



FEDERAL REGISTER

Vol. 89 Tuesday,
No. 103 May 28, 2024

Pages 46015–46308

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at www.govinfo.gov, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, gpocusthelp.com.

The annual subscription price for the **Federal Register** paper edition is \$860 plus postage, or \$929, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 89 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-09512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:
Email FRSubscriptions@nara.gov
Phone 202-741-6000

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: <https://www.gpo.gov/frsubs>.



Contents

Federal Register

Vol. 89, No. 103

Tuesday, May 28, 2024

Agricultural Marketing Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46055–46056

Agriculture Department

See Agricultural Marketing Service

See Rural Utilities Service

Air Force Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46084–46085

Centers for Disease Control and Prevention

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46117–46122

Centers for Medicare & Medicaid Services

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46122–46123

Civil Rights Commission

NOTICES

Hearings, Meetings, Proceedings, etc.:
Tennessee Advisory Committee, 46057

Coast Guard

RULES

Drawbridge Operations:
Cuyahoga River, Cleveland, OH, 46021–46023

PROPOSED RULES

Safety Zone:
Hurricanes, Tropical Storms, and other Storms with High Winds; Captain of the Port Zone Delaware Bay, 46043–46046

Commerce Department

See International Trade Administration

See National Institute of Standards and Technology

See National Oceanic and Atmospheric Administration

Community Living Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Information Collection for Administration on Aging Formula Grant Programs, 46123–46125

Comptroller of the Currency

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under the Fair and Accurate Credit Transactions Act, 46304–46305
Registration of Mortgage Loan Originators, 46303–46304

Corporation for National and Community Service

RULES

AmeriCorps State and National Updates, 46024–46035

Defense Acquisition Regulations System

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Defense Federal Acquisition Regulation Supplement;
Assessing Contractor Implementation of Cybersecurity Requirements, 46085

Defense Department

See Air Force Department

See Defense Acquisition Regulations System

See Navy Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46086–46088, 46090–46092
Charter Amendments, Establishments, Renewals and Terminations:
Board of Regents, Uniformed Services University of the Health Sciences, 46088–46089
Department of the Air Force Scientific Advisory Board, 46092
National Security Education Board, 46090
U.S. Army Science Board, 46089
U.S. Strategic Command Strategic Advisory Group, 46087–46088
Hearings, Meetings, Proceedings, etc.:
Reserve Forces Policy Board, 46085–46086

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Center for College Students with Disabilities Database of Disability Services and Activities in Higher Education, 46097–46098
Applications for New Awards:
Centers of Excellence for Veteran Student Success Program, 46098–46103
Education Research and Special Education Research Grant Programs, 46093–46097

Energy Department

See Energy Information Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46103–46104

Energy Information Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46104–46106

Environmental Protection Agency

PROPOSED RULES

Air Quality State Implementation Plans; Approvals and Promulgations:
North Carolina; Permitting Provisions Revisions, 46049–46051

NOTICES

Requests for Nominations:

Mobile Sources Technical Review Subcommittee, 46106–46107

Equal Employment Opportunity Commission**RULES**

Amendment of Procedural and Administrative Regulations to Include the Pregnant Workers Fairness Act; Correction, 46021

Export-Import Bank**NOTICES**Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Export-Import Bank Co-financing with Foreign Export Credit Agency, 46107–46108**Federal Aviation Administration****RULES**Airspace Designations and Reporting Points:
Turlock Municipal Airport, Turlock, CA, 46019–46020**PROPOSED RULES**Airspace Designations and Reporting Points:
Akiachak Airport, Akiachak, AK, 46041–46042
Northwestern United States, 46038–46041**NOTICES**Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certification of Repair Stations, 46293–46294**Federal Communications Commission****PROPOSED RULES**Space Innovation:
Mitigation of Orbital Debris in the New Space Age, 46052–46054**NOTICES**Hearings, Meetings, Proceedings, etc.:
Technological Advisory Council, 46108**Federal Election Commission****NOTICES**

Meetings; Sunshine Act, 46108

Federal Highway Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46294–46296

Federal Mediation and Conciliation Service**NOTICES**

Privacy Act; Systems of Records, 46108–46112

Federal Mine Safety and Health Review Commission**NOTICES**

Privacy Act; Systems of Records, 46112–46117

Federal Railroad Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46296–46303

Federal Reserve System**NOTICES**

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction, 46117

Fish and Wildlife Service**NOTICES**

Permits; Applications, Issuances, etc.:

Endangered and Threatened Species, 46151–46152
Participation in the General Conservation Plan for Oil and Gas Activities; Draft Categorical Exclusion for the California Lease Remediation North Cat Canyon Oil Field Project; Santa Barbara County, CA, 46153–46155

Proposed Habitat Conservation Plan for the Morro Shoulderband Snail, San Luis Obispo County, CA; Categorical Exclusion, 46150–46151

Wild Bird Conservation Act, 46152–46153

Food and Drug Administration**PROPOSED RULES**

Color Additive Certification:

Increase in Fees for Certification Services, 46042–46043

NOTICES

Emergency Use Authorization:

Drug Product during the COVID–19 Pandemic, 46127–46139

Final Debarment Order:

Jessica Palacio, 46125–46127

Priority Review Voucher:

Paxlovid; Material Threat Medical Countermeasure Product, 46139

Withdrawal of Approval of Drug Application:

Progynon Associates et al., 46139–46141

Government Ethics Office**PROPOSED RULES**

Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations, 46036–46038

Health and Human Services Department*See Centers for Disease Control and Prevention**See Centers for Medicare & Medicaid Services**See Community Living Administration**See Food and Drug Administration**See Health Resources and Services Administration**See National Institutes of Health***Health Resources and Services Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Evaluation of the Maternal and Child Health Bureau Pediatric Mental Health Care Access Program and the Screening and Treatment for Maternal Mental Health and Substance Use Disorders Program, 46143–46144

Implement Maternal, Infant, and Early Childhood Home Visiting Program 2022 Legislative Changes: Assessment of Administrative Burden, 46141–46142

Homeland Security Department*See Coast Guard***Housing and Urban Development Department****RULES**

Housing Opportunity Through Modernization Act:

Housing Choice Voucher and Project-Based Voucher Implementation; Additional Streamlining Changes; Correction, 46020

Interior Department*See Fish and Wildlife Service*

See Land Management Bureau

Internal Revenue Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Intake/Interview and Quality Review Sheets, 46305–46306

International Trade Administration

NOTICES

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Carbazole Violet Pigment 23 from India, 46063–46064
Certain Epoxy Resins from the People's Republic of China, India, the Republic of Korea, and Taiwan, 46061
Certain Stilbenic Optical Brightening Agents from Taiwan, 46067–46068
Charter Amendments, Establishments, Renewals and Terminations:
Renewable Energy and Energy Efficiency Advisory Committee; Requests for Nominations, 46061–46063
Hearings, Meetings, Proceedings, etc.:
President's Export Council, 46060–46061
Sales at Less Than Fair Value; Determinations, Investigations, etc.:
Aluminum Extrusions from the Socialist Republic of Vietnam, 46064–46067
Aluminum Extrusions from the United Arab Emirates, 46057–46060

International Trade Commission

NOTICES

Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Graphics Systems, Components Thereof, and Digital Televisions Containing the Same, 46158–46159
Certain Portable Battery Jump Starters and Components Thereof (III), 46160–46161
Certain Products Containing Tirzepatide and Products Purporting to Contain Tirzepatide, 46159–46160
Large Diameter Welded Pipe from Canada, China, Greece, India, South Korea, and Turkey, 46160

Labor Department

See Occupational Safety and Health Administration

Land Management Bureau

NOTICES

Environmental Impact Statements; Availability, etc.:
Proposed Lisbon Valley Mining Co., LLC Copper Mine Plan of Operations Modification, San Juan County, UT, 46155–46157
Land Acquisition Nomination and Ranking Process for Funds Made Available through the Federal Land Transaction Facilitation Act Reauthorization, 46157–46158

National Institute of Standards and Technology

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for Customer Service-Related Data Collections, 46068–46069

National Institutes of Health

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46147–46148
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 46144–46147
National Center for Complementary and Integrative Health, 46149–46150
National Institute of Allergy and Infectious Diseases, 46145
National Institute of Environmental Health Sciences, 46146
National Institute of Neurological Disorders and Stroke, 46149
National Institute on Drug Abuse, 46145
Office of the Director, 46148–46149

National Oceanic and Atmospheric Administration

RULES

Fisheries off West Coast States:
Coastal Pelagic Species Fisheries; Amendment 21 to the Coastal Pelagic Species Fishery Management Plan, 46035

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Weather Service Fire Weather Social and Behavioral Sciences Research, 46073
Request for Information:
Space Weather Scales, 46072–46073
Taking or Importing of Marine Mammals:
Chevron Long Wharf Maintenance and Efficiency Project in San Francisco Bay, CA, 46069–46072
Marine Site Characterization Surveys Off the Coast of Delaware, 46073–46084

Navy Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46092–46093

Nuclear Regulatory Commission

NOTICES

Environmental Assessments; Availability, etc.:
Connecticut Yankee Atomic Power Co., Haddam Neck Plant, Finding of No Significant Impact, 46170–46173
Licenses; Exemptions, Applications, Amendments, etc.:
Constellation Energy Generation, LLC, Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Independent Spent Fuel Storage Installation, 46174–46176
Dominion Energy Nuclear Connecticut, Inc., Millstone Power Station, Unit No. 3, 46167–46170
Northern States Power Co., Prairie Island Independent Spent Fuel Storage Installation, 46176–46178
Permits; Applications, Issuances, etc.:
US SFR Owner, LLC, 46173–46174

Occupational Safety and Health Administration

NOTICES

Nationally Recognized Testing Laboratories:
Nemko North America, Inc.; Application for Expansion of Recognition, 46165–46167
TUV SUD America, Inc.; Application for Expansion of Recognition, 46162–46163
UL LLC; Application for Expansion of Recognition, 46164–46165

Personnel Management Office**NOTICES**

Hearings, Meetings, Proceedings, etc.:

President's Commission on White House Fellowships
Advisory Committee, 46178**Postal Regulatory Commission****PROPOSED RULES**

Periodic Reporting, 46046–46049

NOTICES

New Postal Products, 46178–46180

Presidential Documents**ADMINISTRATIVE ORDERS**Foreign Assistance Act of 1961; Delegation of Authority
Under Section 506(a)(1) (Memorandum of May 10,
2024), 46017National Defense Authorization Act for Fiscal Year 2012;
Presidential Determination Pursuant to Section
1245(d)(4)(B) and (C) (Presidential Determination No.
2024–04 of May 8, 2024), 46015**Rural Utilities Service****NOTICES**

Hearings, Meetings, Proceedings, etc.:

Distance Learning and Telemedicine Program: Virtual
Public Listening Session, 46056–46057**Securities and Exchange Commission****NOTICES**

Application:

Kennedy Lewis Capital Co. and Kennedy Lewis Capital
Holdings LLC, 46182

Self-Regulatory Organizations; Proposed Rule Changes:

Cboe BYX Exchange, Inc., 46221–46225

Cboe BZX Exchange, Inc., 46214–46221

Cboe EDGA Exchange, Inc., 46202–46205

Cboe EDGX Exchange, Inc., 46187–46191

Financial Industry Regulatory Authority, Inc., 46210–
46214

Long-Term Stock Exchange, Inc., 46225–46243

Nasdaq BX, Inc., 46180–46182

Nasdaq MRX, LLC, 46183–46185

Nasdaq PHLX LLC, 46185–46187

NYSE Chicago, Inc., 46191–46199

The Nasdaq Stock Market LLC, 46199–46201, 46243–
46250

The Options Clearing Corp., 46205–46210

Small Business Administration**NOTICES**Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 46250–46251

Disaster Declaration:

Hawaii, 46250

New York, 46251

State Department**NOTICES**

Hearings, Meetings, Proceedings, etc.:

Preparation for International Maritime Organization

Technical Cooperation Committee 74 Meeting, 46252

Imposition of Nonproliferation Measures against Foreign

Persons, Including a Ban on U.S. Government

Procurement, 46251–46252

Trade Representative, Office of United States**NOTICES**

Request for Comments on Proposed Modifications and

Machinery Exclusion Process in Four-Year Review of

Actions Taken in the Section 301 Investigation:

China's Acts, Policies, and Practices Related to

Technology Transfer, Intellectual Property, and

Innovation, 46252–46293

Transportation Department*See* Federal Aviation Administration*See* Federal Highway Administration*See* Federal Railroad Administration**Treasury Department***See* Comptroller of the Currency*See* Internal Revenue Service**Veterans Affairs Department****NOTICES**

Hearings, Meetings, Proceedings, etc.:

Advisory Committee on Disability Compensation, 46306–
46307

Joint Biomedical Laboratory Research and Development

and Clinical Science Research and Development

Services Scientific Merit Review Board, 46307

Reader AidsConsult the Reader Aids section at the end of this issue for
phone numbers, online resources, finding aids, and notice
of recently enacted public laws.To subscribe to the Federal Register Table of Contents
electronic mailing list, go to [https://public.govdelivery.com/](https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new)
[accounts/USGPOOFR/subscriber/new](https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new), enter your e-mail
address, then follow the instructions to join, leave, or
manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Administrative Orders:****Memorandums:****Memorandum of May**

10, 2024 46017

Presidential**Determinations:**

No. 2024–04 of May 8,

2024 46015

5 CFR**Proposed Rules:**

2641 46036

14 CFR

71 46019

Proposed Rules:

71 (2 documents) 46038,
46041

21 CFR**Proposed Rules:**

80 46042

24 CFR

5 46020

8 46020

42 46020

50 46020

91 46020

92 46020

93 46020

247 46020

290 46020

882 46020

891 46020

903 46020

906 46020

943 46020

945 46020

960 46020

972 46020

982 46020

983 46020

985 46020

1000 46020

29 CFR

1602 46021

33 CFR

117 46021

Proposed Rules:

165 46043

39 CFR**Proposed Rules:**

3050 46046

40 CFR**Proposed Rules:**

52 46049

45 CFR

2520 46024

2521 46024

2522 46024

47 CFR**Proposed Rules:**

5 46052

25 46052

97 46052

50 CFR

660 46035

Presidential Documents

Title 3—

Presidential Determination No. 2024–04 of May 8, 2024

The President

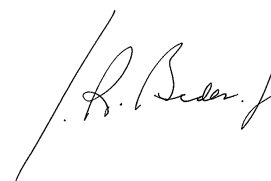
Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Memorandum for the Secretary of State[, the Secretary of the Treasury[, and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States, after carefully considering the reports submitted to the Congress by the Energy Information Administration, including the report submitted in April 2024, and other relevant factors, including global economic conditions, the level of spare capacity, and the availability of strategic reserves, I determine, pursuant to section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012, Public Law 112–81, and consistent with prior determinations, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

I will continue to monitor this situation closely.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, May 8, 2024

Presidential Documents

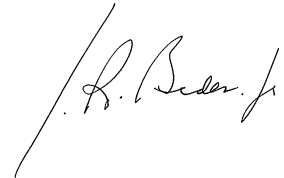
Memorandum of May 10, 2024

Delegation of Authority Under Section 506(a)(1) of the Foreign Assistance Act of 1961

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 621 of the Foreign Assistance Act of 1961 (FAA), I hereby delegate to the Secretary of State the authority under section 506(a)(1) of the FAA to direct the drawdown of up to \$400 million in defense articles and services of the Department of Defense, and military education and training, to provide assistance to Ukraine and to make the determinations required under such section to direct such a drawdown.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, May 10, 2024

Rules and Regulations

Federal Register

Vol. 89, No. 103

Tuesday, May 28, 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 71

[Docket No. FAA–2024–0163; Airspace Docket No. 23–AWP–56]

RIN 2120–AA66

Establishment of Class E Airspace; Turlock Municipal Airport, Turlock, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Turlock Municipal Airport, Turlock, CA, to support the airport's transition from visual flight rules (VFR) operations to instrument flight rules (IFR) operations.

DATES: Effective date 0901 UTC, September 5, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: Nathan A. Chaffman, Federal Aviation Administration, Western Service Center,

Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3460.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace to support IFR operations at Turlock Municipal Airport, Turlock, CA.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2024–0163 in the **Federal Register** (89 FR 14423; February 27, 2024), proposing to establish Class E airspace at Turlock Municipal Airport, Turlock, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E5 airspace areas are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

This action amends 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface

at Turlock Municipal Airport, Turlock, CA. The airport is transitioning from VFR operations to IFR operations, and it requires Class E airspace extending upward from 700 feet above the surface to contain departing aircraft until reaching 1,200 feet above the surface and arriving aircraft below 1,500 feet above the surface. The Class E airspace is centered on the airport reference point with a 6.5-mile radius and extends further to the north through the east of the airport to provide additional containment due to rising terrain.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 Turlock, CA [New]

Turlock Municipal Airport, CA
(Lat. 37°29'03" N, long. 120°41'50" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the airport, within a 7.3-mile radius of the airport from the 352° bearing clockwise to the 096° bearing, and within 2 miles either side of the airport's 046° bearing extending to 8.2 miles northeast of the airport.

* * * * *

Issued in Des Moines, Washington, on May 20, 2024.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2024–11434 Filed 5–24–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 8, 42, 50, 91, 92, 93, 247, 290, 882, 888, 891, 903, 908, 943, 945, 960, 972, 982, 983, 985, and 1000

[Docket No. FR–6092–C–04]

RIN 2577–AD06

Housing Opportunity Through Modernization Act of 2016—Housing Choice Voucher (HCV) and Project-Based Voucher Implementation; Additional Streamlining Changes; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule, correction.

SUMMARY: The Department of Housing and Urban Development is correcting a

final rule entitled, “Housing Opportunity Through Modernization Act of 2016—Housing Choice Voucher (HCV) and Project-Based Voucher Implementation; Additional Streamlining Changes” that published on May 7, 2024.

DATES: Effective: June 6, 2024.

FOR FURTHER INFORMATION CONTACT: For information regarding this correction, contact Allison Lack, Assistant General Counsel for Regulations, Department of Housing and Urban Development, 451 7th Street SW, Room 10238, Washington, DC 20410; telephone number 202–708–1793 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION: On May 7, 2024, HUD published a final rule amending HUD’s regulations to implement changes to the Housing Choice Voucher (HCV) and Project-Based Voucher (PBV) programs made by the Housing Opportunity Through Modernization Act of 2016 (HOTMA) (89 FR 38224) (FR Doc. 2024–08601). In reviewing the May 7, 2024, final rule, HUD identified five inadvertent errors.

First, in the final rule, certain amendments are delayed indefinitely. Initially, in the **DATES** heading, HUD incorrectly identified the delayed amendment to 24 CFR 983.157 as located in instruction 100. The correct instruction is 99.

Second, amendatory instruction 64 incorrectly states the existing regulatory text in § 982.402(b)(2) as “housing quality standards (HQS)”. In fact, the text to be replaced reads “housing quality standards”.

Third, § 983.10 incorrectly contains paragraph (b)(3) twice, each with the same text. This paragraph should only be included once.

Fourth, § 983.51(e)(2) incorrectly omits paragraph (ii) and instead contains two paragraphs designated “(iii)”, each with the same text. The first of the two paragraphs should be designated as paragraph (ii) and read: “The project meets the environmental review requirements at § 983.56, if applicable; and”.

Fifth, the revisions to part 983, subpart D incorrectly excluded § 983.157, which should have been removed. A subsequent instruction correctly adds a new § 983.157,

although it is delayed pending future publication in the **Federal Register**.

Correction

Accordingly, FR Doc. 2024–08601, Housing Opportunity Through Modernization Act of 2016—Housing Choice Voucher (HCV) and Project-Based Voucher Implementation; Additional Streamlining Changes, published on May 7, 2024, (89 FR 38224) is corrected as follows:

1. On page 38224, in the first column, in the **DATES** section, the first paragraph is corrected to read as follows:

Effective date: June 6, 2024, except the following sections, which are delayed indefinitely: instruction 69, § 982.451(c); instruction 98, § 983.154(g) and (h); instruction 99, § 983.157; and instruction 103, § 983.204(e).

§ 982.402 [CORRECTED]

■ 2. On page 38296, in the third column, in § 982.402, amendatory instruction 64 is corrected to read as follows:

■ 64. Amend § 982.402(b)(2) by removing the words “housing quality standards” and adding, in their place, the term “HQS”.

§ 983.10 [CORRECTED]

■ 3. On page 38308, in the second column, in § 983.10, remove the second paragraph (b)(3).

■ 4. On page 38310, in the third column, correct § 983.51 by removing the first of the two paragraphs (e)(2)(iii), and adding, in its place, a paragraph (e)(2)(ii) to read as follows:

§ 983.51 Proposal and project selection procedures.

(e) * * *

(2) * * *

(ii) The project meets the environmental review requirements at § 983.56, if applicable;

Subpart D [Corrected]

■ 5. On page 38318, in the third column, amendatory instruction 97 is corrected to read as follows:

■ 97. Amend subpart D by:

■ a. Revising § 983.151 through § 983.156; and

■ b. Removing § 983.157.

The revisions read as follows:

Allison Lack,

Assistant General Counsel for Regulations.

[FR Doc. 2024–11629 Filed 5–24–24; 8:45 am]

BILLING CODE 4210–67–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**29 CFR Part 1602**

RIN 3046-AB31

Amendment of Procedural and Administrative Regulations To Include the Pregnant Workers Fairness Act; Corrections**AGENCY:** Equal Employment Opportunity Commission.**ACTION:** Correcting amendments.

SUMMARY: On February 14, 2024, the Equal Employment Opportunity Commission (“EEOC” or “Commission”) published an interim final rule amending its procedural and recordkeeping regulations to include references to the Pregnant Workers Fairness Act (“PWFA”). That document included a few references to the PWFA in sections where they should not have been included, and this document removes those references from the regulations.

DATES: Effective on May 28, 2024.**FOR FURTHER INFORMATION CONTACT:**

Kathleen Oram, Assistant Legal Counsel, at (202) 921-3240 or kathleen.oram@eoc.gov. Requests for this notification in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 921-3191 (voice), (800) 669-6820 (TTY), or (844) 234-5122 (ASL Video Phone).

SUPPLEMENTARY INFORMATION: The Pregnant Workers Fairness Act, 42 U.S.C. 2000gg *et seq.*, became law on December 29, 2022, and was effective on June 27, 2023. The PWFA at 42 U.S.C. 2000gg-2, adopted the enforcement mechanisms and procedures of Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Government Employee Rights Act of 1991 (“GERA”), such that these requirements also apply to the PWFA. The Commission’s procedural rules implementing all of these Title VII and GERA provisions can be found at 29 CFR parts 1601-1603, 1610, 1611, 1614, and 1626.

On February 14, 2024, the Commission issued an interim final rule amending these regulations to add references to the PWFA in order to implement the new law. See Interim Final Rule; Request for Comments, 89 FR 11167.¹ In the Interim Final Rule, references to the PWFA were inadvertently added to four subsections pertaining to recordkeeping in part 1602

without the Paperwork Reduction Act (“PRA”) supporting materials pursuant to 29 CFR 1320.11, or the opportunity for a public hearing pursuant to 42 U.S.C. 2000e-8(c) (as incorporated into the PWFA by 42 U.S.C. 2000gg-2). Therefore, the addition of PWFA references to these four subsections was not effective, and this correction removes them. These four subsections are the only parts of the interim final rule to be changed here, and the remainder of the rule remains in effect.

List of Subjects in 29 CFR Part 1602

Administrative practice and procedure, Equal employment opportunity.

Accordingly, 29 CFR part 1602 is corrected by making the following correcting amendments:

PART 1602—RECORDKEEPING AND REPORTING REQUIREMENTS UNDER TITLE VII, THE ADA, GINA, AND THE PWFA

■ 1. The authority citation for part 1602 continues to read as follows:

Authority: 42 U.S.C. 2000e-8, 2000e-12; 44 U.S.C. 3501 *et seq.*; 42 U.S.C. 12117; 42 U.S.C. 2000ff-6; 42 U.S.C. 2000gg-2.

§§ 1602.14, 1602.21, 1602.28, and 1602.31 [Amended]

■ 2. Removing the words “title VII, the ADA, GINA, or the PWFA” and adding in their place the words “title VII, the ADA, or GINA” wherever they appear in the following places:

- a. § 1602.14;
- b. § 1602.21(b);
- c. § 1602.28(a); and
- d. § 1602.31.

For the Commission.

Charlotte A. Burrows,
Chair.

[FR Doc. 2024-11611 Filed 5-24-24; 8:45 am]

BILLING CODE 6570-01-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[Docket No. USCG-2023-0188]

RIN 1625-AA09

Drawbridge Operation Regulation; Cuyahoga River, Cleveland, OH**AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

SUMMARY: The Coast Guard is creating a new operating schedule to govern all

movable bridges over the Cuyahoga River. The Coast Guard is also establishing new rules that will assist mariners signal for and anticipate bridge openings. These changes are expected to ensure the safe and efficient flow of traffic on the Cuyahoga River.

DATES: This rule is effective June 27, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type the docket number (USCG-2023-0188) in the “SEARCH” box and click “SEARCH”. In the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this final rule, call or email Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216-902-6085, email Lee.D.Soule@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR	Code of Federal Regulations
CRSTF	Cuyahoga River Safety Task Force
DHS	Department of Homeland Security
FR	Federal Register
GBCA	Greater Cleveland Boating Association
IGLD85	International Great Lakes Datum of 1985
LWD	Low Water Datum based on IGLD85
OMB	Office of Management and Budget
PAWSA	Ports And Waterway Safety Assessment
NPRM	Notice of Proposed Rulemaking
§	Section
U.S.C.	United States Code

II. Background Information and Regulatory History

On May 22, 2023, the Coast Guard published a Notice of Proposed Rulemaking (NPRM), with a request for comments, entitled “Drawbridge Operation Regulation; Cuyahoga River, Cleveland, OH” in the **Federal Register** (88 FR 32709), to seek your comments on whether the Coast Guard should consider modifying the current operating schedule.

During the comment period that ended July 21, 2023, we received five comments. Those comments are addressed in Section IV of this final rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The Coast Guard is establishing new rules that will help mariners signal for and anticipate bridge openings. The Cuyahoga River is considered one of the major industrial centers in the Great Lakes and handles several commodities

¹ The Commission corrected two typographical errors in the interim final rule on February 23, 2024, at 89 FR 13617.

for domestic and international commerce, including steel, heavy machinery, dry and liquid bulk products, and salt. Heavy recreational traffic is concentrated in the Old River and on the Cuyahoga River up to mile 2.42 during the summer. This mix of large commercial vessels and recreational vessels are a concern to the Coast Guard and mariners alike. Mariners have raised concerns to the Ninth Coast Guard District regarding the safety and consistency of moveable bridge operations on the Cuyahoga River, specifically the Norfolk Southern Railroad Bridge, at Mile 0.76.

The Norfolk Southern Railroad Bridge, at Mile 0.76, is locally known as NS1. Mariners have complained for years that it is too slow to lift for cruise ships, freighters, and recreational boats transiting between the river and Lake Erie. The Coast Guard receives approximately two hundred written formal and informal reports of unreasonable bridge delays across the Great Lakes region each year; the vast majority concern the Norfolk Southern Railroad Bridge, mile 0.76. Businesses in the Cleveland Flats neighborhood, a neighborhood adjacent to the Norfolk Southern Railroad Bridge, mile 0.76, have expressed that problems at the bridge are getting worse. The increase in problems appear to stem from increased recreational river traffic and as a result of Norfolk Southern's decision to move the bridge's dispatch center to Atlanta, Georgia. Local drawtenders maintain that their only duty is to open the bridge when the dispatcher in Atlanta, Georgia orders them to do so.

Emergency responders are also cautious when operating near Norfolk Southern Railroad Bridge, at Mile 0.76. Norfolk Local police and the Coast Guard patrol boats have expressed concern that their boats could be trapped behind the bridge, thus delaying emergency response to events on the other side.

Modern bridge regulations are needed to allow vessel operators the opportunity to pass through the Cuyahoga River without loitering at the bridges and causing a hazardous condition. These regulatory additions were proposed in response to those concerns.

IV. Discussion of Comments, Changes, and the Final Rule

The conditions of the NPRM were supported by the comments received from the Canadian Chamber of Marine Commerce.

The GBCA concurred with the requirements proposed in the NPRM, including a clock countdown to notify

mariners of the next opening of the Norfolk Southern Railroad Bridge at Mile 0.76. The GBCA expressed its dissatisfaction with operations at Norfolk Southern Railroad Bridge at Mile 0.76. The GBCA noted that recreational vessels are often forced to wait for a commercial vessel opening, as the bridge operators are non-responsive to recreational traffic opening requests.

The American Waterways Operators is the tugboat, towboat, and barge industry's advocate. They commented against requiring a countdown clock and would prefer mandated scheduled openings for non-commercial vessels to pass through the bridge. The Coast Guard weighed this option, but elected to move forward with a countdown clock, as the clock best met the needs of recreational boating community as it related to transparency and improved communications.

Norfolk Southern Corporation commented that the Coast Guard did not seek appropriate comment from Norfolk Southern prior to the release of the NPRM. However, the Coast Guard has invited Norfolk Southern to area and regional meetings, including monthly virtual meetings, and the public meeting where the contemplated NPRM was discussed in open forum.

Norfolk Southern commented that they believe the use of a countdown clock would cause an unsafe condition at the bridge because some vessels may race to the bridge to take advantage of the pending opening. To the extent that people may rush toward a bridge opening, this is already happening: Large numbers of recreational boaters that have been waiting at the bridge, often for over an hour and at times in poor weather conditions, crowd the area and rush behind the commercial traffic so they can return to their home docks. This problem is caused primarily by Norfolk Southern Railroad Bridge's failure to respond to requests for an opening. The Coast Guard believes that the communication enhancements contained in this final rule, to include a countdown clock, will overall improve safety by increasing Norfolk Southern's transparency, communications and responsiveness as it relates to the boating community.

Norfolk Southern has argued that rail dispatchers have no idea where their trains are or how fast their trains are traveling, and thus Norfolk Southern is unable to determine when a train will arrive at the bridge, which would render a countdown clock to openings meaningless. This comment is not consistent with the Coast Guard's experience as to how railroad operators function.

Most public complaints concern communications between mariners and the drawtenders, specifically the perceived lack of responsiveness by the drawtenders when mariners request an opening or when they request an update for time of the next opening. While the precise cause of each individual public complaint is unclear, poor communications between the Cleveland drawtender and the dispatcher in Atlanta may also contribute to the problem.

This regulation, including a countdown clock, required posting of a phone number, mandatory use of a VHF-FM Marine Radio by the drawtender, and mandatory signage, are all efforts to improve safety and communications between the drawtender and mariners.

The Coast Guard made a typographical error in the NPRM that would require the new signage to indicate to the public that the bridge is remotely operated language. However, the bridge is not currently remotely operated, and the Coast Guard does not intend to require a statement that the bridge is remotely operated.

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.

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, it has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the ability that vessels can still transit the bridge given advanced notice or that the additional communications requirements are a result in years of failure for the boating public to contact the drawtender either because of overcrowding on VHF-FM marine Channel 16 or other reasons not forthcoming from the bridge employees.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 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 did not receive any comments from the Small Business Administration on this rule. 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 bridge 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 contact 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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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 Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has 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 promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; DHS Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 117.848 Cleveland Harbor to read as follows:

§ 117.848 Cleveland Harbor.

(a) The Norfolk Southern Railroad Bridge, mile 0.76, will open on signal.

(1) The bridge owner will maintain and monitor a VHF–FM Marine Radio, and telephone.

(2) The bridge will display a clock that counts down the estimated time of the next bridge opening that is visible to vessels approaching from the upriver or downriver side of the bridge.

(3) The bridge will also display a sign readable from vessels approaching the bridge from upriver or downriver and readable for 500 feet that states:

(i) the name of the bridge;

(ii) the river mile;

(iii) the opening signal of the bridge is one prolonged blast followed by one short blast of the horn or VHF–FM Marine Radio Channel 16, or by calling the number posted by the owner.

(b) All remaining moveable vehicle and railroad bridges on the Cuyahoga River will open on signal, except from December 15 through March 31 when the bridges will open if a 12-hour advance notice is provided. Said bridges include: Willow Avenue Bridge at Mile 1.02; Center Street Bridge, mile 1.28; the Columbus Road Bridge, mile 1.93; the Flats Industrial Railroad Bridge, mile 2.24; the City of Cleveland Railroad Bridge, mile 2.42; the Carter Road Bridge, mile 2.43; the Norfolk Southern Railroad Bridge the West 3rd Street Bridge, mile 3.42; the CSX Railroad Bridge, mile 4.75; the Cleveland Cliffs Railroad Bridge #1, mile 5.42; and the Wheeling & Lake Erie Railroad Bridge.

(c) The Voinovich Pedestrian Bridge, at the mouth of North Coast Harbor, will open on signal except from December 15 through March 31 when the bridge will open if a 12-hour advance notice is provided.

Jonathan Hickey,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2024–11608 Filed 5–24–24; 8:45 am]

BILLING CODE 9110–04–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2520, 2521, and 2522

RIN 3045-AA84

AmeriCorps State and National Updates

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: The Corporation for National and Community Service (operating as AmeriCorps) is revising its regulations governing the AmeriCorps State and National program to provide programmatic and grantmaking flexibilities while protecting program integrity and safeguarding taxpayer funds. This rule limits AmeriCorps State and National grantees' required share of program costs (known as "match" or "cost share") to a scale that starts at 24 percent for the first three-year grant cycle and increases more incrementally with each successive three-year grant cycle, until it reaches 30 percent in the fourth three-year grant cycle (that is, the tenth year of the grant) and beyond; simplifies the criteria that allow AmeriCorps to waive match for AmeriCorps State and National grantees; allows AmeriCorps to grant waivers of education hour limitations under certain circumstances to permit members serving with AmeriCorps State and National grantees to spend an increased number of hours on education and training activities; and removes the four-term limit on service in AmeriCorps State and National programs, with a clarification of the number of terms for which AmeriCorps will fund member benefits. Non-substantive changes in this rule are updates to nomenclature to reflect that the Corporation for National and Community Service operates as AmeriCorps, deletion of provisions that were based on a statutory provision that has since been deleted, and updates to outdated citations.

DATES: This rule is effective on October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Jennifer Bastress-Tahmasebi, Deputy Director, AmeriCorps State and National at JBastressTahmasebi@americorps.gov, (202) 606-6667; or Elizabeth Appel, Associate General Counsel, at EAppel@americorps.gov, (202) 967-5070.

SUPPLEMENTARY INFORMATION:

I. Background

II. Overview of Rule

- A. Waiver of the Current 20 Percent Limit on Education and Training Activities—§ 2520.50

- B. Revising Match Requirements—§ 2521.60

- C. Criteria for Waiving Match Requirements—§ 2521.70

- D. Limit on Number of Terms an Individual May Serve in AmeriCorps State and National—§ 2522.235

III. Comments on Proposed Rule and Responses

- A. Waiver of the Current 20 Percent Limit on Education and Training Activities—§ 2520.50

1. Support for the Waiver Opportunity
2. Opposition to the Waiver Opportunity
3. Request To Delete or Raise the Limit Overall, Instead of Issuing Individual Waivers
4. Request for Changes to the Waiver Criteria
5. Questions on How the Waiver Process Would Work

- B. Revising Match Requirements—§ 2521.60

1. Support for Proposed Match Scale
2. Opposition to Proposed Match Scale
 - a. Need for More Match Relief
 - b. Inflation and Costs Already Increase Required Match
 - c. AmeriCorps' Match Is More Difficult Than Other Federal Agencies
 - d. The Proposed Match Scale Would Undermine Programs' Effectiveness
 - e. The Proposed Match Scale Increases Burden and Risk
 - f. Request for 25 Percent Match in Lieu of Proposed Match Scale
3. Opposition to Match, Generally

- C. Criteria for Waiving Match Requirements—§ 2521.70

1. Support for the Proposed Match Waiver
2. Opposition to the Proposed Waiver-Based System
3. Requests To Change Waiver Criteria
4. Comments on Waiver Process

- D. Limit on Number of Terms an Individual May Serve in AmeriCorps State and National—§ 2522.235

1. Support for Removing the Limit on Number of Terms
2. Request for Clarification That Service Not Limited to Number of Terms To Attain Two Education Awards
3. Whether Other Benefits Can Be Earned After Attaining the Value of Two Full-Time Education Awards

IV. Changes From Proposed to Final

- A. Final Match Schedule at § 2521.60
- B. Clarification on Unlimited Number of Terms
- C. Updates to Outdated Provision/Citations
- V. Regulatory Analyses
 - A. Executive Orders 12866 and 13563
 - B. Regulatory Flexibility Act
 - C. Unfunded Mandates Reform Act of 1995
 - D. Paperwork Reduction Act
 - E. Executive Order 13132, Federalism
 - F. Takings (Executive Order 12630)
 - G. Civil Justice Reform (Executive Order 12988)
 - H. Consultation With Indian Tribes (Executive Order 13175)

I. Background

AmeriCorps is revising its AmeriCorps State and National program regulations to address stakeholder

feedback on match requirements, be more consistent with other grant programs within the agency, and reduce barriers to grantee organizations that are specifically designed to provide education and training to members as part of their national service program. AmeriCorps State and National provides grants to States, territories, Indian Tribes, public and private nonprofit organizations, local governments, and institutions of higher education to carry out national service programs, offering a wide range of service opportunities. AmeriCorps State and National also provides general operating funding for State service commissions. AmeriCorps is issuing these revisions under the authority of the National and Community Service Act, as amended, at 42 U.S.C. 12651c(c).

II. Overview of the Final Rule

This rule makes four substantive changes to the AmeriCorps State and National regulations, as described below. In addition, this rule makes nomenclature changes to add a definition for "AmeriCorps" and change "the Corporation" to "AmeriCorps" throughout these regulations to reflect that the Corporation for National and Community Service now operates as AmeriCorps, deletes provisions that were based on a statutory provision that has since been deleted, and updates outdated citations. This final rule includes a delayed effective date in order to allow time to prepare for implementation.

A. Waiver of the Current 20 Percent Limit on Education and Training Activities—§ 2520.50

The current regulation sets a 20 percent limit to the aggregate total of all service hours in a program that AmeriCorps members may spend in education and training activities. As a result, each program must have at least 80 percent of the aggregate of all AmeriCorps member hours in service. This final rule allows AmeriCorps to waive this limit under certain circumstances, to permit up to 50 percent of the aggregate AmeriCorps member hours in a program to be spent in education and training activities. When deciding whether a waiver is appropriate, AmeriCorps will consider whether the AmeriCorps program:

- Is a Registered Apprenticeship program, or
- Is a job training or job readiness program, or
- Includes activities to support member attainment of a GED or high school diploma or occupational, technical, or safety credentials, or

- Primarily enrolls economically disadvantaged AmeriCorps members and is designed to provide soft skills or life skills development for those members.

The final rule allows members in these types of programs who might benefit from additional education and training—for example, people reentering society after incarceration—to participate in national service while acquiring skills and knowledge to ease their transition. Under the current rule, many workforce development and Registered Apprenticeship programs with full-time participants are only able to offer “less than full-time” AmeriCorps member slots because members’ service hours spent in training, in excess of the 20% limit, are not creditable. In turn, this limits the amount of the education award available to their participants and could limit their participants’ access to health care, childcare, and other benefits afforded to members enrolled in full-time slots and results in their participants being unable to get credit for a large portion of their hours. The waiver will better allow AmeriCorps to advance equity for underserved communities by helping to address this significant barrier to entry.

AmeriCorps expects to grant waivers to new and existing Registered Apprenticeship programs, job training or job readiness programs, programs that include activities to support member attainment of a GED or high school diploma or other credentials, or programs that primarily enroll economically disadvantaged AmeriCorps members and are designed to provide soft skills or life skills development for those members. Grantees may request waivers in writing as part of their grant application and receive a decision on the waiver prior to grant award. As most of the programs that would benefit from this waiver have participants who are serving in the program full time but may only serve part-time as AmeriCorps members because of the current limits on in-service educational time, there is no expectation that the level of service provided to communities would decline. Programs that receive this waiver will be able to allow their members to spend up to 50 percent of their hours in education and training activities, with the remaining 50 percent in service activities, rather than

requiring that 80 percent of the hours be devoted to service activities. While it may appear that these programs would be providing nearly 40 percent fewer hours in service to communities, in fact, eligible programs already have participants serving in their programs full time who serve only part-time as AmeriCorps members. For example, a job readiness program may engage a participant in 50% education and training activities and 50% service activities, and without a waiver, the participant would be serving as an AmeriCorps member only part-time—that is, for the 50% of their time spent in service activities and 20 percent of the hours they spend in education and training.

B. Revising Match Requirements—§ 2521.60

This rule revises the scale that sets out grantees’ program costs not provided by AmeriCorps (known as “match” or “cost share”). The current regulations require a graduated match that incrementally increases each year to a total of 50 percent overall share by the tenth year and for each year afterward without a break in funding of five years or more. This final rule replaces that match scale with one that gradually increases at the end of each three-year grant period (rather than annually) to reach a total of 30 percent overall share by the tenth year and for each year afterward without a break in funding of five years or more.

As described in the next section, this change provides a less aggressive scale over a shorter total time period than the proposed scale, which would have increased match to reach a total of 50 percent overall share by the sixteenth year. That proposal was intended to address the increased difficulty many grantees experience in raising match funds, as evidenced by the increase in waiver requests AmeriCorps receives, and to address many of the comments AmeriCorps received in response to the Request for Information from Non-Federal Stakeholders: Grantee Match Requirements (RFI) it published in 2022. *See* 87 FR 26740 (May 5, 2022). The proposed rule provided a more gradually increasing scale than the current regulations, which require match increases from 26 percent as of the fourth consecutive year they receive a grant to 50 percent as of year 10 and

beyond for the total budget.¹ The final rule further adjusts the scale to instead provide that grantees must raise at least 24 percent overall match in their first grant period, with incremental increases with each successive grant period, reaching a 30 percent overall minimum match by year 10 and beyond. In developing the final rule match scale, AmeriCorps weighed the many comments on the proposed rule that indicated it would not provide sufficient relief to prospective or existing grantees, and would undermine the agency’s responsibility to safeguard and prudently leverage taxpayer funds and promote program stability. AmeriCorps determined that an increasing match scale is appropriate for organizations to demonstrate that they are increasing their capacity to operate AmeriCorps programs and maintaining or increasing community support and investment by assuming more of the cost with each grant period. AmeriCorps determined that a match minimum of 30 percent, rather than 50 percent, at year 10 is appropriate to relieve some of the burden that match places on programs. As some commenters pointed out, the dollar-for-dollar match requirement of 50 percent is generally more burdensome than the match imposed by other Federal agencies, because match for the AmeriCorps State and National programs is calculated based on the total cost of running the program, as opposed to the amount of funding provided by AmeriCorps. AmeriCorps also considered that the recent increase to the minimum living allowance necessarily raises the cost of running programs, which in turn raises the total monetary contribution associated with the required match, given that match is based on a percentage of total cost of carrying out a program. AmeriCorps also determined that reaching the highest minimum at year 10 is appropriate to minimize the burden of tracking three additional increases in match (*i.e.*, up to year 16), as would have been required under the proposed version of the match scale.

¹ For several years, Congress has, through appropriations laws, provided that AmeriCorps programs receiving grants under the National Service Trust program must meet an overall minimum match of 24 percent for the first three years of receiving funding, and then must meet the overall match requirements in section 2521.60 of the current regulations. *See, e.g.*, Consolidated Appropriations Act, 2022, Public Law 117–103, Section 402.

AmeriCorps estimates that the reduction in required match will total less than \$100 million annually and anticipates that reducing the burden on programs to raise and report these dollars will increase economic benefits to the programs and the communities they serve. It has been estimated that each taxpayer dollar spent on AmeriCorps and AmeriCorps Seniors programs generates an over \$17 return in benefits to society, program members, and the government. *See* Dominic Modicamore and Alix Naugler, *AmeriCorps and Senior Corps: Quantifying the Impact*, Voices for National Service by ICF Incorporated, LLC, pp. 33–34 (July 2020) https://voicesforservice.org/wp-content/uploads/2020/07/ICF_AmeriCorps-and-Senior-Corps_Quantifying-the-Impact_FINAL.pdf (note: the return on investment is based on a total of AmeriCorps and AmeriCorps Seniors programs and does not disaggregate the return for AmeriCorps State and National). Benefits to members include increased educational attainment and employment outcomes and benefits to society include the cost savings, reduced spending, and additional income resulting from national service. This final rule does not increase the amount of Federal funding invested in AmeriCorps State and National programs, but by reducing required match, the rule allows programs to devote more time to outcome-producing activities that may, in turn, increase benefits overall.

C. Criteria for Waiving Match Requirements—§ 2521.70

This rule revises the criteria that grantees must demonstrate when they request a waiver of the matching requirements. Currently, the regulation requires grantees to demonstrate: (1) a lack of resources at the local level; (2) that the lack of resources is unique or unusual; (3) the efforts the grantee has made to raise matching resources; and (4) the amount of matching resources the grantee has raised or reasonably expects to raise. The final rule instead specifies four criteria and requires grantees to demonstrate only one of them, and in addition provide supporting documentation and a description of the efforts made to raise match. The final rule's waiver criteria mirror the waiver criteria required in AmeriCorps Seniors programs, with one additional criterion to allow waivers for organizations with revenue of less than \$500,000. Specifically, under the final rule, grantees have to demonstrate one of the following: initial difficulties in developing local funding sources during

the first three years of operations; an economic downturn, natural disaster, or similar event in the grantee's service area that severely restricts or reduces sources of local funding support; the unexpected discontinuation of local support from one or more sources that a project has relied on for a period of years; or an organizational revenue of less than \$500,000.

