63.701, and 63.702 of the Commission's rules, 47 CFR 1.763, 43.82, 63.03, 63.04, 63.09 through 63.14, 63.17, 63.18, 63.20 through 63.25, 63.50 through 63.53, 63.65, 63.66, 63.100, 63.701, and 63.702, are waived as applied to the provision of broadband internet access service.

780. *It is further ordered* that a copy of the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration shall be sent by

Certified Mail, Return Receipt Requested, and by regular first-class mail to the addresses of record of China Mobile International (USA) Inc., China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, Pacific Networks Corp., and ComNet (USA) LLC, and shall be posted in the Office of the Secretary pursuant to section 413 of the Communications Act of 1934, as amended, 47 U.S.C. 413.

781. *It is further ordered*, pursuant to sections 1, 2, 4(i), 4(j), 10, 303(r), 309, 310, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 160, 303(r), 309, 310, 403, and §§ 1.3 and 1.5000 through 1.5004 of the Commission's rules, 47 CFR 1.3, 1.5000 through 1.5004, that the requirements to request a declaratory ruling pursuant to section 310(b)(3)–(4) of the Act and §§ 1.5000 through 1.5004 of the Commission's rules are waived for common carrier wireless licensees that are providing *only* broadband internet access service pending the adoption of any rules for broadband internet access service.

782. *It is further ordered*, pursuant to sections 1, 2, 4(i), 4(j), 222, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 222, 303(r), and § 1.3 of the Commission's rules, 47 CFR 1.3, that part 64, subpart U, of the Commission's rules is waived as applied to the provision of broadband internet access service.

783. *It is further ordered* that the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration *shall be effective* 60 days after publication in the **Federal Register**, except that those amendments which contain new or modified information collection requirements will not become effective until after the Office of Management and Budget completes any review that the Wireline Competition Bureau determines is required under the Paperwork Reduction Act. The Commission directs the Wireline Competition Bureau to announce the effective date for those amendments by subsequent Public Notice. It is our intention in adopting the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration that, if any provision of the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration, or the application thereof to any person or circumstance, is held to be unlawful, the remaining portions of such Declaratory Ruling, Order, Report and Order, and Order on Reconsideration not be deemed unlawful, and the application of such Declaratory Ruling, Order, Report and Order, and Order on Reconsideration to

other person or circumstances, shall remain in effect to the fullest extent permitted by law.

784. *It is further ordered* that the Office of the Secretary, Reference Information Center *shall send* a copy of the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration, including the Final Regulatory Flexibility Analysis and Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

785. *It is further ordered* that the Office of the Managing Director, Performance and Program Management, *shall send* a copy of the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

786. *It is ordered*, that, pursuant to 47 CFR 1.4(b)(1), the period for filing petitions for reconsideration or petitions for judicial review of the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration will commence on the date that a summary of the Declaratory Ruling, Order, Report and Order, and Order on Reconsideration is published in the **Federal Register**.

787. *It is further ordered* that the Petitions for Reconsideration of the *Restoring Internet Freedom Remand Order* (86 FR 994 (Jan. 7, 2021)) are *granted* to the extent described herein and otherwise *dismissed as moot*.

List of Subjects for 47 CFR Parts 8 and 20

Common carriers, Communications, Communications common carriers, Radio, Reporting and recordkeeping requirements, Satellites, Telecommunications.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

Final Rules

For the reasons set out in this document, the Federal Communications Commission amends 47 CFR chapter I as follows:

■ 1. Under the authority of 47 U.S.C. 151, 152, 153, 154(i)–(j), 160, 163, 201, 202, 206, 207, 208, 209, 214, 215, 216, 217, 218, 219, 220, 230, 251, 254, 256, 257, 301, 303, 304, 307, 309, 310, 312, 316, 332, 403, 501, 503, 522, 1302, revise the heading for subchapter A to read as follows:

Subchapter A—Internet Openness

PART 8—SAFEGUARDING AND SECURING THE OPEN INTERNET

- 2. The authority citation for part 8 is revised to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 163, 201, 202, 206, 207, 208, 209, 216, 217, 257, 301, 302a, 303, 304, 307, 309, 312, 316, 332, 403, 501, 503, 522, 1302, 1753.

- 3. Revise the heading for part 8 to read as set forth above.

§ 8.1 [Redesignated as § 8.2]

- 4. Redesignate § 8.1 as § 8.2.

- 5. Add new § 8.1 to read as follows:

§ 8.1 Definitions.

(a) [Reserved]

(b) *Broadband Internet access service.* A mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. This term also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in the previous sentence or that is used to evade the protections set forth in this part.

(c) *Edge provider.* Any individual or entity that provides any content, application, or service over the internet, and any individual or entity that provides a device used for accessing any content, application, or service over the internet.

(d) *End user.* Any individual or entity that uses a broadband internet access service.

(e) *Reasonable network management.* A network management practice is a practice that has a primarily technical network management justification, but does not include other business practices. A network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband internet access service.