The current regulations' waiver requirements are overly burdensome to grantees and enhance the risk that AmeriCorps funds will not be fully expended, because grantees must return AmeriCorps funds at closeout if they do not meet the match requirement or receive a waiver. The new waiver criteria reduce this burden and provide more consistency with AmeriCorps Seniors' match waiver criteria. To ensure consistency between the programs, the new AmeriCorps State and National match waiver criteria are identical in wording to AmeriCorps Seniors' match waiver criteria, with one additional criterion. The additional criterion in this final rule, for organizations with less than \$500,000 in revenue (as shown on an IRS Form 990, for example), is intended to encourage new, small organizations and those with programs in underserved communities. The rule still requires a description of efforts made to raise matching resources but clarifies that this description must be provided with the waiver request.

D. Limit on Number of Terms an Individual May Serve in AmeriCorps State and National—§ 2522.235

The current regulation provides that individuals who serve in AmeriCorps State and National may receive the benefits offered by AmeriCorps for serving up to, but not more than, four terms. It also includes information on how terms are calculated if an individual is released early under various circumstances. The benefits offered to AmeriCorps members include the AmeriCorps Segal Education Award from the National Service Trust upon successful completion of their terms of service. Benefits during service include a living allowance, financial benefits during an extended term of disaster-related service, childcare, and health care.

Separate regulations at 45 CFR 2525.50 limit participants to receiving no more than the value of two full-time education awards. The final rule removes the four-term limit, thus allowing any individual to serve as many terms as necessary to earn the value of two full-time education awards, regardless of whether those terms are served on a full-time, part-time, or

reduced part-time basis. This revision removes an artificial barrier on individuals' ability to continue to serve.

In 2010, AmeriCorps established the four-term limit in the current regulations to ensure that there would be opportunities for all interested Americans to serve because, at the time, applications for AmeriCorps far exceeded available positions. *See* 75 FR 51395, 51406–07 (August 20, 2010). An excess demand for AmeriCorps positions no longer exists to justify this term limit. Even accounting for the possibility that demand will at some point exceed the number of AmeriCorps positions available, the current regulation's term limit is too broad a prohibition. Service terms vary considerably, encompassing full-time, part-time, reduced part-time, quarter-time, and minimum-time terms, as well as any term from which one exits after serving 15 percent of the agreed term of service. Treating each of these terms of service as equivalent for the purposes of a term limit is unfair to those who may have served shorter terms of service but would like to serve more. Individuals should be encouraged, rather than discouraged, from participating in national service. AmeriCorps believes a term limit is unnecessary, as there is already an existing limit to education awards—a significant incentive for participation in national service. To align with this existing limit to education awards funded by AmeriCorps, the final rule clarifies that AmeriCorps will fund benefits (e.g., living allowance, financial benefits during an extended term of disaster-related service, childcare, and health care) only up to the number of terms needed to attain those education awards.

III. Comments on Proposed Rule and Responses

AmeriCorps published a proposed rule with updates to the AmeriCorps State and National regulations on October 6, 2023. *See* 88 FR 69604. In response, AmeriCorps received 370 comment submissions by the December 5, 2023, comment deadline. Commenters included national service associations, State service commissions, organizations carrying out AmeriCorps State and National programs, former and current AmeriCorps members, and others. Overall, many commenters stated that they agreed with modernizing the regulations to make them more equitable and effective but asserted that the proposed rule provided only superficial changes, added complexity and bureaucracy by relying on waivers, and would lead to increased

administrative burden and risk. These commenters requested that the agency continue working on the rule to better meet the needs of AmeriCorps members and grantees and ensure that all AmeriCorps grantees have more time and resources to devote to fulfilling their programs' purposes. AmeriCorps closely reviewed each of the comments and appreciates the extensive experience upon which these comments are based. AmeriCorps afforded that experience significant weight in reviewing the comments, but ultimately must address the comments in light of what best meets AmeriCorps' mission while safeguarding taxpayer funds.

Most of the comments specifically addressed each of the four proposed substantive changes. The following discussion summarizes the comments received and AmeriCorps' responses to those comments.

A. Waiver of the Current 20 Percent Limit on Education and Training Activities—§ 2520.50

1. Support for the Waiver Opportunity

A few who commented on the proposed waiver of the 20 percent limit on education and training activities to allow up to 50 percent expressed support for the waiver, as proposed. Among the reasons expressed in support of the waiver were that:

- The waiver allows programs to provide more training to members who might need it, for example by allowing members to shadow more experienced members after formal training is complete;
- The waiver increases the equitability of programs by providing members with the opportunity to develop job skills, earn certifications, and receive other training they may not otherwise have had access to because of past court involvement, physical or learning disabilities, poverty, or other obstacles;
- The waiver would allow for more robust bridgebuilding training (that is, training that equips leaders with skills to bridge divides that limit American potential) and provide professional skills to make AmeriCorps members, including economically disadvantaged members, more adept at navigating challenges;
- The waiver would allow more members to successfully complete their term of service and gain the skills needed for employment.

Response: AmeriCorps agrees that the proposed waiver would provide for the flexibilities these commenters pointed out.

2. Opposition to the Waiver Opportunity

Three commenters opposed the change in the 20 percent limit. Among the reasons for their opposition were:

- The intent of AmeriCorps is to provide community service rather than training;
- AmeriCorps should continue to distinguish itself from existing educational and vocational training programs by maintaining its unique status as a service program in which participants learn by doing;
- The current 20 percent limit is adequate for any program whose prime purpose is service; and
- The waiver would create a two-tiered program in which better educated AmeriCorps members spend more time in service but less-educated members spend more time receiving education and training.

Response: AmeriCorps is a national service agency that is, and will remain, distinct from existing educational and vocational programs because it focuses on providing structured service opportunities with visible benefits to both the national service participants and the communities in which they serve. AmeriCorps has heard from many grantee organizations, including many that commented on this proposed rule, that the 20 percent limit is not adequate for their programs. For several reasons, AmeriCorps does not agree that the waiver would create a two-tiered program in which "better-educated" members spend more time in service than others. First, the availability of a waiver is not predicated on members' educational levels; second, the waiver would not necessarily be used by individual program to create two tiers that afford some members more training and education than others; third, AmeriCorps expects that in the apprenticeship program model, the education and training are directly related to the members' service and thus enhance the service itself; and fourth, overall, the variation in AmeriCorps programs and diversity of participants in those programs is a core value of the agency.

3. Request To Delete or Raise the Limit Overall, Instead of Issuing Individual Waivers

Most who commented on the proposed waiver of the current 20 percent limit on education and training activities advocated for removing the limit entirely. These commenters stated that members in general want more professional development and training, and that all grantees should be able to

offer members more for their service experience, remain equally competitive in the labor market, and respond to workforce development priorities without the burden of having to apply for a waiver. Commenters stated that the need to apply for a waiver adds bureaucracy and uncertainty to the application and recruitment process for new grantees because programs will not know whether their program design is acceptable in a timely manner.

Many of these commenters noted that AmeriCorps made member development and career pathways a strategic goal for FY22–26 and a competitive criterion in its FY24 grantmaking and asserted that the 20 percent cap undermines this goal. These commenters stated that the 20 percent limit is outdated because it was established in the early days of AmeriCorps as a need to distinguish AmeriCorps from existing educational and vocational programs, but that in execution the limit poses administrative burdens—for timekeeping, categorizing activities as service or education/training, and monitoring—that are unnecessary management challenges and audit risks. These commenters stated that AmeriCorps' grant application review process, grantee performance measures, and service member descriptions all better assess program design, quality, and effectiveness than an arbitrary limit on training and education hours would do. A few commenters also stated that the 20 percent limit should be eliminated because most programs need only moderate relief of the 20 percent limit to meet members' training and development needs. At least one commenter stated that the rule is unnecessary because the statute does not establish a maximum number of education and training hours. A few of these commenters also stated that the waiver approach would create a two-tiered system for programs, based on whether they receive the waiver.

One commenter suggested raising the limit to 50 percent for all organizations, to eliminate the need for the waiver process.

Response: AmeriCorps believes that the current 20 percent limit is appropriate for most programs to ensure that members are primarily engaged in community service, but that the limit is too stringent for the types of programs that meet the waiver criteria. While all programs to some extent serve a dual purpose of community service and providing members with training and experience, the programs suitable for waivers may include those that have a dual purpose of community service and providing members with specific types

of certification or job preparation and/or focus on recruiting members directly from the communities being served. Examples of programs for which the 20 percent limit is not appropriate and may meet the criteria for a waiver of the limit include Registered Apprenticeship programs, job training or job readiness programs, programs that include activities to support member attainment of a GED or high school diploma or other credentials, or programs that primarily enroll economically disadvantaged AmeriCorps members and are designed to provide soft skills or life skills development for those members in addition to giving them opportunities to serve. AmeriCorps does not interpret the availability of a waiver as creating a “two-tiered” system because AmeriCorps will review each request for a waiver to determine eligibility and appropriateness. The waiver will accommodate these types of specialized programs to allow their participants to serve as full-time AmeriCorps members.

There will be no additional administrative burden imposed, as waivers will be submitted as part of the grant application process. The proposed plan for off-grant-cycle waivers will be streamlined and administered at the regional office level, so grantees will retain their consistent point of contact.

Tracking whether hours are spent in education/training activities versus service is necessary for both the grantee and the agency for compliance. The use of two lines in a timesheet of service and training is not overly burdensome.

4. Request for Changes to the Waiver Criteria

Some commenters stated that the criteria for waiving are too restrictive and that all programs, regardless of type or term length, should have the opportunity to provide members sufficient hours both to prepare for service and to enrich their own development. One commenter stated that the criteria are overly narrow and exclude important workforce-focused programs and therefore should be eliminated or, at a minimum, adjusted to include programs that “utilize a pre-apprenticeship model” and focus on “workforce development.”

A few commenters suggested edits to the waiver criteria including adding “or” after each provision to clarify that they are alternatives and changing or removing the criterion for “economically disadvantaged” because most members could be considered economically disadvantaged.

Response: AmeriCorps believes the criteria are appropriately targeted to the

type of programs outlined in the proposed rule. The listed criteria are intended as alternatives, and that intent is made clear by listing the “or” once before the last criterion, so it is unnecessary to add “or” after every listed criterion.

5. Questions on How the Waiver Process Would Work

A few commenters asked about how the waiver process would work, including:

- Whether commissions will have the authority to approve the waivers for formula programs (and if not, how it would work for AmeriCorps, given that the agency is planning not to have formula sub-applications submitted under the eGrants replacement system);
- Whether the waiver process will include an extra form or narrative during the grant application process;
- Whether the applicant will need to specify a percentage when it requests a waiver; and
- Whether applicants will be able to request a waiver during a continuation year (asked because the timing of lining up partnerships might not coincide with the recompetitiveness timeline, but allowing requests during continuation years adds administrative burden to track which years a waiver applies to).

Response: For formula programs, State commissions will have the authority to approve waivers of the 20 percent limit on education and training hours. Grantees may request waivers in writing as part of their grant application and receive a decision on the waiver prior to grant award. If a waiver is requested off grant application cycle, the grantee would submit it to the regional office.

B. Revising Match Requirements—§ 2521.60

1. Support for Proposed Match Scale

A few commenters supported the proposed scale, and particularly supported increasing the required match percentage based on grant cycle rather than annually.

Response: AmeriCorps agrees that increasing the match scale based on grant cycle rather than annually will reduce simplify accounting and tracking.

2. Opposition to Proposed Match Scale

a. Need for More Match Relief

Several grantees noted that match is a challenge not only for new and small programs but also for long-term grantees across the country, as it takes years to cultivate a donor base and donor retention does not typically occur in

perpetuity. Some commenters stated that programs are not applying for all the funds for which they are eligible, and that they need, because they cannot raise match. Commenters also noted that the match requests to date are not a good measure of the need for match relief because American Rescue Plan Act of 2021 (ARP) funding was available for cash match replacement in fiscal years 2021–2023.

Many commenters stated that the proposed delayed match scale only puts off the consequences of funding loss and grantee destabilization, because donor giving does not keep pace with rising costs. One commenter provided citations to several sources stating that charitable giving has been declining over the past several years.

A few commenters said AmeriCorps programs could still be required to document match, but that the burden of providing 50 percent for longstanding programs is unnecessary and overwhelming.

Response: AmeriCorps believes strongly that requiring match is important because the ability to cultivate and acquire match is a demonstration of community support and investment. Documentation of match is essential to assessing compliance with requirements. In finalizing the existing match scale, AmeriCorps agreed that there is a point at which match requirements can become destabilizing, but stated that a 50 percent overall match did not reach that point. However, it is clear from these and other comments that the existing match scale and proposed delayed match scale, which both reach a 50 percent overall match, are not seen as sufficient to prevent grantee destabilization. For this reason, the final rule adjusts the scale that was proposed to instead cap the maximum required match at 30 percent, rather than 50 percent.

b. Inflation and Costs Already Increase Required Match

A few commenters noted the impact of inflation, which leads programs to reduce their size and scope if they are unable to increase their fundraising and find new sources of match to keep pace with the increased member living allowance and cost per member service year (MSY). Some commenters noted that the Biden Administration’s prioritization of raising member living allowances and the maximum cost per MSY means the amount of match funding increases proportionately each year, foreclosing organizations from accessing federal funds or forcing them

to return unexpended funds when fundraising targets are not realized.

Response: AmeriCorps has been responsive during the Biden Administration to longstanding and consistent requests to raise the living allowance and cost per MSY to ensure that programs can adequately recruit and retain their AmeriCorps members. The final rule provides some measure of match relief by both decreasing the frequency of match increases and capping the maximum required match at 30 percent.

c. AmeriCorps' Match Is More Difficult Than Other Federal Agencies'

Commenters stated that, compared to other Federal programs, AmeriCorps' match percentages are "misleading" and "uniquely high" because its match is based on total program costs (e.g., a program with a 50 percent match must raise one dollar for each AmeriCorps dollar it receives) rather than relative to the Federal share (e.g., a program with 50 percent match must raise 50 cents for each Federal dollar it receives).

Response: The National and Community Service Act of 1990, as amended, specifies that match for the AmeriCorps State and National programs must be based on the cost of carrying out the programs, including the costs of member living allowances, employment-related taxes, health care coverage, and workers' compensation and other necessary operation costs. See 42 U.S.C. 12571(e)(1).

d. The Proposed Match Scale Would Undermine Programs' Effectiveness

Many commenters stated that the proposed match scale perpetuates a detrimental regulation that was established to steadily decrease government investment, but instead undermines outcomes in communities and deters prospective grantees. Commenters also stated that match requirements impede organizations' efforts to provide the best experience for AmeriCorps members. A few commenters argued that raising and documenting match increases the amount of time program staff must spend on administrative activities that could be better spent supporting members and community service.

Response: The AmeriCorps match schedule was not established to steadily decrease government investment; rather, the match schedule's purpose was to leverage Federal resources to maximize support from the private sector and from State and local governments. AmeriCorps strongly believes that the ability to cultivate and acquire matching funds is a demonstration of community

support and investment. AmeriCorps continues to believe that an important piece of sustainability is decreasing reliance on Federal funding and increasing the capacity of organizations that operate AmeriCorps programs to assume more of the cost. However, AmeriCorps acknowledges commenters' concerns regarding the amount of match as a deterrent to prospective grantees and a challenge for existing grantees that would prefer to focus more time and energy on attaining program outcomes and providing members with the best possible experiences. These comments have contributed to AmeriCorps' decision to adjust the proposed match scale to one that is less arduous. The final rule provides a match scale with smaller incremental increases and a lower maximum match of 30 percent.

e. The Proposed Match Scale Increases Burden and Risk

A few commenters stated that the proposed change to frequency that the scale increases (from every year to every 3 years in a grant period and reaching 50 percent match in year 16 rather than year 10) provides only minor, temporary relief for new grantees, but for all grantees, the match scale poses risks and challenges associated with raising, tracking, and reporting match. A few commenters said AmeriCorps programs could still be required to document match, but the burden of a 50 percent match for longstanding programs is unnecessary and overwhelming.

Response: Grantees must raise, track, and report match under the existing regulation and as proposed; the final rule reduces the risks and challenges associated with these activities by reducing the frequency of the match increases and decreasing the overall maximum required match.

f. Request for 25 Percent Match in Lieu of Proposed Match Scale

Most of the commenters who addressed revising the match requirements opposed the proposed scale and instead advocated for a flat required match of 25 percent, regardless of the year of the grant. These commenters noted the difficulties that programs—particularly those in small organizations and those based in marginalized communities without philanthropic networks—face in meeting match, forcing them to withdraw or deterring them from applying in the first place. Commenters asserted that AmeriCorps' emphasis on fiscal sustainability and diversity of funding streams has deprived some communities of needed support services

by driving some successful programs out of existence and incentivizing others to transform their program models to reduce match burden. Commenters stated that capping match at a flat 25 percent would:

- Encourage more prospective grantees to apply;
 - Encourage programs to invest in higher living allowances for members without facing the heightened match requirements that correspond with higher allowances;
 - Better align with other federal grant programs that require a flat match rather than a graduated match scale;
 - Reduce burden on new and existing programs by providing immediate relief;
 - Enhance program efficiency;
 - Improve programs' ability to serve underrepresented populations;
 - Reduce audit liabilities, as programs turn to the difficult-to-document in-kind support to meet an increasing match burden;
 - Simplify the current match scale, which is confusing to grant applicants;
 - Simplify accounting; and
 - Eliminate the burden on grantees of having to apply for a match waiver (as long as the 25 percent match is met).
- Many commenters reiterated points made in comments that responded to the Request for Information from Non-Federal Stakeholders: Grantee Match Requirements (RFI) (87 FR 26740 (May 5, 2022)) in support of a flat 25 percent match, including that Congress's original intent was that the Federal share not exceed 75 percent, regardless of the number of years a grantee has had the grant.

Several commenters noted that programs will continue to raise outside funds to support their programs if there is a 25 percent flat match, but the proposed scale imposes unnecessary red tape and wastes taxpayer resources without improving program outcomes. Commenters also stated that grantees must necessarily raise more than the 25 percent match because the current cost per MSY exceeds the funding AmeriCorps provides, but the time and risk associated with documenting match is unnecessarily burdensome.

Two commenters responded to the comments requesting a flat 25 percent match and stated their opposition to doing so. One noted that the ability to obtain match is a testament to a program's integrity, weeds out programs that are not a cost-effective use of Federal funds, and keeps programs accountable. The other stated that it would limit the ability to garner support. A few advocated for keeping the current scale.

One commenter suggested a two-tiered system for match to reduce complexity.

Response: AmeriCorps believes its grantees should be fiscally sustainable and have diversity of funding streams to ensure the organizations will be able to continue to meet the needs of their communities. Raising the match to a flat rate of 25% regardless of years of funding would conflict with Congress's intention, as reflected in appropriations laws over the past several fiscal years, for grantees' share of costs to steadily increase after an initial three-year period at a 24 percent minimum share requirement. *See, e.g.,* Public Law 117–328. The final rule therefore codifies the 24 percent match requirement for the first three years and includes a steadily increasing scale. A 25 percent flat match would negatively affect new applicants and grantees that might benefit from the timing of an escalating match schedule to allow for resource cultivation and acquisition.

3. Opposition to Match, Generally

A few commenters asserted that the rationale for requiring match is not appropriate for AmeriCorps programs. For example, at least one commenter stated that match scales are based on an investment capital theory of winning additional donors and developing sustainable funding sources that is inappropriate for AmeriCorps programs because AmeriCorps programs fund national service positions and AmeriCorps exists to improve lives, strengthen communities, and foster civic engagement. Other commenters stated that a type of “match” is already built into AmeriCorps programs because members are already giving their time and talents to a degree that provides value far above the cost of their living allowances and benefits.

Response: Congress determined that match was appropriate for AmeriCorps State and National Programs. *See* 42 U.S.C. 12571(e)(1). Additionally, AmeriCorps continues to believe that decreasing reliance on Federal funding and increasing the capacity of organizations operating AmeriCorps programs to assume more of the cost is important to sustainability.

C. Criteria for Waiving Match Requirements—§ 2521.70

1. Support for the Proposed Match Waiver

Commenters stated that the proposal to meet one of four criteria, rather than meeting all, would make the process less burdensome and more equitably support communities in need.

Response: AmeriCorps agrees that the proposed alternative criteria will reduce burden and better address the difficulties in securing resources that programs serving communities in need might face.

2. Opposition to the Proposed Waiver-Based System

Most who commented on the proposed match waiver criteria stated that the criteria are an improvement but do not address the underlying need to reform match requirements, and opposed relying on match waivers as a means to give grantees relief from the proposed match scale. Commenters stated that the waiver-based system creates uncertainty for applicants and complicates their budget planning. A few noted that it is difficult for grantees to do program outreach and development when approval of the match waiver is not guaranteed.

Response: AmeriCorps believes strongly that match requirements are appropriate because the ability to cultivate and acquire match demonstrates community support and investment. That said, in order to allow for a diverse portfolio of grantees and applicants, a match waiver is necessary.

3. Requests To Change Waiver Criteria

Several commenters requested reverting from the proposed criterion “initial difficulties in developing local funding sources during the first three years of operations” to the current criterion, “lack of resources at the local level,” to allow programs in underserved areas to continue to obtain match relief even though they may be beyond year three of their grant.

Several commenters suggested adding reference to historical challenges the program or community might face in securing match because the organizations that might most need AmeriCorps funding are often those with smaller staff and resources and less overall capacity to secure match.

Several commenters suggested replacing the flat \$500,000 threshold with the single audit threshold, because it is updated periodically, rather than being a static monetary threshold.

Response: The final rule retains the proposed language for the first three criteria for consistency with the criteria in its other agency grant-making program, AmeriCorps Seniors. AmeriCorps has determined that the additional \$500,000 threshold is appropriate as a static monetary threshold, as this is a new waiver criterion. AmeriCorps may determine at a later date that an adjustment to the threshold is appropriate, after having

had the opportunity to review its implementation.

4. Comments on Waiver Process

A commenter requested that AmeriCorps allow waiver requests both early in the application process and during a grant when a grantee is faced with an unexpected financial situation, and ensure prompt approval and clear documentation of the waiver.

Response: The proposed process for match waivers will make allowances for submission both during and outside of the grantmaking process.

D. Limit on the Number of Terms Individuals May Serve in AmeriCorps State and National—§ 2522.235

1. Support for Removing the Limit on the Number of Terms

Nearly every commenter who remarked on the proposed removal of the four-term limit supported the proposal. Among the reasons expressed in support of the removal of the limit were that it would:

- Increase individuals' ability to serve their community and engage in workforce development;
- Make service more equitable by allowing anyone who serves successfully to earn the value of two education awards;
- Remove an unnecessary barrier to attracting and enrolling members.

A few commenters noted that over the past decade, a very small percentage of individuals are serving more than two full-time terms of service, but that the term limit should be removed regardless of the recruiting or economic environment to ensure that positions are accessible to communities and individuals based on the mission of the program to engage citizens in addressing community needs. These commenters also noted that service as a pathway to employment is critical for individuals with disabilities or other challenges, as serving multiple terms would allow them to more deeply develop skills they need to successfully re-enter the workforce. Examples of situations commenters noted where term limits would be problematic included:

- A retired teacher who had already served four terms in a college-affiliated program but would like to serve more terms as a high-impact reading tutor;
- A parent with school-age children who was in a part-time 900-hour service term in a rural county where part-time professional positions and after-school childcare options were extremely limited, and continued service would have allowed her to both maintain her professional skills and be at home with

her children when they were out of school;

- A member who started serving as a high school senior then, due to her service, decided to change her major and become a teacher but already served four terms and so could not continue to serve through the remainder of her preparation to become a public school teacher; and

- College students who, because they are juggling education and work commitments, can only serve in less-than-full-time AmeriCorps positions, and would like to serve more than four terms over the course of their education.

Commenters noted that people may come to AmeriCorps at a wide range of ages, and a term limit can keep people from returning to service and benefitting from the skill development and community building they need at a particular life stage—whether post-high school or -college, job transitions, parenthood, retirement, etc., if they served multiple terms at a younger age. Programs sometimes lose their most effective, experienced members because they have reached their four-term limit. A number of commenters with rural-serving programs and a smaller pool of potential service candidates noted the importance of returning members to the success of their program, including in building trust with partners and communities.

Many commenters expressed the benefits to removing the limitation on terms of service, including:

- Members serving multiple terms gain experience with the programs and develop into potential program coordinators, managers, and state or national officers, as well as becoming advocates for national service;
- Members serving multiple terms support and mentor new members and those who have limited service or job experience, offering essential training, professionalism, and perspectives.

Response: AmeriCorps does not seek to limit the number of terms a member can serve; rather it seeks to adjust the limitation on the number of terms for which agency resources can be used. The final rule limits the use of agency resources that support a member to the number of terms needed to attain the aggregate value of two full-time education awards. This aligns the time AmeriCorps resources contribute to benefits with the time required to attain the value of two full-time education awards and safeguards taxpayer funds. Should a member wish to serve beyond that limitation, they could do so, but

without the grantee using AmeriCorps resources (direct investment, matching funds, education award) to support them.

2. Request for Clarification That Service Not Be Limited to the Number of Terms To Attain Two Education Awards

Several commenters requested clarification of whether members may elect to serve additional terms after they have earned the aggregate value of two full-time education awards, because the proposed regulation, as written, could unintentionally be interpreted to prevent members from continuing to serve once they have attained that aggregate value. Under that interpretation, members could not even serve the currently permitted four full-time terms. A few commenters provided examples of members who have served the four full-time terms and noted the negative effect this interpretation would have on programs' ability to recruit and retain members.

Several commenters stated that, in their experience, only a few members choose to return to service beyond their initial two years (one commenter estimated less than 2 percent of members serve more than two terms), but those that do are exceptionally valuable for the programs, leveraging their prior service experience to assume leadership roles and maintain continuity in programs and service, while maximizing their professional development experience. Commenters noted that for a select number of individuals, particularly those with the most barriers to workforce success, more than two full-time terms may be needed for the member to step seamlessly into their next workplace (or other) role.

A commenter pointed out that there is no term limit in the statute. Commenters suggested that AmeriCorps and State service commissions can take certain steps to ensure that removal of the term limit is not abused, including working with programs to ensure they are not relying on members serving multiple terms of service, that no organizational grantee has a disproportionate number of long-term participants, and that all long-term participants are truly carrying out vital service to the community.

Response: The final rule clarifies that the number of terms an individual may serve are unlimited.

3. Whether Other Benefits Can Be Earned After Attaining the Value of Two Full-Time Education Awards

A few commenters stated their understanding that removal of the term

limit would allow individuals who receive two full-time education awards to receive the other benefits of serving in AmeriCorps, such as earning a living allowance, if they continue to serve.

Response: The final rule clarifies that AmeriCorps funds the benefits of serving in AmeriCorps, such as the living allowance, up to the number of terms needed to attain the aggregate value of two full-time education awards. This approach aligns the time AmeriCorps resources contribute to benefits with the time required to attain the value of two full-time education awards and safeguards taxpayer funds. Programs may choose to continue to fund benefits from non-AmeriCorps resources for members who serve beyond that time.

IV. Changes From Proposed to Final

The final rule makes a change to the proposed match scale and clarifies the parameters for unlimited member terms in response to comments. The final rule also makes two technical updates to replace an outdated provision and outdated citations. Each of these is described below.

A. Final Match Schedule at § 2521.60

At § 2521.60(a), the final rule adjusts the proposed match scale. AmeriCorps proposed a match scale that would have increased more gradually than the existing required match until it reached 50 percent of the overall program cost by the sixteenth year. In response to the comments, which were nearly unanimous in their assertion that the proposed scale would not provide sufficient match relief, the final rule adjusts the match to an even less abrupt and steep match scale, establishing a required minimum match of 30 percent of the overall program cost by the tenth year and beyond. The final rule retains the proposed rule's approach of increasing match less often (by grant period, rather than annually) to reduce the burden on grantees of raising, tracking, and reporting increasing annual percentages. It further simplifies the match scale by establishing the highest minimum required match in year 10, rather than year 16, relieving grantees of the need to track and keep abreast of two additional increases in the minimum match. Specifically, the proposed rule would have established the following match schedule:

Grant period	Match percent by grant period and years					
	First	Second	Third	Fourth	Fifth	Sixth
Grant Years	1–3	4–6	7–9	10–12	13–15	16 and beyond.
Minimum overall share percentage	24	28	32	38	44	50.

The final rule establishes the following match schedule, to provide grantees with match relief and minimize

any deterrent the current match scale may have on prospective grantees that have less access to matching funds (*e.g.*,

those in geographic areas where there is not a philanthropic community):

Grant period	Match percent by grant period and years			
	First	Second	Third	Fourth
Years	1–3	4–6	7–9	10 and beyond.
Minimum overall share percentage	24	26	28	30.

These changes to the proposed match schedule are intended to reduce burden and are not designed or intended to decrease the number of members serving or shift the investment from grantee match to agency contribution. As noted in the proposed rule, lowering the match amount does not change the cost to run a strong AmeriCorps program. Thus, grantees will continue to have to raise additional funds beyond the required match generally, for the sustainability of their organization, but they will no longer be in danger of having to return AmeriCorps funds at the end of their grants if they fail to raise match that is so far in excess of the 25 percent indicated by statutory text. To the extent they are able, grantees are strongly encouraged to raise funding beyond the required match amount to extend the reach of national service as much as possible.

B. Clarification on Unlimited Number of Terms

The final rule clarifies the proposed rule’s language, which stated that the number of terms a member may serve is limited to the number of terms needed to attain the aggregate value of two full-time education awards. As described in the response to comments, the final rule more explicitly states that an individual may continue to serve beyond that point, but that AmeriCorps will fund the member benefits only to that point. The final rule further clarifies that the grantee organization may choose to fund members’ benefits, such as the living allowance, for any additional terms beyond that point. This approach aligns the time AmeriCorps resources contribute to benefits with the time required to attain the value of two full-time education awards and safeguards taxpayer funds.

C. Updates to Outdated Provisions/ Citations

The final rule deletes outdated provisions that limited the Federal share of a member’s living allowance to 85 percent of the minimum required living allowance. These provisions are outdated because the Serve America Act eliminated the requirement for grantees to match 15% of the member living allowance and member support cost. See Public Law 111–13, section 1315(1)(B)–(D) (striking what was then paragraph (a)(2) of 42 U.S.C. 12594). The provisions appeared at §§ 2521.45(a)(1), 2521.60(a), and 2522.240(b)(6)(i) and (iii). Additionally, the final rule updates a few cross-references to reflect new section designations in the National Service Trust Education Awards final rule at 88 FR 447.21 (July 13, 2023).

V. Regulatory Analyses

A. Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs in the Office of Management and Budget has determined that this rule is not a significant regulatory action.

B. Regulatory Flexibility Act

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), AmeriCorps certifies that this rule, if adopted, will not have a significant

economic impact on a substantial number of small entities. Most AmeriCorps State and National grantees are State commissions and organizations that do not meet the definition of a small entity. Therefore, AmeriCorps has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for rules that are expected to have such results.

C. Unfunded Mandates Reform Act of 1995

For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, as well as Executive Order 12875, this regulatory action does not contain any Federal mandate that may result in increased expenditures in Federal, State, local, or Tribal Governments in the aggregate, or impose an annual burden exceeding \$100 million on the private sector.

D. Paperwork Reduction Act

Under the PRA, an agency may not conduct or sponsor a collection of information unless the collections of information display valid control numbers. The application for AmeriCorps State and National grants are authorized under OMB Control Number 3045–0047, which expires September 30, 2026. Applicants for grants who would like to request a waiver under this proposed rule would do so as part of the application process, but the request is exempted from the definition of “information” subject to PRA requirements because it is a simple acknowledgment that the applicant is requesting a waiver based on one of the criteria. See 5 CFR 1320.3(h)(1). Therefore, this proposed rule does not affect require submission of a revision of this information collection.

E. Executive Order 13132, Federalism

Executive Order 13132, Federalism, prohibits an agency from publishing any rule that has federalism implications if the rule imposes substantial direct compliance costs on State and local Governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rulemaking does not have any federalism implications, as described above.

F. Takings (Executive Order 12630)

This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630 because this rule does not affect individual property rights protected by the Fifth Amendment or involve a compensable “taking.” A takings implication assessment is not required.

G. Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rulemaking: (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.

H. Consultation With Indian Tribes (Executive Order 13175)

AmeriCorps recognizes the inherent sovereignty of Indian Tribes and their right to self-governance. We have evaluated this rulemaking under our consultation policy and the criteria in Executive Order 13175 and determined that this rule does not impose substantial direct effects on federally recognized Tribes.

List of Subjects*45 CFR Part 2520*

Grant programs—social programs, Volunteers.

45 CFR Part 2521

Grant programs—social programs, Volunteers.

45 CFR Part 2522

Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

For the reasons stated in the preamble, under the authority of 42 U.S.C. 12651c(c), the Corporation for

National and Community Service amends Chapter XXV, title 45 of the Code of Federal Regulations as follows:

PART 2520—GENERAL PROVISIONS: AMERICORPS SUBTITLE C PROGRAMS

■ 1. The authority citation for part 2520 continues to read as follows:

Authority: 42 U.S.C. 12571–12595.

■ 2. Amend § 2520.5 by adding in alphabetical order the definition “AmeriCorps” to read as follows:

§ 2520.5 What definitions apply to this part?

AmeriCorps means the Corporation for National and Community Service, established pursuant to section 191 of the National and Community Service Act of 1990, as amended, 42 U.S.C. 12651, which operates as AmeriCorps.

* * * * *

§§ 2520.10 through 2520.65 [Amended]

■ 3. In §§ 2520.10 through 2520.65:
■ a. Remove the words “the Corporation” wherever they appear and add in their place the word “AmeriCorps”; and

■ b. Remove the word “Corporation” and add in its place the word “AmeriCorps”.

■ 4. Revise and republish § 2520.50 to read as follows:

§ 2520.50 How much time may AmeriCorps members in my program spend in education and training activities?

(a) No more than 20 percent of the aggregate of all AmeriCorps member service hours in your program, as reflected in the member enrollments in the National Service Trust, may be spent in education and training activities, unless AmeriCorps grants a waiver under paragraph (c) of this section.

(b) Capacity-building activities and direct service activities do not count towards the 20 percent cap on education and training activities.

(c) AmeriCorps may waive the limit in paragraph (a) of this section to allow up to 50 percent of the aggregate of all AmeriCorps member service hours in your program to be spent in education and training activities if your program:

(1) Is a Registered Apprenticeship program;
(2) Is a job training or job readiness program;

(3) Includes activities to support member attainment of a GED or high school diploma or occupational, technical, or safety credentials; or

(4) Primarily enrolls economically disadvantaged AmeriCorps members and employs a program design that also

includes soft skills or life skills development.

PART 2521—ELIGIBLE AMERICORPS SUBTITLE C PROGRAM APPLICANTS AND TYPES OF GRANTS AVAILABLE FOR AWARD

■ 5. The authority for part 2521 continues to read as follows:

Authority: 42 U.S.C. 12571–12595

■ 6. Amend § 2521.5 by adding in alphabetical order the definition “AmeriCorps” to read as follows:

§ 2521.5 What definitions apply to this part?

AmeriCorps means the Corporation for National and Community Service, established pursuant to section 191 of the National and Community Service Act of 1990, as amended, 42 U.S.C. 12651, which operates as AmeriCorps.

* * * * *

§§ 2521.10 through 2521.95 [Amended]

■ 7. In §§ 2521.10 through 2521.95:
■ a. Remove the words “the Corporation” and add in their place the word “AmeriCorps”.

■ b. Remove the word “Corporation” and add in its place the word “AmeriCorps”.

■ 8. In § 2521.45, revise and republish paragraph (a) to read as follows:

§ 2521.45 What are the limitations on the Federal government’s share of program costs?

The limitations on the Federal government’s share are different—in type and amount—for member support costs and program operating costs.

(a) *Member support:* The Federal share, including AmeriCorps and other Federal funds, of member support costs, which include the living allowance required under § 2522.240(b)(1) of this chapter, FICA, unemployment insurance (if required under State law), and worker’s compensation (if required under State law), is limited as follows:

(1) If you are a professional corps described in § 2522.240(b)(2)(i) of this chapter, you may not use AmeriCorps funds for the living allowance.

(2) Your share of member support costs must be non-Federal cash.

(3) AmeriCorps’s share of health care costs may not exceed 85 percent.

* * * * *

■ 9. In § 2521.60, revise and republish the introductory text, and paragraphs (a) and (b) to read as follows:

§ 2521.60 What will my share of program costs be?

Except as provided in paragraph (b) of this section, if your program continues

to receive funding after an initial three-year grant period, you must continue to meet the minimum requirements in § 2521.45 of this part. In addition, your required share of program costs, including member support and operating costs, will incrementally increase each grant period to a 30

percent overall share by the fourth grant period and beyond (tenth year and any year thereafter that you receive a grant), without a break in funding of five years or more.
(a) *Minimum Organization Share:* (1) Subject to the requirements of § 2521.45 of this part, and except as provided in

paragraph (b) of this section, your overall share of program costs will increase as of the fourth consecutive year that you receive a grant, according to the following timetable:

TABLE 1 TO PARAGRAPH (a)—TIMETABLE FOR MINIMUM ORGANIZATION SHARE

Grant period	Match percent by grant period and years			
	First	Second	Third	Fourth
Grant years	1–3	4–6	7–9	10 and beyond.
Minimum operating costs percentage	33	33	33	33.
Minimum overall share percentage	24	26	28	30.

(2) A State commission may meet its match based on the aggregate of its grantees' individual match requirements.
(b) *Alternative match requirements:* If your program is unable to meet the match requirements set forth in paragraph (a) of this section and it is located in a rural or severely economically distressed community, you may apply to AmeriCorps for a waiver that would decrease the level of your required match.
* * * *

■ 10. Revise and republish § 2521.70 to read as follows:

§ 2521.70 To what extent may AmeriCorps waive the matching requirements in §§ 2521.45 and 2521.60 of this part?

(a) AmeriCorps may waive, in whole or in part, the requirements of §§ 2521.45 and 2521.60 if AmeriCorps determines that a waiver would be equitable because of a lack of available financial resources at the local level.
(b) If you are requesting a waiver, you must demonstrate:
(1) Initial difficulties in the development of local funding sources during the first three years of operations; or
(2) An economic downturn, the occurrence of a natural disaster, or similar events in the service area that severely restrict or reduce sources of local funding support; or
(3) The unexpected discontinuation of local support from one or more sources that a project has relied on for a period of years; or
(4) Organizational revenue of less than \$500,000.
(c) You must provide with your waiver request:
(1) A description of the efforts you have made to raise matching resources; and

(2) A request for the specific amount of match you are asking AmeriCorps to waive; and
(3) A budget and budget narrative that reflect the requested level in matching resources.

PART 2522—AMERICORPS PARTICIPANTS, PROGRAMS, AND APPLICANTS

■ 11. The authority for part 2522 continues to read as follows:
Authority: 42 U.S.C. 12571–12595; 12651b–12651d; E.O. 13331, 69 FR 9911, Sec. 1612, Pub. L. 111–13.

■ 12. Amend § 2522.10 by adding in alphabetical order the definition “AmeriCorps” to read as follows:

§ 2522.10 What definitions apply to this part?
AmeriCorps means the Corporation for National and Community Service, established pursuant to section 191 of the National and Community Service Act of 1990, as amended, 42 U.S.C. 12651, which operates as AmeriCorps.
* * * *

§§ 2522.100 through 2522.950 [Amended]

■ 13. In §§ 2522.100 through 2522.950:
■ a. Remove the words “the Corporation” and add in their place the word “AmeriCorps”.
■ b. Remove the words “a Corporation” and add in their place the words “an AmeriCorps”.
■ c. Remove the word “Corporation” and add in its place the word “AmeriCorps”.
■ d. Remove the words “the Corporation’s” and add in their place the word “AmeriCorps’ ”.

§ 2522.220 [Amended]

■ 14. In § 2522.220:
■ a. In paragraph (b), remove the citation “§ 2526.15” and add in its place

the citation in its place the citation “§ 2525.15”;
■ b. In paragraph (f), remove the citation “§ 2526.50(a)” and add in its place the citation in its place the citation “§ 2525.50(a)”.
■ 15. Revise § 2522.235 to read as follows:

§ 2522.235 Is there a limit on the number of terms an individual may serve in an AmeriCorps State and National program?

The number of terms an individual may serve in an AmeriCorps State and National program are not limited, but an individual may attain only the aggregate value of two full-time education awards and AmeriCorps will fund the benefits described in §§ 2522.240 through 2522.250 only for the number of terms needed to attain the aggregate value of two full-time education awards. Grantees may choose to fund benefits for any additional terms.

■ 16. In § 2522.240, revise paragraphs (a) and (b)(6) to read as follows:

§ 2522.240 What financial benefits do AmeriCorps participants serving in approved AmeriCorps positions receive?

(a) *AmeriCorps education awards.* An individual serving in an approved AmeriCorps State and National position may receive an education award from the National Service Trust upon successful completion of their terms of service as defined in § 2522.220, consistent with the limitations in § 2526.50.

(b) * * *
(6) *Limitation on Federal share.* No AmeriCorps or other Federal funds may be used to pay for a portion of the living allowance for professional corps

described in paragraph (b)(2)(i) of this section.

* * * * *

Fernando Laguarda,
General Counsel.

[FR Doc. 2024–10030 Filed 5–24–24; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[RTID 0648–XD481]

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 21 to the Coastal Pelagic Species Fishery Management Plan

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

ACTION: Notice of agency decision of an amendment to a fishery management plan.

SUMMARY: On May 20, 2024, the Regional Administrator of NMFS West Coast Region, with the concurrence of the Assistant Administrator for NMFS, approved amendment 21 to the Coastal Pelagic Species Fishery Management Plan (CPS FMP). Amendment 21 implements a number of non-substantive, administrative changes to the CPS FMP including defining acronyms upon first use, adding hyperlinks, removing repetitive language, and rearranging sections for

clarity and logical sequence. These changes, colloquially referred to as “housekeeping” changes, do not change the management of the fishery. This amendment is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the CPS FMP, and other applicable laws.

DATES: Amendment 21 was approved on May 20, 2024.

FOR FURTHER INFORMATION CONTACT:

Taylor Debevec, Sustainable Fisheries Division, NMFS, (562) 980–4066, taylor.debevec@noaa.gov or Jessi Doerpinghaus, Staff Officer, Pacific Fishery Management Council, (503) 820–2415, jessi.doerpinghaus@noaa.gov.

SUPPLEMENTARY INFORMATION: The CPS fishery in the U.S. exclusive economic zone off the West Coast is managed under the CPS FMP. The Pacific Fishery Management Council (Council) developed the CPS FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*). The Secretary of Commerce approved the CPS FMP and implemented the provisions of the plan through regulations at 50 CFR part 660, subpart I. Species managed under the CPS FMP include Pacific sardine, Pacific mackerel, jack mackerel, northern anchovy, market squid, and krill.

The Magnuson-Stevens Act requires each regional fishery management council to submit any amendment to an FMP to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires

that NMFS, upon receiving an amendment to an FMP, immediately publish notification in the **Federal Register** that the amendment is available for public review and comment. NMFS published a notice of availability (NOA) of amendment 21 on February 20, 2024 (89 FR 12810) with a comment period ending on April 22, 2024. NMFS received no public comments on the NOA and approved the amendment on May 20, 2024, with no changes to the proposed amendment text.

Amendment 21, colloquially referred to as a “housekeeping” amendment, made edits to the CPS FMP as amendment document for clarity and content and made no changes to the management of CPS fisheries. In addition to minor editorial clarifications in the FMP, most of the proposed changes fall into the following categories: abbreviations and acronyms, hyperlinks, chub mackerel, headings and structure, and organizational terminology.

Additional background on this amendment can be found in the NOA. A complete list of the changes in amendment 21 to the CPS FMP is available on the Council website at <https://www.pcouncil.org/actions/housekeeping-fmp-amendment/>.

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

Dated: May 21, 2024.

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

[FR Doc. 2024–11538 Filed 5–24–24; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 89, No. 103

Tuesday, May 28, 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.

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2641

RIN 3209-AA59

Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations

AGENCY: Office of Government Ethics.

ACTION: Proposed rule.

SUMMARY: The U.S. Office of Government Ethics (OGE) is issuing a proposed rule to revise the component designations of one agency for purposes of the one-year post-employment conflict of interest restriction for senior employees. Specifically, based on the recommendation of the Department of Health and Human Services, OGE is proposing to designate one new component in its regulations.

DATES: Written comments are invited and must be received on or before June 27, 2024.

ADDRESSES: You may submit comments, in writing, to OGE on this proposed rule, identified by RIN 3209-AA59, by any of the following methods:

Email: usoge@oge.gov. Include the reference “Proposed Rule Revising Departmental Component Designations” in the subject line of the message.

Mail, Hand Delivery/Courier: U.S. Office of Government Ethics, 250 E Street SW, Suite 750, Washington, DC 20024, Attention: Kimberly L. Sikora Panza, Senior Associate Counsel.

Instructions: All submissions must include OGE’s agency name and the Regulation Identifier Number (RIN) for this proposed rulemaking, RIN 3209-AA59. All comments, including attachments and other supporting materials, will become part of the public record and be subject to public disclosure. OGE may post comments on its website, www.oge.gov. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT:

Kimberly L. Sikora Panza, Senior Associate Counsel, U.S. Office of Government Ethics, 250 E Street SW, Suite 750, Washington, DC 20024–3249; Telephone: 202–482–9300; TTY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION:

I. Substantive Discussion; Addition of New Departmental Component

The Director of OGE (Director) is authorized by 18 U.S.C. 207(h) to designate distinct and separate departmental or agency components in the executive branch for purposes of 18 U.S.C. 207(c), the one-year post-employment conflict of interest restriction for senior employees. Under 18 U.S.C. 207(h)(2), component designations do not apply to persons employed at a rate of pay specified in or fixed according to subchapter II of 5 U.S.C. chapter 53 (the Executive Schedule). Component designations are listed in appendix B to 5 CFR part 2641.

The representational bar of 18 U.S.C. 207(c) usually extends to the whole of any department or agency in which a former senior employee served in any capacity during the year prior to termination from a senior employee position. However, 18 U.S.C. 207(h) provides that whenever the Director “determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and that there exists no potential for use of undue influence or unfair advantage based on past Government service,” the Director shall by rule designate that agency or bureau as a separate component of that department or agency. As a result, a former senior employee who served in a designated component of a parent department or agency is barred from communicating to or making an appearance before any employee of that component, but is not barred as to any employee of the parent, of another designated component, or of any other agency or bureau of the parent that has not been designated. Likewise, a former senior employee who served in a “parent” department or agency is not barred by 18 U.S.C. 207(c) from making communications to or appearances before any employees of any designated component of that parent, but is barred

as to employees of that parent or of other components that have not been separately designated.

The Director regularly reviews the component designations listed in appendix B to part 2641, and in consultation with the department or agency concerned, makes such additions and deletions as are necessary. Specifically, pursuant to 5 CFR 2641.302(e)(3), the Director “shall, by rule, make or revoke a component designation after considering the recommendation of the designated agency ethics official.” Before designating an agency component as distinct and separate for purposes of 18 U.S.C. 207(c), the Director must find that the component is an agency or bureau within a parent agency that exercises functions which are distinct and separate from the functions of the parent agency and from the functions of other components of that parent, and that there exists no potential for use of undue influence or unfair advantage based on past Government service. *See* 5 CFR 2641.302(c).

Pursuant to the procedures prescribed in 5 CFR 2641.302(e), one agency provided a complete request to update its components listed in appendix B to part 2641. After carefully reviewing the requested change in light of the criteria in 18 U.S.C. 207(h) as implemented in 5 CFR 2641.302(c), OGE is proposing to grant this request and amend appendix B as explained below.

The Department of Health and Human Services (HHS) has requested that OGE designate the Administration for Strategic Preparedness and Response (ASPR) in appendix B to part 2641 as a separate component of HHS for purposes of 18 U.S.C. 207(c) because it exercises functions that are distinct and separate from the functions of the parent agency and other components. ASPR—previously operated as the Office of the Assistant Secretary for Preparedness and Response—was originally created in December 2006 when Congress passed the Pandemic and All-Hazards Preparedness Act, Public Law 109–417, 120 Stat. 2831. On July 22, 2022, HHS announced the reclassification of ASPR from a staff division to an Operating Division at HHS, which elevated ASPR to a standalone agency within HHS. All of the other Operating Divisions of HHS are currently designated as separate agency components in 5 CFR part 2641,

appendix B; accordingly, designation of ASPR would align this division with all other HHS Operating Divisions for purposes of the senior employee post-employment restriction, 18 U.S.C. 207(c).

The factors set forth in 5 CFR 2641.302(c) support designation of ASPR as a separate agency component in appendix B. As discussed above, the office was originally created by statute in 2006, and its reclassification as an Operating Division became effective on February 11, 2023. *See Statement of Organization, Functions, and Delegations of Authority*, 88 FR 10125 (Feb. 16, 2023). The subject matter of ASPR is largely distinct and separate from other operations of HHS. Specifically, it has the core responsibility for the Department to plan, prepare, and mobilize in response to future disasters and emergencies, public health issues, and public health emergencies. Although the office at times works with other HHS Operating Divisions and other agencies in its efforts, ASPR's significant responsibilities are performed independently of other Operating Divisions, and many of its most important activities do not cut across organizational lines within the Department. In furtherance of its mission, ASPR has independent authority to publish rules and notices in the **Federal Register**.

In absolute terms, ASPR is a small component that has just over 1,200 employees and a budget of \$3.63 billion in fiscal year (FY) 2024; the entirety of HHS employs over 87,000 individuals. In relative terms, ASPR is larger than 3 of the 11 HHS components currently designated in appendix B, and smaller than the other 8.

According to HHS, designation of ASPR as a separate agency component would not create the potential for undue influence or unfair advantage based on the past Government service of ASPR employees. As discussed above, ASPR is unique in that its mission focuses on assisting the country to prepare for, respond to, and recover from public health emergencies and disasters, and in furtherance of this mission, ASPR engages in work that differentiates it from other HHS components and the larger agency.

OGE therefore is proposing to grant the request of HHS and amend the agency's listing in appendix B to part 2641 to add ASPR as a new component for purposes of 18 U.S.C. 207(c). ASPR is separate and distinct from its parent organization and other HHS components, and given the manner in which ASPR works independently from

other Operating Divisions and the entirety of the agency, there exists no potential for the use of undue influence or unfair advantage based on past Government service.

As indicated in 5 CFR 2641.302(f), a designation "shall be effective on the date the rule creating the designation is published in the **Federal Register** and shall be effective as to individuals who terminated senior service either before, on or after that date." Initial designations in appendix B to part 2641 were effective as of January 1, 1991. The effective date of subsequent designations is indicated by means of parenthetical entries in appendix B. The new component designation of ASPR made in this proposed rule will be effective on the date the final rule is published in the **Federal Register**.

II. Matters of Regulatory Procedure

Regulatory Flexibility Act

As Acting Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this proposed rule will not have a significant economic impact on a substantial number of small entities because it affects only Federal departments and agencies and current and former Federal employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this proposed rule because it does not contain information collection requirements that require the approval of the Office of Management and Budget.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this proposed rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

Congressional Review Act

The proposed rule is not a major rule as defined in 5 U.S.C. chapter 8, Congressional Review of Agency Rulemaking.

Executive Orders 12866, 13563 and 14094

In promulgating this rule, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in Executive Order 12866, Regulatory Planning and Review (58 FR

51735, Oct. 4, 1993); Executive Order 13563, Improving Regulation and Regulatory Review (76 FR 3821, Jan. 21, 2011); and Executive Order 14094, Modernizing Regulatory Review (88 FR 21879, Apr. 11, 2023). Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select the regulatory approaches that maximize net benefits (including economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This proposed rule has not been reviewed by the Office of Management and Budget under Executive Order 12866 because it is not a "significant" regulatory action for the purposes of that order.

Executive Order 12988

As Acting Director of the Office of Government Ethics, I have reviewed this proposed rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

Executive Order 13715

The Office of Government Ethics has evaluated this proposed rule under the criteria set forth in Executive Order 13715 and determined that tribal consultation is not required as this proposed rule has no 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.

List of Subjects in 5 CFR Part 2641

Conflict of interests, Government employees.

Approved: May 15, 2024.

Shelley K. Finlayson,

Acting Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the U.S. Office of Government Ethics proposes to amend 5 CFR part 2641 as set forth below:

PART 2641—POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS

■ 1. The authority citation for part 2641 is revised to read as follows:

Authority: 5 U.S.C. ch. 131; 18 U.S.C. 207; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 2. Appendix B to part 2641 is amended by revising the listings for the Department of Health and Human Services to read as follows:

Appendix B to Part 2641—Agency Components for Purposes of 18 U.S.C. 207(c)

* * * * *

Parent: Department of Health and Human Services

Components:

Administration for Children and Families (effective January 28, 1992).
Administration for Community Living (effective December 4, 2014).
Administration for Strategic Preparedness and Response (effective upon publication of the final rule in the **Federal Register**).
Agency for Healthcare Research and Quality (formerly Agency for Health Care Policy and Research) (effective May 16, 1997).
Agency for Toxic Substances and Disease Registry (effective May 16, 1997).
Centers for Disease Control and Prevention (effective May 16, 1997).
Centers for Medicare and Medicaid Services (formerly Health Care Financing Administration).
Food and Drug Administration.
Health Resources and Services Administration (effective May 16, 1997).
Indian Health Service (effective May 16, 1997).
National Institutes of Health (effective May 16, 1997).
Substance Abuse and Mental Health Services Administration (effective May 16, 1997).

* * * * *

[FR Doc. 2024–10995 Filed 5–24–24; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1347; Airspace Docket No. 23–AWP–47]

RIN 2120–AA66

Amendment of United States Area Navigation Routes Q–1 and Q–902, Very High Frequency Omnidirectional Range Federal Airway V–495, and Jet Route J–502. Also, the Revocation of Jet Route J–589 and the Establishment of United States Area Navigation Route T–487 and Canadian Area Navigation Route T–895 in Northwestern United States.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend United States Area Navigation (RNAV) Routes Q–1 and Q–902, Very High Frequency Omnidirectional Range (VOR) Federal Airway V–495, and Jet Route J–502; revoke Jet Route J–589; and establish of United States RNAV Route T–487 and Canadian RNAV Route T–895 in Northwestern United States. The FAA is proposing these airspace actions due to the pending decommissioning of the Victoria, British Columbia (BC), Canada, VOR/Distance Measuring Equipment (VOR/DME).

DATES: Comments must be received on or before July 12, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–1347 and Airspace Docket No. 23–AWP–47 using any of the following methods:

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Steven Roff, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the airway structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

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

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

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Western Service Center, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Incorporation by Reference

United States RNAV routes (Q-routes) are published in paragraph 2006, VOR Federal airways are published in paragraph 6010, Jet Routes are published in paragraph 2004, United States RNAV routes (T-routes) are published in paragraph 6011, and Canadian RNAV routes (T-routes) are published in paragraph 6013 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

Background

In 2003, Congress enacted the Vision 100-Century of Aviation Reauthorization Act (Pub L., 108–176), which established a joint planning and development office in the FAA to manage the work related to the Next Generation Air Transportation System (NextGen). Today, NextGen is an ongoing FAA-led modernization of the nation's air transportation system to make flying safer, more efficient, and more predictable.

In support of NextGen, this proposal is part of an ongoing, large, and comprehensive route modernization project. As part of this project, the FAA evaluated the existing Airway structure for: (a) direct replacement (*i.e.*, overlay) with a route that offers a similar or

lower Minimum En route Altitude (MEA) or Global Navigation Satellite System (GNSS) MEA; (b) the replacement of the airway with a route in an optimized but similar geographic area, while retaining similar or lower MEA; or (c) removal with no route structure restored in that area because the value was determined to be insignificant.

The aviation industry/users have indicated a desire for the FAA to transition the en route navigation structure away from dependency on NDBs and move to develop and improve the RNAV route structure.

Additionally, Canada is modernizing their airway systems by reducing the number of ground-based Navigational Aids (NAVAID) and transitioning to the use of the Global Positioning System (GPS) as the primary means of airway navigation. As part of this process, unused or unneeded ground-based NAVAIDs are being decommissioned. As part of NAV CANADA's program, the Victoria, BC, Canada, VOR/DME will be decommissioned and replaced with the new VIXOR, BC, Canada, waypoint (WP). The VIXOR WP will be approximately 43 feet from the current location of the Victoria VOR/DME. As a result of the NAVAID decommissioning, the airways/routes currently utilizing the Victoria VOR/DME will require amending or revocation. The Victoria VOR/DME decommissioning will impact J–589, J–502, Q–902 and V–495. In a separate initiative, the FAA and NAV CANADA are jointly replacing boundary computer navigation fix (CNF) names that are unpronounceable with five letter waypoints, which will be easier to pronounce.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV Routes Q–1 and Q–902, VOR Federal Airway V–495, and Jet Route J–502. The FAA is also proposing the revocation of Jet Route J–589 and the establishment of United States RNAV Route T–487 and Canadian RNAV Route T–895 in Northwestern United States. The FAA is proposing this airspace action due to the pending decommissioning of the Victoria, BC, Canada, VOR/DME.

Q–1: Q–1 currently extends between the Point Reyes, CA, VOR/DME and the ELMAA, WA, Fix. The FAA is proposing to amend Q–1 by extending it north of the ELMAA fix to the SQUIM, WA, WP. The SQUIM WP is a new waypoint that will replace the current CFPZJ CNF on the United States and Canadian border. The proposed route description for Q–1 also removes route points that will remain on the route but

are not required to be included in the description due to them representing a less than one degree turn. As amended, Q–1 would extend between the Point Reyes VOR/DME and the SQUIM WP.

Q–902: Q–902 currently extends between the Seattle, WA, VORTAC and the Kotzebue, AK, VOR/DME, excluding the airspace within Canada. The location of the route point DISCO, currently north of the Canadian and United States border, will be relocated to the border and replace the current CNF CDGPN. Additionally, the waypoint HIGHE will replace the computer navigation fix CFSTF. The FAA is proposing to add the route point DISCO to the route description of Q–902. With this addition, the route point ORCUS would no longer be required to be included in the route description. Additionally, the FAA proposes to amend the route description by removing the points within Canada from the description. As amended, Q–902 would extend between the Kotzebue, AK, VOR/DME and the AYZOL, AK, WP, between the WOGUS, AK, WP and the HIGHE, AK, WP and between the DISCO, WA, WP and the Seattle, WA, VORTAC. Additionally, the route points GESTI, AK, Fix, DOOZI, AK, Fix, HOODS, AK, Fix, AYZOL, AK, WP, RDFLG, AK, Fix and HRDNG, AK, Fix have been removed. These points are not required to be contained in the route description due to being a less than one degree turning point along the route.

V–495: V–495 currently extends between the Abbotsford, BC, Canada, NDB and the Fort Jones, CA, VOR/DME, excluding the airspace within Canada. The decommissioning of the Victoria VOR/DME will render V–495 between the Seattle VORTAC and the Whatcom, WA, VORTAC unusable. Additionally, NAV CANADA's rules for airway construction no longer accommodate an airway with a 90-degree turn. This impacts V–495 between the Victoria VOR/DME and the Whatcom VORTAC. The FAA is proposing to revoke the portion of V–495, within the United States, between the Seattle VORTAC and the Abbotsford, BC, Canada, NDB. The FAA is also proposing to establish RNAV routes T–487 and T–895, as described below, to replace the segments of V–495 proposed for revocation. Additionally, the route points have been adjusted to reflect a south to north order. As amended, V–495 would extend between the Fort Jones VOR/DME and the Seattle VORTAC.

J–502: J–502 currently extends between the Seattle, WA, VORTAC and the Sisters Island, AK, VORTAC and between the Northway, AK, VORTAC

and the Kotzebue, AK, VOR/DME, excluding the airspace within Canada. With the decommissioning of the Victoria, BC, Canada, VOR/DME, J-502 will become unusable between the Seattle VORTAC and the border of the United States and Canada. The FAA proposes to revoke the portion of J-502 between the Seattle VORTAC and the Sisters Island VORTAC. As amended, J-502 would extend between the Kotzebue, AK, VOR/DME and the Northway, AK, VORTAC.

J-589: J-589 currently extends between the Roseburg, OR VOR/DME and the Victoria VOR/DME, excluding the airspace within Canada. The decommissioning of the Victoria VOR/DME will render a portion of J-589 unusable. The FAA is proposing to revoke J-589 in its entirety. To assist operators navigating this area, another route, RNAV route Q-1, overlays J-589 between the Roseburg VOR/DME and the ELMAA, WA, fix. Amendments proposed to Q-1 in this action would not affect the overlay.

T-487: T-487 is proposed to be established as a replacement for the segment of V-495 between the Seattle, WA, VORTAC and the United States and Canada border. The location of the route point DISCO, currently north of the Canadian and United States border, will be relocated to the border and replace the current CNF CDGPN. As amended, T-487 would extend between the Seattle, WA, VORTAC and the DISCO, WA, WP.

T-895: T-895 is proposed to be established as a replacement for the

segment of V-495, within the United States, between the Victoria VOR/DME and the Whatcom, WA, VORTAC. The waypoint EPTER would replace the computer navigation fix CFZPT. T-895 would extend between the EPTER, WA, WP and the ADUMS, WA, WP.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 2004 Jet Routes.

* * * * *

J-502 [Amended]

From Kotzebue, AK; Fairbanks, AK; to Northway, AK.

* * * * *

J-589 [Removed]

* * * * *

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q-1 Point Reyes, CA, (PYE) to SQUIM, WA, WP [Amended]

Point Reyes, CA, (PYE)	VOR/DME	(Lat. 38°04′47.12″ N, long. 122°52′04.18″ W)
ETCHY, CA	WP	(Lat. 39°05′28.00″ N, long. 123°08′05.00″ W)
SQUIM, WA	WP	(Lat. 48°14′27.00″ N, long. 123°27′39.00″ W)

* * * * *

Q-902 Seattle, WA, (SEA) to KOTZEBUE, (OTZ) [Amended]

Kotzebue, AK (OTZ)	VOR/DME	(Lat. 66°53′08.46″ N, long. 162°32′23.77″ W)
Fairbanks, AK (FAI)	VORTAC	(Lat. 64°48′00.25″ N, long. 148°00′43.11″ W)
Northway, AK (ORT)	VORTAC	(Lat. 62°56′49.92″ N, long. 141°54′45.39″ W)
AYZOL, AK	WP	(Lat. 62°28′16.15″ N, long. 141°00′00.00″ W)

and

WOGUS, AK	WP	(Lat. 59°17′02.82″ N, long. 136°28′09.43″ W)
Sisters Island, AK (SSR)	VORTAC	(Lat. 58°10′39.58″ N, long. 135°15′31.91″ W)
Level Island, AK (LVD)	VOR/DME	(Lat. 56°28′03.75″ N, long. 133°04′59.21″ W)
Annette Island, AK (ANN)	VOR/DME	(Lat. 55°03′37.47″ N, long. 131°34′42.24″ W)
HIGHE, AK	WP	(Lat. 54°41′50.08″ N, long. 131°11′21.72″ W)

and

DISCO, WA	WP	(Lat. 48°22′35.52″ N, long. 123°09′32.88″ W)
Seattle, WA (SEA)	VORTAC	(Lat. 47°26′07.34″ N, long. 122°18′34.62″ W)

* * * * *

V-495 [Amended]

From Fort Jones, CA; INT Fort Jones, CA 340° and Roseburg, OR 174° radials; INT Roseburg 355° and Corvallis, OR 195° radials;

Corvallis; Newberg, OR; Battle Ground, WA; to Seattle, WA.

* * * * *

Paragraph 6010 VOR Federal Airways.

* * * * *

Paragraph 6013 Canadian Area Navigation Routes.

* * * *

T-895 EPTER, WA to ADUMS, WA [NEW]

EPTER, WA	WP	Lat. 48°50'22.66" N, long. 123°01'20.00" W
ADUMS, WA	WP	Lat. 48°56'52.92" N, long. 122°34'03.36" W

* * * *

Paragraph 6011 United States Area Navigation Routes.

* * * *

T-487 Seattle, WA (SEA) to DISCO, WA [NEW]

Seattle, WA (SEA)	VORTAC	(Lat. 47°26'07.34" N, long. 122°18'34.62" W)
DISCO, WA	WP	(Lat. 48°22'35.52" N, long. 123°09'30.88" W)

* * * *

Issued in Washington, DC, on May 22, 2024.

Brian E. Konie,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2024-11637 Filed 5-24-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2024-1076; Airspace Docket No. 23-AAL-55]

RIN 2120-AA66

Establishment of Class E Airspace; Akiachak Airport, Akiachak, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Akiachak Airport, Akiachak, AK. This action will support the airport's transition from visual flight rules (VFR) to instrument flight rules (IFR).

DATES: Comments must be received on or before July 12, 2024.

ADDRESSES: Send comments identified by FAA Docket No. [FAA-2024-1076] and Airspace Docket No. [23-AAL-55] using any of the following methods:

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-3460.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace to support IFR operations at Akiachak Airport, Akiachak, AK.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

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

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

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class E5 airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023 and effective September 15, 2023. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

The Proposal

Class E airspace beginning at 700 feet above the surface should be established at Akiachak Airport to contain departing aircraft until reaching 1,200 feet above the surface and arriving aircraft below 1,500 feet above the surface. The proposed airspace is centered on the Akiachak Airport reference point, with a 6.5-mile radius to encompass the diverse departure environment.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as

the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

- 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AAL AK E5 Akiachak, AK [New]

Akiachak Airport, AK
(Lat. 60°54'50" N, long. 161°29'36" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Akiachak Airport.

* * * * *

Issued in Des Moines, Washington, on May 20, 2024.

B.G. Chew,

*Group Manager, Operations Support Group
Western Service Center.*

[FR Doc. 2024–11433 Filed 5–24–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 80

[Docket No. FDA–2022–N–1635]

Color Additive Certification; Increase in Fees for Certification Services; Extension of the 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 reopening notice entitled "Color Additive Certification; Increase in Fees for Certification Services; Reopening of the Comment Period" that appeared in the **Federal Register** of April 26, 2024. We are 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 notice "Color Additive Certification; Increase in Fees for Certification Services; Reopening of the Comment Period" published in the **Federal Register** of April 26, 2024 (89 FR 32384). Either electronic or written comments must be submitted by June 27, 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 June 27, 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-1635 for “Color Additive Certification; Increase in Fees for Certification Services; Extension of the Comment Period.” 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:

Bryan Bowes, Center for Food Safety and Applied Nutrition, Office of Cosmetics and Colors (HFS-105), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-1122; or Carrol Bascus, Center for Food Safety and Applied Nutrition, Office of Regulations and Policy (HFS-024), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2378.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of November 2, 2022 (87 FR 66116), FDA published a proposed rule to amend the color additive regulations to increase the fee for certification services. On April 26, 2024, we published a notice of reopening entitled “Color Additive Certification; Increase in Fees for Certification Services; Reopening of the Comment Period” (89 FR 32384). We reopened the comment period because we added supporting information to the administrative record and adjusted the administrative record to reflect the same cost and benefits figures that were published in the preliminary regulatory impact analysis. This action invited public comments on the new information and provided a 30-day comment period.

FDA received a request for a 90-day extension of the comment period for the reopening notice. We are extending the comment period for 30 days until June 27, 2024. The Agency believes that the extension is reasonable and allows adequate time for interested parties to review the supporting information added to the administrative record and to develop and submit additional comments to the proposed rule.

Dated: May 22, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-11639 Filed 5-24-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2024-0251]

RIN 1625-AA00

Safety Zone; Hurricanes, Tropical Storms, and Other Storms With High Winds; Captain of the Port Zone Sector Delaware Bay

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a safety zone for the navigable waters of the Sector Delaware Bay Captain of the Port (COTP) Zone, to be enforced in the event of hurricanes, tropical storms, and other storms with high winds. This action is necessary to ensure the safety of the waters of the Sector Delaware Bay COTP Zone. It would establish actions to be completed by industry and vessels within the COTP Zone before and after hurricanes, tropical storms, and other storms with high winds threatening the States of Delaware, New Jersey, and Pennsylvania make landfall. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 27, 2024.

ADDRESSES: You may submit comments identified by docket number USCG-2024-0251 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LT Owen Mims, Chief Waterways Management Division, U.S. Coast Guard; 215-271-4814, SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations

COTP Captain of the Port
 DHS Department of Homeland Security
 FR Federal Register
 MTS Marine Transportation System
 NPRM Notice of proposed rulemaking
 NWS National Weather Service
 § Section
 U.S.C. United States Code

II. Background, Purpose, and Legal Basis

Delaware, New Jersey, and Pennsylvania have the potential to be affected by hurricanes and tropical storms on a yearly basis, especially between the months of June and November. Additionally, severe storms generating high winds and rough seas are also common in the winter months. The Coast Guard proposes establishing a safety zone to protect mariners, port infrastructure, and the environment during and after these severe weather events in the Sector Delaware Bay Captain of the Port (COTP) Zone. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The Coast Guard proposes to establish a safety zone on the navigable waters of the Sector Delaware Bay COTP Zone during hurricanes, tropical storms, and other storms with high winds. This safety zone would facilitate planning by establishing actions to be completed by local industry and vessels in the COTP zone prior to and after landfall of hurricanes, tropical storms, and other storms with high winds threatening the States of Delaware, New Jersey, and Pennsylvania. Port Conditions (WHISKEY, X-RAY, YANKEE, ZULU, and RECOVERY) are standardized Coast Guard terms within the Coast Guard's Atlantic Area for states of operation declared by the COTP and communicated to port facilities, vessels, and members of the Marine Transportation System (MTS). Notice of Port Conditions and their requirements would be given via Marine Safety Information Bulletins and Broadcast Notice to Mariners.

Actions to be taken by vessels are provided in the language of the proposed rule. In addition, ports and waterfront facilities are encouraged to act when specific Port Conditions are declared. Under Port Condition WHISKEY, all ports and waterfront facilities shall remove all potential flying debris and secure potential flying hazards. Upon declaration of Port Condition X-RAY, all ports and waterfront facilities shall ensure that all requirements under Port Condition WHISKEY are implemented in addition to the removal of all hazardous

materials, and securing all loose cargo, and cargo equipment. Upon a declaration of Port Condition YANKEE, all ports and waterfront facilities should ensure that all requirements under Port Condition X-RAY are implemented, and terminal operators shall cease all cargo operations not associated with storm preparations.

Under the proposed rule, the COTP would retain flexibility in exercising control over vessel traffic during periods of heavy weather, and the proposed rule would allow for the expedited resumption of the MTS following such events. The proposed safety zone would consist of all waters of the territorial seas within the Sector Delaware Bay COTP Zone, as defined in 33 CFR 3.25–05. Portions of the safety zone might be activated at different times, as conditions dictated. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below, we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the necessity to protect life, port infrastructure, and the environment during hurricanes, tropical storms, and other storms with high winds. The scope of the regulation is narrow and will only apply when a hurricane, tropical storm, or other storm with high winds impacts the navigable waters of the Delaware Bay COTP Zone. These events are infrequent and of short duration. Regulatory restrictions will be lifted as soon as practicable.

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 rulemaking would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and

Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone that would prohibit entry in certain waters of the Sector Delaware Bay COTP Zone for the duration needed to ensure safe transit of vessels and industry before and after a hurricane, tropical storm, or other storm with high winds. 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–2024–0251 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. Add § 165.522 to read as follows:

§ 165.522 Safety Zone; Hurricanes, Tropical Storms, and other Storms with High Winds; Captain of the Port Zone Sector Delaware Bay.

(a) *Regulated Areas.* All navigable waters, as defined in 33 CFR 2.36, within the Captain of the Port Zone (COTP), Sector Delaware Bay, as described in 33 CFR 3.25–05, or some portion of those waters, as specified and communicated under paragraph (c)(6). Port conditions and safety zone activation may vary for different portions of the COTP Zone at different times, based on storm conditions and its projected track.

(b) *Definitions.* (1) *Captain of the Port* means Commander, Coast Guard Sector Delaware Bay.

(2) *Representative* means any Coast Guard commissioned, warrant, or petty officer or civilian employee who has been authorized to act on the behalf of the Captain of the Port.

(3) *Port Condition WHISKEY* means a condition set by the COTP when National Weather Service (NWS) weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) are predicted to reach the COTP Zone within 72 hours.

(4) *Port Condition X–RAY* means a condition set by the COTP when NWS weather advisories indicate sustained gale force winds (39–54 mph/34–47 knots) are predicted to reach the COTP zone within 48 hours.

(5) *Port Condition YANKEE* means a condition set by the COTP when NWS weather advisories indicate that sustained gale force winds (39–54 mph/34–47 knots) are predicted to reach the COTP zone within 24 hours.

(6) *Port Condition ZULU* means a condition set by the COTP when NWS weather advisories indicate that sustained gale force winds (39–54 mph/34–47 knots) are predicted to reach the COTP zone within 12 hours.

(7) *Port Condition RECOVERY* means a condition set by the COTP when NWS weather advisories indicate that sustained gale force winds (39–54 mph/34–47 knots) are no longer predicted for the regulated area. This port condition remains in effect until the regulated areas are deemed safe and are reopened to normal operations.

(c) *Regulations.* (1) Port Condition WHISKEY. All vessels must exercise due diligence in preparation for potential storm impacts. All oceangoing tank barges and their supporting tugs and all self-propelled oceangoing vessels over 500 gross tons (GT) must make plans to depart no later than setting of Port Condition YANKEE unless authorized by the COTP. The COTP may modify the geographic boundaries of the regulated area and actions to be taken under Port Condition WHISKEY, based on the trajectory and forecasted storm conditions.

(2) Port Condition X–RAY. All vessels must ensure that potential flying debris and hazardous materials are removed, and that loose cargo and cargo equipment is secured. Vessels at facilities must carefully monitor their moorings and cargo operations. Additional anchor(s) must be made ready to let go, and preparations must be made to have a continuous anchor watch during the storm. Engine(s) must be made immediately available for maneuvering. Also, vessels must maintain a continuous listening watch on VHF Channel 16. All oceangoing tank barges and their supporting tugs and all self-propelled oceangoing vessels over 500 GT must prepare to depart the port and anchorages within the affected regulated area. These vessels shall depart immediately upon the setting of Port Condition YANKEE. During this condition, slow-moving vessels may be ordered to depart to ensure safe avoidance of the incoming storm. Vessels that are unable to depart the port must contact the COTP to receive permission to remain in port. Vessels with COTP's permission to remain in port must implement their pre-approved mooring arrangement. The COTP may require additional precautions to ensure the safety of the ports and waterways. The COTP may modify the geographic boundaries of the regulated area and actions to be taken under Port Condition X–RAY based on the trajectory and forecasted storm conditions.

(3) Port Condition YANKEE. Affected ports are closed to all inbound vessel traffic. All oceangoing tank barges and their supporting tugs and all self-propelled oceangoing vessels over 500 GT must depart the regulated area. The

COTP may require additional precautions to ensure the safety of the ports and waterways. The COTP may modify the geographic boundaries of the regulated area within the Delaware Bay COTP Zone and actions to be taken under Port Condition YANKEE based on the trajectory and forecasted storm conditions.

(4) Port Condition ZULU. When Port Condition ZULU is declared, cargo operations are suspended, except final preparations that are expressly permitted by the COTP as necessary to ensure the safety of the ports and facilities. Other than vessels designated by the COTP, no vessels may enter, transit, move, or anchor within the regulated area. The COTP may modify the geographic boundaries of the regulated area and actions to be taken under Port Condition ZULU based on the trajectory and forecasted storm conditions.

(5) Port Condition RECOVERY. The COTP Zone, or portions of it designated as regulated areas, as are closed to all vessels. Based on assessments of channel conditions, navigability concerns, and hazards to navigation, the COTP may permit vessel movements with restrictions. Restrictions may include, but are not limited to, preventing, or delaying vessel movements, imposing draft, speed, size, horsepower or daylight restrictions, or directing the use of specific routes. Vessels permitted to transit the regulated area shall comply with the lawful orders or directions given by the COTP or representative.

(6) Regulated Area Notice. The Coast Guard will provide notice, via Broadcast Notice to Mariners, Marine Safety Information Bulletins, or by on-scene representatives, of where, within the COTP Zone, a declared Port Condition is to be in effect.

(7) Exception. This regulation does not apply to authorized law enforcement agencies operating within the regulated area.

Dated: May 21, 2024.

Kate F. Higgins-Bloom,
Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.

[FR Doc. 2024–11669 Filed 5–24–24; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2024–8; Order No. 7120]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

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

DATES:

Comments are due: July 8, 2024.

Reply Comments are due: July 22, 2024.

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Proposal Three
- III. Notice and Comment
- IV. Ordering Paragraphs

I. Introduction

On May 13, 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 Three.

II. Proposal Three

Background. On November 22, 2023, the Postal Service filed a notice to establish a new Zone 10 for Priority Mail Express (PME), Priority Mail (PM), and USPS Ground Advantage (GA) and proposed associated Zone 10 rates.² The Commission approved the proposed price and classification changes and directed the Postal Service to file a rulemaking proceeding proposing and

¹ Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Three), May 13, 2024 (Petition). The Postal Service also filed a notice of filing of non-public materials relating to Proposal Three. Notice of Filing of USPS–RM2024–8–NP1 and Application for Nonpublic Treatment, May 13, 2024.

² Docket No. CP2024–72, USPS Notice of Changes in Rates and Classifications of General Applicability for Competitive Products, November 22, 2023.

supporting the methodological changes necessary to derive separate Zone 10 transportation costs for Priority Mail and USPS Ground Advantage.³

In accordance with Order No. 7016, the Postal Service filed notice with the Commission to develop procedures to derive separate Zone 10 transportation cost estimates for PM and GA.⁴

The Postal Service states that the mail transportation cost model for PM is updated annually and filed with the Annual Compliance Review (ACR), most recently in Docket No. ACR2023, Library Reference USPS–FY23–NP27, December 29, 2023. Petition, Proposal Three at 2. The current GA transportation cost model was first introduced as an interim model during the FY 2023 ACR and is under concurrent review before the Commission in Docket No. RM2024–7.⁵

The Postal Service states that “the current Priority Mail transportation models (USPS–FY23–NP27, ‘FY2023ParcelsCostModel.xls’ and ‘FY2023FlatsCostModel.xls’) group the costs from Cost Segment 14 into cube- and weight-related, air- and surface-related, distance- and non-distance-related components to calculate an overall cost per pound and a cost per cube by zone.” Petition, Proposal Three at 2. The Postal Service explains that “[t]he distributions to each zone are based on the cube and weight of parcels and flats by zone, parameters derived from USPS–LR–L–39, and USPS–LR–L–37 Table 107 air weight and average haul mileage by zone summaries for aggregated air lanes.” *Id.*

The Postal Service states “[t]he current USPS Ground Advantage transportation model (USPS–FY23–NP27, ‘GATransportationByZone_FY23.xls’) groups the costs from Cost Segment 14 in to Local/Intermediate costs, Long Distance Surface costs, and Air costs to derive a cost per cubic foot.” *Id.* at 3. The Postal Service notes that “[t]he distributions of these components by zone are based on mileage factors and proportions of weight by zone for Surface and Air volume from the Product Tracking and Reporting System (PTR).” *Id.*

The Postal Service states that it applies the resulting costs by zone to appropriately reflect the costs associated with a specific customer’s weight and zone profile when calculating the financial projections of negotiated service agreements (NSA) that include PM or GA. *Id.* The Postal Service also states that the “forward-looking financial projections are filed to demonstrate expected compliance with the requirements of 39 U.S.C. 3633(a), pursuant to 39 CFR 3035.105(c)” and that “these costs are applied in the ACR proceedings each year to demonstrate compliance with the same requirements, pursuant to 39 [CFR] 3050.21(g)(2).” *Id.*

Proposal Three. The Postal Service proposes updating the methodology for distributing the transportation costs for PM and GA by using more granular data to produce distribution keys by zone for both the new Zone 10 assignment and the existing zones. *Id.* at 4. The Postal Service avers that the changes to the transportation cost models described in Proposal Three involve several phases. *Id.*

First, Proposal Three entails a mechanical update to PM transportation models, where the Postal Service plans to consolidate and eliminate redundancy in workbooks detailing the models. *Id.* The Postal Service states that the result of this update is not a new methodology nor introduction of new information. *Id.* at 6.

Second, the Postal Service would add Zone 10 to the model structures for PM and GA. *Id.* at 5–6. The Postal Service states, “inputs such as volumes, weights, and cubes would be remapped according to the new zone definitions.” *Id.* at 5.

Third, Proposal Three utilizes additional detailed information the Postal Service developed to account for the distance taper effect.⁶

The Postal Service states that “[t]he proposed methodology takes advantage of detailed information that is available for Highway Contract Route (HCR) trips.”

• The total mileage in a quarter for each trip can be determined from its origin and destination together with the

number of trips per quarter. The same information is currently used by Transportation Cost System (TRACS) to identify HCR trips and trip lengths.

• The predicted cost per mile is determined from contract information for each route within a contract type and cost segment. This cost per mile can be applied to all trips assigned to that route.

• For each trip, the zone from origin to destination can be determined from the three-digit ZIP Codes of the origin and destination facilities.

Petition, Proposal Three at 6.

The Postal Service states that “[f]or each zone, the average cost per mile can be calculated by aggregating the quarterly miles and predicted quarterly costs for all trips whose origin and destination map to that zone.” *Id.* The Postal Service asserts that “[b]ecause there are relatively few trips that directly extend to high zones, even within the Inter-[sectional center facility]SCF contract type, there is some variability in the calculated cost per mile.” *Id.* The Postal Service proposes to aggregate Zones 5 through 8 into a single group in order to mitigate this variability. *Id.*

The Postal service summarizes the distance taper adjustment factors for Inter-SCF regular trips for FY 2023 Q4 as follows:

Zone group	Distance taper
1	1.54
2	1.14
3	1.04
4	0.94
5–8	0.93

Id. at 7.

The Postal Service states that it “intends to repeat this analysis each fiscal year and provide updated distance taper factors in USPS–FYxx–NP27 along with other updated parameters that are provided for the transportation cost models utilized for NSAs.” *Id.*

Fourth, the Postal Service proposes a methodological change for the treatment of transportation cost pools for both PM and GA in order to refine the existing methodologies by using more granular data to develop new distribution keys by zone to distribute the costs more accurately in each Cost Segment 14 cost pool by the applicable cost driver. *Id.*

Proposal Three—Priority Mail. In Proposal Three, the Postal Service also proposes several changes to methodology used to calculate the cost per pound and per cube for PM parcels

³ Docket No. CP2024–72, Order Approving Price Adjustments and Classification Changes for Domestic Competitive Products, March 22, 2024, at 36 (Order No. 7016). The Commission directed the Postal Service to file a rulemaking proceeding within 90 days from the issuance of the order. *Id.*

⁴ See Petition, Proposal Three at 1 n.1, 2. The Postal Service indicates that PME models are unaffected by the addition of Zone 10, as the current PME transportation costs are not disaggregated by zone.

⁵ Docket No. RM2024–7, 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.

⁶ See Docket No. RM2023–9, Order Approving Analytical Principles Used in Periodic Reporting (Proposal Four), November 2, 2023, at 8 (Order No. 6771). Order No. 6771 approved methodology changes for PM transportation costs and encouraged the Postal service to conduct future analysis on the phenomenon whereby trips of shorter distances are more expensive per mile compared to trips of longer distances, *i.e.*, the distance taper effect. The Postal Service indicates that it has “conducted the additional analysis and proposes the following data-driven approach to developing cost adjustment factors that reflect the economies achieved as the number of zones traversed by surface trips increases.” Petition, Proposal Three at 5.

and flats.⁷ The summary of each aspect of these proposed changes follows.

First, calculations for PM air weight and average haul by zone have been updated to incorporate Zone 10. *Id.* at 14. In addition, “instead of mapping each lane to a zone according to great circle mileage distance between origin and destination airports, the zone is now determined using the official mapping of the 3-digit ZIP pairs of the origin and destination airports (*i.e.*, according to the distance between the centroids of the 3-digit ZIPs in which the origin and destination airports are located.).” *Id.* The Postal Service claims this is “an improvement over the current methodology because it would remove anomalies such as assigning some Intra-Alaska air lanes to Zone 2 when there is no such Zone 2 ZIP pair within Alaska.” *Id.* The Postal Service states that “[t]he air weights by origin and destination airport for the relevant offshore lanes would be remapped from the current zone to Zone 10” and “the ODIS–RPW data would be remapped according to the new zone definitions.” *Id.* 14–15. The Postal Service asserts that “ODIS–RPW information is collected at the 3-digit ZIP level, but Zone 9 only applies to certain 5-digit ZIPs,” therefore Zone 9 ODIS–RPW data is unavailable and would be combined with Zone 10. *Id.* at 15. The Postal Service indicates that because both Zone 9 and Zone 10 pieces would be on flights from the Continental U.S., and it is not possible to separate Zone 9 air weight from Zone 10 air weight, and Zones 9 and 10 must be reported together. *Id.*

Additionally, air weights for Commercial Air, UPS, and Air Taxi distributions by zone would be kept separate rather than aggregated and Air Taxi air weights would be further split into Intra-Caribbean versus all other lanes. *Id.*

The Postal Service proposes to remove calculating the average haul mileage per zone for the FedEx, Commercial Air, UPS, Hawaii, and Air Taxi cost pools because these cost pools do not have distance-related cost components. *Id.* at 16. However, the Postal Service indicates that the average haul calculation for the Alaska air modes would remain unchanged from the current methodology. *Id.*

The Postal Service proposes maintaining the separation of the existing distributions by zone for Alaska, Hawaii, and the Caribbean

instead of combining these distributions in the final step. *Id.*

Second, the Postal Service proposes replacing several parameters in the cost model for costs pertaining to mail in Alaska, reflecting distance and non-distance related costs for that mail. *Id.* The Postal Service also removes the parameters identifying local volume that avoids contract transportation, as it found that local pieces are comingled with higher zone packages and incur the same transportation costs. *Id.* at 17. The Postal Service indicates that new distribution keys “would be developed for each individual cost pool in Cost Segment 14 based on the new air weights by cost pool, average haul mileages, total weights, and total cubic feet by zone for parcels and flats.” *Id.*

Third, The Postal Services proposes that air weight and average haul miles by zone be calculated for individual providers, rather than aggregated. *Id.* The Postal Service states:

The Priority Mail air weight by zone would be distributed between parcels and flats, as in the current methodology, and the air cube for FedEx Day Turn parcels and flats would be calculated using the density factors and the air weight for FedEx. Next, the Air distribution keys for each air cost pool for parcels and flats would be calculated using the weight and cube by zone from the same cost pool. This refinement would represent an improvement over the current methodology because now, for example, UPS costs would be distributed to each zone according to the UPS weight by zone rather than being distributed based on the total air weight across all modes. Likewise, the FedEx Day costs would be distributed to each zone according to the FedEx cube by zone, rather than being distributed based on the total air cube across all modes.

Id.

The Postal Service indicates that:

Two distribution keys would be calculated for the Alaska cost pools: the pound distribution based solely on the Alaska air weight by zone; and the pound-miles distribution, which would be calculated by multiplying the Alaska air weight by zone by the average haul mileage by zone for Alaska. The Alaska Non-Preferential cost pool would employ a weighted average of the pound and pound-mile distributions using the percent distance-related Alaska Non-Preferential parameter.

Id. at 18.

Fourth, the Postal Service would calculate two distribution keys for surface transportation cost pools. One for distance-related surface transportation, and one for non-distance-related surface transportation. *Id.* The Postal Service further describes the breakout of these distribution keys into surface and air and details the calculation. *Id.* at 18–20. In sum, these

distribution keys would be applied at the cost pool level for the cost pools within CS14:

- Commercial air costs would be distributed by the commercial air weight proportions by zone.
- FedEx Day Turn costs would be distributed by the FedEx cubic feet proportions by zone.
- UPS costs would be distributed by the UPS air weight proportions by zone.
- Peak air costs would be distributed by the total air weight proportions by zone.
- Alaska Non-Preferential costs would be distributed by a weighted average of the Alaska air weight and Alaska pound-miles proportions by zone.
- Alaska Preferential costs would be distributed by the Alaska air weight proportions by zone.
- Hawaii costs would be distributed by the Hawaii air weight proportions by zone.
- Air Taxi costs would be distributed by the air taxi air weight proportions by zone.
- CDS Intra-SCF Highway costs would be excluded from the model.
- Inter-SCF, Intra-NDC, Inter-NDC, Highway Plant Load, Alaskan Highway, Highway Empty Equipment, Freight Rail, Rail Plant Load, Rail Empty Equipment, Inland Water, and Offshore Water costs would be distributed by the distance-related surface cube proportions by zone.
- Intra-SCF Highway costs would be distributed by the non-distance related surface cube proportions by zone.
- Peak Highway and Terminal/Van Damage costs would each be distributed by a weighted average of the distance- and non-distance-related surface cube proportions by zone.

Id. at 20–21.

Proposal Three—USPS Ground Advantage. In Proposal Three, the Postal Service also proposes to update the USPS Ground Advantage transportation cost model.⁸ The summary of each aspect of these proposed changes follows.

First, the Postal Service proposes the same distance taper factors as proposed in the PM model for GA. *Id.* at 24. The Postal Service avers the addition is an improvement because it would allow the model to reflect that shorter distance trips have a higher cost per mile on average compared to longer haul trips. *Id.*

Second, the Postal Service proposes a methodological change to address the

⁷ The Postal Service describes the existing methodology at length, and that description is not repeated here. See Petition, Proposal Three at 7–13.

⁸ The Postal Service describes the existing methodology, and that description is not repeated here. See Petition, Proposal Three at 22–23.

treatment of Domestic Water cost pools. *Id.* Specifically, Inland and Offshore Water costs would be disaggregated, and Offshore Water costs would be distributed independently. *Id.* at 24–25.