§ 8.2 [Amended]

- 6. Amend newly redesignated § 8.2 by removing paragraph (c).
- 7. Delayed indefinitely, further amend newly redesignated § 8.2 by:
- a. Revising the introductory text of paragraph (a);
- b. Removing paragraph (a)(7); and
- c. Revising paragraph (b).

The revisions read as follows:

§ 8.2 Transparency.

(a) A person engaged in the provision of broadband internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain internet offerings. Disclosures made under this paragraph (a) must be displayed on the broadband internet access service provider's website in a machine-readable format.

*(* * * *)

(b) Compliance with paragraphs (a)(1), (2), and (4) through (6) of this section for providers with 100,000 or fewer subscriber lines is required as of October 10, 2024, and for all other providers is required as of April 10, 2024, except that compliance with the requirement in paragraph (a)(2) of this section to make labels accessible in online account portals will not be required for all providers until October 10, 2024. Compliance with paragraph (a)(3) of this section is required for all providers as of October 10, 2024.

- 8. Add § 8.3 to read as follows:

§ 8.3 Conduct-based rules.

(a) *No blocking.* A person engaged in the provision of broadband internet access service, insofar as such person is so engaged, shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management.

(b) *No throttling.* A person engaged in the provision of broadband internet access service, insofar as such person is so engaged, shall not impair or degrade lawful internet traffic on the basis of internet content, application, or service, or use of a non-harmful device, subject to reasonable network management.

(c) *No paid prioritization.* (1) A person engaged in the provision of broadband internet access service, insofar as such person is so engaged, shall not engage in paid prioritization. "Paid prioritization" refers to the management of a broadband provider's network to directly or indirectly favor some traffic over other traffic, including through use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either:

- (i) In exchange for consideration (monetary or otherwise) from a third party; or
- (ii) To benefit an affiliated entity.

(2) The Commission may waive the ban on paid prioritization only if the petitioner demonstrates that the practice would provide some significant public interest benefit and would not harm the open nature of the internet.

(d) *No unreasonable interference or unreasonable disadvantage standard for internet conduct.* (1) Any person engaged in the provision of broadband internet access service, insofar as such person is so engaged, shall not unreasonably interfere with or unreasonably disadvantage:

(i) End users' ability to select, access, and use broadband internet access service or the lawful internet content, applications, services, or devices of their choice; or

(ii) Edge providers' ability to make lawful content, applications, services, or devices available to end users.

(2) Reasonable network management shall not be considered a violation of this paragraph (d).

(e) *Effect on other obligations or authorizations.* Nothing in this part supersedes any obligation or authorization a provider of broadband internet access service may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities, consistent with or as permitted by applicable law, or limits the provider's ability to do so. Nothing in this part prohibits reasonable efforts by a provider of broadband internet access service to address copyright infringement or other unlawful activity.

- 9. Add § 8.6 to read as follows:

§ 8.6 Advisory opinions.

(a) *Procedures.* (1) Any entity that is subject to the Commission's open internet rules in this part may request an advisory opinion from the Enforcement Bureau regarding the permissibility of its proposed policies and practices relating to broadband internet access service. Requests for advisory opinions may be filed via the Commission's website or with the Office of the Secretary and must be copied to the Chief of the Enforcement Bureau and the Chief of the Investigations and Hearings Division of the Enforcement Bureau.

(2) The Enforcement Bureau may, in its discretion, determine whether to issue an advisory opinion in response to a particular request or group of requests and will inform each requesting entity, in writing, whether the Bureau plans to issue an advisory opinion regarding the matter in question.

(3) Requests for advisory opinions must relate to a proposed policy or practice that the requesting party

intends to pursue. The Enforcement Bureau will not respond to requests for opinions that relate to ongoing or prior conduct, and the Bureau may initiate an enforcement investigation to determine whether such conduct violates the open internet rules in this part. Additionally, the Bureau will not respond to requests if the same or substantially the same conduct is the subject of a current Government investigation or proceeding, including any ongoing litigation or open rulemaking at the Commission.

(4) Requests for advisory opinions must be accompanied by all material information sufficient for Enforcement Bureau staff to make a determination on the policy or practice for which review is requested. Requesters must certify that factual representations made to the Bureau are truthful and accurate, and that they have not intentionally omitted any information from the request. A request for an advisory opinion that is submitted by a business entity or an organization must be executed by an individual who is authorized to act on behalf of that entity or organization.

(5) Enforcement Bureau staff will have discretion to ask parties requesting advisory opinions, as well as other parties that may have information relevant to the request or that may be impacted by the proposed conduct, for additional information that the staff deems necessary to respond to the request. Such additional information, if furnished orally or during an in-person conference with Bureau staff, shall be promptly confirmed in writing. Parties are not obligated to respond to staff inquiries related to advisory opinions. If a requesting party fails to respond to a staff inquiry, then the Bureau may dismiss that party's request for an advisory opinion. If a party voluntarily responds to a staff inquiry for additional information, then it must do so by a deadline to be specified by Bureau staff. Advisory opinions will expressly state that they rely on the representations made by the requesting party, and that they are premised on the specific facts and representations in the request and any supplemental submissions.