Third, the Postal Service proposes a methodology for Zone 10 long-distance surface transportation, because GA pieces over one pound may travel by ocean to offshore locations rather than flying, but they would also travel by truck to the ocean port. *Id.* at 25. The Postal Service proposes accounting for this transport by calculating the average haul mileage for Zone 10 by analyzing PTR and geographic data. *Id.* at 25–26. This analysis would calculate the average miles per piece for Zone 10 pieces destinating in the Caribbean, Pacific, and Alaska. *Id.* at 26. The Postal Service notes the pairs of most common departure ports and arrival ports for these pieces (Jacksonville, FL with Catano, PR; Richmond, CA with Honolulu, HI; and Seattle, WA with Anchorage, AK). *Id.* The Postal Service intends to use these pairs to calculate water miles (and by subtracting water miles from average miles per piece, estimating truck miles per piece) for these pieces. *Id.* The Postal Service uses the volume proportions by offshore destination to produce a weighted average truck mileage for all Zone 10 pieces. *Id.*

Fourth, the Postal Service proposes to analyze PTR data to identify Offshore Water Ground Advantage weight percentages by zone. *Id.* The weight distribution would be calculated by identifying the zone of the GA over-one-pound pieces that travel by ocean to or from the offshore location. *Id.* The weight distribution would be used to distribute the GA costs or offshore water transportation by zone and avoids assigning GA costs to zones that do not incur them as is done with the current methodology. *Id.* at 26–27. The costs per cube for each component category would be summarized to produce the total unit cost per cube by zone. *Id.* at 27.

Fifth, the Postal Service proposes to update customer-specific adjustments for Vehicle Service Driver (VSD) costs for local non-distance-related surface transportation for GA. *Id.* This proposed adjustment allows the Postal Service to account for deviations in VSD costs driven by the average size of the customers cube. *Id.*

Impact. The Postal Service provides the impact for each component of Proposal Three, as well as the combined impact, under seal in Library Reference USPS–RM2024–8–NP1. *Id.* Because the impact of Proposal Three is limited to PM and GA transportation costs

separated by zone, there is no impact on product-level costs. *Id.* at 28. The Postal Service avers that the materials filed under seal “substantiate and quantify the Postal Service’s prior statements that the cost of transport to offshore locations is higher on average than it is to transport to non-offshore destinations.” *Id.*

III. Notice and Comment

The Commission establishes Docket No. RM2024–8 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission’s website at <https://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Three no later than July 8, 2024. Reply comments on the Petition and Proposal Three are due no later than July 22, 2024. Pursuant to 39 U.S.C. 505, Madison Lichtenstein 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. RM2024–8 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 Three), filed May 13, 2024.

2. Comments by interested persons in this proceeding are due no later than July 8, 2024. Reply comments on the Petition and Proposal Three are due no later than July 22, 2024.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Madison Lichtenstein 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. 2024–11566 Filed 5–24–24; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0454; EPA–R04–OAR–2019–0638; EPA–R04–OAR–2020–0186; FRL–11971–01–R4]

Air Plan Approval; North Carolina; Permitting Provisions Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to correct the erroneous incorporation of cross-references into the North Carolina State Implementation Plan (SIP) using the Clean Air Act (CAA or Act) error correction provision. EPA has determined that portions of its May 23, 2019, July 17, 2020, and March 1, 2021, final SIP rulemaking actions were in error and that it is appropriate to correct those actions by removing specific cross-references in the permitting rules from the SIP.

DATES: Comments must be received on or before June 27, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0454 at www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit www.epa.gov/dockets/commenting-epa-dockets.

There are three dockets supporting this action, EPA–R04–OAR–2017–0454, EPA–R04–OAR–2019–0638, and EPA–R04–OAR–2020–0186. Docket No. EPA–R04–OAR–2017–0454 includes a March 24, 2006, SIP submittal from North Carolina and EPA’s original approval of the cross-references to North Carolina

General Statutes that are proposed for removal in this Notice of Proposed Rulemaking (NPRM). Docket Nos. EPA–R04–OAR–2019–0638 and EPA–R04–OAR–2020–0186 include a July 10, 2019, SIP submittal from North Carolina with additional ministerial and minor changes to the provisions at issue in this NPRM. All comments regarding information in any of these dockets are to be made in Docket No. EPA–R04–OAR–2017–0454. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epadockets>.

FOR FURTHER INFORMATION CONTACT:

Steven Scofield, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9034. Mr. Scofield can also be reached via electronic mail at scofield.steve@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 23, 2019, July 17, 2020, and March 1, 2021,¹ EPA approved revisions to 15A North Carolina Administrative Code (NCAC) 02Q .0101, 02Q .0103, and 02Q .0301 into the North Carolina SIP.² These revisions include cross-references to North Carolina General Statutes 143–215.108 and 143–215.108A; however, these cross-referenced provisions are not incorporated into the SIP. EPA has determined these prior approvals of the cross-referenced provisions were in error and is proposing to remove these cross-references from 15A NCAC 02Q.0101, 02Q.0103 and 02Q.0301 of the SIP. Because the cross-referenced provisions are not incorporated into the SIP, changes to those provisions can change the SIP without the submission of a SIP revision and subsequent EPA action to approve such a change, which is inconsistent with the CAA. Specifically, CAA section 110(l) requires each SIP revision submitted by a state to undergo reasonable public notice and hearing and prevents EPA from approving a SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other

applicable requirement of the CAA.³ Changes to the statutory provisions cross-referenced in the SIP could change the SIP without fulfilling public notice and hearing requirements and without EPA evaluation of the revision pursuant to the requirements of section 7410(l) and any other CAA requirements applicable to the specific SIP provision at issue.

II. What is EPA’s authority to correct errors in SIP rulemakings?

Section 110(k)(6) of the CAA authorizes EPA to revise a state’s SIP when it “determines that [its] action approving, disapproving, or promulgating any plan or plan revision (or part thereof) . . . was in error.” Once EPA has made the determination that it erred, it “may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State.” *Ala. Envtl. Council v. EPA*, 711 F.3d 1277, 1286 (11th Cir. 2013). This determination and the basis must be provided to the state and the public. Section 110(k)(6) of the CAA has been interpreted by courts as a “broad provision [that] was enacted to provide the EPA with an avenue to correct its own erroneous actions and grant the EPA the discretion to decide when to act pursuant to the provision.” *Miss. Comm’n on Envtl. Quality v. EPA*, 790 F.3d 138, 150 (D.C. Cir. 2015). EPA can take action under section 110(k)(6) to correct an error only if the error existed at the time the SIP was originally approved. *See Texas v. EPA*, 726 F.3d 180, 204 (D.C. Cir. 2013) (Kavanaugh, J., dissenting).

III. Which provisions are EPA proposing to remove?

A. Section 02Q .0101, Required Air Quality Permits

EPA approved changes to 15A North Carolina Administrative Code (NCAC) 02Q section .0101, *Required Air Quality Permits*, to include a cross-reference to a North Carolina General Statute that is not incorporated into the SIP. Specifically, on May 23, 2019, EPA approved revisions to subparagraph (b)(1) that added the phrase “With the exception allowed by G.S. 143–215.108A.”⁴ Subsequently, on July 17,

2020, EPA approved other changes to paragraph (b), including consolidating the subparagraphs into one paragraph .0101(b) and making other ministerial edits which do not otherwise change the meaning of the provision. This July 17, 2020, revision also included the same language cross-referencing G.S. 143–215.108A. EPA is proposing to correct both the May 23, 2019, and July 17, 2020, final actions by removing the phrase in paragraph .0101(b), “With the exception allowed by G.S. 143–215.108A.” The effect of this change, if finalized, would merely remove the cross-reference to the statute and would not modify specific exemptions from permitting and other changes otherwise approved in EPA’s May 23, 2019, and July 17, 2020, actions.

B. Section 02Q .0103, Definitions

EPA approved changes to 15A NCAC 02Q .0103, *Definitions*, that include a cross-reference to a North Carolina General Statute that is not incorporated into the SIP. Specifically, on July 18, 2017, EPA approved revisions to the definition of “construction” at paragraph (9) that added subparagraphs (a) through (d). Newly added subparagraph (9)(d) included the phrase “for which a permit is required by G.S. 143–215.108.”⁵ Subsequently, on July 17, 2020, EPA approved a change to this phrase to read “for which a permit is required pursuant to G.S. 143–215.108.” EPA also approved changes to paragraph .0103(9) in the July 17, 2020, action which do not alter the meaning of the definition. EPA is proposing to correct both the July 18, 2017, and July 17, 2020, final actions by removing the phrase in subparagraph (9)(d), “pursuant to G.S. 143–215.108.” The effect of this change, if finalized, would merely remove the cross-reference to the statute and would not modify specific exemptions from permitting and other changes otherwise approved in EPA’s May 23, 2019, and July 17, 2020, actions.⁶

begin construction or operation without first obtaining a construction and operation permit pursuant to 15A NCAC 02Q .0300. Title V facilities are subject to the Title V procedures pursuant to 15A NCAC 02Q .0500 including the acid rain procedures pursuant to 15A NCAC 02Q .0400. A facility may also be subject to the air toxic procedures pursuant to 15A NCAC 2Q .0700.”

⁵ The full text of 15A NCAC 02Q .0103(9)(d) in the SIP currently reads: “building ancillary structures, including fences and office buildings that are not a necessary component of an air contaminant source, equipment or associated air cleaning device for which a permit is required pursuant to G.S. 143–215.108” and is one of four items listed in the definition of “construction” that shall not be considered part of construction activity.

⁶ In the May 23, 2019, action, EPA approved changes to definition of “construction” in 15A

¹ See 84 FR 23725, 85 FR 43461, and 86 FR 11875.

² The revisions were submitted by the North Carolina Division of Air Quality in submissions dated March 24, 2006, and July 10, 2019.

³ CAA sections 110(a)(1) and (2) also require each SIP submitted by a state to undergo reasonable public notice and hearing.

⁴ The full text of 15A NCAC 02Q .0101(b)(1) (now renumbered to 02Q .0101(b)) in the SIP reads: “Stationary Source Construction and Operation Permit: With the exception allowed by G.S. 143–215.108A, the owner or operator of a new, modified, or existing facility or source shall not

C. Section 02Q .0301, *Applicability*

EPA approved changes to 15A NCAC 02Q .0301, *Applicability*, that include a cross-reference to a North Carolina General Statute that is not incorporated into the SIP. Specifically, on May 23, 2019, EPA approved a revision to 15A NCAC 02Q .0301(a) that added the phrase “or as allowed under G.S. 143–215.108A”.⁷ Subsequently, on March 1, 2021, EPA approved a change to this phrase to read “or as allowed pursuant to G.S. 143–215.108A.” EPA also approved changes to paragraph .0301(a) with the March 1, 2021, action which are ministerial and do not alter the meaning of the provision. EPA is proposing to correct both the May 23, 2019, and March 1, 2021, final actions by removing the phrase in paragraph (a), “or as allowed pursuant to G.S. 143–215.108A.” The removal of the cross-reference at 02Q .0301 would merely remove the cross-reference to the statute and would not modify specific exemptions from permitting and other changes otherwise approved in EPA’s May 23, 2019, and March 1, 2021, actions.

IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Sections I and III of this preamble, EPA is proposing to incorporate by reference 15A NCAC Section 02Q Rule .0101, *Required Air Quality Permits*, except for the phrase “With the exception allowed by G.S. 143–215.108A” in subparagraph (b); Rule .0103, *Definitions*, except for the phrase “pursuant to G.S. 143–215.108” in subparagraph (9)(d); and Rule .0301, *Applicability*, except for the phrase “or as allowed pursuant G.S. 143–215.108A” in paragraph (a), all state effective April 1, 2018.⁸ EPA has made, and will continue to make, these

NCAC 02Q .0103, *Definitions*, that identified certain activities excluded from the term “construction” and those exclusions remain in the SIP.

⁷ The full text of 15A NCAC 02Q .0301(a) of the SIP currently reads: “Except for the permit exemptions allowed pursuant to 15A NCAC 02Q .0102 and 15A NCAC 02Q .0900, or as allowed pursuant G.S. 143–215.108A, the owner or operator of a new, modified, or existing facility or source shall not begin construction or operation without first obtaining a construction and operation permit pursuant to 15A NCAC 02Q .0300; however, Title V facilities shall be subject to the Title V procedures pursuant to 15A NCAC 02Q .0500 including the acid rain procedures pursuant to 15A NCAC 02Q .0400 for Title IV sources.”

⁸ If EPA finalizes this proposed action, the “Explanation” column for these rules under 40 CFR 52.1770(c) will be revised to exclude these cross-references to the statutory provisions.

materials generally available through www.regulations.gov and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Proposed Action

Pursuant to the error correction provision of section 110(k)(6) of the CAA, EPA is proposing to remove portions of 15A NCAC section 02Q .0101, *Required Air Quality Permits*, section 02Q .0103, *Definitions*, and section 02Q .0301, *Applicability*, with the cross-references to North Carolina General Statutes as described above because the inclusion of these cross-references in the SIP is inconsistent with the CAA.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

EPA did not perform an EJ analysis and did not consider EJ in this proposed action. Consideration of EJ is not required as part of this proposed action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving EJ for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: May 20, 2024.

Jeaneanne Gettle,
Acting Regional Administrator, Region 4.
[FR Doc. 2024–11457 Filed 5–24–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 5, 25, and 97

[IB Docket No. 22–271; IB Docket No. 18–313; DA 24–412; FR ID 219983]

Space Innovation; Mitigation of Orbital Debris in the New Space Age

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: In this document, the Space Bureau of the Federal Communications Commission (Commission) seeks to refresh the record concerning the rules proposed in a 2020 *Further Notice of Proposed Rulemaking (FNPRM)* adopted in the *Mitigation of Orbital Debris in the New Space Age* rulemaking that sought comment on additional amendments to the Commission's rules related to satellite orbital debris mitigation.

DATES: Comments are due June 27, 2024. Reply comments are due July 12, 2024.

ADDRESSES: You may submit comments, identified by IB Docket No. 22–271 and IB Docket No. 18–313, by any of the following methods:

- *Federal Communications Commission's website:* <https://apps.fcc.gov/ecfs/>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. To request materials in accessible formats for people with disabilities, send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: Alexandra Horn, Space Bureau, Satellite Programs and Policy Division, 202–418–1376, alexandra.horn@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 24–412, released May 2, 2024, by the Space Bureau. The full text of the document is available at <https://www.fcc.gov/document/space-bureau-seeks-refresh-record-orbital-debris-proposed-rules>.

Comment Filing Requirements

Interested parties may file comments and reply comments on or before the

dates indicated in the **DATES** section above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers.* Comments may be filed electronically using the internet by accessing the ECFS, <http://apps.fcc.gov/ecfs>.

- *Paper Filers.* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

- *Persons with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice) or 202–418–0432 (TTY).

Ex Parte Presentations

The Commission will treat this proceeding as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation

consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Paperwork Reduction Act

This document does not contain proposed new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, beyond those already proposed in the *FNPRM*. Therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), beyond those already proposed in the *FNPRM*.

Regulatory Flexibility Analysis

The *FNPRM* included an Initial Regulatory Flexibility Analysis (“IRFA”) pursuant to 5 U.S.C. 603, exploring the potential impact on small entities of the Commission's proposals. The Commission invites parties to file supplemental comments on the IRFA in light of the request to refresh the record.

Providing Accountability Through Transparency Act

The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of the document is available at <https://www.fcc.gov/proposed-rulemakings>.

Synopsis

In the document, the Space Bureau seeks to refresh the record on rule changes pertaining to orbital debris mitigation previously proposed by the Commission. The Commission continues to seek to improve and clarify its rules taking into account the Commission's experience gained in the satellite licensing process, improvements in mitigation guidelines and practices, and in light of various market developments. The Commission sought comment in a 2020 *FNPRM* on various proposals for amending the Commission's orbital debris mitigation rules (85 FR 52455, Aug. 25, 2020). The comment period closed over three years ago in 2020. To ensure that the Commission has the benefit of current information, including any developments relating to these issues since the release of the underlying *FNPRM*, the Commission invites interested parties to update the record as discussed in the document.

Background. In 2020, the Commission adopted a *Report and Order (2020 Order)* comprehensively updating its rules on orbital debris mitigation (85 FR 52422, Aug. 25, 2020). At the same time, the Commission adopted the *FNPRM* which sought comment on additional rule amendments and proposals related to the probability of accidental explosions, collision risk for multi-satellite systems, maneuverability requirements, and casualty risk, among other issues. In the *2020 Order*, the Commission discussed the pace at which the industry is growing, noting that it expected that the regulation of orbital debris would be an iterative process as new research becomes available and new policies are developed based on experience and the evolving commercial space landscape.

Since the Commission last sought comment on its orbital debris mitigation rules, NASA and other standards-setting bodies have made a number of technical and policy updates to their orbital debris mitigation standards and guidance documents, and industry has gained substantial experience in this area, potentially leading to the development or refinement of new industry standards and practices in the future. In addition, in order to maintain U.S. leadership in the space economy, the Commission has opened a new docket for Space Innovation, IB Docket 22–271, recognizing that the new space age needs new rules, including for orbital debris mitigation, that reflect the expanding proliferation of satellites and innovations in the space industry. Finally, the Space Bureau's own

experience in satellite licensing and addressing associated orbital debris concerns has also advanced and parties have provided additional views in specific licensing proceedings on approaches to debris mitigation, particularly for large constellations.

Based on these considerations, the document provides an opportunity for additional comments in order to ensure an up-to-date record.

Request for Additional Comment. Accordingly, the Space Bureau invites stakeholders to update the record after reviewing the specific proposals, underlying analysis, and questions contained in the *FNPRM*, as well as the existing record in this proceeding. In particular, the *FNPRM* presented a number of questions and proposals regarding the debris mitigation practices for constellations, including specific considerations related to the total probability of collisions with large objects.

In this context, the Commission sought comment on whether it should analyze collision risks based on the entire system (system-wide, or in the aggregate) or on individual satellites (per-satellite) within a multi-satellite non-geostationary orbit (NGSO) system. If the Commission were to opt for a system-wide approach, it sought comment on the process through which such collision risks should be considered and what factors would be relevant in performing such an analysis. The Commission noted that, if it adopted a system-wide safe harbor approach, systems that are able to demonstrate that they meet a system-wide collision probability metric (or another suitable risk indicator) would be considered as adequately addressing this aspect of debris mitigation, but systems that exceed the threshold would be subject to further review. The Commission sought comment on using the U.S. Orbital Debris Mitigation Standard Practices' (ODMSP) 0.001 probability of collision metric as a threshold or safe harbor as a means of identifying systems that may need further review. The Commission sought comment on whether a safe harbor approach like the one described above or a bright-line rule would be preferable in this context and asked for specific metrics or thresholds that would be appropriate for each scenario.

The Commission also identified several factors that could be relevant in establishing a safe harbor or bright-line rule, the maneuvering capabilities and reliability of the satellite(s), orbital lifetime, the number of satellites in the system (possibly including constellation replenishment rate and replacement

satellites over some specific time period), and the size of individual satellites. The Commission sought comment on if these factors were relevant for consideration in this regard, how these factors should be evaluated, and whether there were any more factors that should be considered. As it pertains to large constellations, the Commission asked for input on whether it should make a bright-line distinction between large constellations and smaller systems in terms of the applicable metrics for collision risk assessment, or should it attempt to specify a scalable metric for both types of systems.

The Space Bureau seeks to refresh the record on these points. In particular, in several *ex parte* presentations, commenters addressed a possible metric of 100 “object-years” for assessing the risks that may arise if satellites fail to complete planned disposal. “Object-years” refers to the number of years each failed satellite would remain in orbit, summed across any other failed satellites that were part of the satellite system. The Space Bureau seeks comment on this and other approaches for addressing the reliability of post mission disposal, especially for constellations. Is an object-years metric suitable for this type of analysis, and if so, what threshold should be applied? The Space Bureau has used a 100 object-years metric in some licenses as a trigger for cases in which disposal failures would warrant additional Commission review of the execution of debris mitigation measures, and it seeks comment on whether this approach should be utilized more or less widely, and in which types of cases. Are there alternative approaches for identifying which systems may pose more collision risk than others? The Space Bureau asks for comment on such approaches, as well as any potential alternative metrics, methods for risk analysis, or implementation strategies for managing these collision risks, especially as it pertains to larger systems. Additionally, it seeks comment on appropriate actions should an operator be granted a license and then exceed a 100 object-year threshold, or any other metric that may be adopted. For example, should the operator be required to cease satellite deployment until the causes of the disposal failure have been identified and addressed sufficiently? If a cause and solution have been identified and successfully implemented, should the count of object years be re-set by removing object-years for those satellites from the operator's total object years? Are there other reporting conditions that could be used to address collision risks?

The Space Bureau recognizes that many factors, including orbital altitude and maneuvering capabilities, may impact collision risk analyses. In the *FNPRM*, the Commission was specifically interested in understanding the role of maneuvering capabilities in mitigating collision risk and the extent to which their reliability should be factored into collision risk assessments. The Commission sought comment on how to evaluate the likelihood of individual satellite maneuvering failures within a multi-satellite system. Additionally, the Commission requested input on how to assess the collision risk associated with failed satellites, including what the assumed location of the maneuvering failure should be (*i.e.*, in the deployment orbit, the worst-case collision risk orbit, a combination of both, or a range of orbits representing the expected range and duration of satellite operations), and if there are any methods by which the Commission could apply historical data concerning the typical point in a satellite mission where failures occur in order to refine the analysis. The *FNPRM* requested comment on this approach and on other alternatives for assessing an expected failure rate on a more detailed basis. The Space Bureau now requests additional comment on these issues, especially how they relate to mitigating collision risks with large objects.

In the event a safe harbor approach is adopted, the *FNPRM* sought comment on the review process for systems that did not meet the established safe harbor criteria. The Commission invited comment on options such as allowing applicants to demonstrate a lower actual failure rate for their maneuvering capabilities than the assumed rate used in the safe harbor assessment. For larger systems with multiple deployments, the Commission also asked commenters to provide feedback on the possibility of implementing a license condition requiring the applicant to provide additional demonstrations if the actual failure rate for the initial deployments is substantially higher than the expected failure rate expressed in its application.

For NGSO systems that could not meet the safe harbor, if adopted, the *FNPRM* also sought comment on other aspects of a more detailed review process, such as asking operators to provide additional detail on alternative satellite designs that were considered during development or additional measures that will be taken to reduce the total collision risk. To this end, the Commission sought input on what additional measures may correlate with lower risk and if there were specific measures that can be specified with a goal of minimizing the need for a case-by-case approach.

The Space Bureau encourages interested parties to submit new or additional relevant information related to these and other questions laid out in the *FNPRM*, as well as information about the present state of the orbital debris environment and the satellite industry at large, including the types of mission profiles or additional considerations that may have arisen with more prominence since the *FNPRM* was first adopted. The Space Bureau recognizes that the satellite industry is rapidly evolving, and that issues or concerns may have arisen that were not expressly considered at the time the *FNPRM* was adopted, or that stakeholders now feel have otherwise rendered some of the initial considerations and proposals in the *FNPRM* obsolete or infeasible. Accordingly, the Space Bureau invites interested parties to provide additional specific recommendations or alternative proposals, supported by relevant experience and source material that may not have been available prior to the release of the document, as it pertains to the issues raised here and presented in the *FNPRM*.

Federal Communications Commission.

Troy Tanner,

Deputy Chief, Space Bureau.

[FR Doc. 2024–11169 Filed 5–24–24; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 89, No. 103

Tuesday, May 28, 2024

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-LP-24-0011]

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intent to request approval from the Office of Management and Budget (OMB), for an extension of and revision to the currently approved information collection used in support of the voluntary grading and certification of meat, meat products, shell eggs, poultry products, rabbit products, and Audit Verification and Accreditation Programs (OMB 0581-0128).

DATES: Comments on this notice must be received by July 29, 2024 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments concerning this notice online using the electronic process available at <https://www.regulations.gov>. Written comments may be submitted to: Quality Assessment Division; Livestock and Poultry Program; Agricultural Marketing Service, USDA; 1400 Independence Avenue SW, Stop 0258; Washington, DC 20250-0258. All comments should reference the docket number: AMS-LP-24-0011, the date of submission, and the page number of this issue of the **Federal Register**. All comments submitted in response to this notice will be posted without change, including any personal information provided, at <https://www.regulations.gov/>, and become a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Michelle Degenhart, Quality Assessment Division; Telephone (202) 322-9826, or Email michelle.degenhart@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Regulations for Voluntary Grading, Certification, and Standards—7 CFR 54, 56, 62, and 70.

OMB Number: 0581-0128.

Expiration Date of Approval: August 31, 2024.

Type of Request: Request for extension of and revision of a currently approved information collection.

Abstract: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), hereinafter referred to as the "Act," directs and authorizes the U.S. Department of Agriculture (USDA) to develop and improve standards of quality, grades, grading programs, and certification services which facilitate the marketing of agricultural products. To provide programs and services, section 203(h) of the Act (7 U.S.C. 1622(h)) directs and authorizes the Secretary of Agriculture to inspect, certify, and identify the class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary may prescribe, including assessment and collection of fees for the cost of service. The regulations in 7 CFR parts 54, 56, and 70 provide a voluntary program for grading, certification and standards of meats, prepared meats, meat products, shell eggs, poultry products, and rabbit products. The regulation in 7 CFR part 62—AMS Audit Verification and Accreditation Programs (AVAAP) provides for a collection of voluntary, audit-based, user-fee funded programs that allow applicants to have program documentation and program processes assessed by AMS auditor(s) and other USDA officials.

AMS is committed to improving services through collaborative efforts with respondents. In this renewal, AMS is including estimates relating to key enhancements to ensure USDA grading is delivered with consistency, accuracy and improve data sharing. AMS also plans to combine forms LP-109 and LP-109A to eliminate duplicate information from respondents.

AMS also provides other types of voluntary services under these regulations, including contract and specification acceptance services and verification of product, processing,

further processing, temperature, and quantity. Because this is a voluntary program, respondents request or apply for the specific service they wish, and in doing so, they provide information. The information collected is used only by authorized representatives of USDA (AMS, Livestock and Poultry Program's national and field staff, which includes state agencies) and is used to conduct services requested by respondents. Information collected includes but is not limited to: total received volume in pounds or cases, volume in pounds of graded, daily total of grades assigned (e.g., by carcass), grading camera images and associated data, processed and reprocessed products, case volume of graded product, applicant's name, billing and facility address, scheduled hours, and requests for approval of commodity specifications, camera approvals, and chemical compounds. AMS is the primary user of the information with some information collected to be returned to respective respondents.

The information collection requirements in this request are essential to carry out the intent of the Act, to provide the respondents the type of service they request, and to administer the program.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.147 hours per response.

Respondents: Livestock, meat, poultry, shell egg industries, or other agricultural enterprises; state or local governments; or other businesses or organizations.

Estimated Number of Respondents: 1,483.

Estimated Number of Responses per Respondent: 55.71.

Estimated Total Annual Responses: 82,615.

Estimated Total Annual Burden on Respondents: 12,167.95 hours.

Comments: Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of AMS, including whether the information will have practical utility; (2) the accuracy of AMS' 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.

All responses to this notice will be summarized and included in the request for OMB approval. All responses will become a matter of public record, including any personal information provided.

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–11601 Filed 5–24–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket #: RUS–24–TELECOM–0011]

Distance Learning and Telemedicine (DLT) Program: Virtual Public Listening Session

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Utilities Service (RUS), an Agency of the Rural Development (RD) mission area within the United States Department of Agriculture (USDA), is hosting a virtual public listening session to obtain stakeholder feedback about the Distance Learning and Telemedicine (DLT) program. This competitive program helps rural communities use advanced telecommunications technology to connect to each other—and the world—overcoming the effects of remoteness and low population density. The sessions are open to the public and provide an opportunity for stakeholders and other interested parties to offer their comments and input on the DLT program.

DATES: The virtual listening sessions will be held virtually on the following dates and times:

Tuesday, June 11, 2024, 1:30–3 p.m. EST

Tuesday, June 18, 2024, 1:30–3 p.m. EST

Comments must be submitted by 11:59 p.m. eastern standard time (EST) on June 19th, 2024, on www.regulations.gov.

ADDRESSES: Registration is required for each virtual public listening session. To register, please visit [www.rd.usda.gov/programs-services/telecommunications-programs/distance-learning-](http://www.rd.usda.gov/programs-services/telecommunications-programs/distance-learning-telemedicine-grants)

[telemedicine-grants](http://www.rd.usda.gov/programs-services/telecommunications-programs/distance-learning-telemedicine-grants). A confirmation email, including the Zoom link and teleconference information for the meeting will be sent upon receipt of registration.

Comments may be submitted electronically by the Federal eRulemaking Portal, www.regulations.gov. In the “Search for dockets and documents on agency actions” box, enter the docket number “RUS–24–TELECOM–0011,” and click the “Search” button. From the search results: click on or locate the document title: “Distance Learning and Telemedicine (DLT) program: Virtual Public Listening Session” and select the “Comment” button. Before inputting comments, commenters may review the “Commenter’s Checklist” (optional). To submit a comment: Insert comments under the “Comment” title, click “Browse” to attach files (if available), input email address, select box to opt to receive email confirmation of submission and tracking (optional), select the box “I’m not a robot,” and then select “Submit Comment.”

Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site’s “FAQ” link. All comments will be available for public inspection online at the Federal eRulemaking Portal (www.regulations.gov).

FOR FURTHER INFORMATION CONTACT: Teresa Hunkapiller, Grants Management Specialist, Office of Loan Origination and Approval, RUS, USDA, 1400 Independence Avenue SW, Mail Stop 1590, Room 4121–S, Washington, DC 20250–1590, or call (202) 720–0800, or email dlinfo@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The DLT program is authorized under 7 U.S.C. 950aaa and implemented by 7 CFR part 1734. Applicants must adhere to the requirements contained in the program regulation, 7 CFR 1734. Important terms related to the program are identified in 7 CFR 1734.3.

The purpose of the DLT grant program is to encourage and improve telemedicine services and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals, and rural residents. These grants are intended to increase rural access to education, training, and health care resources that are otherwise unavailable or limited in scope. The DLT program

is currently a grant only program and the grant funds are awarded through a nationally competitive process.

Instructions

Response to this notice is voluntary. Each individual or institution is requested to submit only one response as directed in the **ADDRESSES** section of this notice. Submission must not exceed 10 pages and fonts must be 12 point or larger, with a page number on each page. Responses should include the name of the person(s) or organization(s) filing the comment. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials. Comments containing profanity, vulgarity, threats, or other inappropriate language or content will not be considered. Comments submitted in response to this notice are subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552). Responses to this notice may also be posted, without change, on a Federal website.

Therefore, we request that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this notice. In accordance with FAR 52–215–3(b), responses to this notice are not offers and cannot be accepted by the Government to form a binding contract. Additionally, the U.S. Government will not pay for response preparation or for the use of any information contained in the response.

To inform the Federal Government’s decision-making, RUS now seeks public input on the following questions.

1. RUS outlines DLT Program eligibility requirements in 7 CFR 1734. What DLT Program requirements limit or improve project eligibility?

2. What integral equipment or software technologies are not currently eligible for funding with the DLT program?

3. The authorizing statute allows for funds to be used to purchase or support audio, video, and interactive video equipment, broadband facilities used for distance learning or telemedicine, computer hardware, network components, and software, instructional programming and limited technical assistance. What emerging technological advances in equipment and software have the potential to change how DLT services are delivered in rural areas?

4. What has been your experience with accessing DLT funding?

Non-Discrimination Statement

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

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the 711 Relay Service.

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

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

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

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

Christopher A. McLean,

Acting for the Administrator, Rural Utilities Service.

[FR Doc. 2024-11400 Filed 5-24-24; 8:45 am]

BILLING CODE 3410-15-P

COMMISSION ON CIVIL RIGHTS**Notice of Public Meeting of the Tennessee Advisory Committee**

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA) that a meeting of the Tennessee Advisory Committee to the Commission will convene by Zoom on Monday, June 3, 2024, at 11:30 a.m. (CT). The purpose of the meeting is to discuss the final draft of their report on Voting Rights and post-report activities.

DATES: The meeting will take place on Monday, June 3, 2024, at 11:30 a.m. (CST).

ADDRESSES:

Registration Link (Audio/Visual):

https://www.zoomgov.com/webinar/register/WN_mm79Nw3nTNa_vloyODKFrw.

Telephone (Audio Only): Dial (833) 568-8864 USA Toll Free; Access Code: 161 164 2901.

FOR FURTHER INFORMATION CONTACT:

Victoria Moreno at vmoreno@usccr.gov or by phone at 434-515-0204.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the Zoom link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Victoria Moreno at vmoreno@usccr.gov. All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809-9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the www.facadatabase.gov. Persons

interested in the work of this advisory committee are advised to go to the Commission's website, www.usccr.gov, or to contact the Regional Programs Unit at the above phone number or email address.

Agenda: Monday, June 3, 2024, at 11:30 a.m. (CST).

1. Welcome & Roll Call
2. Chair's Comments
3. Discussion on Report
4. Next Steps
5. Public Comment
6. Adjourn

Exceptional Circumstance: Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of the upcoming expiration of the current Committee appointment term and the resulting timeline under which the Committee must complete its project.

Dated: May 22, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-11647 Filed 5-24-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-520-810]

Aluminum Extrusions From the United Arab Emirates: Preliminary Affirmative Determination of Critical Circumstances, in Part, in the Less-Than-Fair Value Investigation

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that critical circumstances exist regarding certain imports of aluminum extrusions from the United Arab Emirates (UAE).

DATES: Applicable May 28, 2024.

FOR FURTHER INFORMATION CONTACT:

Jinny Ahn or John K. Drury at (202) 482-0339 and (202) 482-0195, respectively, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:**Background**

On October 24, 2023, Commerce initiated a less than fair value (LTFV) investigation concerning aluminum

extrusions from the UAE.¹ On April 19, 2024, the U.S. Aluminum Extruders Coalition and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (collectively, the petitioners) filed a timely critical circumstances allegation, pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended, (the Act) and 19 CFR 351.206, alleging that critical circumstances exist with respect to aluminum extrusions from the UAE.² Commerce published its preliminary LTFV determination on May 7, 2024.³

In accordance with 19 CFR 351.206(c)(1) and (c)(2)(ii), when a critical circumstances allegation is filed 30 days or more before the scheduled date of the final determination, but later than 20 days before the scheduled date of the preliminary determination, Commerce will make a preliminary finding whether there is a reasonable basis to believe or suspect that critical circumstances exist and will issue a preliminary critical circumstances determination within 30 days after the allegation is filed.

Legal Framework

Section 733(e)(1) of the Act provides that Commerce, upon receipt of a timely allegation of critical circumstances, will determine whether there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales; and (B) there have been massive imports of the subject merchandise over a relatively short period.

Further, 19 CFR 351.206(h)(1) provides that, in determining whether imports of the subject merchandise have

been “massive,” Commerce will normally examine: (i) the volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, 19 CFR 351.206(h)(2) provides that, “[i]n general, unless the imports during the ‘relatively short period’ . . . have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration, the Secretary will not consider the imports massive.” Section 351.206(i) of Commerce’s regulations defines “relatively short period” generally as the period starting on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later. This section of the regulations further provides that, if Commerce “finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely,” Commerce may consider a period of not less than three months from that earlier time.

Critical Circumstances Allegation

In their allegation, the petitioners state that based on the dumping margins calculated in the petition (*i.e.*, 42.29 percent), importers knew, or should have known, that imports of aluminum extrusions from the UAE were being sold at LTFV because this margin exceeds the 25 and 15 percent thresholds established for export price (EP).⁴ Additionally, the petitioners contend that the U.S. International Trade Commission’s (ITC’s) affirmative determination that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of aluminum extrusions from the UAE is sufficient to impute knowledge of the likelihood of material injury.⁵

Finally, as part of their allegation and pursuant to 19 CFR 351.206(h)(2), the petitioners provided monthly import data for the Harmonized Tariff Schedule of the United States (HTSUS) subheadings included in the scope of the investigation for the period between May 2023 and February 2024 as evidence of massive imports of aluminum extrusions from the UAE during a relatively short period.⁶

Analysis

Generally, when determining whether critical circumstances exist pursuant to the statutory criteria, Commerce examines record evidence, including: (1) the evidence presented in the petitioners’ allegation; (2) import statistics released by the ITC; and (3) shipment information submitted to Commerce by the respondents selected for individual examination.⁷ Consistent with Commerce’s practice, here we examined record information obtained since the initiation of this investigation, as well as the ITC’s preliminary injury determination.⁸

Section 733(e)(1)(A)(i) of the Act: History of Dumping and Material Injury by Reason of Dumped Imports in the United States or Elsewhere of the Subject Merchandise

In determining whether there is a history of dumping pursuant to section 733(e)(1)(A)(i) of the Act, Commerce generally considers current or previous antidumping duty (AD) orders on subject merchandise from the country in question in the United States and current orders in any other country with regard to imports of subject merchandise.⁹ There are no current or previous AD orders on aluminum extrusions from the UAE in the United States, and Commerce is not aware of the existence of any active AD orders on aluminum extrusions from the UAE in other countries. Therefore, Commerce preliminarily finds that there is no history of injurious dumping of aluminum extrusions from the UAE; thus, this criterion is not met.

⁷ See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Circular Welded Carbon Quality Steel Pipe from the People’s Republic of China*, 73 FR 31970, 31972–73 (June 5, 2008); see also *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People’s Republic of China*, 74 FR 2049, 2052–53 (January 14, 2009).

⁸ See, e.g., *Critical Circumstances Allegation; Preliminary Determination; and ITC Preliminary Determination*.

⁹ See, e.g., *Certain Oil Country Tubular Goods from the People’s Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination*, 74 FR 59117, 59120 (November 17, 2009), unchanged in *Certain Oil Country Tubular Goods from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value, Affirmative Final Determination of Critical Circumstances and Final Determination of Targeted Dumping*, 75 FR 20335 (April 19, 2010).

¹ See *Aluminum Extrusions from the People’s Republic of China, Colombia, the Dominican Republic, Ecuador, India, Indonesia, Italy, the Republic of Korea, Malaysia, Mexico, Taiwan, Thailand, the Republic of Turkey, the United Arab Emirates, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 88 FR 74421 (October 31, 2023) (*Initiation Notice*).

² See Petitioners’ Letter, “Critical Circumstances Allegation,” dated April 19, 2024 (*Critical Circumstances Allegation*).

³ See *Aluminum Extrusions from the United Arab Emirates: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 38090 (May 7, 2024) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

⁴ See *Initiation Notice*, 88 FR at 77426.

⁵ See *Aluminum Extrusions from China, Colombia, Dominican Republic, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, United Arab Emirates, and Vietnam*, 88 FR 82913 (November 27, 2023) (*ITC Preliminary Determination*).

⁶ See *Critical Circumstances Allegation* at 7.

Section 733(e)(1)(A)(ii): The Importer Knew or Should Have Known That the Exporter Was Selling at Less Than Fair Value and That There Was Likely To Be Material Injury

In determining whether importers knew or should have known that exporters were selling subject merchandise at LTFV and that there was likely to be material injury by reason of such sales, Commerce must rely on the facts before it at the time the determination is made. Commerce generally bases its decision with respect to knowledge on the margins calculated in the preliminary determination and the ITC's preliminary injury determination.¹⁰

Commerce normally considers margins of 25 percent or more for EP sales and 15 percent or more for constructed export price sales sufficient to impute importer knowledge of sales at LTFV.¹¹ In this investigation, we preliminarily calculated a weighted-average dumping margin of 9.13 percent for Gulf Extrusions LLC/Automotive Precision Technology (APT)-Sole Proprietorship LLC (Gulfex),¹² 9.17 percent for OSE Industries LLC (OSE), and 9.15 percent for all other UAE exporters/producers.¹³ Additionally, we

preliminarily assigned a dumping margin of 42.29 percent to various companies based on total adverse facts available (AFA).¹⁴

Based on these dumping margins, we preliminarily find no reasonable basis to believe or suspect that importers of subject merchandise from Gulfex, OSE, or producers/importers of subject merchandise from the UAE other than Gulfex, OSE, Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, and White Aluminum knew or should have known that the exporters were selling subject merchandise at LTFV. Because this criterion is not met for these companies, we preliminarily determine that critical circumstances do not exist for these companies.

However, given the preliminary dumping margins for Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, and White Aluminum exceed the threshold sufficient to impute knowledge of dumping, we preliminarily find that there is a reasonable basis to believe or suspect that these producers/exporters of subject merchandise knew, or should have known, that the exporters were selling subject merchandise at LTFV.

In determining whether an importer knew or should have known that there was likely to be material injury caused by reason of such imports, Commerce normally will look to the preliminary injury determination of the ITC.¹⁵ If the ITC finds a reasonable indication of present material injury to the relevant U.S. industry, Commerce will determine that a reasonable basis exists to impute importer knowledge that material injury is likely by reason of such imports.¹⁶ Here, the ITC preliminarily found that there is "reasonable indication" of material injury to the domestic industry because of the imported subject merchandise from the UAE. Thus, Commerce determines that importers knew, or should have known, that there was likely to be material injury by

reason of sales of aluminum extrusions by Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, and White Aluminum.¹⁷

Section 733(e)(1)(B): Whether There Have Been Massive Imports of the Subject Merchandise Over a Relatively Short Period

In determining whether there have been "massive imports" over a "relatively short period," pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(h), Commerce normally compares the import volumes of the subject merchandise for at least three months immediately preceding the filing of the petition (*i.e.*, the "base period") to a comparable period of at least three months following the filing of the petition (*i.e.*, the "comparison period"). The regulations also provide, however, that if Commerce finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from that earlier time.¹⁸ Pursuant to 19 CFR 351.206(h)(2), imports must increase by at least 15 percent during the "relatively short period" to be considered "massive."

As discussed above, we preliminarily find that for Gulfex, OSE, and producers/importers of subject merchandise from the UAE other than Gulfex, OSE, Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, and White Aluminum, pursuant to section 733(e)(1) of the Act there is not a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales; thus, whether there was a massive increase in imports from these companies between the base and comparison periods is moot.

However, as explained in the *Preliminary Determination*, we preliminarily applied total AFA to Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, and White Aluminum because they failed to cooperate in this

¹⁰ See, e.g., *Granular Polytetrafluoroethylene Resin from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 49299 (September 2, 2021), and accompanying PDM at 15, unchanged in *Granular Polytetrafluoroethylene Resin From India: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 87 FR 3772 (January 25, 2022). See also *Oil Country Tubular Goods from Mexico: Preliminary Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures*, 87 FR 28808 (May 11, 2022) and accompanying PDM at 11, unchanged in *Oil Country Tubular Goods from Mexico: Final Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances*, 87 FR 59041 (September 29, 2022).

¹¹ See, e.g., *Carbon and Alloy Steel Wire Rod from Germany, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Preliminary Determination of Critical Circumstances*, 67 FR 6224, 6225 (February 11, 2002) (*Steel Wire Rod Preliminary*), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Moldova*, 67 FR 55790 (August 30, 2002) (*Steel Wire Rod Final*).

¹² As explained in the PDM, based on the record information, Commerce preliminarily determined that Gulf Extrusions LLC and a non-selected respondent, Automotive Precision Technology LLC, are affiliated within the meaning of section 771(33)(F) of the Act and should be treated as a single entity pursuant to 19 CFR 351.401(f) for this preliminary determination. See PDM; see also Memorandum, "Preliminary Collapsing Memorandum for Gulf Extrusions LLC and Automotive Precision Technology—Sole Proprietorship LLC," dated May 1, 2024.

¹³ See *Preliminary Determination*, 89 FR at 38091.

¹⁴ *Id.* The companies to which we assigned the rate of 42.29 percent are Al Buraq Trading & Enterprises, Co. (Al Buraq), Al Hamad Industrial Co., LLC (Al Hamad), Al Jaber Aluminium Extrusions, LLC (Al Jaber), Aluminum Products Co. (APC), Arabian Extrusions Factory (Arabian Extrusions), Emirates Extrusion Factory, LLC (Emirates Extrusion), Taweelah Aluminium Extrusion Co. (Taweelah), and White Aluminum Extrusions, LLC (White Aluminum). See also *Preliminary Determination PDM* at 6.

¹⁵ See, e.g., *Certain Potassium Phosphate Salts from the People's Republic of China: Preliminary Affirmative Determination of Critical Circumstances in the Antidumping Duty Investigation*, 75 FR 24572, 24573 (May 5, 2010).

¹⁶ See, e.g., *Steel Wire Rod Preliminary*, 67 FR at 6225, unchanged in *Steel Wire Rod Final*.

¹⁷ See *ITC Preliminary Determination*.

¹⁸ See 19 CFR 351.206(i).

proceeding.¹⁹ Specifically, we determined that the use of facts available is warranted, pursuant to sections 776(a)(1) and (a)(2)(A)–(C) of the Act, because Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, and White Aluminum did not respond to our quantity and value (Q&V) questionnaire, despite confirmation that the questionnaire was successfully delivered to them.²⁰ Further, we determined these companies withheld information requested by Commerce, failed to provide information in a timely manner, and significantly impeded this proceeding by not submitting the requested Q&V information.²¹ We also determined that an adverse inference is warranted pursuant to section 776(b) of the Act because these companies were not cooperative.²² Thus, for Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, and White Aluminum, we preliminarily determine, as AFA and in accordance with section 776(b) of the Act, there was a massive surge in imports between the base and comparison periods.

Preliminary Affirmative Determination of Critical Circumstances, in Part

Based on the criteria and findings discussed above, we preliminarily determine that critical circumstances exist with respect to imports of aluminum extrusions from the UAE from Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, and White Aluminum. Further, we preliminarily determine that critical circumstances do not exist with respect to imports of aluminum extrusions from the UAE produced or exported by Gulfex, OSE, and producers/importers of subject merchandise from the UAE other than Gulfex, OSE, Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, or White Aluminum.

Final Critical Circumstances Determination

We will make a final determination concerning critical circumstances in the final LTFV determination, which is currently scheduled for September 19, 2024.