(b) *Response.* After review of a request submitted under this section, the Enforcement Bureau will:

(1) Issue an advisory opinion that will state the Bureau's present enforcement intention with respect to whether or not the proposed policy or practice detailed in the request complies with the Commission's open internet rules in this part;

(2) Issue a written statement declining to respond to the request; or

(3) Take such other position or action as it considers appropriate. An advisory opinion states only the enforcement intention of the Enforcement Bureau as of the date of the opinion, and it is not binding on any party. Advisory opinions will be issued without prejudice to the Enforcement Bureau or the Commission to reconsider the questions involved, or to rescind or revoke the opinion. Advisory opinions will not be subject to appeal or further review.

(c) *Enforcement effect.* The Enforcement Bureau will have discretion to indicate the Bureau's lack of enforcement intent in an advisory opinion based on the facts, representations, and warranties made by the requesting party. The requesting party may rely on the opinion only to the extent that the request fully and accurately contains all the material facts and representations necessary to issuance of the opinion and the situation conforms to the situation described in the request for opinion. The Bureau will not bring an enforcement action against a requesting party with respect to any action taken in good faith reliance upon an advisory opinion if all of the relevant facts were fully, completely, and accurately presented to the Bureau, and where such action was promptly discontinued upon notification of rescission or revocation of the Commission's or Bureau's approval.

(d) *Public disclosure.* The Enforcement Bureau will make advisory opinions available to the public on the Commission's website. The Bureau will also publish the initial request for guidance and any associated materials. Parties soliciting advisory opinions may request confidential treatment of information submitted in connection with a request for an advisory opinion pursuant to § 0.459 of this chapter.

(e) *Withdrawal of request.* Any requesting party may withdraw a request for review at any time prior to receipt of notice that the Enforcement Bureau intends to issue an adverse opinion, or the issuance of an opinion. The Enforcement Bureau remains free, however, to submit comments to such requesting party as it deems appropriate. Failure to take action after receipt of documents or information, whether submitted pursuant to this procedure or otherwise, does not in any way limit or stop the Bureau from taking such action at such time thereafter as it deems appropriate. The Bureau reserves the right to retain documents submitted to it under this procedure or otherwise and to use them for all governmental purposes.

PART 20—COMMERCIAL MOBILE SERVICES

■ 10. The authority citation for part 20 continues to read as follows:

Authority: 47 U.S.C. 151, 152(a), 154(i), 155, 157, 160, 201, 214, 222, 251(e), 301, 302, 303, 303(b), 303(r), 307, 307(a), 309, 309(j)(3), 316, 316(a), 332, 610, 615, 615a, 615b, and 615c, unless otherwise noted.

■ 11. Amend § 20.3 by:

■ a. Revising the definitions of “Commercial mobile radio service”;

■ b. Removing the definition of “Interconnected Service” and adding the definition for “Interconnected service” in its place; and

■ c. Removing the definition for “Public Switched Network” and adding the definition for “Public switched network” in its place.

The revision and additions read as follows:

§ 20.3 Definitions.

* * * * *

Commercial mobile radio service. A mobile service that is:

(1)(i) Provided for profit, *i.e.*, with the intent of receiving compensation or monetary gain;

(ii) An interconnected service; and

(iii) Available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or

(2) The functional equivalent of such a mobile service described in paragraph (1) of this definition, including a mobile broadband internet access service as defined in § 8.1 of this chapter.

(3) A variety of factors may be evaluated to make a determination whether the mobile service in question is the functional equivalent of a commercial mobile radio service, including: Consumer demand for the service to determine whether the service is closely substitutable for a commercial mobile radio service; whether changes in price for the service under examination, or for the comparable commercial mobile radio service, would prompt customers to change from one service to the other; and market research information identifying the targeted market for the service under review.

(4) Unlicensed radio frequency devices under part 15 of this chapter are excluded from this definition of *commercial mobile radio service*.

* * * * *

Interconnected service. A service:

(1) That is interconnected with the public switched network, or interconnected with the public switched network through an interconnected service provider, that gives subscribers

the capability to communicate to or receive communication from other users on the public switched network; or

(2) For which a request for such interconnection is pending pursuant to section 332(c)(1)(B) of the Communications Act, 47 U.S.C. 332(c)(1)(B). A mobile service offers interconnected service even if the service allows subscribers to access the public switched network only during specified hours of the day, or if the

service provides general access to points on the public switched network but also restricts access in certain limited ways. Interconnected service does not include any interface between a licensee's facilities and the public switched network exclusively for a licensee's internal control purposes.

* * * * *

Public switched network. The network that includes any common carrier

switched network, whether by wire or radio, including local exchange carriers, interexchange carriers, and mobile service providers, that uses the North American Numbering Plan, or public IP addresses, in connection with the provision of switched services.

* * * * *

[FR Doc. 2024-10674 Filed 5-21-24; 8:45 am]

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