Public Comment

In the *Preliminary Determination*, Commerce stated that case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance and set a deadline for case briefs or other written comments on non-scope issues as no later than seven days after the date on which the final verification report is issued.²³ Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline for case briefs.²⁴ All comments regarding this preliminary critical circumstances determination are subject to the same request for public executive summaries in case and rebuttal briefs, as noted in the *Preliminary Determination*.²⁵

Suspension of Liquidation

In accordance with section 703(e)(2)(A) of the Act, for Al Buraq, Al Hamad, Al Jaber, APC, Arabian Extrusions, Emirates Extrusion, Taweelah, and White Aluminum, we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of any unliquidated entries of subject merchandise from the UAE entered, or withdrawn from warehouse for consumption, on or after February 7, 2024, which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**. For such entries, CBP shall require a cash deposit equal to the estimated weighted-average dumping margin established in the *Preliminary Determination*. This suspension of liquidation will remain in effect until further notice.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we will notify the ITC of this preliminary determination of critical circumstances.

This determination is issued and published pursuant to section 733(f) and 777(i) of the Act and 19 CFR 351.206(c)(2)(ii).

Dated: May 20, 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.

[FR Doc. 2024–11598 Filed 5–24–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

President's Export Council: Meeting of the President's Export Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The President's Export Council (Council) will hold a meeting to deliberate on recommendations related to promoting the expansion of U.S. exports and to convey a report to the President on the March 2024 fact-finding trip to Thailand by some members of the Council. Meeting topics will include strengthening U.S. commercial engagement in the Indo-Pacific and U.S. trade in services. The final agenda will be posted at least one week in advance of the meeting on the Council's website at <https://www.trade.gov/presidents-export-council>.

DATES: June 11, 2024, at 11:00 a.m. ET

ADDRESSES: The President's Export Council meeting will be broadcast via live webcast on the internet. Please visit the Council's website at <https://www.trade.gov/presidents-export-council> for the link to the live webcast on the day of the meeting.

FOR FURTHER INFORMATION CONTACT: Tricia Van Orden, Designated Federal Officer, President's Export Council, Room 3424, 1401 Constitution Avenue NW, Washington, DC, 20230, telephone: 202–482–5876, email: tricia.vanorden@trade.gov.

Press inquiries should be directed to the International Trade Administration's Office of Public Affairs, telephone: 202–482–3809.

SUPPLEMENTARY INFORMATION:

Background: The President's Export Council was first established by Executive Order on December 20, 1973, to advise the President on matters relating to U.S. export trade and to report to the President on its activities and recommendations for expanding U.S. exports. The Council was renewed most recently by Executive Order 14109 of September 29, 2023, for the two-year period ending September 30, 2025. This Committee is governed in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 1001 *et seq.*

Public Submissions: The public is invited to submit written statements to the President's Export Council. Statements must be received by 4:00 p.m. ET on June 7, 2024, by the following methods:

¹⁹ See *Preliminary Determination* PDM at 6.

²⁰ See *Preliminary Determination* PDM at 6–7; see also Memorandum, "Issuance of the Quantity and Value Questionnaire," dated November 6, 2023.

²¹ See *Preliminary Determination* PDM at 7.

²² *Id.* at 6–7.

²³ See *Preliminary Determination*, 89 FR at 38091–92.

²⁴ See 19 CFR 351.309(d)(1).

²⁵ See *Preliminary Determination*, 89 FR at 38092.

a. Electronic Submissions

Submit statements electronically to Tricia Van Orden, Designated Federal Officer, President's Export Council via email: tricia.vanorden@trade.gov.

b. Paper Submissions

Send paper statements to Tricia Van Orden, Designated Federal Officer, President's Export Council, Room 3424, 1401 Constitution Avenue NW, Washington, DC, 20230.

Statements will be posted on the Council's website (<https://www.trade.gov/presidents-export-council>) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

Meeting minutes: Copies of the Council's meeting minutes will be available within ninety (90) days of the meeting.

Dated: May 21, 2024.

Tricia Van Orden,

Designated Federal Officer, President's Export Council.

[FR Doc. 2024-11593 Filed 5-24-24; 8:45 am]

BILLING CODE 3510-25-P

DEPARTMENT OF COMMERCE**International Trade Administration**

[C-570-167, C-533-927, C-580-920, C-583-877]

Certain Epoxy Resins From the People's Republic of China, India, the Republic of Korea, and Taiwan: Postponement of Preliminary Determinations in the Countervailing Duty Investigations

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

DATES: Applicable May 28, 2024.

FOR FURTHER INFORMATION CONTACT:

Nathan James (the People's Republic of China (China)), Eliza DeLong (India), Thomas Martin (the Republic of Korea (Korea)), and Whitley Herndon (Taiwan), AD/CVD Operations, Offices V, IV, and IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5305, (202) 482-3878, (202) 482-3936, and (202) 482-6274, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On April, 23, 2024, the U.S. Department of Commerce (Commerce) initiated countervailing duty (CVD) investigations of imports of certain epoxy resins from China, India, Korea, and Taiwan.¹ Currently, the preliminary determinations in these investigations are due no later than June 27, 2024.

Postponement of Preliminary Determinations

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On May 14, 2024, the U.S. Epoxy Resin Producers *Ad Hoc* Coalition, the petitioner in these investigations, timely requested that Commerce postpone the preliminary determinations in these investigations.² The petitioner requested postponement of the preliminary determinations in these investigations so that it can review the initial questionnaire responses of the mandatory respondents, identify deficiencies that should be addressed for the preliminary determinations, and provide Commerce time to issue

¹ See *Certain Epoxy Resins from the People's Republic of China, India, the Republic of Korea, and Taiwan: Initiation of Countervailing Duty Investigations*, 89 FR 33319 (April 29, 2024).

² See Petitioner's Letters, "Certain Epoxy Resins from China: Petitioner's Request For Extension Preliminary Determination Deadline;" "Certain Epoxy Resins from India: Petitioner's Request For Extension Preliminary Determination Deadline;" "Certain Epoxy Resins from South Korea: Petitioner's Request For Extension Preliminary Determination Deadline;" and "Certain Epoxy Resins from Taiwan: Petitioner's Request for Extension Preliminary Determination Deadline," all dated May 14, 2024.

supplemental questionnaires, if needed.³

In accordance with 19 CFR 351.205(e), the petitioner submitted its requests for postponement of the preliminary determinations in these investigations 25 days or more before the scheduled date of the preliminary determinations and has stated the reasons its requests. Commerce finds no compelling reason to deny the requests. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determinations in these investigations to no later than 130 days after the date on which these investigations were initiated, *i.e.*, September 3, 2024.⁴

Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: May 20, 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.

[FR Doc. 2024-11600 Filed 5-24-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration**

Renewal of the Renewable Energy and Energy Efficiency Advisory Committee and Solicitation of Nominations for Membership

AGENCY: Industry and Analysis, International Trade Administration, Department of Commerce.

ACTION: Notice of renewal of the Renewable Energy and Energy Efficiency Advisory Committee and solicitation of nominations for membership.

SUMMARY: Pursuant to provisions of the Federal Advisory Committee Act (FACA), the Department of Commerce

³ *Id.*

⁴ Postponing the preliminary determinations to 130 days after the date of initiation would place the deadline on Saturday, August 31, 2024. Commerce's practice dictates that, where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (*i.e.*, Tuesday, September 3, 2024). See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

announces the renewal of the Renewable Energy and Energy Efficiency Advisory Committee (Committee). The Committee shall advise the Secretary of Commerce regarding the development and administration of programs and policies to expand the competitiveness of U.S. exports of renewable energy and energy efficiency goods and services.

The Committee's work on renewable energy will focus on technologies, equipment, and services to generate electricity, produce heat, and power vehicles from renewable sources such as solar, wind, biomass, hydropower, geothermal, and hydrogen. The Committee's work on energy efficiency will focus on technologies, services, and platforms that provide system-level energy efficiency to electricity generation, transmission, and distribution. These include smart grid technologies and services, as well as equipment and systems that increase the resiliency of power infrastructure such as energy storage. Climate solutions in the energy sector, such as low-carbon hydrogen production, clean energy transportation, and virtual power plants are also within the scope of the Committee. For the purposes of this Committee, covered goods and services will not include vehicles, feedstock for biofuels, or energy efficiency as it relates to consumer goods or buildings. Non-fossil fuels that reduce carbon consumption (e.g., liquid biofuels and pellets) are included. This notice also requests nominations for membership.

DATES: Applications or nominations for members must be received on or before 5:00 p.m. Eastern Daylight Time (EDT) on Friday June 14, 2024. This serves as an extension of the initial deadline of May 31, 2024, as previously indicated in the April 17, 2024, **Federal Register** Notice at the following link: <https://www.federalregister.gov/d/2024-08135>. After that date, the International Trade Administration (ITA) may continue to accept nominations under this notice for one year to fill any vacancies that may arise.

ADDRESSES: Applications or nominations may be emailed to Cora.Dickson@trade.gov.

FOR FURTHER INFORMATION CONTACT: Cora Dickson, Designated Federal Officer, Renewable Energy and Energy Efficiency Advisory Committee, Office of Energy & Environmental Industries, U.S. Department of Commerce; phone 202-482-6083; email Cora.Dickson@trade.gov. Interested parties can also view Committee documents on the REEEAC website at <http://trade.gov/reeecac>.

SUPPLEMENTARY INFORMATION: The Committee shall consist of up to 30 members appointed by the Secretary in accordance with applicable Department of Commerce guidance and based on their ability to carry out the objectives of the Committee. Members shall represent U.S. companies, U.S. trade associations, U.S. private sector organizations, and civil society groups with activities focused on the export competitiveness of U.S. renewable energy and energy efficiency goods and services. The Committee shall also represent the range of company or organizational roles in the development of renewable energy and energy efficiency projects, including, for example, project developers, technology integrators, financial institutions, and manufacturers. Members of the Committee are selected, in accordance with applicable Department of Commerce guidelines, based on their ability to carry out the objectives of the Committee as set forth in the Charter and in a manner that ensures that the Committee is balanced in terms of points of view, industry subsector, geography, and company size. The diverse membership of the Committee assures perspectives reflecting the breadth of the Committee's responsibilities, and, where possible, the Department of Commerce will also consider the ethnic, racial, gender, sexual orientation, and gender identity diversity and various abilities of the United States population.

Members serve at the pleasure of the Secretary from the date of appointment to the Committee to the date on which the Committee's charter terminates. Members serve in a representative capacity presenting the views and interests of a U.S. entity or U.S. organization, as well as their particular subsector; they are, therefore, not Special Government Employees.

Members of the Committee must not be registered as foreign agents under the Foreign Agents Registration Act. No member may represent a company that is majority owned or controlled by a foreign government entity (or foreign government entities). Members of the Committee will not be compensated for their services or reimbursed for their travel expenses.

If you are interested in applying or nominating someone else to become a member of the Committee, please provide the following information:

(1) Sponsor letter on the company's, trade association's, or organization's letterhead containing the name, title, and relevant contact information (including phone, and email address) of

the individual who is applying or being nominated;

(2) An affirmative statement that the nominee will be able to meet the expected time commitments of Committee work. Committee work includes (1) a commitment to attend quarterly committee meetings (typically, two in-person meetings lasting one day each and two virtual meetings lasting 2–4 hours each), (2) undertaking additional work outside of full committee meetings including regular participation in virtual subcommittee meetings, and (3) frequently drafting, preparing, or commenting on proposed recommendations to be evaluated at Committee meetings;

(3) Short biography of nominee, including credentials;

(4) Brief description (not brochures or other marketing collateral) of the company, trade association, or organization to be represented and its business activities, company size (number of employees and annual sales), and export markets served;

(5) An affirmative statement that the nominee meets all Committee eligibility requirements.

The attendance record of a nominated individual who has served on the Committee will be taken into consideration for reappointment. In principle, appointed Committee members should be absent from the Committee meetings (virtual or in-person) no more than once a year, for example, due to illness, family emergency, weather delays, etc. In-person meetings will not be held in a hybrid format. ITA will endeavor to announce in-person meetings sufficiently in advance for the members to adjust their travel plans or schedules accordingly.

See the **ADDRESSES** and **DATES** captions above for how and the deadline to submit nominations.

Privacy Act Statement

The collection, maintenance, and disclosure of this information is governed by the Privacy Act of 1974 (5 U.S.C. 552a). The Department of Commerce is authorized to collect this information in accordance with the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. chapter 10. The principal purpose for which the Department will use the information is to assist in choosing members of the Renewable Energy and Energy Efficiency Advisory Committee. Information received will be maintained in a Privacy Act system of records, COMMERCE/DEPT-11, entitled "Candidates for Membership, Members, and Former Members of Department of

Commerce Advisory Committees.” A notice describing that system, including a complete set of routine disclosures, has been published both in the **Federal Register** and on the Department’s website at: <https://www.commerce.gov/opog/privacy/SORN/SORN-DEPT-11>. Although providing this information is voluntary, an individual cannot be considered for membership without an application submission.

Public Burden Statement

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 an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0625–0143. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 30–60 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the International Trade Administration Paperwork Reduction Act Program: pra@trade.gov or to Katelynn Byers, ITA PRA Process Administrator: Katelynn.Byers@trade.gov.

Note: A request for applications was posted in a **Federal Register** Notice on April 17, 2024. If you applied in response to that notice, your application remains valid and is in the review process.

Nominees selected for appointment to the Committee will be notified by mail.

Man K. Cho,

Deputy Director, Office of Energy and Environmental Industries, International Trade Administration.

[FR Doc. 2024–11612 Filed 5–24–24; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration [C–533–839]

Carbazole Violet Pigment 23 From India: Preliminary Results of Countervailing Duty New Shipper Review; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting a new shipper review (NSR) of Sudarshan Chemical Industries Limited (Sudarshan) regarding the countervailing duty (CVD) order on carbazole violet pigment 23 (CVP–23) from India. We preliminarily determine that countervailable subsidies were provided to Sudarshan with respect to the production and export of CVP–23 from India for the period of review (POR), January 1, 2022, through December 31, 2022. Interested parties are invited to comment on these preliminary results.

DATES: Applicable May 28, 2024.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 2004, Commerce published in the **Federal Register** the CVD order on CVP–23 from India.¹ On August 2, 2023, Commerce initiated an NSR based on a timely request from Sudarshan.² For a complete description of the events that followed since the initiation of this NSR, *see* the Preliminary Decision Memorandum.³ A list of topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and

¹ See Notice of Countervailing Duty Order: Carbazole Violet Pigment 23 from India, 69 FR 77995 (December 29, 2004) (*Order*).

² See Carbazole Violet Pigment 23 from India: Initiation of Countervailing Duty New Shipper Review, 88 FR 50839 (August 2, 2023).

³ See Memorandum, “Decision Memorandum for the Preliminary Results of New Shipper Review of the Countervailing Duty Order on Carbazole Violet Pigment 23 from India; 2022,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The product covered by the *Order* is CVP–23. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this NSR in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Verification

As provided in 19 CFR 351.307(b)(iv), Commerce intends to verify information submitted by Sudarshan in advance of the final results of this NSR.

Preliminary Results

As a result of this NSR, Commerce preliminarily determines the following net subsidy rate exists for the period January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent <i>ad valorem</i>)
Sudarshan Chemical Industries Limited	8.98

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce intends, upon publication of the final results, to instruct Customs and Border Protection (CBP) to collect cash deposits of estimated countervailing duties in the amounts calculated in the final results of this review for the company listed above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this new shipper review. If the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this new shipper review, with respect to the company listed above. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Assessment Rates

In accordance with 19 CFR 351.212(b)(2), upon issuance of the final results of this new shipper review, Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review.

Disclosure and Public Comment

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than seven days after Commerce files its verification report regarding Sudarshan. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.⁴ Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a table of contents listing each issue; and (2) a table of authorities.⁵

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this NSR, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.⁶ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results of this NSR. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁷

⁴ See 19 CFR 351.309(d).

⁵ See 19 CFR 351.309(c)(2) and (d)(2).

⁶ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

⁷ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67007 (September 29, 2023).

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce’s electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.⁸ Requests should contain: (1) the party’s name, address, and telephone number; (2) the number of participants and whether any party is a foreign national; and (3) a list of issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date and time for the hearing.

Final Results

Unless extended, Commerce intends to issue the final results of this NSR, which will include the results of our analysis of the issues raised in case and rebuttal briefs, within 90 days after the date of publication of these preliminary results, pursuant to section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

Notification to Interested Parties

These preliminary results and notice are issued and published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act and 19 CFR 351.214.

Dated: May 20, 2024.

Ryan Majerus,

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

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Diversification of India’s Economy
- V. Subsidies Valuation Information
- VI. Interest Rate Benchmarks
- VII. *Bona Fide* Analysis
- VIII. Analysis of Programs
- IX. Recommendation

[FR Doc. 2024–11659 Filed 5–24–24; 8:45 am]

BILLING CODE 3510–DS–P

⁸ See 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–837]

Aluminum Extrusions From the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Critical Circumstances, in Part, in the Less-Than-Fair Value Investigation

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that critical circumstances exist regarding certain imports of aluminum extrusions from the Socialist Republic of Vietnam (Vietnam).

DATES: Applicable May 28, 2024.

FOR FURTHER INFORMATION CONTACT: Rebecca Janz at (202) 482–2972; AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 24, 2023, Commerce initiated a less-than-fair value (LTFV) investigation concerning aluminum extrusions from Vietnam.¹ On April 19, 2024, the U.S. Aluminum Extruders Coalition and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (collectively, the petitioners) filed a timely critical circumstances allegation, pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended, (the Act) and 19 CFR 351.206, alleging that critical circumstances exist with respect to aluminum extrusions from Vietnam.² Commerce published its preliminary LTFV determination on May 7, 2024.³

In accordance with 19 CFR 351.206(c)(1) and (c)(2)(ii), when a critical circumstances allegation is filed

¹ See *Aluminum Extrusions from the People’s Republic of China, Colombia, the Dominican Republic, Ecuador, India, Indonesia, Italy, the Republic of Korea, Malaysia, Mexico, Taiwan, Thailand, the Republic of Turkey, the United Arab Emirates, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 88 FR 74421 (October 31, 2023) (*Initiation Notice*).

² See Petitioners’ Letter, “Critical Circumstances Allegation,” dated April 19, 2024 (*Critical Circumstances Allegation*).

³ See *Aluminum Extrusions from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 38075 (May 7, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

30 days or more before the scheduled date of the final determination, but later than 20 days before the scheduled date of the preliminary determination, Commerce will make a preliminary finding whether there is a reasonable basis to believe or suspect that critical circumstances exist and will issue a preliminary critical circumstances determination within 30 days after the allegation is filed.

Legal Framework

Section 733(e)(1) of the Act provides that Commerce, upon receipt of a timely allegation of critical circumstances, will determine whether there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales; and (B) there have been massive imports of the subject merchandise over a relatively short period.

Further, 19 CFR 351.206(h)(1) provides that, in determining whether imports of the subject merchandise have been “massive,” Commerce will normally examine: (i) the volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, 19 CFR 351.206(h)(2) provides that, “[i]n general, unless the imports during the ‘relatively short period’ . . . have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration, the Secretary will not consider the imports massive.” Section 351.206(i) of Commerce’s regulations defines “relatively short period” generally as the period starting on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later. This section of the regulations further provides that, if Commerce “finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely,” Commerce may consider a period of not less than three months from that earlier time.

Critical Circumstances Allegation

In their allegation, the petitioners state that based on the dumping margins calculated in the petition (*i.e.*, 41.84 percent), importers knew or should have

known that imports of aluminum extrusions from Vietnam were being sold at LTFV because this margin exceeds the 25 and 15 percent thresholds established for export price (EP) and constructed export price (CEP), respectively.⁴ Additionally, the petitioners contend that the U.S. International Trade Commission’s (ITC’s) affirmative determination that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of aluminum extrusions from Vietnam is sufficient to impute knowledge of the likelihood of material injury.⁵

Finally, as part of their allegation and pursuant to 19 CFR 351.206(h)(2), the petitioners provided monthly import data for the Harmonized Tariff Schedule of the United States (HTSUS) subheadings included in the scope of the investigation for the period between May 2023 and February 2024 as evidence of massive imports of aluminum extrusions from Vietnam during a relatively short period.⁶

On April 29, 2024, GameChange Solar (GameChange), a U.S. importer of bearings that contain aluminum extrusions, responded to the Critical Circumstances Allegation, asserting lack of knowledge of injurious dumping and arguing that Commerce should make a critical circumstances determination specific to GameChange.⁷

Analysis

Generally, when determining whether critical circumstances exist pursuant to the statutory criteria, Commerce examines record evidence, including: (1) the evidence presented in the petitioners’ allegation; (2) import statistics released by the ITC; and (3) shipment information submitted to Commerce by the respondents selected for individual examination.⁸ Consistent

with Commerce practice, here we examined record information obtained since the initiation of this investigation, as well as the ITC’s preliminary injury determination.⁹

Section 733(e)(1)(A)(i) of the Act: History of Dumping and Material Injury by Reason of Dumped Imports in the United States or Elsewhere of the Subject Merchandise

In determining whether there is a history of dumping pursuant to section 733(e)(1)(A)(i) of the Act, Commerce generally considers current or previous antidumping duty (AD) orders on subject merchandise from the country in question in the United States and current orders in any other country with regard to imports of subject merchandise.¹⁰ Currently, there are no AD orders on aluminum extrusions from Vietnam in the United States, and Commerce is not aware of the existence of any AD orders on aluminum extrusions from Vietnam in other countries. Therefore, we preliminarily find that there is no history of injurious dumping of aluminum extrusions from Vietnam; thus, this criterion is not met.

Section 733(e)(1)(A)(ii): The Importer Knew or Should Have Known That the Exporter Was Selling at Less Than Fair Value and That There Was Likely To Be Material Injury

In determining whether importers knew or should have known that exporters were selling subject merchandise at LTFV and that there was likely to be material injury by reason of such sales, Commerce must rely on the facts before it at the time the determination is made. Commerce generally bases its decision with respect to knowledge on the margins calculated in the preliminary determination and the ITC’s preliminary injury determination.

Commerce normally considers margins of 25 percent or more for EP sales and 15 percent or more for CEP

Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People’s Republic of China, 74 FR 2049, 2052–53 (January 14, 2009).

⁹ See, *e.g.*, Critical Circumstances Allegation; GameChange Response; and ITC Preliminary Determination.

¹⁰ See, *e.g.*, *Certain Oil Country Tubular Goods from the People’s Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination*, 74 FR 59117, 59120 (November 17, 2009), unchanged in *Certain Oil Country Tubular Goods from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value, Affirmative Final Determination of Critical Circumstances and Final Determination of Targeted Dumping*, 75 FR 20335 (April 19, 2010).

⁴ See *Initiation Notice*, 88 FR at 77426.

⁵ See *Aluminum Extrusions from China, Colombia, Dominican Republic, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, United Arab Emirates, and Vietnam*, 88 FR 82913 (November 27, 2023) (ITC Preliminary Determination).

⁶ See Critical Circumstances Allegation at 7–8.

⁷ See GameChange’s Letter, “GameChange’s Response to Petitioners’ Critical Circumstances Allegation,” dated April 29, 2024 (GameChange Response), at 2–5 (citing *Zhejiang Native Produce & Animal By-Products Imp. & Exp. Corp. v. United States*, 432 F.3d 1363, 1367 (Fed. Cir. 2005) (*Zhejiang Native Produce*)); see also GameChange’s Letter, “Errata to GameChange’s Response to Petitioners’ Critical Circumstances Allegation,” dated April 29, 2024.

⁸ See, *e.g.*, *Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Circular Welded Carbon Quality Steel Pipe from the People’s Republic of China*, 73 FR 31970, 31972–73 (June 5, 2008); see also *Final Determination of Sales at Less*

sales sufficient to impute importer knowledge of sales at LTFV.¹¹ In this investigation, we preliminarily calculated a weighted-average dumping margin of 2.85 percent for East Asia Aluminum Company Limited (East Asia), the only respondent for which we calculated an individual rate, and we preliminarily assigned this same rate, *i.e.*, 2.85 percent, to the non-individually investigated separate rate companies.¹² Additionally, we preliminarily assigned a dumping margin of 41.84 percent to the Vietnam-wide entity based on total adverse facts available (AFA).¹³

Based on the foregoing margins, we preliminarily find no reasonable basis to believe or suspect that importers of subject merchandise from East Asia or the non-individually investigated separate rate companies knew, or should have known, that their exporters were selling subject merchandise at LTFV. Because this criterion is not met for East Asia or the non-examined separate rate companies, we preliminarily determine that critical circumstances do not exist for these companies.

However, given the preliminary dumping margin for the Vietnam-wide entity (*i.e.*, 41.84 percent) exceeds the threshold sufficient to impute knowledge of dumping, we preliminarily find that there is a reasonable basis to believe or suspect that producers/importers of subject merchandise from the Vietnam-wide entity knew, or should have known, that the exporters were selling subject merchandise at LTFV.

In determining whether an importer knew or should have known that there was likely to be material injury caused by reason of such imports, Commerce normally will look to the preliminary injury determination of the ITC.¹⁴ If the ITC finds a reasonable indication of present material injury to the relevant U.S. industry, Commerce will determine that a reasonable basis exists to impute importer knowledge that material injury

is likely by reason of such imports.¹⁵ Here, the ITC preliminarily found that there is “reasonable indication” of material injury to the domestic industry because of the imported subject merchandise from Vietnam.¹⁶ Therefore, the ITC’s preliminary injury determination is sufficient to impute knowledge to imports of the likelihood of material injury. Thus, Commerce determines that importers knew, or should have known, that there was likely to be material injury by reason of sales of aluminum extrusions by the Vietnam-wide entity.

GameChange argues that it did not, and could not, know that its exporters were selling bearings at LTFV because the company did not notice any change in prices or other indicia of unfair trade after the filing of the petition, and, because the ITC’s preliminary injury determination focused on aluminum extrusions, GameChange did not, or have reason to, know that imports of subject merchandise might be materially injuring the domestic industry.¹⁷ We preliminarily find that GameChange’s claims about its individual experience are insufficient to rebut the objective evidence on the record indicating that importers of merchandise from the Vietnam-wide entity knew, or should have known, that there was likely to be material injury by reason of these sales of aluminum extrusions.¹⁸ Additionally, we note that GameChange claims that its bearing imports are not subject merchandise, and, *arguendo*, if that is correct, its experiences are irrelevant to our determination with respect to sales of subject merchandise.

Section 733(e)(1)(B): Whether There Have Been Massive Imports of the Subject Merchandise Over a Relatively Short Period

In determining whether there have been “massive imports” over a “relatively short period,” pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(h), Commerce normally compares the import volumes of the subject merchandise for at least three months immediately preceding the filing of the petition (*i.e.*, the “base period”) to a comparable period of at least three months following the filing of the petition (*i.e.*, the “comparison period”). The regulations also provide, however, that if Commerce finds that

importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from that earlier time.¹⁹ Pursuant to 19 CFR 351.206(h)(2), imports must increase by at least 15 percent during the “relatively short period” to be considered “massive.”

As discussed above, we preliminarily find critical circumstances do not exist for East Asia or the non-individually investigated separate rate companies; thus, whether there was a massive increase in imports from these companies between the base and comparison periods is moot.

However, as explained in the *Preliminary Determination*, we preliminarily applied total AFA to the Vietnam-wide entity.²⁰ Specifically, we determined that the use of facts available is warranted, pursuant to sections 776(a)(1) and (a)(2)(A)–(C) of the Act “{b}ecause necessary information is not available on the record and the Vietnam-wide entity, which includes the Vietnamese exporters and/or producers that did not respond to our {quantity and value} Questionnaire, withheld information requested by Commerce, failed to provide information in a timely manner, and significantly impeded this proceeding by not submitting the requested information.”²¹ We also determined that an adverse inference is warranted pursuant to section 776(b) of the Act because the Vietnam-wide entity was not cooperative. Thus, for the Vietnam-wide entity, we preliminarily determine, as AFA in accordance with section 776 of the Act, that there was a massive surge in imports between the base and comparison periods.²²

Regarding whether imports were massive within a relatively short period of time, GameChange argues that we should analyze the volume of its imports of bearings that contain aluminum extrusions because GameChange did not import its bearings under the HTSUS subheadings for which the petitioners provided import data and, according to GameChange, its imports compete with finished products in the United States, not aluminum extrusions.

GameChange also relies on *Zhejiang Native Produce* as support for its argument that Commerce is required to

¹¹ See, e.g., *Carbon and Alloy Steel Wire Rod from Germany, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Preliminary Determination of Critical Circumstances*, 67 FR 6224, 6225 (February 11, 2002) (*Steel Wire Rod Preliminary*), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Moldova*, 67 FR 55790 (August 30, 2002) (*Steel Wire Rod Final*).

¹² See *Preliminary Determination*, 89 FR at 38076.

¹³ *Id.*; see also *Preliminary Determination PDM* at 6.

¹⁴ See, e.g., *Certain Potassium Phosphate Salts from the People’s Republic of China: Preliminary Affirmative Determination of Critical Circumstances in the Antidumping Duty Investigation*, 75 FR 24572, 24573 (May 5, 2010).

¹⁵ See, e.g., *Steel Wire Rod Preliminary*, 67 FR at 6225, unchanged in *Steel Wire Rod Final*.

¹⁶ See *ITC Preliminary Determination*.

¹⁷ See GameChange Response at 4.

¹⁸ We preliminarily find GameChange’s arguments regarding imputed knowledge moot with respect to East Asia and the non-individually investigated separate rate companies.

¹⁹ See 19 CFR 351.206(i).

²⁰ See *Preliminary Determination PDM* at 6.

²¹ *Id.*

²² See *Countervailing Duty Investigation of Tin Mill Products from the People’s Republic of China: Preliminary Determination of Critical Circumstances, in Part*, 88 FR 46738 (July 20, 2023).

make a critical circumstances determination specific to GameChange.²³ However, in *Zhejiang Native Produce*, the U.S. Court of Appeals for the Federal Circuit's holding was limited to whether Commerce could impute knowledge of dumping when the price of imports complied with a suspension agreement that existed prior to the filing of the petition; there is no such suspension agreement at issue here nor any information that detracts from the record evidence that supports our usual practice.²⁴

Additionally, for the separate rate companies and East Asia, we preliminarily determine that critical circumstances do not exist because section 733(e)(1)(A) is not met, as discussed above, and, thus, we do not reach the issue of whether imports were massive for these companies. Regarding the Vietnam-wide entity, as discussed above, we preliminarily find that imports are massive based on total AFA. Lastly, GameChange's argument again relies on its contention that its imported bearings are not subject merchandise. As noted above, if we were to assume *arguendo*, that GameChange's merchandise is not subject to the investigation, then its arguments are inapposite to the issue of whether imports of subject merchandise were massive during a relatively short period of time.

Preliminary Affirmative Determination of Critical Circumstances, in Part

Based on the criteria and findings discussed above, we preliminarily determine that critical circumstances do not exist with respect to imports of aluminum extrusions from Vietnam produced or exported by East Asia and the non-individually examined separate rate companies that we preliminarily found qualified for a separate rate, and we preliminarily determine that critical circumstances do exist with respect to imports of aluminum extrusions from Vietnam with respect to the Vietnam-wide entity.

Final Critical Circumstances Determination

We will make a final determination concerning critical circumstances in the final LTFV determination, which is currently scheduled for September 19, 2024.

²³ See GameChange Allegation at 5 (citing *Zhejiang Native Produce*, 432 F.3d at 1367).

²⁴ See *Zhejiang Native Produce*, 432 F.3d at 1367–68. We also note that, in *Zhejiang Native Produce*, there was no finding that a case-by-case basis needed to be company-specific rather than specific to the instant investigation.

Public Comment

In the *Preliminary Determination*, Commerce stated that case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance and set a deadline for case briefs or other written comments on non-scope issues as no later than seven days after the date on which the final verification report is issued.²⁵ Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline for case briefs.²⁶ All comments regarding this preliminary critical circumstances determination are subject to the same request for public, executive summaries in case and rebuttal briefs, as noted in the *Preliminary Determination*.²⁷

Suspension of Liquidation

In accordance with section 733(e)(2)(A) of the Act, for the Vietnam-wide entity, we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of any unliquidated entries of subject merchandise from Vietnam entered, or withdrawn from warehouse for consumption, on or after February 7, 2024, which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**. For such entries, CBP shall require a cash deposit equal to the estimated weighted-average dumping margin established in the *Preliminary Determination*. This suspension of liquidation will remain in effect until further notice.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we will notify the ITC of this preliminary determination of critical circumstances.

This determination is issued and published pursuant to sections 733(f) and 777(i) of the Act and 19 CFR 351.206(c)(2)(ii).

Dated: May 20, 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.

[FR Doc. 2024–11531 Filed 5–24–24; 8:45 am]

BILLING CODE 3510-DS-P

²⁵ See *Preliminary Determination*, 89 FR at 38076–77.

²⁶ *Id.*; see also 19 CFR 351.309(d)(1).

²⁷ See *Preliminary Determination*, 89 FR at 38076–77.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–848]

Certain Stilbenic Optical Brightening Agents From Taiwan: Final Results of Antidumping Duty Administrative Review; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain stilbenic optical brightening agents (OBAs) from Taiwan were sold in the United States at less than normal value during the period of review (POR) May 1, 2022, through November 26, 2022.

DATES: Applicable May 28, 2024.

FOR FURTHER INFORMATION CONTACT: Joshua Weiner, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3902.

SUPPLEMENTARY INFORMATION:

Background

On February 2, 2024, Commerce published in the **Federal Register** the preliminary results of the 2022 administrative review¹ of the antidumping duty order on OBAs from Taiwan.² We invited interested parties to comment on the *Preliminary Results*.³ No interested party submitted comments. Accordingly, the final results of review remain unchanged from the *Preliminary Results* and no decision memorandum accompanies this notice. Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the *Order* are OBAs. For a full description of the scope of the *Order*, see the *Preliminary Results*.⁴

Final Results of Review

We determine that the following weighted-average dumping margin exists for the POR:

¹ See *Stilbenic Optical Brightening Agents from Taiwan: Preliminary Results of Antidumping Duty Administrative Review; 2022*, 89 FR 7361 (February 2, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See *Certain Stilbenic Optical Brightening Agents from Taiwan: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 77 FR 27419 (May 10, 2012) (*Order*).

³ See *Preliminary Results*, 89 FR at 7361.

⁴ See *Preliminary Results* PDM.

Producer/exporter	Weighted-average dumping margin (percent)
Teh Fong Min International Co., Ltd ...	1.04

Disclosure

Because Commerce received no comments on the *Preliminary Results*, we have not modified our analysis and no decision memorandum accompanies this **Federal Register** notice. We are adopting the *Preliminary Results* as the final results of this review. Consequently, there are no new calculations to disclose in accordance with 19 CFR 351.224(b) for these final results.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. We intend to instruct CBP to apply the importer-specific *ad valorem* assessment rates we calculated for the *Preliminary Results* on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).⁵ If the importer-specific assessment rate is zero or *de minimis*, then Commerce will instruct CBP to liquidate such entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by Teh Fong Min International Co., Ltd., for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.*, 6.19 percent)⁶ if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

⁵ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

⁶ See *Order*, 77 FR at 27420.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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 the final results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 351.221(b)(5).

Dated: May 20, 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.
[FR Doc. 2024–11599 Filed 5–24–24; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for Customer Service-Related Data Collections

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and

other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before July 29, 2024.

ADDRESSES: Interested persons are invited to submit written comments by mail to Maureen O'Reilly, Management Analyst, NIST at PRANIST@nist.gov. Please reference OMB Control Number 0693–0031 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Maureen O'Reilly, Management Analyst, NIST, 100 Bureau Drive, Gaithersburg, MD 20899, (301) 975–3189 or maureen.oreilly@nist.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

In accordance with Executive Order 12862, the National Institute of Standards and Technology (NIST), a non-regulatory agency of the Department of Commerce, proposes to conduct a number of individual information collections that are both quantitative and qualitative. The information collections will be designed to determine the type and quality of the products, services, and information our key customers want and expect, as well as their satisfaction with and awareness of existing products, services, and information. In addition, NIST proposes other customer service satisfaction data collections that include, but may not be limited to focus groups, reply cards that accompany product distributions, and Web-based surveys and dialog boxes that offer customers the opportunity to express their level of satisfaction with NIST products, services, and information and for ongoing dialogue with NIST. NIST will limit its inquiries to data collections that solicit voluntary options and will not collect information that is required or regulated. No assurances of confidentiality will be given. However, it will be completely optional for survey participants to provide their name or affiliation information if they wish to provide comments for which they elect to receive a response.

II. Method of Collection

NIST will collect this information by electronic means, as well as by mail, fax, telephone, and person-to-person interactions.

III. Data

OMB Control Number: 0693–0031.

Form Number(s): None.

Type of Review: Regular Submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institution.

Estimated Number of Respondents: 120,000.

Estimated Time per Response: Less than 2 minutes for a response card, 2 hours for focus group participation. The average estimated response time for the completion of a collection instrument is expected to be less than 30 minutes per response(s).

Estimated Total Annual Burden Hours: 15,000.

Estimated Total Annual Cost to Public: None.

Respondent's Obligation: Voluntary.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–11560 Filed 5–24–24; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD920]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Chevron Long Wharf Maintenance and Efficiency Project in San Francisco Bay, California

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

ACTION: Notice; issuance of renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued a renewal incidental harassment authorization (IHA) to Chevron Products Company (Chevron) to incidentally harass marine mammals incidental to the Long Wharf Maintenance and Efficiency Project (LWMEP) in San Francisco Bay, California.

DATES: This renewal IHA is valid from June 1, 2024, through May 31, 2025.

ADDRESSES: Electronic copies of the original application, Renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Alyssa Clevenstine, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et*

seq.) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are promulgated or, if the taking is limited to harassment, an IHA is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as “take,” “harassment,” and “negligible impact” can be found in the MMPA and NMFS’s implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>.

History of Request

On May 12, 2023, NMFS issued an IHA to Chevron to take marine mammals incidental to the LWMEP in San Francisco Bay, California (88 FR 31703, May 18, 2023), effective from June 1, 2023, through May 31, 2024. On February 23, 2024, NMFS received an application for the renewal of that initial IHA. As described in the application for renewal, the activities for which incidental take is requested consist of activities that are covered by the initial authorization but will not be completed prior to its expiration. As required, the applicant also provided a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows

that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. The notice of the proposed renewal IHA was published on April 11, 2024 (89 FR 25573).

Description of the Specified Activities and Anticipated Impacts

The Chevron LWMEP consists of construction activities to upgrade Berth 1 of the Refinery Long Wharf in San Francisco Bay, California, in order to meet current safety and efficiency standards. Chevron's planned construction at Berth 1 included: vibratory extraction of two 18-inch concrete piles associated with an existing gangway and catwalk; impact installation of 42 24-inch square concrete piles to construct a mooring dolphin and hook, breasting dolphin and breasting points with standoff fenders, and to replace the catwalk in a different location; vibratory installation of a temporary construction template composed of up to 12 36-inch steel piles; and vibratory extraction of the same temporary steel piles when in-water construction activities were complete. All in-water work was expected to be completed in a seasonal work window from June 1 through November 30, 2023.

Due to unexpected difficulty with pile installation, Chevron was only able to complete vibratory extraction and impact installation of concrete piles, and vibratory installation of temporary steel piles. The applicant initially determined 12 36-inch steel piles would be needed to support the template; however, only 10 steel piles were needed and installed via vibratory hammer. Chevron plans to complete the remaining construction activities, which includes vibratory extraction of the 10 steel piles, in up to 8 non-consecutive days over 1 month during June 1 through November 30, 2024. This renewal request is to cover the subset of activities in the initial IHA that will not be completed during the effective IHA period.

The initial IHA was intended to cover 1 year of a larger project for which Chevron obtained prior IHAs and intends to request take authorization for subsequent facets of the project. The larger 5-year project involves upgrading Long Wharf to satisfy current Marine Oil Terminal Engineering and Maintenance Standards. The Long Wharf has 6 berths for receiving raw materials and shipping products. The project area encompasses the entirety of Berth 1, an area of approximately 470 square meters (m²).

Chevron's planned activity includes vibratory pile removal, which may

result in the incidental take of marine mammals, by harassment only. Due to mitigation measures, no Level A harassment is anticipated to occur, and none is authorized. The likely or possible impacts of Chevron's planned activity on marine mammals could involve both non-acoustic and acoustic stressors and is unchanged from the impacts described in **Federal Register** notices for the initial IHA (88 FR 19247, March 31, 2023; 88 FR 31703, May 18, 2023). Potential non-acoustic stressors could result from the physical presence of the equipment, vessels, and personnel; however, any impacts to marine mammals are expected to primarily be acoustic in nature. Sounds resulting from pile extraction may result in the incidental take of marine mammals, by Level B harassment only, in the form of behavioral harassment.

Detailed Description of the Activity

A detailed description of the construction activities for which take is authorized here may be found in the notices of the proposed and final IHAs for the initial authorization (88 FR 19247, March 31, 2023; 88 FR 31703, May 18, 2023). The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices. This renewal IHA is effective for a period of 1 year from June 1, 2024, through May 30, 2025.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which take is authorized, including information on abundance, status, distribution, and hearing, may be found in the notice of the proposed IHA for the initial authorization (88 FR 19247, March 31, 2023). NMFS has reviewed the preliminary monitoring data from the initial IHA, recent draft Stock Assessment Reports (SARs), information on relevant Unusual Mortality Events (UMEs), and other scientific literature, and determined that neither this nor any other new information affects which species or stocks have the potential to be affected or the pertinent information in the description of the marine mammals in the area of specified activities contained in the supporting documents for the initial IHA (88 FR 31703, May 18, 2023).

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized here may be found in the **Federal**

Register notices of the proposed IHA for the initial authorization (88 FR 19247, March 31, 2023). NMFS has reviewed the monitoring data from the initial IHA, recent draft SARs, information on relevant UMEs, and other scientific literature and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notices of the proposed and final IHAs for the initial authorization (88 FR 19247, March 31, 2023; 88 FR 31703, May 18, 2023). Specifically, the area or space within which harassment is likely to occur and marine mammal occurrence data applicable to this authorization remain unchanged from the initial IHA. Similarly, methods of

take, daily take estimates and types of take remain unchanged from the initial IHA, with the exception of California sea lion and gray whale. The number of takes authorized through this renewal are a subset of the initial authorized takes that better represent the amount of activity left to complete. These takes, which reflect the lower number of remaining days of work, are indicated below in table 1. Takes are calculated using the same methodology as the initial IHA, and are just a proportion of the initial takes based on up to 8 days of work remaining.

For California sea lions, a maximum of four individuals have been seen in a single day based on previous monitoring reports. To account for this possibility, Chevron estimated 2 days of four individuals entering the project area and one individual for the remaining 6 days of work. Therefore, Chevron requested,

and NMFS has authorized, 14 takes of California sea lions by Level B harassment.

The initial IHA authorized 2 takes by Level B harassment of gray whale. No gray whale takes have occurred, and given the already very low number of takes previously authorized (2 animals), NMFS has authorized 2 takes of gray whale by Level B harassment in this renewal IHA, rather than a proportion of the initial takes.

Based upon prior occurrences in the Bay, Chevron conservatively estimated, and NMFS concurred, that a maximum of 10 northern fur seals could occur in the project area during the 30 day in-water construction activity period for the initial IHA. Since only 8 days of in-water work are planned for this renewal IHA, NMFS has authorized 3 takes of northern fur seals by Level B harassment.

TABLE 1—AUTHORIZED TAKE BY LEVEL B HARASSMENT AND TAKE AS A PERCENTAGE OF THE POPULATION

Species	Expected occurrence	Total estimated take	Estimated take as a percentage of population
Harbor seal	237 seals per day	1,896	<7
California sea lion*	14 over project duration	14	<1
Harbor porpoise	1 porpoise per day	8	<1
Bottlenose dolphin	Up to 8 dolphins once per month	8	<2
Gray whale**	2 whales over project duration	2	<1
Northern elephant seal	1 seal every 3 days	3	<1
Northern fur seal***	3 seals over project duration	3	<1

* Takes of California sea lion are calculated to account for up to 2 days with a maximum of four individuals per day, based on previous observations, and 6 days of one individual per day.

** The initial IHA authorized 2 takes by Level B harassment of gray whale. No gray whale takes have occurred, and given the already very low number of takes previously authorized (2 animals), NMFS has authorized 2 takes of gray whale in this renewal IHA, rather than a proportion of the initial takes.

*** Takes of northern fur seal are calculated using the same proportions as the initial IHA, which is based on a maximum of 10 individuals per 30 days.

Description of Mitigation, Monitoring, and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA, and the discussion of the least practicable adverse impact included in that document and the notice of the proposed IHA remains accurate. The following measures are included in the renewal IHA, Chevron will:

- Employ at least two protected species observers (PSOs) to monitor the full shutdown zones, the Level B harassment zones to the extent practicable, and implement pre- and post-clearance monitoring;
- Implement a minimum shutdown zone of 10 meters for in-water construction activities;

- Shut down if marine mammals come within the designated hearing group-specific shutdown zones;
- Shut down if any species for which take has not been authorized enters the Level B harassment zone;
- Submit a draft monitoring report to NMFS within 90 days of completion of marine mammal monitoring or 60 days prior to issuance of any subsequent IHA for this project, whichever comes first;
- Prepare and submit a final report within thirty days following resolution of comments on the draft report from NMFS;
- Submit all PSO datasheets and/or raw sighting data (in a separate file from the Final Report referenced immediately above); and
- Report injured or dead marine mammals.

Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA to Chevron was published in the **Federal Register** on April 11, 2024 (89 FR 25573). That notice either described, or referenced descriptions of, Chevron's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and proposed mitigation, monitoring and reporting measures. NMFS received no public comments.

Determinations

The renewal request consists of a subset of activities analyzed through the initial authorization described above. In analyzing the effects of the activities for the initial IHA, NMFS determined that Chevron's activities would have a negligible impact on the affected species or stock and that authorized take

numbers of each species or stock were small relative to the relevant stocks (e.g., less than one-third the abundance of all stocks). The mitigation measures and monitoring and reporting requirements as described above are identical to the initial IHA.

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) Chevron's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (i.e., the issuance of an IHA renewal) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or

threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Renewal

NMFS has issued a renewal IHA to Chevron for the take of marine mammals incidental to conducting pile extraction activities in San Francisco Bay from June 1, 2024, through May 31, 2025.

Dated: May 21, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024-11533 Filed 5-24-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XV199]

Request for Information on the NOAA Space Weather Scales (SWS)

AGENCY: National Weather Service (NWS), National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice; request for information.

SUMMARY: The Space Weather Prediction Center (SWPC) within NOAA NWS seeks information from interested parties regarding a possible revision to the Space Weather Scales (SWS), which are issued to communicate to the public current and future space weather conditions and possible effects on people and systems.

DATES: Submit written comments on or before July 31, 2024.

ADDRESSES: The public may submit written comments on issues addressed in this notification by either of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type "NOAA-NWS-2024-0069" in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

Mail: Submit written comments to Amy Macpherson, NOAA, 7220 NW 101st Terrace, Kansas City, MO 64153.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by the Department of Commerce. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and may be posted for public viewing without change. All personal identifying information (e.g., name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. The Department will accept anonymous comments.

FOR FURTHER INFORMATION CONTACT:

Amy Macpherson, NOAA, 7220 NW 101st Terrace, Kansas City, MO 64153, amy.macpherson@noaa.gov, or 816-287-1344

SUPPLEMENTARY INFORMATION:

NOAA introduced the SWS in 1999 to communicate to the public current and future space weather conditions and possible effects on people and systems. However, space weather capabilities, user base, and user needs have grown and changed dramatically over the last two decades, and the SWS are challenged in supporting the growing stakeholder needs. In December 2023, the White House Office of Science and Technology Policy's National Science and Technology Council published the Implementation Plan for the National Space Weather Strategy and Action Plan. One of the actions directed the agencies to "Update and expand, as appropriate, the NOAA space weather scales. NOAA scales should be updated and expanded with a focus on forecasting impacts and specifying how space weather will differentially affect systems, industries, sectors, or regions."

NOAA is undertaking a revision to the SWS and through this request for information (RFI) is soliciting public input to gather feedback from a wide range of stakeholders, including representatives from industry, academia, other relevant organizations and institutions, and the general public. The public input provided in response to this RFI will inform NOAA in the scales revision process. Current NOAA Space Weather Scale descriptions can be found at: <https://www.swpc.noaa.gov/noaa-scales-explanation>

Discussion Points to Inform the SWS Revision

NOAA seeks input into revising the space weather scales with discussion on

the following points, to the extent feasible:

1. Articulate what NOAA's space weather scales are used and describe how are they used in missions and inform sector operations. If there are other uses of the scales, please describe.

2. Please discuss the benefits of using the NOAA's space weather scales and how they are useful. Include scenarios and situations of how the space weather scales are useful for operators or how they are useful in decision-making.

3. Describe challenges or difficulties in using the space weather scales. Please include information regarding the content, context, and information provided by the scales.

4. Provide suggested changes to the space weather scales including articulating what aspects could be improved. Consider how the space weather scales are communicated and provide suggestions for how scales communication could be improved. In addition, discuss the impact to your mission if the scales were to change.

5. Offer ideas for developing a new space weather scale(s). Include what phenomenon should be captured by a potential new scale(s), discuss how thresholds for a potential new scale(s) would be determined, and provide some scenarios on how a new scale(s) would be used by the community.

Please note that this is an RFI only. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA), specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration, are not generally considered information collections and therefore not subject to the PRA.

Dated: May 21, 2024.

Michael Farrar,

Director, National Centers for Environmental Prediction, National Weather Service.

[FR Doc. 2024-11565 Filed 5-24-24; 8:45 am]

BILLING CODE 3510-KE-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NWS Fire Weather Social and Behavioral Sciences Research

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 Feb. 15, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: NWS Fire Weather Social and Behavioral Sciences Research.

OMB Control Number: 0648-XXXX.

Form Number(s): None.

Type of Request: Regular (New information collection).

Number of Respondents: 2,140.

Average Hours Per Response: Survey: 15 minutes; Focus Groups: 2 hours.

Total Annual Burden Hours: 605 hours.

Needs and Uses: This is a request for a new collection of information.

The data collection is sponsored by DOC/NOAA/National Weather Service (NWS)/Analyze, Forecast, and Support Office (AFS), National Fire Weather Program. Under the Disaster Relief Supplemental Appropriations Act of 2022, Congress charged NOAA/NWS to improve (a) Hurricane intensity and track forecasting, including through deployment of unmanned ocean observing platforms and enhanced data assimilation; (B) precipitation and flood prediction, forecasting, and mitigation capabilities; and (C) wildfire research, prediction, detection, forecasting, monitoring, data management, and communication and engagement. Based on this directive, the NWS is conducting this project to improve decision support services for fire weather products and services. By using social science methods and risk communication

expertise, the NWS seeks to identify how probabilistic weather information can most effectively influence fire-related decision-making to protect lives and property and enhance the economy. This data collection will include an on-line survey and virtual focus groups. The survey sample will be a non-representative panel that will draw primarily from the Western, Southern Plains, and Southeastern portions of the United States. The focus groups will be conducted with Public Information Officers and Fire Weather Practitioners at the national, regional, state, and local levels based on contacts known to the NWS. The insights and findings derived from this data collection will be used to develop Impact Decision Support Services' products and messages.

This is a new data collection and currently there are no changes to the collection.

Affected Public: Individuals, State, Local, or Tribal government.

Frequency: One-time collection.

Respondent's Obligation: Voluntary.

Legal Authority: Disaster Relief Supplemental Appropriations Act of 2022.

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 the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-11660 Filed 5-24-24; 8:45 am]

BILLING CODE 3510-KE-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD820]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off the Coast of Delaware

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from Orsted Wind Power North America, LLC (Orsted), for an incidental harassment authorization (IHA) that is identical to an IHA previously issued to Orsted authorizing the take of marine mammals, by Level B harassment only, incidental to marine site characterization surveys conducted off the coast of Delaware in 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 0482 and 0519 (Lease Areas), and the associated export cable route (ECR) area. The only changes from the previously issued IHAs involve the updated marine mammal population estimates, marine mammal density data, and take estimates, as well as the new effective dates for the IHA. Accordingly, pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to incidentally take marine mammals during specified activities. NMFS is also requesting comments on a possible 1-year renewal IHA that could be issued under certain circumstances and if all requirements are met, as described in *Request for Public Comments* at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision. The IHA would be valid for one year from the effective date.

DATES: Comments and information must be received no later than June 27, 2024.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Written comments should be submitted via email to ITP.clevenstine@noaa.gov. Electronic copies of the original application, updated application, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case

of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Alyssa Clevenstine, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring, and reporting of such takings are set

forth. Relevant definitions of MMPA statutory terms cited above are included in the relevant sections below.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA to Orsted qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

History of Request

On October 1, 2021, Orsted, a limited liability company registered in the State of Delaware, submitted a request on behalf of Garden State Offshore Energy, LLC (Garden State) and Skipjack Offshore Energy, LLC (Skipjack), both subsidiaries of Orsted and both registered in the State of Delaware, for an IHA to take marine mammals incidental to marine site characterization surveys off the coast of Delaware in OCS-A 0482 and 0519, and along potential ECRs to landfall locations in Delaware and New Jersey. NMFS published a notice of the proposed IHA in the **Federal Register** on March 21, 2022 (87 FR 15922). Subsequently, the final notice of issuance of the IHA was published in the **Federal Register** (87 FR 30182, May 18, 2022), announcing the effective dates of that IHA were from May 10, 2022, through May 9, 2023 (2022 IHA). The specified activities were expected to result in the take, by Level B harassment, of 15 species (16 stocks) of marine mammals. The work was expected to be completed within the 1-year timeframe of the IHA. However, no work was completed under the original IHA.

On February 23, 2023, Orsted submitted a request that NMFS re-issue the previously issued IHA with the only change being new effective dates. NMFS published a notice of re-issuance of that IHA, announcing effective dates of May 10, 2023, through May 9, 2024 (88 FR 30278, May 11, 2023) (2023 IHA). The specified activity, specific geographical region, the type of equipment or survey activities, amount of take requested by Orsted and later authorized by NMFS, as well as the proposed mitigation, monitoring, and requirements remained substantially unchanged from the 2022 IHA. Orsted completed a portion of the survey work that was covered by the 2023 IHA and submitted a preliminary monitoring report demonstrating that the required mitigation and monitoring requirements were satisfied, no impacts of a scale or nature not previously analyzed or authorized occurred as a result of the activities conducted, and the IHA holder did not exceed the authorized levels of take under that IHA (88 FR 30278, May 11, 2023).

On March 6, 2024, NMFS received a letter from Orsted requesting renewal of the re-issued 2023 IHA (2024 request) to conduct the same site characterization surveys within the same survey areas using the same type of survey equipment that was previously analyzed under the 2022 IHA and re-issued 2023 IHA. While Orsted's planned activity would ordinarily qualify for a renewal of the IHA, NMFS determined that a renewal of the 2023 IHA is not appropriate because Duke University Marine Geospatial Ecology Laboratory Habitat-based Marine Mammal Density Models for the U.S. Atlantic was updated (<https://seamap.env.duke.edu/models/Duke/EC/>), which NMFS determined represents the best available scientific data and serves as the basis for updating the estimated take numbers. Marine mammal density estimates in the survey area (animals/km²) were obtained using the most recent model results for all taxa (Roberts *et al.*, 2023).

The updated models incorporate sighting data, including sightings from NOAA's Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys. After discussions with the applicant, NMFS received a revised request incorporating the new information, which was deemed adequate and complete on April 12, 2024. In evaluating the 2024 request, and where applicable, NMFS relies on the information previously presented in notices associated with issuance of the 2022 IHA (87 FR 15922, March 21, 2022; 87 FR 30182, May 18, 2022).

Description of the Proposed Activity and Anticipated Impacts

Overview

Orsted proposes to conduct marine site characterization surveys, including high-resolution geophysical (HRG) surveys and geotechnical surveys, in BOEM Lease Areas OCS-A 0482 and 0519, and the associated ECRs. The purpose of the marine site characterization surveys is to collect data concerning seabed (geophysical, geotechnical, and geohazard), ecological, and archeological conditions within the footprint of offshore wind facility development. Surveys are also conducted to support engineering design and to map unexploded ordnance (UXO). Underwater sound resulting from Orsted's proposed activities, specifically HRG surveys, has the potential to result in incidental take of 15 species (16 stocks) of marine mammals, in the form of Level B harassment only. The proposed IHA would cover the same specified activities previously described in its application for the 2022 IHA and subsequent documents. NMFS refers the public to the documents and supplemental materials related to the **Federal Register** notice of proposed IHA (87 FR 15922; March 21, 2022), the notice of issuance of the original 2022 IHA (87 FR 30182, May 18, 2022), and the notice of re-issuance of the 2023

IHA (88 FR 30278, May 11, 2023). The descriptions and analyses contained in those documents remain accurate with the exception of the minor modifications described herein.

Dates and Duration

While the exact dates have not yet been established, the proposed activities are planned to begin as soon as possible upon issuance of an IHA. The duration of the proposed activity remains unchanged from the 2022 IHA and the re-issued 2023 IHA. The proposed activity is expected to require up to 350 survey days across a maximum of three vessels operating concurrently over the course of a single year ("survey day" defined as a 24-hr activity period in which the assumed number of line km are surveyed). The number of anticipated survey days was calculated as the number of days needed to reach the overall level of effort required to meet survey objectives assuming any single vessel travels 4 knots (kn) (7.4 kilometers per hour (km/hr) and surveys cover, on average, 70 line km per 24-hr period.

Specific Geographic Region

The specific geographic region remains unchanged from the previously issued 2022 IHA and re-issued 2023 IHA. The proposed activities would occur within the Project Area, which includes the Lease Areas and potential ECRs to landfall locations in Delaware (figure 1). The combined Lease Areas OCS-A 0482 and 0519 are comprised of approximately 568 square kilometers (km²) within the Wind Energy Area of BOEM's Mid-Atlantic planning area and the overall Project Area, including potential ECRs, is approximately 4,510 km² (see figure 1). Water depths in the Lease Areas range from approximately 15–40 meters (m). Water depths within the ECR area extend from the shoreline (0 m depth) to approximately 40 m.

BILLING CODE 3510-22-P

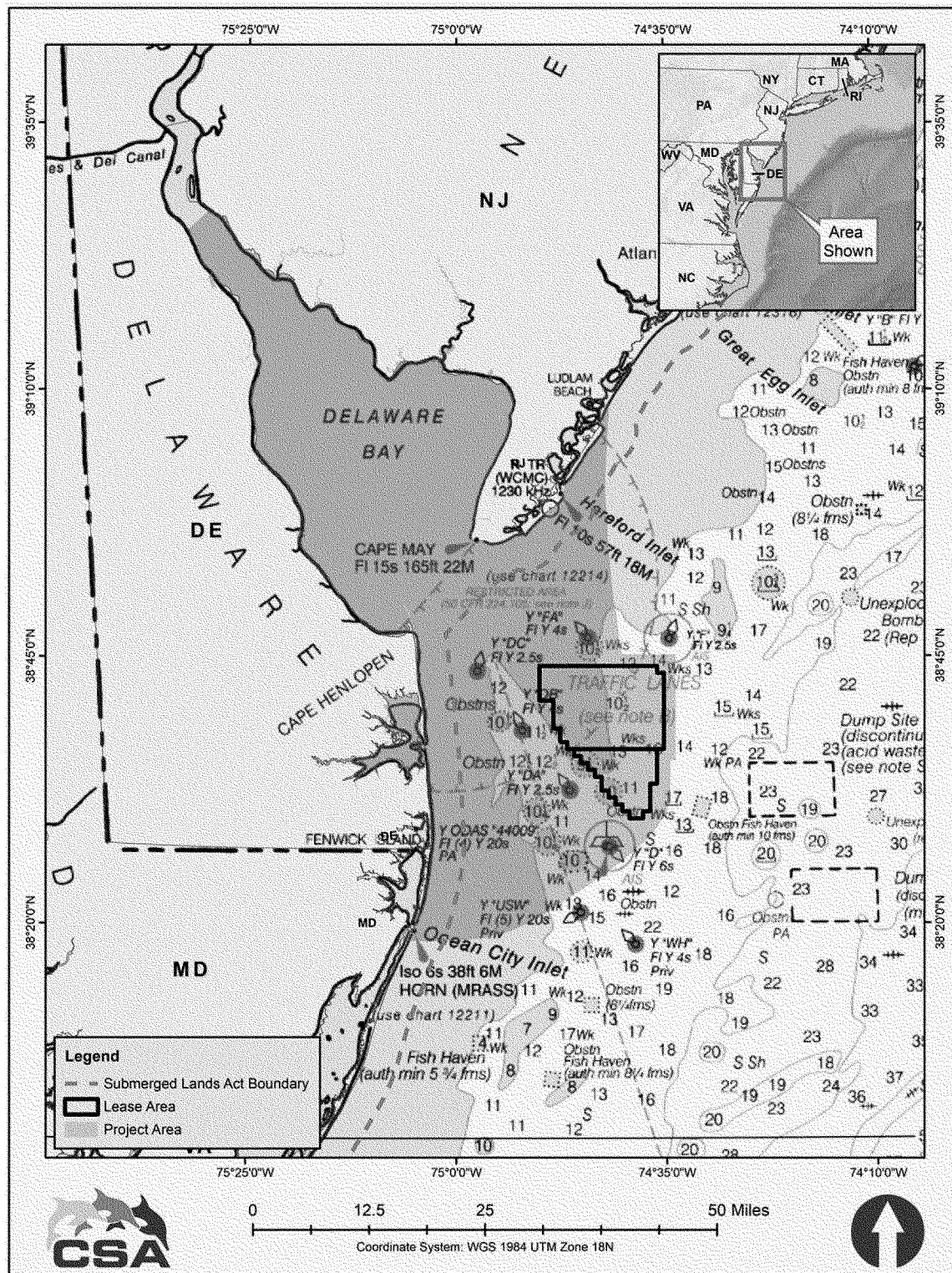


Figure 1 – Map of Proposed Project Area

BILLING CODE 3510-22-C

Detailed Description of the Action

A detailed description of the proposed specified activities can be found in the previous **Federal Register** notices (87 FR 15922, March 21, 2022;

87 FR 30182, May 18, 2022) and related supplemental documents. The nature of the specified activities, including the types of HRG equipment planned for use (CHIRPs, boomers, and sparkers), daily trackline distances (70 line km per 24-hr period), and number of survey

vessels (up to three operating concurrently), are identical to those described in the previous notices.

Description of Marine Mammals

A description of the marine mammals in the area of the specified activities can

be found in the previous documents and notices for the 2022 IHA (87 FR 15922, March 21, 2022; 87 FR 30182, May 18, 2022), which remains applicable to this proposed IHA. NMFS reviewed the most recent SARs (found on NMFS' website at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>), including the 2023 draft SARs, up-to-date information on relevant Unusual Mortality Events (UMEs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-unusual-mortality-events>), and recent scientific literature and determined that the new information does not change our original analysis of impacts under the 2022 IHA.

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's 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's U.S. Atlantic and Gulf of Mexico SARs (e.g., Hayes *et al.*, 2024). All values presented in table 1 are the most recent available at the time of publication, including, as applicable, from the draft 2023 SARs. NMFS notes that since the issuance of the 2022 IHA, new SARs are available for all species with the exception of humpback whale (Gulf of Maine stock), bottlenose dolphin (Northern Migratory Coastal stock), and harbor seal (Western North Atlantic stock). All new information is provided in table 1 and updated density data (Roberts *et al.*, 2023) are incorporated into take estimations (see Sections 3 and 6 of the updated application). Additionally, the new SARs data do not change our analysis of impacts, as described under the 2022 IHA.

Additionally, on August 1, 2022, NMFS announced proposed changes to the existing North Atlantic right whale (NARW) vessel speed regulations (87 FR 46921, August 1, 2022) to further reduce the likelihood of mortalities and serious injuries to endangered NARWs from

vessel collisions, which are a leading cause of the species' decline and a primary factor in an ongoing UME. Should a final vessel speed rule be issued and become effective during the effective period of this authorization (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 vessel speed 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.

TABLE 1—SPECIES AND STOCKS LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES ¹

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
<i>Family Balaenidae:</i> North Atlantic Right Whale ⁵ .	<i>Eubalaena glacialis</i>	Western Atlantic	E, D, Y	340 (0, 337, 2021); 356 (346–363, 2022).	0.7	27.2
<i>Family Balaenopteridae (rorquals):</i>						
Fin Whale	<i>Balaenoptera physalus</i>	Western N Atlantic	E, D, Y	6,802 (0.24, 5,573, 2021)	11	2.05
Humpback Whale	<i>Megaptera novaeangliae</i>	Gulf of Maine	-, -, N	1,396 (0, 1380, 2016)	22	12.15
Minke Whale	<i>Balaenoptera acutorostrata</i>	Canadian Eastern Coastal	-, -, N	21,968 (0.31, 17,002, 2021)	170	9.4
Sei Whale	<i>Balaenoptera borealis</i>	Nova Scotia	E, D, Y	6,292 (1.02, 3,098, 2021)	6.2	0.6
Odontoceti (toothed whales, dolphins, and porpoises)						
<i>Family Physeteridae:</i> Sperm Whale	<i>Physeter macrocephalus</i>	N Atlantic	E, D, Y	5,895 (0.29, 4,639, 2021)	9.28	0.2
<i>Family Delphinidae:</i> Long-Finned Pilot Whale.	<i>Globicephala melas</i>	Western N Atlantic	-, -, N	39,215 (0.30, 30,627, 2021)	306	5.7
Short-Finned Pilot Whale.	<i>Globicephala macrorhynchus</i>	Western N Atlantic	-, -, Y	18,726 (0.33, 14,292, 2021)	143	218
Atlantic Spotted Dolphin.	<i>Stenella frontalis</i>	Western N Atlantic	-, -, N	31,506 (0.28, 25,042, 2021)	250	0
Atlantic White-Sided Dolphin.	<i>Lagenorhynchus acutus</i> ...	Western N Atlantic	-, -, N	93,233 (0.71, 54,443, 2021)	544	28
Bottlenose Dolphin	<i>Tursiops truncatus</i>	Northern Migratory Coastal.	-, -, Y	6,639 (0.41, 4,759, 2016)	48	12.2–21.5
Bottlenose Dolphin	<i>Tursiops truncatus</i>	Western N Atlantic Off-shore.	-, -, N	64,587 (0.24, 52,801, 2021)	507	28
Risso's Dolphin	<i>Grampus griseus</i>	Western N Atlantic	-, -, N	44,067 (0.19, 30,662, 2021)	307	18
Common Dolphin	<i>Delphinus delphis</i>	Western N Atlantic	-, -, N	93,100 (0.56, 59,897, 2021)	1,452	414
<i>Family Phocoenidae (porpoises):</i> Harbor Porpoise	<i>Phocoena phocoena</i>	Gulf of Maine/Bay of Fundy.	-, -, N	85,765 (0.53, 56,420, 2021)	649	145
Order Carnivora—Pinnipedia						
<i>Family Phocidae (earless seals):</i>						

TABLE 1—SPECIES AND STOCKS LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES¹—Continued

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Gray Seal ⁶	<i>Halichoerus grypus</i>	Western N Atlantic	- , - , N	27,911 (0.20, 23,624, 2021)	1,512	4,570
Harbor Seal	<i>Phoca vitulina</i>	Western N Atlantic	- , - , N	61,336 (0.08, 57,637, 2018)	1,729	339

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>; Committee on Taxonomy (2022)).

² Endangered Species Act (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 potential biological removal (PBR) or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, vessel strike). Annual mortality or serious injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

⁵ Linden (2023) estimated the population size in 2022 as 356 individuals, with a 95 percent credible interval ranging from 346 to 363. NMFS acknowledges this most recent estimation in addition to the 2023 draft SAR stock abundance estimate.

⁶ NMFS's 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 given is for the total stock.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activities on marine mammals and their habitat may be found in the documents supporting the 2022 IHA (87 FR 15922, March 21, 2022; 87 FR 30182, May 18, 2022). At present, there is no new information on potential effects that would change our analysis.

Estimated Take

A detailed description of the methods used to estimate take anticipated to occur incidental to the project is found in the previous **Federal Register** notices (87 FR 15922, March 21, 2022; 87 FR 30182, May 18, 2022). The methods of estimating take are identical to those used in the 2022 IHA. We have updated the marine mammal densities based on new information (Roberts *et al.*, 2023), available online at: <https://seamap.env.duke.edu/models/Duke/EC/>. We refer the reader to table 3 in the 2024 IHA request from Orsted for specific density values used in the analysis. The 2024 IHA request is available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>.

Due to limited data availability and difficulties identifying individuals to species level during visual surveys, individual densities are not able to be provided for all species and they are instead grouped into "guilds" (Roberts *et al.*, 2023). These guilds include pilot whales and seals. Long- and short-finned pilot whales are difficult to distinguish during shipboard surveys so individual habitat models were not able to be developed and thus, densities are assumed to apply to both species. Similarly, Roberts *et al.* (2023) produced density models for all seals but did not

differentiate by seal species. Because the seasonality and habitat use by gray seals roughly overlaps with that of harbor seals in the proposed survey areas, it was assumed that the mean annual density could refer to either of the represented species and was, therefore, divided equally between the two species.

Sperm whales—No takes were calculated for this species, but based on NOAA's AMAPPS survey data and their distribution in the U.S. Atlantic, there is potential they will occur in the survey area. Therefore, Orsted is requesting authorization of a total of 2 takes for this species based on the average group size of 1.68 rounded to the nearest whole number from AMAPPS survey data.

Pilot whales—Only one take each was calculated for the pilot whale species guild based on the Roberts *et al.* (2023) densities, but only long-finned pilot whales are expected to occur in this project area due to their more northerly distribution and association with colder water when compared to short-finned pilot whales (Garrison and Rosel, 2017). Orsted is requesting authorization of 8 takes, rounded from the average group size of 8.2 for long-finned pilot whales presented in AMAPPS survey data.

Common dolphin—A total of 98 takes were calculated for common dolphins; however, based on available protected species observer (PSO) data from preliminary monitoring in the survey area, and an average group size of 30.2 based on AMAPPS survey data, it is likely that more individuals could be encountered during the proposed survey activities. Therefore, the requested takes have been increased using the total number of encounters from past PSO reports for this area. The total number of encounters for 2021, 2022, and 2023 were 18, 7, and 5 for common dolphins or unidentified dolphins, respectively,

which equates to an average of 10 encounters (Gardline, 2021, Gardline, 2022, AIS, 2024). Orsted has requested authorization of 302 takes for this species, based on an assumption that 10 groups with an average size of 30.2 will be encountered.

Atlantic spotted dolphins—Only 6 takes were calculated for this species, but based on AMAPPS survey data the average group size is 24.2, which equates to a total of 24 takes Orsted is requesting be authorized for this species.

Risso's dolphins—Only 1 take was calculated for this species, but based on AMAPPS survey data the average group size is 7.28, which equates to a total of 7 takes Orsted is requesting be authorized for this species.

Bottlenose dolphins—There are two bottlenose dolphin stocks that could occur in the Project Area: The Western North Atlantic (WNA) Offshore stock and WNA Northern Migratory Coastal stock. For bottlenose dolphin densities, Roberts *et al.* (2023) does not differentiate by individual stock. The WNA Offshore stock is assumed to be located in depths exceeding the 20 m isobath, while the WNA Northern Migratory Coastal stock is assumed to be found in shallower depths than the 20 m isobath north of Cape Hatteras (Reeves *et al.*, 2002, Waring *et al.*, 2016). The maximum potential Level B harassment takes calculated for each stock of bottlenose dolphins are based on the full survey duration occurring inside or outside the 20 m isobath; however only a portion of the survey will occur in each area. At this time, Orsted does not know the exact number of survey days that may occur within each area, and could not differentiate the maximum number of calculated instances of take (4,118 calculated) between the two stocks of bottlenose

dolphins potentially present during the proposed survey activities. Orsted therefore requested, and NMFS proposes to authorize, 4,118 instances of take of bottlenose dolphins, regardless of stock. Given the uncertainty regarding the number of days Orsted's survey may be within the 20 m isobath, the authorization of 4,118 instances of

take by Level B harassment is not allocated to a specific stock but rather could be of either stock.

The take NMFS proposes for authorization can be found in table 2, below. Table 2 presents the results of Orsted's updated density-based calculations for the Project Area. For comparative purposes, we have

provided the 2022 IHA authorized take (87 FR 30182, May 18, 2022). No take by Level A harassment is anticipated. Therefore, NMFS has not proposed to authorize any take by Level A harassment. Mortality or serious injury (M/SI) is neither anticipated nor proposed to be authorized.

TABLE 2—ESTIMATED TAKE NUMBERS AND TOTAL TAKE PROPOSED FOR AUTHORIZATION

Common name	Stock	Estimated abundance	Take authorized under previous 2023 IHA	Total calculated take	Total estimated take proposed for authorization	Estimated take as a percentage of population
North Atlantic Right Whale	Western Atlantic	340	11	4	4	1.18
Fin Whale	Western N Atlantic	6,802	7	6	6	<1
Humpback Whale	Gulf of Maine	1,396	4	5	5	<1
Minke Whale	Canadian Eastern Coastal	21,968	2	10	10	<1
Sei Whale	Nova Scotia	6,292	1	1	1	<1
Sperm Whale	N Atlantic	5,895	3	0	^a 2	<1
Long-Finned Pilot Whale	Western N Atlantic	39,215	20	1	^a 8	<1
Atlantic Spotted Dolphin	Western N Atlantic	31,506	15	6	^a 24	<1
Atlantic White-Sided Dolphin	Western N Atlantic	93,233	50	16	16	<1
Bottlenose Dolphin ^b	Northern Migratory Coastal	6,639	2,752	4,118	^c 4,118	62.0
Bottlenose Dolphin ^b	Western N Atlantic Offshore	64,587	2,752	4,118	^c . . .	<7
Risso's Dolphin	Western N Atlantic	44,067	20	1	^a 7	<1
Common Dolphin	Western N Atlantic	93,100	400	98	^a 302	<1
Harbor Porpoise	Gulf of Maine/Bay of Fundy	85,765	82	79	79	<1
Gray Seal	Western N Atlantic	27,911	4	13	^d 13	<1
Harbor Seal	Western N Atlantic	61,336	4	13	^a 13	<1

^a Adjustments to the requested take numbers for the marked species are based on the average group size from AMAPPS survey data (NEFSC, 2023) and recommended values represent averages of all AMAPPS sightings, for species for which the calculated take was lower than the estimated group size, except common dolphins. For common dolphins, the AMAPPS group size was used in conjunction with the number of encounters of common dolphin groups in past PSO reports.

^b Take estimate is based on the maximum number of calculated instances of take for either stock and is assumed to apply to all bottlenose dolphins potentially present in the survey area. Therefore, takes could consist of individuals from either the WNA Offshore or the WNA Northern Migratory Coastal stock.

^c Although unlikely, for purposes of calculating maximum percentage of population, we assume all takes could be allocated to either stock (*i.e.*, total estimated take for "bottlenose dolphins" is 4,118) and that multiple repeated takes of the same individuals from each stock may occur. Please see Preliminary Determinations for additional information.

^d Roberts *et al.* (2023) only provides density estimates for seals without differentiating by species. Harbor seals and gray seals are assumed to occur equally in the survey area; therefore, density values were split evenly between the two species, *i.e.*, total estimated take for "seals" is 13.

Description of Proposed Mitigation, Monitoring, and Reporting Measures

The proposed mitigation measures, and proposed monitoring and reporting requirements are identical to those included in the **Federal Register** notice announcing the final 2022 IHA (87 FR 30182, May 18, 2022), and the discussion of the least practicable adverse impact included in that document remains accurate. The measures proposed for inclusion in this authorization are found below.

Proposed Mitigation

The following mitigation measures will be implemented during Orsted's marine site characterization surveys. Pursuant to section 7 of the ESA, Orsted will also be required to adhere to relevant Project Design Criteria (PDC) of the NMFS Greater Atlantic Regional Office (GARFO) programmatic consultation (specifically PDCs 4, 5, and 7) regarding geophysical surveys along the U.S. Atlantic coast (see NOAA GARFO, 2021; <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-take-reporting-programmatics-greater->

atlantic#offshore-wind-site-assessment-and-site-characterization-activities-programmatic-consultation).

Marine Mammal Exclusion Zones and Harassment Zones

Marine mammal exclusion zones (EZs) will be established around the HRG survey equipment and monitored by NMFS-approved PSOs:

- 500 m EZ for NARWs during operation of specified acoustic sources (*e.g.*, sparkers, boomers); and
- 100 m EZ for all other marine mammals, with certain exceptions (see *Shutdown Procedures*), during operation of specified acoustic sources (*e.g.*, sparkers, boomers).

If a marine mammal is detected approaching or entering the EZs during the HRG survey, the vessel operator will adhere to the shutdown procedures described below to minimize noise impacts on the animals. These stated requirements will be included in the site-specific training to be provided to the survey team. The Level B harassment zones for each sound source are listed in table 3 and remain the same as the initial IHA (see table 4 of the

Federal Register notice of the final authorization (87 FR 30182, May 18, 2022)).

TABLE 3—LEVEL B HARASSMENT ZONES

Equipment	Distance to Level B harassment threshold (m)
ET 216 CHIRP	9
ET 424 CHIRP	4
ET 512i CHIRP	6
GeoPulse 5430	21
TB CHIRP III	48
Pangeo SBI	22
AA Triple plate S-Boom (700/1,000 J)	34
AA, Dura-spark UHD Sparkers	141
GeoMarine Sparkers	141

Note: AA = Applied Acoustics; CHIRP = compressed high-intensity radiated pulses; ET = edgetech; J = joule; SBI = sub-bottom imager; TB = Teledyne benthos; UHD = ultra-high definition.

Pre-Start Clearance

Marine mammal clearance zones will be established around the HRG survey equipment and monitored by PSOs:

- 500 m for all ESA-listed marine mammals; and
- 100 m for all other marine mammals.

Orsted will implement a 30-minute pre-start clearance period prior to the initiation of ramp-up of specified HRG equipment. During this period, clearance zones will be monitored by PSOs, using the appropriate visual technology. Ramp-up may not be initiated if any marine mammal(s) is within its respective clearance zone. If a marine mammal is observed within a clearance zone during the pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting its respective EZ or until an additional time period has elapsed with no further sighting (*i.e.*, 15 minutes for small odontocetes and pinnipeds, 30 minutes for all other species).

Ramp-Up of Survey Equipment

A ramp-up procedure, involving a gradual increase in source level output, is required at all times as part of the activation of the acoustic source when technically feasible. The ramp-up procedure will be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the survey area by allowing them to vacate the area prior to the commencement of survey equipment operation at full power. Operators should ramp-up sources to half power for 5 minutes and then proceed to full power.

Ramp-up activities will be delayed if a marine mammal(s) enters its respective EZ. Ramp-up will resume if the animal has been observed exiting its respective EZ or until an additional time period has elapsed with no further sighting (*i.e.*, 15 minutes for small odontocetes and pinnipeds, 30 minutes for all other species).

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. Acoustic source activation may only occur at night where operational planning cannot reasonably avoid such circumstances.

Shutdown Procedures

An immediate shutdown of the impulsive HRG survey equipment (*i.e.*, sparkers, boomers) will be required if a marine mammal is sighted entering or is

within its respective EZ. The vessel operator must comply immediately with any call for shutdown by the Lead PSO. Any disagreement between the Lead PSO and vessel operator should be discussed only after shutdown has occurred. Subsequent restart of the survey equipment can be initiated if the animal has been observed exiting its respective EZ or until an additional time period has elapsed with no further sighting (*i.e.*, 15 minutes for small odontocetes and pinnipeds, 30 minutes for all other species).

If a species for which authorization has not been granted, or, a species for which authorization has been granted but the authorization number of takes have been met, approaches or is observed within the Level B harassment zone, shutdown must occur.

If the 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 if PSOs have maintained constant observation and no detections of any marine mammal have occurred within the respective EZs. If the acoustic source is shut down for a period longer than 30 minutes, then pre-clearance and ramp-up procedures will be initiated as described in the previous section.

The shutdown requirement will be waived for pinnipeds and for small delphinids of the following genera: *Delphinus*, *Lagenorhynchus*, *Stenella*, and *Tursiops*. Specifically, if a delphinid from the specified genera or a pinniped is visually detected approaching the vessel (*i.e.*, to bow ride) or towed equipment, shutdown is not required. Furthermore, if there is uncertainty regarding identification of a marine mammal species (*i.e.*, whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived), PSOs must use best professional judgment in making the decision to call for a shutdown. Additionally, shutdown is required if a delphinid or pinniped is detected in the EZ and belongs to a genus other than those specified.

Shutdown, pre-start clearance, and ramp-up procedures are not required during HRG survey operations using only non-impulsive sources (*e.g.*, side-scan sonar, echosounders) other than non-parametric sub-bottom profilers (*e.g.*, CHIRPs).

Vessel Strike Avoidance

Orsted must adhere to the following measures except in the case where compliance will create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in

its ability to maneuver and, because of the restriction, cannot comply:

- Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammal. A visual observer aboard the vessel must monitor a vessel strike avoidance zone based on the appropriate separation distance around the vessel. Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.*, PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish protected species from other phenomena, and (2) broadly identify a marine mammal as a right whale, other whale (defined in this context as sperm whales or baleen whales other than right whales), or other marine mammal;

- All survey vessels, regardless of size, must observe a 10 kn (18.5 km/hr) speed restriction in specified areas designated by NMFS for the protection of NARWs from vessel strikes. These specified areas include all seasonal management areas (SMA) established under 50 CFR 224.105 (when in effect), any dynamic management areas (DMA) (when in effect), and Slow Zones. See: <https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales> for specific detail regarding these areas;

- All vessels must reduce speed to 10 kn (18.5 km/hr) or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel.

- All vessels must maintain a minimum separation distance of 500 m from right whales and other ESA-listed large whales;

- If an ESA-listed species is sighted within the relevant separation distance, the vessel must steer a course away at 10-kn (18.5 km/hr) or less until the 500-m separation distance has been established. If a whale is observed but cannot be confirmed as a species that is not ESA-listed, the vessel operator must assume that it is an ESA-listed species and take appropriate action.

- All vessels must maintain a minimum separation distance of 100 m from non-ESA-listed baleen whales;

- All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.*, for animals that approach the vessel); and

- When marine mammals are sighted while a vessel is underway, the vessel

shall take action as necessary to avoid violating the relevant separation distance (e.g., attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area).

○ If marine mammals are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

Project-specific training will be conducted for all vessel crew prior to the start of a survey and during any changes in crew such that all survey personnel are fully aware and understand the mitigation, monitoring, and reporting requirements.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered to by NMFS, NMFS has preliminarily determined that the mitigation measures provide the means of effective the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

Visual monitoring will be performed by qualified, NMFS-approved PSOs, the resumes of whom will be provided to NMFS for review and approval prior to the start of survey activities. Orsted will employ independent, dedicated, trained PSOs, meaning that the PSOs must (1) be employed by a third-party observer provider, (2) have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements (including brief alerts regarding maritime hazards), and (3) have successfully completed an approved PSO training course appropriate for their designated task. On a case-by-case basis, trained crew members may be approved by NMFS for limited, specified duties in support of approved, independent PSOs on smaller vessels with limited crew operating in nearshore waters.

The PSOs will be responsible for monitoring the waters surrounding each survey vessel to the farthest extent permitted by sighting conditions, including EZs, during all HRG survey operations. PSOs will visually monitor and identify marine mammals, including those approaching or entering the established EZs during survey activities. It will be the responsibility of the Lead PSO on duty to communicate

the presence of marine mammals as well as to communicate the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

During all HRG survey operations (e.g., any day on which use of an HRG source is planned to occur), a minimum of one PSO must be on duty during daylight operations on each survey vessel, conducting visual observations at all times on all active survey vessels during daylight hours (i.e., from 30 minutes prior to sunrise through 30 minutes following sunset). Two PSOs will be on watch during nighttime operations. The PSO(s) will ensure 360 degree visual coverage around the vessel from the most appropriate observation posts and will conduct visual observations using binoculars and/or night vision goggles and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least 2 hours between watches and may conduct a maximum of 12 hours of observations per 24-hr period. In cases where multiple vessels are surveying concurrently, any observations of marine mammals will be communicated to PSOs on all nearby survey vessels.

PSOs must be equipped with binoculars and have the ability to estimate distance and bearing to detect marine mammals, particularly in proximity to EZs. Reticulated binoculars must also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine mammals. During nighttime operations, night-vision goggles with thermal clip-ons and infrared technology will be used. Position data will be recorded using hand-held or vessel GPS units for each sighting.

During good conditions (e.g., daylight hours; Beaufort sea state (BSS) 3 or less), to the maximum extent practicable, PSOs will also conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the active acoustic sources. Any observations of marine mammals by crew members aboard any vessel associated with the survey will be relayed to the PSO team. Data on all PSO observations will be recorded based on standard PSO collection requirements. This will include dates, times, and locations of survey operations; dates and times of observations, location and weather, details of marine mammal sightings (e.g., species, numbers, behaviors); and

details of any observed marine mammal behavior that occurs (e.g., notes behavioral disturbances).

Orsted must consult NMFS NARW reporting system and Whale Alert, daily and as able, for the presence of NARWs throughout survey operations, and for the establishment of a DMA. If NMFS should establish a DMA in the Lease Areas during the survey, the vessels will abide by speed restrictions in the DMA.

Within 90 days after completion of survey activities or expiration of this IHA, whichever comes sooner, a draft comprehensive report will be provided to NMFS that fully documents the methods and monitoring protocols, summarizes the data recorded during survey activities (by species, when known), summarizes the mitigation actions taken during surveys including what type of mitigation and the species and number of animals that prompted the mitigation action, when known), and provides an interpretation of the results and effectiveness of all mitigation and monitoring. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. A final report must be submitted within 30 days following any comments on the draft report. All draft and final marine mammal and acoustic monitoring reports must be submitted to PR.ITP.MonitoringReports@noaa.gov and ITP.clevenstine@noaa.gov. The report must contain at minimum, the following:

- PSO names and affiliations;
- Dates of departures and returns to port with port names;
- Dates and times (Greenwich Mean Time (GMT)) of survey effort and times corresponding with PSO effort;
- Vessel location (latitude/longitude) when survey effort begins and ends; vessel location at beginning and end of visual PSO duty shifts;
- Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change;
- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including wind speed and direction, BSS, Beaufort wind force, swell height, weather conditions, cloud cover, sun glare, and overall visibility to the horizon;
- Factors that may be contributing to impaired observations during each PSO shift change or as needed as environmental conditions change (e.g., vessel traffic, equipment malfunctions); and

• Survey activity information, such as type of survey equipment in operation, acoustic source power output while in operation, and any other notes of significance (*i.e.*, pre-clearance survey, ramp-up, shutdown, end of operations, *etc.*).

If a marine mammal is sighted, the following information should be recorded:

- Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
- PSO who sighted the animal;
- Time of sighting;
- Vessel location at time of sighting;
- Water depth;
- Direction of vessel's travel (compass direction);

- Direction of animal's travel relative to the vessel;

- Pace of the animal;
- Estimated distance to the animal and its heading relative to vessel at initial sighting;

- Identification of the animal (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified); also note the composition of the group if there is a mix of species;

- Estimated number of animals (high/low/best);

- Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, *etc.*);

- Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);

- Detailed behavior observations (*e.g.*, number of blows, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);

- Animal's closest point of approach and/or closest distance from the center point of the acoustic source;

- Platform activity at time of sighting (*e.g.*, deploying, recovering, testing, data acquisition, other); and

- Description of any actions implemented in response to the sighting (*e.g.*, delays, shutdown, ramp-up, speed or course alteration, *etc.*) and time and location of the action.

If a NARW is observed at any time by PSOs or personnel on any project vessels, during surveys or during vessel transit, Orsted must report the sighting information to the NMFS NARW Sighting Advisory System (866-755-6622) within 2 hours of occurrence, when practicable, or no later than 24 hours after occurrence. NARW sightings in any location may also be reported to the U.S. Coast Guard via channel 16 and

through the WhaleAlert app (<http://www.whalealert.org/>).

In the event that Orsted personnel discover an injured or dead marine mammal, Orsted will report the incident to the NMFS Office of Protected Resources (OPR) and the NMFS New England/Mid-Atlantic Stranding Coordinator as soon as feasible. The report will include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

- Species identification (if known) or description of the animal(s) involved;

- Condition of the animal(s) (including carcass condition if the animal is dead);

- Observed behaviors of the animal(s), if alive;

- If available, photographs or video footage of the animal(s); and

- General circumstances under which the animal was discovered.

In the unanticipated event of a vessel strike of a marine mammal by any vessel involved in these activities covered by the IHA, Orsted will report the incident to NMFS by phone (866-755-6622) and by email (nmfs.gar.incidental-take@noaa.gov and PR.ITP.MonitoringReports@noaa.gov) as soon as feasible. The report will include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Species identification (if known) or description of the animal(s) involved;
- Vessel's speed during and leading up to the incident;

- Vessel's course/heading and what operations were being conducted (if applicable);

- Status of all sound sources in use;

- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;

- Environmental conditions (*e.g.*, wind speed and direction, BSS, cloud cover, visibility) immediately preceding the strike;

- Estimated size and length of animal that was struck;

- Description of the behavior of the marine mammal immediately preceding and following the strike;

- If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;

- Estimated fate of the animal (*e.g.*, dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and

- To the extent practicable, photographs or video footage of the animal(s).

Preliminary Determinations

Orsted's HRG survey activities are unchanged from those analyzed in support of the 2022 IHA. When issuing the 2022 IHA (87 FR 30182, May 18, 2022) and 2023 reissuance of that IHA, NMFS found Orsted's proposed HRG surveys would have a negligible impact to species or stocks' annual rates of recruitment and survival, and the amount of taking would be small relative to the population size of such species or stocks. Additionally, the potential effects of the activities, taking into consideration the proposed mitigation and related monitoring measures, are identical to those calculated in support of the 2022 IHA. NMFS expects that all potential takes would be short-term Level B behavioral harassment, predominantly in the form of avoidance of the sound sources that may cause a temporary abandonment of the location during active use of acoustic sources that may result in a temporary interruption of foraging activities for some species (if such activity was occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.*, Southall *et al.*, 2007). NMFS does not expect that the proposed activity will have long-term or permanent impacts as the acoustic sources would be mobile and would leave the area within a specific amount of time for which the animals could return to the area.

Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. Even considering the increased estimated take for some species, the impacts of these lower severity exposures are not expected to accrue to a degree that the fitness of any individuals would be impacted and, therefore, no impacts on the annual rates of recruitment or survival would result.

In addition to being temporary, the maximum expected harassment zone around a survey vessel is 141 m from use of sparkers. Although this distance is assumed for all survey activity evaluated here and in estimating take numbers proposed for authorization, in reality, much of the survey activity would involve use of acoustic sources with reduced acoustic harassment zones (see tables 1 and 4 in the previous **Federal Register** notices (87 FR 15922, March 21, 2022; 87 FR 30182, May 18, 2022)), producing expected effects of particularly low severity. The ensonified area surrounding each vessel is extremely small compared to the overall distribution of the animals in the area and the available habitat.

As previously discussed in the 2022 IHA (87 FR 15922, March 21, 2022; 87 FR 30182, May 18, 2022), impacts from the survey are expected to be localized to the specific area of activity and only during periods when Orsted's acoustic sources are active. There are no rookeries, mating or calving grounds known to be biologically important to marine mammals within the proposed survey area. The survey area lies significantly south (over 250 miles (402 km)) of where Biologically Important Areas are defined for fin and humpback whales. There is no designated critical habitat for any marine mammals listed under the Endangered Species Act (ESA) in the survey area.

There is a slight increase in estimated take for 5 species (humpback whale, minke whale, Atlantic spotted dolphin, gray seal, harbor seal) relative to those authorized under the 2022 IHA but the total amount of takes proposed for authorization are small (less than 1 percent) relative to estimated population size of each species or stock. Additionally, due to updated information in the draft 2023 SAR on the stock abundance of the WNA stock of common dolphins, there is a minor increase in the estimated take as a percentage of that stock, however, that also results in estimated take of less than 1 percent of the population. Even considering the increased estimated take for 5 species, the impacts of these lower severity exposures are not expected to accrue to a degree that the fitness of any individuals would be impacted, and therefore, no impacts on the annual rates of recruitment or survival are expected to result. Overall, the total amount of takes proposed for authorization are small (less than 1 percent) relative to estimated population size of each species or stock (less than 1 percent for 13 species; less than 2 percent for NARW; less than 7 percent for the WNA Offshore stock of

bottlenose dolphin) except for the WNA Migratory Coastal stock of bottlenose dolphin (62 percent). The values presented in table 2 are likely conservative estimates as they assume all takes are of different individual animals which is likely not to be the case. Some individuals may return multiple times in a day, but PSOs will count them as separate takes if they cannot be individually identified. This is the particularly the case for bottlenose dolphins. Given the uncertainty regarding the number of days Orsted's survey may be within the 20 m isobath, the authorization of 4,118 instances of take by Level B harassment is not allocated to a specific stock but rather could be of either stock. However, based on the expansive ranges of both bottlenose dolphin stocks and the stocks' respective occurrence in the area, it is unlikely that large segments of either stock would consistently remain in the survey area. Considering this and various factors as described in the previous **Federal Register** notices (87 FR 15922, March 21, 2022; 87 FR 30182, May 18, 2022), we have determined that the number of individuals taken will comprise of less than one-third of the best available population abundance estimate of either stock.

Orsted's proposed activities would occur in a small fraction of the migratory corridor for NARW and impacts are expected to be limited to low levels of behavioral harassment, resulting in temporary and minor behavioral changes during any brief period of exposure. The size of the Project Area (approximately 4,510 km²) in comparison with the entire migratory habitat for the NARW (Biologically Important Area of 269,448 km²) is small, representing 1.67 percent of the entire migratory corridor. Because of this, and in context of the minor, low-level nature of the impacts expected to result from the planned survey, such impacts are not expected to result in disruption to biologically important behaviors.

Given the transitory nature of NARW in this area and due to the lack of year-round "core" NARW foraging habitat (Oleson *et al.*, 2020) (such habitat is located further north in the southern area of Martha's Vineyard and Nantucket Islands where both visual and acoustic detections of NARW indicate a nearly year-round presence (Oleson *et al.*, 2020)), it is unlikely for any exposure to cause chronic effects as any exposure would be short and intermittent. Furthermore, given the small size of the Level B harassment zones (141 m) and the robust suite of mitigation and monitoring measures proposed by NMFS, with specific note

on the mitigation zones for NARW (EZ; 500 m), NMFS does not expect adverse impacts on this species. Lastly, NMFS notes the reduction in requested take from the 2022 IHA (87 FR 15922, March 21, 2022; 87 FR 30182, May 18, 2022) due to the revised density data (Roberts *et al.*, 2023). Under the 2022 IHA, NMFS authorized 11 instances of take for NARW. Here, NMFS is proposing only 4 takes by Level B harassment representing less than 2 percent of the overall species abundance. Given the updates to the density for this species, in particular during the periods where project activities are expected to be ongoing, NMFS expects low-level impacts (*e.g.*, temporary avoidance of the area) from this proposed project on NARW.

We also note that our findings for other species with active UMEs or species where biologically important areas or haul-outs have been previously described in the **Federal Register** notices associated with issuance of the 2022 IHA remain applicable to this project. In conclusion, there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has preliminarily determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the proposed authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the proposed authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) Orsted's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS is proposing to authorize the incidental take of four species of marine mammals which are listed under the ESA, the North Atlantic right, fin, sei,

and sperm whale, and has preliminarily determined that this activity falls within the scope of activities analyzed in NMFS Greater Atlantic Regional Fisheries Office's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021).

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Orsted for conducting marine site characterization surveys off the coast of Delaware for a period of 1 year, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>.

Request for Public Comments

We request comment on our analyses (included in both this document and the referenced documents supporting the 2022 IHA), the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed marine site characterization surveys. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Description of the Proposed Activity and Anticipated Impacts section of this notice is planned or (2) the activities as described in the Description of the Proposed Activity and Anticipated Impacts section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).
- The request for renewal must include the following:
 - (1) An explanation that the activities to be conducted under the requested

renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: May 21, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024-11537 Filed 5-24-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF-2024-HQ-0004]

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Department of the Air Force announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 29, 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, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to AF Information Collections Office, 1800 Air Force Pentagon, Suite 4C146, Washington, DC 20330, ATTN: Ms. Mia Day, or call 703-697-4593.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Aircraft and Personnel Automated Clearance System (APACS); OMB Control Number 0701-0160.

Needs and Uses: The information collection requirement is necessary to obtain Personally Identifiable Information (PII) which is used by in-country U.S. Embassy approvers to grant country travel clearances, Geographical Combatant Commands approvers to grant theater travel clearances, and by the Office of Secretary of Defense for Policy approvers to grant special area travel clearances. Aircrew PII is used for verification, identification and authentication of travelers for aircraft and personnel travel clearances, as required by DoD Directive 4500.54E, "DoD Foreign Clearance Program".

Affected Public: Individuals or households.

Annual Burden Hours: 246,000.

Number of Respondents: 492,000.

Responses per Respondent: 1.

Annual Responses: 492,000.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2024-11614 Filed 5-24-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS-2024-0006; OMB
Control Number 0750-0004]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Assessing Contractor Implementation of Cybersecurity Requirements

AGENCY: Defense Acquisition
Regulations System, Department of
Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition
Regulations System has submitted to
OMB for clearance the following
proposal for collection of information
under the provisions of the Paperwork
Reduction Act.

DATES: Consideration will be given to all
comments received by June 27, 2024.

ADDRESSES: Written comments and
recommendations for the proposed
information collection should be sent
within 30 days of publication of this
notice to [https://www.reginfo.gov/
public/do/PRAMain](https://www.reginfo.gov/public/do/PRAMain). Find this
particular information collection by
selecting "Currently under 30-day
Review—Open for Public Comments" or
by using the search function.

You may also submit comments,
identified by docket number and title,
by the following method: Federal
eRulemaking Portal: [https://
www.regulations.gov](https://www.regulations.gov). Follow the
instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT:
Tucker Lucas, 571-372-7574, or
[whs.mc-alex.esd.mbx.dd-dod-
information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense
Federal Acquisition Regulation
Supplement (DFARS); Part 204 and
Related Clauses, Assessing Contractor
Implementation of Cybersecurity
Requirements, OMB Control Number
0750-0004.

Type of Request: Extension of a
currently approved collection.

Affected Public: Businesses or other
for-profit and not-for-profit institutions.

Respondent's Obligation: Required to
obtain or retain benefits.

Frequency: At least annually.

Number of Respondents: 11,686.

Responses Per Respondent: 1.02,
approximately.

Annual Responses: 11,977.

Average Burden Per Response: 4.92
hours.

Annual Burden Hours: 58,885.

Needs and Uses: The collection of
information is necessary for DoD to
assess where vulnerabilities exist in its
supply chain and take steps to correct
such deficiencies. In addition, the
collection of information is necessary to
ensure defense industrial base
contractors that have not fully
implemented the National Institute of
Standards and Technology (NIST)
Special Publication (SP) 800-171
security requirements pursuant to the
clause at DFARS 252.204-7012 begin
correcting these deficiencies
immediately.

This requirement supports
implementation of section 1648 of the
National Defense Authorization Act for
Fiscal Year 2020 (Pub. L. 116-92).
Section 1648(c)(2) directs the Secretary
of Defense to develop a risk-based
cybersecurity framework for the defense
industrial base sector as the basis for a
mandatory DoD standard.

This requirement is implemented in
the Defense Federal Acquisition
Regulation Supplement (DFARS)
through the solicitation provision at
252.204-7019, Notice of NIST SP 800-
171 DoD Assessment Requirement, and
the contract clause at 252.204-7020,
NIST SP 800-171 DoD Assessment
Requirements.

This clearance covers the following
requirements:

- DFARS 252.204-7019, Notice of
NIST SP 800-171 DoD Assessment
Requirement, is prescribed for use in all
solicitations, including solicitations
using FAR part 12 procedures for the
acquisition of commercial products and
commercial services, except for
solicitations solely for the acquisition of
commercially available off-the-shelf
(COTS) items. Per the provision, if an
offeror is required to have implemented
NIST SP 800-171 per DFARS clause
252.204-7012, then the offeror shall
have a current assessment for each
covered contractor information system
that is relevant to the offer, contract,
task order, or delivery order in order to
be considered for award.

- DFARS 252.204-7020, NIST SP
800-171 DoD Assessment
Requirements, is prescribed for use in
all solicitations and contracts, including
solicitations and contracts using FAR
part 12 procedures for the acquisition of
commercial products and commercial
services, except for solicitations and

contracts solely for the acquisition of
COTS items. The clause requires the
contractor to provide the Government
access to its facilities, systems, and
personnel in order to conduct a Medium
Assessment or High Assessment, if
necessary. Medium Assessments are
assumed to be conducted by DoD
Components, primarily by program
management office cybersecurity
personnel, in coordination with the
Defense Contract Management Agency's
DCMA's Defense Industrial Base
Cybersecurity Assessment Center
(DIBCAC), as part of a separately
scheduled visit (e.g., for a critical design
review). High Assessments will be
conducted by, or in conjunction with,
DCMA's DIBCAC. DoD may choose to
conduct a Medium Assessment or High
Assessment when warranted based on
the criticality of the program(s)/
technology(ies) associated with the
contracted effort(s). For example, a
Medium Assessment may be initiated by
a program office who has determined
that the risk associated with their
programs warrants going beyond the
Basic self-assessment. The results of that
Medium Assessment may satisfy the
program office or may indicate the need
for a High Assessment.

DoD Clearance Officer: Mr. Tucker
Lucas. Requests for copies of the
information collection proposal should
be sent to Mr. Lucas at [whs.mc-
alex.esd.mbx.dd-dod-information-
collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition
Regulations System.

[FR Doc. 2024-11626 Filed 5-24-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reserve Forces Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for
Personnel and Readiness, Department of
Defense (DoD).

ACTION: Notice of Federal advisory
committee meeting.

SUMMARY: The DoD is publishing this
notice to announce the following
Federal Advisory Committee meeting of
the Reserve Forces Policy Board (RFPB)
will occur.

DATES: The RFPB will hold an open to
the public meeting on Wednesday, June
5, 2024 from 12:30 p.m. to 3:30 p.m.

ADDRESSES: The in-person meeting will
be held at the RFPB office located at

5109 Leesburg Pike, Suite 501, Falls Church, Virginia 22041. The meeting will also be held via videoconference. Participant access information will be provided after registering. Pre-meeting registration is required. See guidance in **SUPPLEMENTARY INFORMATION**, “Meeting Accessibility.”

FOR FURTHER INFORMATION CONTACT: Eric Flowers, Designated Federal Officer (DFO) at eric.p.flowers2.civ@mail.mil or 703-697-1795. The mailing address is Reserve Forces Policy Board, 5109 Leesburg Pike, Suite 501, Falls Church, Virginia 22041. The most up-to-date changes to the meeting agenda can be found on the website: <https://rfpb.defense.gov/>.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense, the Reserve Forces Policy Board was unable to provide public notification required by 41 CFR 102-3.150(a) concerning its June 5, 2024 meeting. 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.

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 title 41, Code of Federal Regulations, section 102-3.140 and section 102-3.155. Purpose of the Meeting: The purpose of the meeting is to obtain, review, and evaluate relevant information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, effectiveness, and accessibility of the Reserve Component (RC).

Agenda: The RFPB will hold an open meeting to the public from 12:30 p.m. to 3:30 p.m. on Wednesday, June 5, 2024. The RFPB will begin the meeting at 12:30 p.m. with opening remarks by Mr. Eric Flowers, the DFO and Major General John Hashem, United States Army, the RFPB’s Military Executive and the RFPB Chairperson, the Honorable Lisa Disbrow. After the introductory remarks, the RFPB will receive briefings from two of its subcommittees, starting at 12:40 p.m. The Reserve Components’ Role in Homeland Defense and Support to Civil Authorities subcommittee will provide a five-minute update on the previously approved subcommittee’s draft report on RC support to Homeland Defense and building resilience of the Defense

Critical Infrastructure. The Total Force Integration subcommittee will follow with a five-minute recap of the subcommittee’s deliberation and actions during the morning session. After the subcommittee reports, at approximately 1:00 p.m., participants will participate in an hour-long panel discussion featuring Lieutenant General Jon Jensen, Director of the Army National Guard and Mr. Scott Fuller, Deputy Chief of the Navy Reserve. The two speakers will facilitate an interactive session that shares “lessons learned” and “potential way ahead” from a Reserve Component Chief’s perspective. The session serves as a forum to identify opportunities and challenges tied to the RC’s integrated efforts to execute the National Defense Strategy. After the panel discussion, participants will conduct a 15-minute break from 2:00 p.m. to 2:15 p.m. At approximately 2:15 p.m., Brigadier General Nathan D. Yates, United States Space Force, will present an hour-long information brief on the status of the United States Space Force’s implementation of the single component concept approved in the Defense Officer Personnel Management Act (Pub. L. 96-513). At the conclusion of the Space Force brief, at approximately 3:15 p.m. the Honorable Disbrow will offer closing remarks and adjourn the meeting at approximately 3:30 p.m.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102-3.140 through 102-3.150, and subject to the availability of space, this meeting is open to the public from 12:30 p.m. to 3:30 p.m. on June 5, 2024. The meeting will be held in-person and via videoconference. The number of participants for the in-person session and videoconference is limited and is on a first-come basis. All members of the public who wish to attend the in-person session or participate in the videoconference must register by contacting the RFPB DFO, Eric Flowers, at eric.p.flowers2.civ@mail.mil or, osd.pentagon.ousd-p-r.mbx.rfpb@mail.mil or, (703) 697-1795 no later than Monday, June 3, 2024 (by 5:00 p.m. Eastern Standard Time). Individuals that may require physical meeting or electronic meeting accommodations should submit their request to the RFPB DFO, Eric Flowers, at eric.p.flowers2.civ@mail.mil or, osd.pentagon.ousd-p-r.mbx.rfpb@mail.mil or, (703) 697-1795. Once registered, the web address and audio number will be provided to those members of the public planning to participate in the videoconference. For those members of the public who successfully register for the in-person

session, the meeting will be held in the RFPB large conference room at the RFPB office. The RFPB office is located on the 5th floor, in suite 501 in the Skyline 6 office building located at 5109 Leesburg Pike, Falls Church, Virginia. Instructions for on-site parking will be provided after a member of the public successfully registers with the DFO to attend the in-person session.

Written Statements: Pursuant to 41 CFR 102-3.105(j) and section 10(a)(3) of the FACA, the public and interested parties may submit written statements to the RFPB at any time about its approved agenda or at any time on the RFPB’s mission. Written statements should be submitted to the RFPB’s DFO at the address or email listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than one (1) business day prior to the scheduled meeting date. Written statements received after this date may not be provided to or considered by the RFPB until its next scheduled meeting. The DFO will review all timely submitted written statements and provide copies to all the committee members before the meeting that is the subject of this notice. Please note that all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, in accordance with the provisions outlined in the Freedom of Information Act, including, but not limited to, being posted on the RFPB’s website.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-11638 Filed 5-24-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2024-OS-0059]

Proposed Collection; Comment Request

AGENCY: The Office of the Under Secretary of Defense for Personnel & Readiness, (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Deputy Assistant Secretary of Defense for Military Personnel Policy announces a proposed public information

collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 29, 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, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Deputy Assistant Secretary of Defense for Military Personnel Policy 1500 Defense Pentagon, Washington, DC 20301–1500, CDR James Golliday, (703) 693–9075.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Application for Transitional Compensation; DD Form 2698; OMB Control Number 0704–0578.

Needs and Uses: DoD Instruction (DoDI) 1342.24, “Transitional Compensation (TC) for Abused Dependents,” establishes policy in accordance with section 1059 of title 10, U.S.C., “Dependents of members separated for dependent abuse: TC; commissary and exchange benefits; lodging expenses.” In order to validate

eligibility for the benefit and to ensure payment to the appropriate claimant, the Services obtain information from the abused dependents or their legal representative. This includes personal identifiable information such as name, social security numbers, dates of birth, etc. In order to collect this information, DoDI 1342.24 directs the Service representatives to use DD Form 2698, “Application for TC.” The potential claimant travels to the office of the Service representative at the closest military installation. The Service representative provides the potential claimant with a blank hard-copy DD Form 2698 to ensure they meet the eligibility requirements for the pay, identify the number of dependent children in the payee's custody, and to obtain the current address of the eligible dependent(s) or their legal representative. The claimant will complete Section I and the Service representative will complete Sections II and III of DD Form 2698. The form is then scanned and sent electronically via secure email to Defense Finance Accounting Service (DFAS) to complete Section IV of DD Form 2698. Once confirmation of eligibility is made by DFAS, the claimant will begin receiving benefits. All records, both electronic and hard-copy, are filed/stored on a secure database and/or in a secure workspace in accordance with Department of Defense records management protocol.

Affected Public: Individuals or households.

Annual Burden Hours: 167.

Number of Respondents: 500.

Responses per Respondent: 1.

Annual Responses: 500.

Average Burden per Response: 20 minutes.

Frequency: As required.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11622 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees—U.S. Strategic Command Strategic Advisory Group

AGENCY: Department of Defense (DoD).

ACTION: Renewal of Federal advisory committee.

SUMMARY: The DoD is publishing this notice to announce that it is renewing

the U.S. Strategic Command Strategic Advisory Group (SAG).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The SAG's charter is being renewed pursuant to title 10, United States Code (U.S.C.) section 1781a and in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and title 41 of the Code of Federal Regulations (CFR) chapter 102–3.50(a). The charter and contact information for the SAG's Designated Federal Officer (DFO) are found at <https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation>.

The SAG provides the Secretary of Defense independent advice and recommendations on matters concerning defense policy. Specifically, the SAG will focus on: (a) technical, intelligence, and policy-related matters of interest to the Joint Chiefs of Staff and the U.S. Strategic Command (USSTRATCOM) concerning the development and implementation of the Nation's strategic war plans; (b) enhancements in USSTRATCOM's mission area responsibilities; and (c) other matters related to the Nation's strategic forces, as requested by the Chairman of the Joint Chiefs of Staff or the Commander, USSTRATCOM.

The SAG is composed of no more than 20 members who have distinguished backgrounds in the fields of strategic policy formulation; nuclear weapon design; national command, control, communications, intelligence, and information operations; or other important aspects of the Nation's strategic forces. These members will come from varied backgrounds including prior government or military service, multinational corporations, academia, or other non-government organizations. Individual members will be appointed according to DoD policy and procedures, and serve a term of service of one-to-four years with annual renewals. One member will be appointed as Chair of the SAG. No member, unless approved according to DoD policy and procedures, may serve more than two consecutive terms of service on the SAG, or serve on more than two DoD Federal advisory committees at one time.

Members of the SAG who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, will be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee

members. SAG members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, will be appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee members.

All members of the SAG are appointed to provide advice based on their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official SAG-related travel and per diem, members serve without compensation.

The public or interested organizations may submit written statements to the SAG membership about the SAG's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the SAG. All written statements shall be submitted to the DFO for the SAG, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11654 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0060]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(R&E) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 29, 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, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Standardization Program Office, 8725 John J Kingman Rd, Stop 5100, Fort Belvoir, VA 22060–6220, ATTN: Mr. Timothy Koczanski, or call 571–767–6870.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Certification of Qualified Products; DD Form 1718; OMB Control Number 0704–0487.

Needs and Uses: The information collection requirement is necessary to obtain, certify, and record qualification of products or processes falling under the DoD Qualification Program. Qualification ensures continued product performance, quality, and reliability. DD Form 1718 is sent to manufacturers every two years by the Qualifying Activity when the applicable specification does not contain complete requalification testing, and requests that manufacturers complete the form, certifying that their products still meet the specification requirements as originally tested. DD Form 1718 is included as an exhibit in an appeal or hearing case file as evidence of the reviewers' products or process qualifications in advance of, and independent of, acquisition.

Affected Public: Business or other for-profit.

Annual Burden Hours: 660.
Number of Respondents: 1,320.
Responses per Respondent: 1.
Annual Responses: 1320.
Average Burden Per Response: 30 minutes.

Frequency: Biennially.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11615 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees—Board of Regents, Uniformed Services University of the Health Sciences

AGENCY: Department of Defense (DoD).

ACTION: Federal advisory committee renewal.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the charter of the Board of Regents, Uniformed Services University of the Health Sciences (BoR USUHS).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The BoR USUHS charter is being renewed in accordance with chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the “Federal Advisory Committee Act” or “FACA”) and title 41 of the Code of Federal Regulations (CFR) 102–3.50(a). The charter and contact information for the BoR USUHS’ Designated Federal Officer (DFO) and be found at <https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation>.

The BoR USUHS provides independent advice and recommendations on academic and administrative matters critical to the full accreditation and successful operation of the Uniformed Services University of the Health Sciences (“the University”) and carrying out the Secretary’s responsibility to conduct the business of the University.

Pursuant to 10 U.S.C. 2113a(b), the BoR USUHS shall consist of 16 members appointed by the Secretary of Defense and the Deputy Secretary of Defense (“the DoD Appointing Authority”), as follows: (a) nine persons outstanding in the fields of health care, higher education administration, or public policy, who shall be appointed

from civilian life by the DoD Appointing Authority; (b) the Secretary of Defense, or his or her designee, who shall be an ex officio member; (c) the Director of the Defense Health Agency, who shall be an ex officio member; (d) the Surgeons General of the Uniformed Services, who shall be ex officio members; and (e) the President of the University, who shall be a non-voting, ex officio member.

BoR USUHS members who are not ex officio members shall be appointed by the DoD Appointing Authority pursuant to 10 U.S.C. 2113a(b)(1) and (c) for a six-year term of service except that: (a) any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term; and (b) any member whose term of office has expired shall continue to serve until his or her successor is appointed.

Appointments for BoR USUHS members who are not ex officio members shall be renewed on an annual basis in accordance with DoD policy and procedures. No member, unless approved by the DoD Appointing Authority, may serve on more than two DoD Federal advisory committees at one time.

BoR USUHS members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. BoR USUHS members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be designated pursuant to 41 CFR 102–3.130(a) to serve as regular government employee (RGE) members.

Pursuant to 10 U.S.C. 2113a(d), the DoD Appointing Authority shall appoint the BoR USUHS Chair for a term of service of one-to-two years, with annual renewal which shall not exceed the member's approved BoR USUHS appointment, in accordance with DoD policy and procedures.

All members of the BoR USUHS are appointed to exercise their own best judgment, without representing any particular point of view, and to discuss and deliberate and in a manner that is free from conflict of interest.

Pursuant to 10 U.S.C. 2113a(e), BoR USUHS members (other than ex officio members) shall be entitled to receive compensation at a rate determined by the DoD Appointing Authority, for each day of attendance at the BoR USUHS meetings, in addition to travel and other

necessary expenses connected with their official duties on the BoR USUHS, in accordance with the provision of 5 U.S.C. 5703(b), (d) and 5707. RGE members shall only be reimbursed for official BoR USUHS-related travel and per diem.

The public or interested organizations may submit written statements to the BoR USUHS membership about the BoR USUHS' mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the BoR USUHS. All written statements shall be submitted to the DFO for the BoR USUHS, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11628 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees—U.S. Army Science Board

AGENCY: Department of Defense (DoD).

ACTION: Federal advisory committee renewal.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the U.S. Army Science Board (ASB).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for DoD, 703–692–5952.

SUPPLEMENTARY INFORMATION: The ASB is being renewed in accordance with chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the “Federal Advisory Committee Act” or “FACA”) and title 41 of the Code of Federal Regulations (CFR) section 102–3.50(d). The charter and contact information for the ASB's Designated Federal Officer (DFO) are found at <https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation>.

The ASB provides the Secretary of Defense and the Deputy Secretary of Defense (“the DoD Appointing Authority”), through the Secretary of the Army, independent advice and recommendations related to the Department of the Army's scientific, technical, manufacturing, acquisition, logistics, and business management

functions. The ASB shall be composed of no more than 20 members who are eminent authorities in one or more of the following disciplines and fields: science; technology; manufacturing; acquisition; logistics; business management functions natural (*e.g.*, biology, ecology), social (*e.g.*, anthropology, community planning), and related sciences; and other matters of special interest to the DoD Appointing Authority or the Secretary of the Army.

Individual members are appointed according to DoD policy and procedures, and serve a term of service of one-to-four years with annual renewals. One member will be appointed as Chair of the ASB. No member, unless approved according to DoD policy and procedures, may serve more than two consecutive terms of service on the ASB, or serve on more than two DoD Federal advisory committees at one time.

ASB members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, are appointed as experts or consultants, pursuant to 5 U.S.C. 3109, to serve as special government employee members. ASB members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services are appointed pursuant to 41 CFR 102–3.130(a), to serve as regular government employee members.

All ASB members are appointed to provide advice based on their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official ASB-related travel and per diem, members serve without compensation.

The public or interested organizations may submit written statements about the ASB's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the ASB. All written statements shall be submitted to the DFO for the ASB, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11635 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE**Office of the Secretary****Renewal of Department of Defense Federal Advisory Committees—National Security Education Board****AGENCY:** Department of Defense (DoD).**ACTION:** Renewal of Federal advisory committee.**SUMMARY:** DoD is publishing this notice to announce that it is renewing the National Security Education Board (NSEB).**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, DoD Advisory Committee Management Officer, 703-692-5952.**SUPPLEMENTARY INFORMATION:** The NSEB is being renewed in accordance with the provisions of chapter 10 of title 5, United States Code (U.S.C.) (commonly known as “the Federal Advisory Committee Act” or “FACA”) and title 41 of the Code of Federal Regulations (CFR) chapter 102-3.50(a). The charter and contact information for the NSEB’s Designated Federal Officer (DFO) are found at <https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation>.

Pursuant to 50 U.S.C. 1902(a)(3), the NSEB shall consult on the National Security Scholarship, Fellowships, and Grants Program as described in more detail in 50 U.S.C. ch. 37.

Pursuant to 50 U.S.C. 1903(b), the NSEB shall be composed of the following individuals or the representatives of such individuals:

1. The Secretary of Defense, who shall serve as the Chair of the NSEB.
2. The Secretary of Education.
3. The Secretary of State.
4. The Secretary of Commerce.
5. The Secretary of Homeland Security.
6. The Secretary of Energy.
7. The Director of National Intelligence.
8. The Chair of the National Endowment for the Humanities.
9. Six individuals appointed by the President, who shall be experts in the fields of international, language, area, and counterproliferation studies education and who may not be officers or employees of the Federal Government.

Members of the NSEB appointed by the President shall be appointed for a period specified by the President at the time of their appointment, but not to exceed four years.

NSEB members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Armed Forces, shall be

appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. NSEB members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Armed Forces, shall be appointed pursuant to 41 CFR 102-3.130(a) to serve as regular government employee members. Pursuant to 50 U.S.C. 1903(c), individuals appointed by the President shall receive no compensation for service on the NSEB. All members shall receive reimbursement of official NSEB-related travel and per diem.

The public or interested organizations may submit written statements to the NSEB about the NSEB’s mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the NSEB. All written statements shall be submitted to the DFO for the NSEB, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 22, 2024.

Aaron T. Siegel,*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024-11632 Filed 5-24-24; 8:45 am]

BILLING CODE 6001-FR-P**DEPARTMENT OF DEFENSE****Office of the Secretary****[Docket ID: DoD-2024-OS-0061]****Proposed Collection; Comment Request****AGENCY:** Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).**ACTION:** 60-Day information collection notice.**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Defense Logistics Agency (DLA) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 29, 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, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the DoD Information Operations, ATTN: Timothy Noll, 2001 Mission Drive, Suite 2, New Cumberland, PA 17070, or call (717) 982-9599.**SUPPLEMENTARY INFORMATION:***Title; Associated Form; and OMB Number:* Project Time Record System; OMB Control Number 0704-0452.*Needs and Uses:* This information collection is required for the purpose of tracking DLA contractor workload/project activity, time and attendance, and labor distribution and data for analysis and reporting, management, and planning purposes. Additionally, the data allows government supervisors to maintain management records associated with the operations of contracts and to evaluate and monitor contractor performance and other matters concerning contracts. Government supervisors are able to monitor all aspects of a contract and resolve any discrepancy in hours billed to DLA. Records devoid of personal identifiers are used for extraction or compilation of data and reports for management studies and statistical analyses for use internally as required by the DoD.*Affected Public:* Individuals or households.*Annual Burden Hours:* 15,600.

Number of Respondents: 1,200.
Responses per Respondent: 52.
Annual Responses: 62,400.
Average Burden per Response: 15 minutes.

Frequency: Weekly.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2024–11620 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0012]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense, (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by June 27, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, 571–372–7574, or whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Workplace and Gender Relations Survey of Military Members; OMB Control Number 0704–0615.

Type of Request: Revision.

Number of Respondents: 204,300.

Responses per Respondent: 1.

Annual Responses: 204,300.

Average Burden per Response: 36 minutes.

Annual Burden Hours: 122,580.

Needs and Uses: The legal requirements for the Workplace and Gender Relations (WGR) surveys of military members can be found in the following:

- 10 U.S.C. 481
- Ronald W. Reagan National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2005
- Public Law 111–383, Section 1631
- NDAA for FY 2013, Section 570
- 10 U.S.C. 2358

Sexual assault, sexual harassment, and gender discrimination remain a major concern across the DoD and for members of Congress. In February 2004, the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) testified before the Senate Armed Services Committee on the prevalence of sexual assault in the DoD and the programs and policies planned to address the issues. In accordance with legislative requirements, the USD(P&R) issued memoranda to the Services that provides DoD policy guidance on sexual assault that included a new standard definition, response capability, training requirements, response actions, and reporting guidance throughout the Department. The Sexual Assault and Prevention Response Office supported implementation of the new policy and requires data to assess the prevalence of sexual assault in the Department and the effectiveness of the programs they have implemented.

The WGR surveys will assess the attitudes and opinions of military members on issues relating to sexual harassment, gender discrimination, and sexual assault, as well as the culture and climate of the units/organizations in which individuals serve. It will provide the policy offices of the USD(P&R) with current data on (1) the positive and negative trends for professional and personal relationships between Service members; (2) the specific types of assault that have occurred and the number of times in the preceding year; (3) the effectiveness of DoD policies designed to improve professional relationships between male and female Service members; (4) the effectiveness of current processes for complaints, reports, and investigations; and, (5) specific issues related to sexual harassment, sexual assault, and gender discrimination that may inform the Department’s prevention and response efforts.

Affected Public: Individuals or households.

Frequency: Biennially (every other year).

Respondent’s Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

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

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2024–11617 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0062]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(A&S) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 29, 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, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to OUSD (A&S), 1400 Defense Pentagon, Washington, DC 20301, ATTN: Dr. Maureen Raley, or call 571–372–6278.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Industrial Capabilities Questionnaire; DD Form 2737; OMB Control Number 0704–0377.

Needs and Uses: The information collection requirement is necessary to provide the adequate industrial capability analyses to indicate a diverse, healthy, and competitive industrial base capable of meeting DoD demands. Additionally, the information is required to perform the industrial assessments required by chapter 382 of title 10 of the U.S. Code. Respondents are companies/facilities specifically identified as being of interest to the DoD. The DD Form 2737, “Industrial Capabilities Questionnaire,” records pertinent information needed to conduct industrial base analysis for senior DoD leadership to ensure a robust defense industrial base that supports the warfighter.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Annual Burden Hours: 153,600.

Number of Respondents: 12,800.

Responses per Respondent: 1.

Annual Responses: 12,800.

Average Burden per Response: 12 hours.

Frequency: On occasion.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11619 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees— Department of the Air Force Scientific Advisory Board

AGENCY: Department of Defense (DoD).

ACTION: Renewal of Federal advisory committee.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the Department of the Air Force Scientific Advisory Board (DAF SAB).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for DoD, 703–692–5952.

SUPPLEMENTARY INFORMATION: The DAF SAB is being renewed in accordance with chapter 10 of title 5, U.S.C. (commonly known as the “Federal Advisory Committee Act” or “FACA”) and 41 Code of Federal Regulations (CFR) section 102–3.50(a). The charter and contact information for the DAF SAB’s Designated Federal Officer (DFO) are found at <https://www.faca.database.gov/FACA/apex/FACAPublicAgencyNavigation>.

The DAF SAB provides the Secretary of Defense and Deputy Secretary of Defense with independent advice and recommendations on matters supporting the DAF’s scientific and technical enterprise and specifically on matters pertaining to (a) conducting studies on topics deemed critical by the Secretary of the Air Force; (b) recommending applications of technology to improve DAF capabilities; and (c) providing independent reviews of the quality and relevance of the DAF science and technology (S&T) programs. The DAF SAB is composed of no more than 20 members who are eminent authorities in the fields of defense and/or S&T. These members come from varied backgrounds such as science, technology, manufacturing, acquisition, logistics, public or private sector business management, Federally Funded Research and Development Centers, National Laboratories, and academia (universities and colleges).

Individual members are appointed according to DoD policy and procedures and serve a term of service of one-to-

four years with annual renewals. One member will be appointed as Chair of the DAF SAB. No member, unless approved according to DoD policy and procedures, may serve more than two consecutive terms of service on the DAF SAB, or serve on more than two DoD Federal advisory committees at one time.

DAF SAB members who are not full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, are appointed as experts or consultants, pursuant to 5 U.S.C. 3109, to serve as special government employee members. DAF SAB members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services are appointed pursuant to 41 CFR 102–3.130(a), to serve as regular government employee members.

All DAF SAB members are appointed to provide advice based on their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official DAF SAB-related travel and per diem, members serve without compensation.

The public or interested organizations may submit written statements about the DAF SAB’s mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the DAF SAB. All written statements shall be submitted to the DFO for the DAF SAB, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11627 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2024–HQ–0003]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 30-day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information

under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by June 27, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, 571–372–7574, or whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Navy Access Control System and the U.S. Marine Corps Biometric and Automated Access Control System; OMB Control Number 0703–0061.

Type of Request: Revision.
Number of Respondents: 3,500,000.
Responses per Respondent: 1.
Annual Responses: 3,500,000.
Average Burden Per Response: 10 minutes.

Annual Burden Hours: 583,333.

Needs and Uses: The information collection is required to control physical access to DoD, Department of Navy (DoN) or U.S. Marine Corps (USMC) installations/units controlled information, installations, facilities, or areas over which the DoD, DoN or USMC has security responsibilities by identifying or verifying an individual through the use of biometric databases and associated data processing/information services for designated populations for purposes of protecting U.S./Coalition/allied government/national security areas of responsibility and information; to issue badges, replace lost badges and retrieve passes upon separation; to maintain visitor statistics; collect information to adjudicate access to facility; and track the entry/exit of personnel.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal**

Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: May 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11621 Filed 5–24–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Research and Special Education Research Grant Programs

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2025 for the Education Research and Special Education Research Grant Programs, Assistance Listing Numbers (ALNs) 84.305A, 84.305D, 84.324A, and 84.324B. This notice relates to the approved information collection under OMB control number 4040–0001.

DATES: The dates when applications are available and the deadlines for transmittal of applications invited under this notice are indicated in the chart at the end of this notice and in the Requests for Applications (RFAs) that are posted at the following website: <https://ies.ed.gov/funding>.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs.

FOR FURTHER INFORMATION CONTACT: The contact person associated with a particular research competition is listed

in the chart at the end of this notice, as well as in the relevant RFA and application package.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: In awarding the research grants, the Institute of Education Sciences (IES) intends to provide national leadership in expanding knowledge and understanding of (1) developmental and school readiness outcomes for infants and toddlers with or at risk for a disability, (2) education outcomes for all learners from early childhood education through postsecondary and adult education, and (3) employment and wage outcomes when relevant (such as for those engaged in career and technical, postsecondary, or adult education). The IES research grant programs are designed to provide interested individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all learners. These interested individuals include parents, educators, learners, researchers, and policymakers. In carrying out its grant programs, IES provides support for programs of research in areas of demonstrated national need. In awarding research training grant programs, IES aims to prepare individuals to conduct rigorous and relevant education and special education research that advances knowledge within the field and addresses issues important to education policymakers and practitioners.

Competitions in This Notice: IES is announcing four research competitions through two of its centers:

The IES National Center for Education Research (NCER) is announcing two competitions in the following areas: education research, and statistical and research methodology in education.

The IES National Center for Special Education Research (NCSE) is announcing two competitions—one competition in each of the following areas: special education research, and special education research training.

NCER Competitions

Education Research Grants Program (ALN 84.305A). Under this competition, NCER will consider only applications that address one of the following topics:

- Career and Technical Education.
- Civics Education and Social Studies.
- Cognition and Student Learning.
- Early Learning Programs and Policies.
- English Learner Policies, Programs, and Practices.
- Improving Education Systems: Policies, Finance, Organization, Management, and Leadership.
- Literacy.
- Postsecondary and Adult Education.
- Science, Technology, Engineering, and Mathematics (STEM) Education.
- Social, Emotional, and Behavioral Context for Teaching and Learning.
- Teaching, Teachers, and the Education Workforce.

Statistical and Research Methodology in the Education Sciences (ALN 84.305D). Under this competition, NCER will consider applications that address one of the following topics:

- Core Grants (which supports the development of new and improved statistical and research methods and their dissemination to education researchers).
- Toolkits, Guidelines, Compendia, Review Papers, and Curated Data Resources.

NCSEER Competitions

Special Education Research Grants Program (ALN 84.324A). Under this competition, NCSEER will consider only applications that address the following topic:

- Education Systems.

Research Training Programs in Special Education (ALN 84.324B). Under this competition, NCSEER will consider only applications that address the following topic:

- Early Career Development and Mentoring.

Multiple Submissions: You may submit applications to more than one of the FY 2025 research grant programs offered through the Department, including those offered through IES as well as those offered through other offices and programs within Department. You may submit multiple applications to each IES grant program announced here as long as they address different key issues, programs, or policies. However, you may submit a given application only once for the IES FY 2025 grant competitions, meaning you may not submit the same application or similar applications to multiple grant programs within IES, to multiple topics within a grant competition, or multiple times within the same topic. If you submit multiple similar applications, IES will determine

whether and which applications will be accepted for review and/or will be eligible for funding.

In addition, if you submit the same or similar application to IES and to another funding entity within or external to the Department of Education and receive funding for the non-IES application prior to IES scientific peer review of applications, you must withdraw the same or similar application submitted to IES, or IES may otherwise determine you are ineligible to receive an award. If reviews are happening concurrently, IES staff will consult with the other potential funder to determine the degree of overlap and which entity will provide funding if both applications are being considered for funding.

Exemption from Proposed Rulemaking: Under section 191 of the Education Sciences Reform Act, 20 U.S.C. 9581, IES is not subject to section 437(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), and is therefore not required to offer interested parties the opportunity to comment on matters relating to grants.

Program Authority: 20 U.S.C. 9501 *et seq.*

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, 75.230, and 75.250(a). (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to these competitions.

II. Award Information

Types of Awards: Discretionary grants and cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2025, IES is inviting applications for these competitions now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action. IES intends to announce additional competitions later in 2024.

Estimated Range of Awards: See chart at the end of this notice. The size of the awards will depend on the scope of the projects proposed.

Estimated Number of Awards: The number of awards made under each competition will depend on the quality of the applications received for that competition and the availability of funds. For information purposes only, below we provide estimated ranges of awards for each ALN based on the number of awards made in previous years and the scope of the current competition:

- Education Research Grants Program (ALN 84.305A): 40–70 grants.
- Statistical and Research Methodology in the Education Sciences Program (ALN 84.305D): 10–20 grants.
- Special Education Research Grants Program (ALN 84.324A): 10–15 grants.
- Early Career Development and Mentoring topic in the Research Training Programs in Special Education (ALN 84.324B): 3–7 grants.

For the Special Education Research (ALN 84.324A) competition, contingent on the availability of funds and the quality of applications, we may make additional awards in FY 2025 from the list of highly rated unfunded applications submitted in response to the FY 2024 competition announcement.

Note: The Department is not bound by any estimates in this notice.

Project Period: See chart at the end of this notice.

III. Eligibility Information

1. Eligible Applicants: For the Early Career Development and Mentoring Program under the Research Training Programs in Special Education (ALN 84.324B), applicants must be an institution of higher education in the United States and its territories.

For all other competitions in this notice, applicants that have the ability and capacity to conduct scientifically valid research are eligible to apply. Eligible applicants include, but are not limited to, nonprofit and for-profit organizations and public and private agencies and institutions of higher education.

2. a. *Cost Sharing or Matching*: There are no cost sharing or matching requirements for any programs in this notice.

b. *Indirect Cost Rate Information*: For the Early Career Development and Mentoring Program under the Research Training Programs in Special Education (ALN 84.324B), under 34 CFR 75.562(c)(2), indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or 8 percent of a modified total direct cost base, whichever amount is less. All other competitions in this notice use an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

3. *Subgrantees*: Under 34 CFR 75.708(b) and (c) a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: nonprofit and for-profit organizations, public and private agencies, and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. *Application Submission Instructions*: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at <https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs>, which contain requirements and information on how to submit an application.

2. *Other Information*: Information regarding program and application requirements for the competitions is in the currently available IES Application Submission Guide and in the NCER and NCSEF RFAs, which are available on the IES website at: <https://ies.ed.gov/funding/>. The dates on which the application packages for these competitions will be available are indicated in the chart at the end of this notice.

3. *Content and Form of Application Submission*: Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Dates and Times*: The deadline date for transmittal of applications for each competition is indicated in the chart at the end of this notice and in the RFAs for the competitions.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review*: These competitions are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions*: We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria*: For all of its grant competitions, IES uses selection criteria based on a peer review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the IES website at https://ies.ed.gov/director/sro/peer_review/application_review.asp.

For the 84.305A, 84.324A, and 84.305D competitions, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the engagement and dissemination plan. These criteria will be described in greater detail in the RFAs.

For the 84.324B competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the quality of the career development plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the engagement and dissemination plan. These criteria are described in greater detail in the RFA.

For all IES competitions, applications must include budgets no higher than the relevant maximum award as set out in the relevant RFA. IES will not make an award exceeding the maximum award amount as set out in the relevant RFA.

2. *Review and Selection Process*: We remind potential applicants that in reviewing applications in any discretionary grant competition, IES may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, compliance with the IES policy regarding public access to research, and compliance with grant

conditions. IES may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, IES also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions*: Consistent with 2 CFR 200.206, before awarding grants under these competitions, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, IES may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System*: If you are selected under these competitions to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General*: In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant

Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual meeting of up to three days for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under one of the competitions announced in this notice, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by IES. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by IES under 34 CFR 75.118. IES may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

5. *Performance Measures:* To evaluate the overall success of its education research and special education research grant programs, IES annually assesses the percentage of projects that result in peer-reviewed publications and the number of IES-supported interventions with evidence of efficacy in improving learner education outcomes. In addition, NCSE annually assesses the number of newly developed or modified interventions with evidence of promise for improving learner education outcomes. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in academic content areas, such as reading, writing, math, and science, as well as outcomes that reflect students' successful progression through the education system, such as course and grade completion; high school graduation; and postsecondary enrollment, progress, and completion. Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to academic and post-academic success. Employment and earnings outcomes include hours of employment, job stability, and wages and benefits, and may be measured in addition to student academic outcomes. Additional education outcomes for students with or at risk of a disability (as defined in the relevant RFA) include developmental outcomes for infants and toddlers (birth to age three) pertaining to cognitive, communicative, linguistic, social, emotional, adaptive, functional, or physical development; and developmental and functional outcomes that improve education outcomes, transition to employment, independent living, and postsecondary education; and employment and earning outcomes for students with disabilities.

6. *Continuation Awards:* In making a continuation award under 34 CFR

75.253, IES considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; whether a grantee is in compliance with the IES policy regarding public access to research; and if IES has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, IES also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the relevant program contact person listed in the chart at the end of this notice, as well as in the relevant RFA and application package, individuals with disabilities can obtain this document and a copy of the RFA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Matthew Soldner,

Acting Director, Institute of Education Sciences.

ALN and name	Application package available	Deadline for transmittal of applications	Estimated range of awards*	Project period	For further information contact
National Center for Education Research (NCER)					
84.305A Education Research - Career and Technical Education. - Civics Education and Social Studies. - Cognition and Student Learning. - Early Learning Programs and Policies. - English Learner Policies, Programs, and Practices. - Improving Education Systems: Policies, Finance, Organization, Management, and Leadership. - Literacy. - Postsecondary and Adult Education. - Science, Technology, Engineering, and Mathematics (STEM) Education. - Social, Emotional, and Behavioral Context for Teaching and Learning. - Teaching, Teachers, and the Education Workforce.	On or before May 30, 2024.	September 12, 2024.	\$300,000 to \$800,000.	Up to 5 years	Lara Faust <i>Lara.Faust@ed.gov</i> (202) 245-6532.
84.305D Statistical and Research Methodology ... - Core grants. - Toolkits, Guidelines, Compendia, Review Papers, and Curated Data Resources.	On or before June 13, 2024.	September 12, 2024.	\$100,000 to \$300,000.	Up to 3 years	Charles Laurin <i>Charles.Laurin@ed.gov</i> (202) 987-0919.
National Center for Special Education Research (NCSEER)					
84.324A Special Education Research Education Systems.	On or before June 13, 2024.	September 12, 2024.	\$300,000 to \$800,000.	Up to 4 years	Akilah Nelson <i>Akilah.Nelson@ed.gov</i> (202) 804-7471.
84.324B Research Training Programs in Special Education. Early Career Development and Mentoring.	On or before June 13, 2024.	September 12, 2024.	\$100,000 to \$200,000.	Up to 4 years	Katherine Taylor <i>Katherine.Taylor@ed.gov</i> (202) 987-0071.

* These estimates are annual amounts.

Note: The Department is not bound by any estimates in this notice.

Note: If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

[FR Doc. 2024-11650 Filed 5-24-24; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2024-SCC-0074]

Agency Information Collection Activities; Comment Request; National Center for College Students With Disabilities (NCCSD) Database of Disability Services and Activities in Higher Education

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before JULY 29, 2024.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please

use <http://www.regulations.gov> by searching the Docket ID number ED-2024-SCC-0074. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202-8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection

activities, please contact Shedita Alston, (202) 453-7090.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how

might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Center for College Students with Disabilities (NCCSD) Database of Disability Services and Activities in Higher Education.

OMB Control Number: 1840-0841.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 5,916.

Total Estimated Number of Annual Burden Hours: 17,748.

Abstract: The National Center for College Students with Disabilities (NCCSD) at the University of Minnesota and originated by the Association on Higher Education and Disability (AHEAD) is authorized by Congress in the Higher Education Opportunity Act of 2008 (777.4) and was established in 2016. The NCCSD College Disability Resource Database is designed to address a gap in information about services and accessibility for college students with disabilities, who make up 19.5% of the undergraduate population. Existing general information about colleges is available in the Department of Education's online College Navigator and College Affordability and Transparency Center, but the only information about students with disabilities in these databases is the percentage of students registered with campus disability services offices. At this time, this is the only database that provide systematic collection of information about campus-level disability-related services, access, and activities at colleges and universities in the United States. The NCCSD survey asks all U.S. campuses to provide basic information about disability services, accessibility of campus, and disability-related activities that may affect inclusion and the campus climate. The data is available to the public in an accessible and searchable database to help prospective college students and their families make informed decisions during the college search process. Because the database is public, researchers and policymakers are able to utilize the data to gather information about disability and higher education in systematic ways.

The Department is requesting a revision of the survey for the following reasons: to add non-degree-granting institutions of higher education to the

respondent universe; to change the timeframe for and revise one question; to revise the possible responses to one question; and to add three new questions regarding faculty/instructor disability training.

Dated: May 22, 2024.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024-11667 Filed 5-24-24; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Applications for New Awards; Centers of Excellence for Veteran Student Success Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2024 for the Centers of Excellence for Veteran Student Success (CEVSS) Program, Assistance Listing Number 84.116G. This notice relates to the approved information collection under OMB control number 1894-0006.

DATES:

Applications Available: May 28, 2024.

Deadline for Transmittal of

Applications: July 29, 2024.

Deadline for Intergovernmental Review: September 25, 2024.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045), and available at www.federalregister.gov/d/2022-26554.

FOR FURTHER INFORMATION CONTACT:

Kelly Harris, U.S. Department of Education, 400 Maryland Avenue SW, 5th floor, Washington, DC 20202. Telephone: (202) 453-7346. Email: Kelly.Harris@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to encourage institutions of higher education (IHEs) to develop

model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial, physical, and social needs of veteran students.

Background: In 2019–2020, 3.7 percent of undergraduate students were veterans, with 28 percent of veterans attending public four-year colleges, 12 percent attending private four-year colleges, 34 percent attending public two-year colleges, and 13 percent attending for-profit institutions.¹ Unfortunately, and for various reasons, veterans are less likely to complete their postsecondary education than non-veterans. In 2019–20, 48 percent of veterans earned a postsecondary credential after six years, as compared to 56 percent of non-veterans. Those attending four-year institutions are much less likely to earn bachelor's degrees than non-veterans, with 33 percent of veterans doing so as compared to 59 percent of non-veterans, and those attending two-year institutions are less likely than non-veterans to earn associate degrees—13 percent as compared to 17 percent.²

According to a 2019 research report, student veterans are significantly underrepresented at colleges and universities with the highest graduation rates, despite receiving significant Federal financial assistance for postsecondary education through the GI Bill, indicating barriers in college degree attainment. The report found that only 10 percent of GI Bill recipients attended institutions with six-year graduation rates above 70 percent, compared to 21 percent of the overall student population, and 65 percent of GI Bill recipients enrolled in institutions with six-year graduation rates below 50 percent.³

Student veterans often face unique challenges that can affect their academic success, including transitioning back to civilian life after a deployment, addressing service-connected disabilities, and returning to school at an older age. Veterans may also be juggling school and off-campus employment or experiencing financial

¹ U.S. Department of Education analysis of National Center for Education Statistics, National Postsecondary Student Aid Study: 2020 Undergraduate Students.

² U.S. Department of Education analysis of National Center for Education Statistics, Beginning Postsecondary Students: 2012/2017.

³ Bond Hill, Catharine, Elizabeth Davidson Pisacreta, Emily Schwartz, and Martin Kurzweil. 2019. "Enrolling More Veterans at High-Graduation-Rate Colleges and Universities." Ithaca S+R. <https://doi.org/10.18665/sr.310816>.

challenges.⁴ Veteran college students, compared with traditional undergraduate students, are older, with only 15 percent the age of traditional college students; more likely to be married and have children (47.3 percent of student veterans are married and 47 percent have children); and twice as likely to have a job off-campus. Sixty-two percent are first-generation college students.⁵ Student service members and veterans on campus often report difficulty connecting socially with non-veteran students, who may be less likely to have firmly established vocational, social, and family roles. Student service members and veterans may have psychological disorders that can manifest in a unique way; and frequently report experiencing difficulties in the transition from a military style of technical learning and hierarchical organizational structure to a university learning environment.⁶

Postsecondary education completion is critical for veterans' long-term success. Veterans with a college degree have a lower unemployment rate compared to those without one.⁷ Furthermore, according to the 2019 Student Veterans of America Census Survey, nearly two of three student veterans' major or field of study is not at all similar to their military specialization.⁸

Veteran-specific resource centers are beneficial for veterans because they can serve as a first-stop shop, support students with orienting on campus and with career transitions, and provide a safe place for students with similar backgrounds to connect with each other.⁹

To this end, this competition includes an absolute priority for institutions to establish Centers of Excellence for Veteran Student Success on their campuses to coordinate services to address the academic, financial, physical, and social needs of veteran students. It also includes three

competitive preference priorities to improve students' social, emotional, academic, and career development; support the establishment of a Center on a community college, Historically Black college and university (HBCU), Minority-serving institution (MSI), or Tribal College or University (TCU) campus; and support the development of career pathways for students through the development and implementation of student success programs that integrate multiple comprehensive and evidence-based services or initiatives.

Priorities: This notice contains one absolute priority and three competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(v), the absolute priority is from the activities specified in section 873 of the Higher Education Act of 1965, as amended (HEA), and the competitive preference priorities are from the Secretary's Notice of Final Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the **Federal Register** on December 10, 2021 (86 FR 70612) (Supplemental Priorities).

Absolute Priority: For the FY 2024 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Projects that include the following required activities:

(a) Establishing a Center of Excellence for Veteran Student Success on the campus of the institution to provide a single point of contact to coordinate comprehensive support services for veteran students;

(b) Establishing a veteran student support team, including representatives from the offices of the institution responsible for admissions, registration, financial aid, veterans' benefits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus;

(c) Providing a coordinator whose primary responsibility is to coordinate the model program;

(d) Monitoring the rates of veteran student enrollment, persistence, and completion; and

(e) Developing a plan to sustain the Center of Excellence for Veteran Student Success after the grant period.

Competitive Preference Priorities: For the FY 2024 grant competition and any subsequent year in which we make awards from the list of unfunded

applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 5 points to an application, depending on how well the application meets Competitive Preference Priority 1; 2 points to an application that meets Competitive Preference Priority 2; and up to an additional 5 points to an application, depending on how well the application meets Competitive Preference Priority 3. Applicants may address one, all, or none of the competitive priorities.

These priorities are:

Competitive Preference Priority 1: Meeting Student Social, Emotional, and Academic Needs (up to 5 points).

Projects that are designed to improve students' social, emotional, academic, and career development, with a focus on underserved students, through developing and supporting educator and school capacity to support social and emotional learning and development that is trauma-informed, such as addressing exposure to community-based violence and trauma specific to military- or veteran-connected students (as defined in this notice).

Competitive Preference Priority 2: Promoting Equity in Student Access to Educational Resources and Opportunities (2 points).

Under this priority, an applicant must demonstrate that the project will be implemented by one of the following entities:

(1) Community colleges (as defined in this notice);

(2) Historically Black colleges and universities (as defined in this notice);

(3) Tribal Colleges and Universities (as defined in this notice); or

(4) Minority-serving institutions (as defined in this notice).

Competitive Preference Priority 3: Increasing Postsecondary Education Access, Affordability, Completion, and Post-Enrollment Success (up to 5 points).

Projects that are designed to increase postsecondary access, affordability, completion, and success for underserved students by supporting the development and implementation of student success programs that integrate multiple comprehensive and evidence-based services or initiatives, such as academic advising, structured/guided pathways, career services, credit-bearing academic undergraduate courses focused on career, and programs to meet basic needs, such as housing, childcare and transportation, student financial aid, and access to technological devices.

Definitions: The definitions of "demonstrates a rationale," "evidence-

⁴ Terry, Anthony D. 2018. "Barriers to Academic Success Experienced by Student Veterans," McNair Scholars Research Journal: Vol. 11, Article 12.

⁵ U.S. Department of Veterans Affairs, www.mentalhealth.va.gov/student-veteran/learn-about-student-veterans.asp.

⁶ Borsari, B., Yurasek, A., Miller, M., Murphy, J., McDevitt-Murphy, M., Martens, M., Darcy, M., and Carey, K. 2017. "Student Service Members/Veterans on Campus: Challenges for Reintegration," American Journal of Orthopsychiatry.

⁷ Institute for Veterans and Military Families, Syracuse University (2019) "Student Veterans: A Valuable Asset to Higher Education."

⁸ Student Veterans of America. 2019, SVA Census.

⁹ Kirchner, M. August 2015. "Supporting Student Veteran Transition to College and Academic Success," Adult Learning Volume 26, Issue 3, Pages 116-123.

based,” “experimental study,” “logic model,” “project component,” “promising evidence,” “quasi-experimental design study,” “relevant outcomes” and “What Works Clearinghouse (WWC) Handbooks (WWC Handbooks)” are from 34 CFR 77.1 and the definitions of “community college,” “Historically Black colleges and universities,” “military- or veteran-connected student,” “minority-serving institution,” “Tribal College or University,” and “underserved students” are from the Supplemental Priorities.

Community college means “junior or community college” as defined in section 312(f) of the HEA.

Demonstrates a rationale means a key project component included in the project’s logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (e.g., sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbooks:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (e.g., assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (e.g., a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Evidence-based means the proposed project component is supported by evidence that demonstrates a rationale.

Logic model (also referred to as theory of action) means a framework that identifies key components of the proposed project (i.e., the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Note: In developing logic models, applicants may want to use resources such as the Regional Educational Laboratory Program’s (REL Pacific) Education Logic Model Application, available at <https://ies.ed.gov/ncee/edlabs/regions/pacific/elm.asp>. Other sources include: https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014025.pdf, https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014007.pdf, and https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2015057.pdf.

Historically Black colleges and universities means colleges and universities that meet the criteria set out in 34 CFR 608.2.

Military- or veteran-connected student means a student who is a member of the uniformed services, a veteran of the uniformed services, or the spouse of a service member or veteran.

Minority-serving institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (e.g., training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Promising evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome, based on a relevant finding from one of the following:

(1) A practice guide prepared by What Works Clearinghouse (WWC) reporting a “strong evidence base” or “moderate evidence base” for the corresponding practice guide recommendation;

(2) An intervention report prepared by the WWC reporting a “positive effect” or “potentially positive effect” on a relevant outcome with no reporting of a “negative effect” or “potentially negative effect” on a relevant outcome; or

(3) A single study assessed by the Department, as appropriate, that—

(i) Is an experimental study, a quasi-experimental design study, or a well-designed and well-implemented correlational study with statistical controls for selection bias (e.g., a study

using regression methods to account for differences between a treatment group and a comparison group); and

(ii) Includes at least one statistically significant and positive (i.e., favorable) effect on a relevant outcome.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (e.g., establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, as described in the WWC Handbooks.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Tribal College or University has the meaning ascribed it in section 316(b)(3) of the HEA.

Underserved student means a military- or veteran-connected student.

What Works Clearinghouse (WWC) Handbooks (WWC Handbooks) means the standards and procedures set forth in The WWC Standards Handbook, Versions 4.0 or 4.1, and WWC Procedures Handbook, Versions 4.0 or 4.1, or in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (all incorporated by reference, see § 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with Reservations, or not meet WWC standards. WWC practiceGuides and intervention reports include findings from Systematic reviews of evidence as described in the WWC Handbooks documentation.

Note: The WWC Procedures and Standards Handbook (Version 4.1), as well as the more recent WWC Handbook released in August 2022 (Version 5.0), are available at <https://ies.ed.gov/ncee/wwc/Handbooks>.

Program Authority: 20 U.S.C. 1161t; 20 U.S.C. 1138–1138d; and the explanatory statement accompanying Division D of the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47).

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on

Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The Supplemental Priorities.

II. Award Information

Type of Award: Discretionary grants.
Estimated Available Funds:

\$8,910,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: \$650,000 to \$750,000 for up to 36 months.

Estimated Average Size of Awards: \$700,000 for up to 36 months.

Maximum Award: We will not make an award exceeding \$750,000 for a 36-month period.

Estimated Number of Awards: 12.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs (as defined in section 101 of the HEA (20 U.S.C. 1001)).

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Use of Funds:* In addition to the required activities under section 873(c)(1) of the HEA, which are included in the absolute priority, an IHE receiving a grant may also carry out one or more of the following activities with respect to veteran students, under

section 873(c)(2) of the HEA: (A) Outreach and recruitment of such students; (B) Supportive instructional services for such students, which may include (i) personal, academic, and career counseling, as an ongoing part of the program; (ii) tutoring and academic skill-building instruction assistance, as needed; and (iii) assistance with special admissions and transfer of credit from previous postsecondary education or experience; (C) Assistance in obtaining student financial aid; (D) Housing support for veteran students living in institutional facilities and commuting veteran students; (E) Cultural events, academic programs, orientation programs, and other activities designed to ease the transition to campus life for veteran students; (F) Support for veteran student organizations and veteran student support groups on campus; (G) Coordination of academic advising and admissions counseling with military bases and national guard units in the area; or (H) Other support services the institution determines to be necessary to ensure the success of veterans in achieving educational and career goals.

IV. Application and Submission Information

1. Application Submission

Instructions: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045), and available at www.federalregister.gov/d/2022-26554, which contain requirements and information on how to submit an application.

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles,

headings, footnotes, quotations, references, and captions as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract and the bibliography. However, the recommended page limit does apply to all of the application narrative.

Note: The Budget Information-Non-Construction Programs Form (ED 524) Sections A–C are not the same as the narrative response to the Budget section of the selection criteria.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210. Applicants should address each of the following selection criteria separately for each proposed activity. The selection criteria are worth a total of 100 points, and applications may receive up to 12 additional points under the competitive preference priorities, for a total score of up to 112 points. The maximum score for each criterion is noted in parentheses.

(a) *Need for project.* (up to 10 points) The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers:

(1) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project. (up to 3 points)

(2) The extent to which the proposed project will provide services or otherwise address the needs of students at risk of educational failure. (up to 4 points)

(3) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (up to 3 points)

(b) *Significance.* (up to 10 points) The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers:

(1) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population. (up to 5 points)

(2) The importance or magnitude of the results or outcomes likely to be attained by the proposed project. (up to 5 points)

(c) *Quality of the project design.* (up to 30 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers:

(1) The extent to which the proposed project demonstrates a rationale (as defined in this notice). (up to 7 points)

(2) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (up to 7 points)

(3) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (up to 8 points)

(4) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance. (up to 8 points)

(d) *Quality of project personnel.* (up to 15 points) The Secretary considers the quality of the personnel who will carry out the proposed project.

(1) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (up to 5 points)

(2) In addition, the Secretary considers:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator. (up to 5 points)

(ii) The qualifications, including relevant training and experience, of key project personnel. (up to 5 points)

(e) *Adequacy of resources.* (up to 20 points) The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers:

(1) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization. (up to 6 points)

(2) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits. (up to 7 points)

(3) The potential for continued support of the project after Federal

funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support. (up to 7 points)

(f) *Quality of the project evaluation.* (up to 15 points) The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (up to 4 points)

(2) The extent to which the methods of evaluation provide for examining the effectiveness of the project implementation strategies. (up to 4 points)

(3) The extent to which the methods of evaluation will provide timely guidance for quality assurance. (up to 3 points)

(4) The extent to which the methods of evaluation will, if well implemented, produce promising evidence (as defined in this notice) about the project's effectiveness. (up to 4 points)

Note: For selection criterion (d), Quality of project personnel, as stated in the absolute priority for this competition, a proposed Center of Excellence for Veteran Student Success must have a coordinator whose primary responsibility is to coordinate the model program. In response to this selection criterion, the application should describe the qualifications of this individual, the members of the veteran student support team described in the absolute priority, and any other individuals who will help carry out the proposed project. The grant project director may or may not be the coordinator of the Center of Excellence for Veteran Student Success. Applicants should consider emphasizing how the training and experience of veteran employees staffing the project, if applicable, will support the goals of the project.

Note: For selection criterion (d), Quality of project personnel, applicants are encouraged to include in their application that they are committed to paying their staff a living wage for the local area and providing benefits.

Note: For selection criterion (e), Adequacy of resources, a budget summary and budget narrative attached to your proposal should itemize the support you are requesting through the CEVSS Program.

2. Review and Selection Process: We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant

conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the selection criteria. A rank order funding slate will be made from this review. Awards will be made in rank order according to the average score received from the peer review and from the competitive preference priorities addressed by the applicant.

If there are insufficient funds to award multiple applications with the same score, consistent with section 873(d)(2)(A) and (B) of the HEA, in making a selection, the Secretary will consider the number of veteran students enrolled at each IHE and award funding to the applicant(s) with the highest number of enrolled veteran students. If a tie still exists after applying the first tiebreaker, the Secretary will consider the need for model programs to address the needs of veteran students at a wide range of IHEs, including the need to provide (i) an equitable distribution of such grants to IHEs of various types and sizes; (ii) an equitable geographic distribution of such grants; and (iii) an equitable distribution of such grants among rural and urban areas.

3. Risk Assessment and Specific Conditions: Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3473.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under

Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

5. *Performance Measures:* Under 34 CFR 75.110, the Secretary has established the following performance measures for the CEVSS Program: (1) The extent to which the project is

institutionalized at the end of the project period; and (2) The extent to which funded projects increase enrollment, persistence, and completion rates of veteran students at their institutions.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project.

If funded, you will be required to collect and report data in your project's annual performance report (34 CFR 75.590).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Nasser H. Paydar,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2024–11658 Filed 5–24–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB).

DATES: Comments regarding this proposed information collection must be received on or before July 29, 2024. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments may be sent to Vanessa Grisko by email at vanessa.grisko@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Vanessa Grisko by email at vanessa.grisko@hq.doe.gov, (240) 388-5944.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA. With respect to the following collection of information, DOE invites comments on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

- (1) *OMB No.*: 1910-5179;
- (2) *Information Collection Request Titled*: United States Energy and Employment Report Survey;
- (3) *Type of Review*: Revision of currently approved information collection;

(4) *Purpose*: The rapidly changing nature of energy production, distribution, and consumption throughout the United States economy is having a dramatic impact on job creation and economic competitiveness, but is inadequately understood and, in some sectors, incompletely measured by

traditional labor market sources. The U.S. Energy and Employment Report Survey will collect data from businesses in in-scope industries, quantifying and qualifying employment among energy activities, workforce demographics, wages, benefits, workforce needs, and the industry's perception on the difficulty of recruiting qualified workers. The data will be used to generate the annual U.S. Energy and Employment Report

(5) *Annual Estimated Number of Respondents*: 42,000;

(6) *Annual Estimated Number of Total Responses*: 42,000

(7) *Annual Estimated Number of Burden Hours*: 4,154.22;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden*: \$572,570.21.

Statutory Authority: Sec. 301 of the Department of Energy Organization Act (42 U.S.C. 7151); sec. 5 of the Federal Energy Administration Act of 1974 (15 U.S.C. 764); and sec. 103 of the Energy Reorganization Act of 1974 (42 U.S.C. 5813).

Signing Authority

This document of the Department of Energy was signed on May 22, 2024, by Vanessa Grisko, Chief of Staff in the Office of Energy Jobs, 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 22, 2024.

Treena V. Garrett,

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

[FR Doc. 2024-11630 Filed 5-24-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice and request for OMB review and comment.

SUMMARY: EIA invites public comment on the reinstatement with changes to the Residential Energy Consumption Survey (RECS) Forms EIA 457-A, D, E, F, and G under OMB Control Number 1905-0092, as required under the Paperwork Reduction Act of 1995. RECS collects data on energy characteristics, consumption, and expenditures for the residential sector of the United States and is comprised of five forms including: Form EIA 457-A Household Supplier Survey: Household Propane Usage, Form EIA 457-E Energy Supplier Survey: Household Electricity Usage, Form EIA 457-F, Energy Supplier Survey: Household Natural Gas Usage, Form EIA 457-G Energy Supplier Survey: Household Fuel Oil or Kerosene Usage. These forms will be used to collect information in calendar years 2024 and 2025 and will be used to produce household energy usage estimates for the reference year 2024.

DATES: EIA must receive all comments on this proposed information collection no later than June 27, 2024. If you anticipate that you will be submitting comments but find it difficult to do so within the period allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 881-8585.

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: Chip Berry, U.S. Energy Information Administration, by telephone at (202) 586-5543, or by email at chip.berry@eia.gov. The proposed forms and instructions are available on EIA's website at www.eia.gov/survey/#eia-457.

SUPPLEMENTARY INFORMATION: This information collection request contains:

- (1) *OMB No.*: 1905-0092;
- (2) *Information Collection Request Title*: Residential Energy Consumption Survey;
- (3) *Type of Request*: Reinstatement with changes;

(4) *Purpose*: The RECS is a nationwide study of energy use in housing units and includes a series of data collections from households and household energy suppliers. RECS results include official statistics about the energy characteristics, consumption,

and expenditures of U.S. homes. In addition to statistics produced directly from surveys of households and energy suppliers, EIA leverages the RECS survey information to model and produce energy end-use estimates (e.g., natural gas water heating consumption). EIA has conducted the RECS periodically since 1978 and the 2024 RECS will be the 16th data collection for the program.

Form EIA 457–A: Household Survey collects information on the presence and characteristics of a wide range of energy-consuming devices in homes, including space heating and cooling equipment, appliances, and electronics. The Household Survey also asks respondents about key structural features and demographic characteristics that impact energy usage. Forms EIA 457–D, E, F, and G: Energy Supplier Surveys collect monthly electricity and natural gas billing data from energy suppliers (e.g., utilities), and periodic propane and fuel oil delivery data from bulk fuel suppliers provided by Household Survey respondents.

RECS is integral to EIA's mandate to collect and publish energy end-use consumption data. RECS estimates represent the most comprehensive national and state-level results available on energy consumption in homes. RECS is a key, benchmark data series that allows policy makers and program implementers in both public and private organizations to analyze trends in energy consumption for the residential sector. RECS fulfills planning, analyses, and decision-making needs of DOE, other Federal agencies, state governments, utilities, researchers, and energy analysts in the private sector.

In addition to the annualized RECS estimates that EIA has produced for all prior RECS studies, EIA intends to release sub-annual (e.g., monthly) energy consumption and expenditures estimates from the 2024 RECS. These estimates would be derived from monthly energy bills collected on the Energy Supplier Survey forms and modeled energy end-use outputs.

(4a) Proposed Changes to Information Collection: For the 2024 RECS, EIA intends to field a series of local-area samples in select metropolitan statistical areas around the country. These additional samples in 10 local areas will support EIA's efforts to expand its demand-side energy data program to produce energy-use results for more granular geographic and demographic communities.

EIA proposes to update the Household Survey to improve response quality and update questions to reflect

current energy trends. EIA is proposing the following questionnaire updates based on data quality analysis of the prior RECS, changes in the residential housing market, and stakeholder feedback. Proposed new questions reflect EIA's effort to collect the most relevant information necessary to estimate household energy use and to inform energy end-use estimation. Proposed question revisions should improve response quality, minimize reporting burden, and reflect changes in technology. EIA proposes deleting questions with poor response quality from the last collection or where data are now available from alternative sources.

Household Survey (EIA 457–A)

Question additions and reinstatements (sections in parentheses):

- (Your Home) Added a question asking how many months a respondent's pool is heated. Pool heating can account for considerable energy use for a home and this question will improve EIA's ability to model pool energy end-use consumption and expenditures.
- (Appliances) Added a question asking about the presence of air fryers to the small kitchen appliances section.
- (Electronics) Added a question asking about the presence of external computer monitors.
- (Space Heating) Added a set of questions asking about third heating sources used in the home.
- (Space Heating) Added a question asking respondents if they use their heat pump for cooling as well as heating. This should improve our estimates of heat pumps used for both heating and cooling.
- (Space Heating and Air Conditioning) Added a question to each section about how people use their heating and cooling equipment. RECS asked this question in the 2009 survey about air conditioning only, but it would be useful to reinstate this for heating, as well, to understand how often respondents use their equipment. This is useful for modeling energy consumption for space heating and space cooling, which are the largest end uses in the household.
- (Water Heating) Added a question about the presence of heat pump/hybrid water heaters. Heat pump/hybrid water heaters are an emerging technology and can result in significant energy savings for a household if installed.
- (Water Heating) Added a question about the fuel for solar water heater backups. RECS asks about the presence of solar water heaters, but no information is currently collected about

the fuel used to supplement or backup the solar water heaters. This will improve EIA's modeling of water heating end-use consumption.

- (Energy Bills) Reinstated a series of questions for bulk fuels asking respondents to estimate the amount that had been delivered in the past year. These questions are used for validating and imputing bulk fuel consumption.
- (Other Energy Uses) Added a question about the number of solar panels if a respondent indicates that they have solar panels.
- (Other Energy Uses) Added a question about battery storage for solar.
- (Other Energy Uses) Added a question asking about the number of electric vehicles owned or leased. This replaces the question from the 2020 RECS that asked only if a respondent had an electric vehicle.
- (Energy Assistance) Added a question related to inability to pay an energy bill in part or in full. While the RECS gathers information about people forgoing expenses to help pay for energy bills and information about the receipt of disconnection notices, there is a gap in knowledge about people who still face difficulties with energy bills but pay enough to not receive a notice.
- (Final Questions) Added a question asking respondents for their inverter company if they have solar generation. To improve our electricity consumption estimates for homes with solar, EIA will pilot a data collection from those companies concurrent with the Energy Supplier Survey data collection.

Revisions

- (Your Home) Changed questions asking how many months your pool and hot tub were "in use" to how many months the pool pump/hot tub were "turned on." This change should better capture when pool equipment is running.
- (Appliances) Changed the phrasing of a question option for the location of the second refrigerator. "Main living area" was confusing and unclear. The option will be reworded as "anywhere/somewhere else in the house."
- (Appliances) Provided an option for dual-fuel ranges to have fuels other than natural gas. Propane dual-fuel ranges are common enough to warrant this change.
- (Appliances) Removed the word "rare" from the induction cooktop question.
- (Appliances) Revised wording on the question asking about the number of microwaves from "have" to "use." This change will better capture microwaves that are actively drawing power.

- (Electronics) Collapsed TV type categories into fewer options to reflect current technologies.
- (Space Heating) Added fireplace as a response option for main heating equipment. Similarly, added more response options to secondary heating equipment so that it is consistent with main heating equipment options.
- (Space Heating) Allow respondents to indicate using both wood cords and wood pellets.
- (Energy Bills) Adjusted the question focused on energy use for “non-household purposes.”
- (Other Energy Uses) Revised the generator question to separately capture presence of whole-home or portable generators.
- (Household Characteristics) Revised the gender question as per guidance in OMB Executive Order 14075 (June 2022).
- (Household Characteristics) Adjusted the response categories for the household income question to reflect current income levels.

Deletions

- (Your Home) Removed a question asking respondents if they have natural gas available in their neighborhood. Our evaluation of missing rates and overall response quality indicates that many respondents who do not use natural gas are not aware if they have natural gas available to them.
- (Appliances) Removed a question about the number of months a respondent used a secondary refrigerator. Responses have been inconsistent, and 2020 RECS data indicate that nearly all households with a second refrigerator use them all year.
- (Electronics) Removed a series of questions about the purpose of TV usage. This series was added to the 2020 RECS, but EIA determined there is little analytical value of this information with regard to energy usage in homes.
- (Electronics) Removed a question asking about VCRs. Few respondents have them and they do not consume a lot of energy.
- (Electronics) Removed a series of questions about the use of equipment for teleworking. These questions were added at the beginning of the COVID-19 pandemic to assess a potential change in household behavior due to the pandemic.
- (Thermostats and Temperatures) Removed a series of questions asking how respondents control their thermostats. This information was not used in modeling end-use energy consumption. RECS plans to replace this question with the above addition

about how people use their heating and cooling equipment.

- (Water Heating) Removed a question about whether respondents use a blanket for their water heater.
- (Other Energy Uses) Removed a series of questions about non-solar renewable energy. On-site residential wind energy generation and combined heat and power systems are rare. We have retained a question about presence of on-site solar.
- (Household Characteristics) Removed a question asking about the total number of household members. RECS already asks questions about how many adults and how many children live in the household and gives those questions primacy.
- (Final Questions) Removed a series of questions asking respondents in large apartment buildings about their landlord information. This was used in the 2020 RECS to conduct a Multifamily Buildings Study, which has been discontinued.

Energy Supplier Surveys (EIA 457 D–G)

EIA proposes to reduce the number of months of bills or fuel deliveries collected on the Energy Supplier Survey forms from 24 months to 20 months. Collecting 24 months of bills for the 2020 RECS was necessary to evaluate impacts of the COVID-19 pandemic on energy use for households. The additional four months of bills are no longer needed, and 20 months of billing and fuel delivery data is sufficient for 2024 RECS estimation.

(5) *Annual Estimated Number of Respondents*: 5,641;

(6) *Annual Estimated Number of Total Responses*: 5,641;

(7) *Annual Estimated Number of Burden Hours*: 3,909;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden*: The annualized cost of the burden hours is estimated to be \$356,344 (3,909 hours times \$91.16 per hour). The burden estimates are annualized over the four-year project cycle. EIA estimates that respondents will have no additional costs associated with the surveys other than the burden hours and the maintenance of the information during the normal course of business.

Comments are invited on whether or not: (a) The proposed collection of information is necessary for the proper performance of agency functions, including whether the information will have a practical utility; (b) EIA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, is accurate; (c) EIA can improve the quality, utility, and

clarity of the information it will collect; and (d) EIA can minimize the burden of the collection of information on respondents, such as automated collection techniques or other forms of information technology.

Statutory Authority: 15 U.S.C. 772(b) and 42 U.S.C. 7101 *et seq.* Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S.C. 772(b) and the DOE Organization Act of 1977, Pub. L. 95–91, codified at 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on May 22, 2024.

Samson A. Adeshiyan,

Director, Office of Statistical Methods and Research, U. S. Energy Information Administration.

[FR Doc. 2024–11644 Filed 5–24–24; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 11986–01–OAR]

Request for Nominations for Mobile Sources Technical Review Subcommittee (MSTRS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Request for nominations for Mobile Sources Technical Review Subcommittee (MSTRS).

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates to be considered for appointment to its Mobile Sources Technical Review Subcommittee (MSTRS). Vacancies are anticipated to be filled by November 15, 2024. Sources in addition to this **Federal Register** Notice may also be utilized in the solicitation of nominees.

DATES: Nominations must be postmarked or emailed by July 31, 2024.

ADDRESSES: Submit nominations in writing to: Sarah Roberts, Alternate Designated Federal Officer, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105.

You may also email nominations with subject line MSTRS2024 to mstrs@epa.gov.

FOR FURTHER INFORMATION CONTACT: Sarah Roberts, Alternate Designated Federal Officer, U.S. EPA; telephone: (734) 214–4615; email: roberts.sarah@epa.gov.

SUPPLEMENTARY INFORMATION:

Background

The MSTRS is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. The MSTRS provides the Clean Air Act Advisory Committee (CAAAC) with independent advice, counsel and recommendations on the scientific and technical aspects of programs related to mobile source air pollution and its control.

Through its expert members from diverse stakeholder groups and from its various workgroups, the Subcommittee reviews and addresses a wide range of developments, issues and research areas such as emissions modeling, emission standards and standard setting, air toxics, innovative and incentive-based transportation policies, heavy-duty engines, diesel retrofit, and fuel quality. The Subcommittee's website is at: <http://www.epa.gov/caaac/mobile-sources-technical-review-subcommittee-mstrs-caaac>.

Members are appointed by the EPA Administrator for three-year terms with the possibility of reappointment to a second term. The MSTRS usually meets two times annually and the average workload for the members is approximately 5 to 10 hours per month. EPA provides reimbursement for travel and other incidental expenses associated with official government business for members who qualify.

EPA is seeking nominations from representatives of nonfederal interests such as:

- Future and emerging transportation technology and options, including shared mobility interests
- Community and/or environmental and/or mobility justice interests
- State, tribal, and local government interests
- Mobile source emission modeling interests
- Transportation and supply chain shippers
 - Marine and inland port interests
 - Environmental advocacy groups
 - Mobile source consumer advocacy groups

EPA values and welcomes opportunities to increase diversity, equity, inclusion, and accessibility on its Federal Advisory Committees. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of people from all racial and ethnic groups.

In selecting members, we will consider technical expertise, coverage of broad stakeholder perspectives, diversity, and the needs of the subcommittee.

The following criteria will be used to evaluate nominees:

- The background and experiences that would help members contribute to the diversity of perspectives on the committee (e.g., geographic, economic, social, cultural, educational, and other considerations)
 - Experience in policy engagement across a range of mobility source transportation topics
 - Experience working with future and emerging transportation options and technology, and shared mobility
 - Experience working with the modeling of mobile source emissions
 - Experience working with producers of passenger cars, engines and trucks, engine and equipment manufacturing
 - Experience working with fuel or renewable fuel producers
 - Experience working with oil refiners, distributors and retailers of mobile source fuels
 - Experience working with clean energy producers and electric vehicle charging infrastructure
 - Experience working with agricultural producers (corn and other crop products), distillers, processors and shippers of biofuels
 - Experience working with emission control manufacturers, catalyst and filter manufacturers
 - Experience working for state, tribal, or local environmental agencies or air pollution control agencies
 - Experience working for environmental advocacy groups
 - Experience working for environmental and/or community groups
 - Experience working with supply chain logistics and goods movement
 - Experience working with marine port interests
 - Experience in working at the national level on local governments issues
 - Experience in providing mobile source consumer-focused information
 - Experience in working on local issues at the national level
 - Demonstrated experience with environmental, public health, and sustainability issues
 - Executive management level experience with membership in broad-based networks
 - Excellent interpersonal, oral and written communication and consensus-building skills
 - Ability to volunteer time to attend meetings two times a year, participate in teleconference and webinar meetings, attend listening sessions with the Administrator or other senior-level officials, develop policy recommendations to the Administrator, and prepare reports and advice letters.
- Nominations must include a resume and a short biography describing the

professional and educational qualifications of the nominee, as well as the nominee's current business address, email address, and daytime telephone number. Interested candidates may self-nominate.

To help the Agency in evaluating the effectiveness of its outreach efforts, please tell us how you learned of this opportunity.

Please be aware that EPA's policy is that, unless otherwise prescribed by statute, members generally are appointed to three-year terms.

Sarah Roberts,

Alternate Designated Federal Officer, Office of Transportation and Air Quality, U.S. Environmental Protection Agency.

[FR Doc. 2024–11597 Filed 5–24–24; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2024–6018]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; Export-Import Bank Co-Financing With Foreign Export Credit Agency

AGENCY: Export-Import Bank of the United States.

ACTION: Notice of information collection; request for comment

SUMMARY: The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

DATES: Comments must be received on or before July 29, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 11–04), by email to Donna Schneider, donna.schneider@exim.gov, or by mail to Donna Schneider, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

FOR FURTHER INFORMATION CONTACT: To request additional information please contact Donna Schneider, donna.schneider@exim.gov, 202–565–3612.

SUPPLEMENTARY INFORMATION: This form will enable EXIM to identify the specific

details of the proposed co-financing transaction between a U.S. exporter, EXIM, and a foreign export credit agency; the information collected includes vital facts such as the amount of U.S.-made content in the export, the amount of financing requested from EXIM, and the proposed financing amount from the foreign export credit agency. These details are necessary for approving this unique transaction structure and coordinating our support with that of the foreign export credit agency to ultimately complete the transaction and support U.S. exports—and U.S. jobs.

The application tool can be reviewed at <https://img.exim.gov/s3fs-public/public/pending/eib11-04.pdf>.

Title and Form Number: EIB 11–04, Co-financing with Foreign Export Credit Agency.

OMB Number: 3048–0037.

Type of Review: Regular.

Need and Use: The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to the Export-Import Bank under its insurance, guarantee, and direct loan programs.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 75.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 18.75 hours.

Frequency of Reporting or Use: As needed.

Dated: May 21, 2024.

Andrew Smith,

Records Officer.

[FR Doc. 2024–11530 Filed 5–24–24; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Friday June 21, 2024 in the Commission Meeting Room and available to the public via the internet at <http://www.fcc.gov/live>, from 10 a.m. to 12:30 p.m.

DATES: Friday June 21, 2024.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Martin Doczkat, Chief, Electromagnetic Compatibility Division 202–418–2099; martin.doczkat@fcc.gov.

SUPPLEMENTARY INFORMATION: At the June 21st meeting, the TAC will continue to consider and advise the Commission on topics such as continued efforts at looking beyond 5G advanced as 6G begins to develop so as to facilitate U.S. leadership; studying advanced spectrum sharing techniques, including the implementation of artificial intelligence and machine learning to improve the utilization and administration of spectrum; and other emerging technologies. This agenda may be modified at the discretion of the TAC Chair and the Designated Federal Officer (DFO).

Meetings are broadcast live with open captioning over the internet from the FCC Live web page at <http://www.fcc.gov/live/>. The public may submit written comments before the meeting to Martin Doczkat, the FCC's Designated Federal Officer for Technological Advisory Council by email: martin.doczkat@fcc.gov or U.S. Postal Service Mail (Martin Doczkat, Federal Communications Commission, 45 L Street NE, Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to fcc504@fcc.gov or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted but may not be possible to fill.

Federal Communications Commission.

Ronald T. Repasi,

Chief, Office of Engineering and Technology.

[FR Doc. 2024–11631 Filed 5–24–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

TIME AND DATE: Tuesday, June 4, 2024 at 10 a.m. and its continuation at the conclusion of the open meeting on June 6, 2024.

PLACE: 1050 First Street NE, Washington, D.C. and virtual (this meeting will be a hybrid meeting.).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109. Matters relating to internal personnel decisions, or internal rules and practices. Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Vicktorja J. Allen,

Deputy Secretary of the Commission.

[FR Doc. 2024–11716 Filed 5–23–24; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Privacy Act of 1974; System of Records

AGENCY: Federal Mediation & Conciliation Service

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) uses this system to process requests for arbitration panels, including payment for requests, to process annual fees for each arbitrator, to maintain a roster of qualified, private labor arbitrators to hear disputes arising under collective bargaining agreements, and provide fact finding and interest arbitration. The notice amendment includes administrative updates to refine details published under **SUMMARY, FOR FURTHER INFORMATION CONTACT, SUPPLEMENTARY INFORMATION, SYSTEM MANAGER, ROUTINE USES**, and the **HISTORY** section. These sections are amended to refine previously published information about the system of records. The dates, addresses, system name, security classification, 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, policies and practices for storage of records, policies and practices for retrieval of records, policies and procedures for retention and disposal of records, administrative safeguards, record access procedures, contesting records procedures, notification

procedures, and exemptions promulgated remain unchanged. This amended SORN deletes and supersedes the SORN published in the **Federal Register** on March 24, 2022.

DATES: This system of records will be effective without further notice on June 27, 2024 unless otherwise revised pursuant to comments received. Comments must be received on or before June 27, 2024.

ADDRESSES: You may send comments, identified by FMCS-0008, by any of the following methods:

- **Mail:** Office of General Counsel, 250 E Street, SW, Washington, DC 20427.
- **Email:** register@fmcs.gov. Include FMCS-0008 on the subject line of the message.
- **Fax:** (202) 606-5444.

FOR FURTHER INFORMATION CONTACT: Kevin Buffington, Client Services Manager, at kbuffington@fmcs.gov, (202) 899-0323, or mail: The Office of Client Services, FMCS, 250 E Street, SW, Washington, DC 20427.

SUPPLEMENTARY INFORMATION: The notice amendment includes administrative updates to refine details published under summary, for further information contact, supplementary information, system manager, routine uses, and the history section. These sections are amended to refine previously published information about the system of records. The dates, addresses, system name, security classification, 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, policies and practices for storage of records, policies and practices for retrieval of records, policies and procedures for retention and disposal of records, administrative safeguards, record access procedures, contesting records procedures, notification procedures, and exemptions promulgated remain unchanged.

The enabling legislation for FMCS provides that “the settlement of issues between employers and employees through collective bargaining may advance by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration . . .” 29 U.S.C. 171(b). Pursuant to the statute and 29 CFR part 1404, FMCS has long maintained a roster of qualified, private labor arbitrators to hear disputes arising under collective bargaining agreements and provide fact finding and interest arbitration. The existing regulation establishes the policy and administrative responsibility for the FMCS roster, criteria, procedures for

listing and removing arbitrators, and procedures for using arbitration services.

SYSTEM NAME AND NUMBER:

FMCS-0008 Arbitration Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Mediation and Conciliation Service, Office of General Counsel (OGC), 250 E Street SW, Washington, DC 20427.

SYSTEM MANAGER(S):

Kevin Buffington, Client Services Manager, Office of Client Services, email kbuffington@fmcs.gov, call (202) 899-0323, and Arthur Pearlstein, Senior Mediator, Office of Client Services, email apearlstein@fmcs.gov, call (202) 606-8103; or send mail to the Federal Mediation and Conciliation Service, Office of Client Service, 250 E Street SW, Washington, DC 20427, Attn: Kevin Buffington or Arthur Pearlstein.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 172, et. seq. and 29 CFR part 1404.

PURPOSE(S) OF THE SYSTEM:

The records in this system are used to collect, process, and maintain arbitrator panel reports, payment requests, annual fees, and arbitrator rosters. The system maintains a roster of qualified, private labor arbitrators to hear disputes arising under collective bargaining agreements and provide fact findings and interest arbitration.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered in the system are the public, FMCS clients, parties requesting an arbitration roster or services, arbitrators, applicants to be on the arbitration roster, and FMCS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records maintained in the system include the:

- (1) Records concerning requests for arbitrators including, but not limited to, the Request for Arbitration Panel (FMCS Form R-43). This form can be found at <https://www.fmcs.gov/services/arbitration/requesting-a-panel/>.
- (2) Records pertaining to arbitrator registration, including but not limited to, Arbitrators' Personal Data Questionnaire (FMCS Form R-22), and records used to collect information from applicants submitted for consideration to the FMCS Arbitrator Review Board. This form can be found at <https://>

www.fmcs.gov/services/arbitration/information-joining-arbitrator-roster/.

(3) Records concerning case processing updates including, but not limited to, The Arbitrator's Report and Fee Statement (FMCS Form R-19). This form can be found at <https://www.fmcs.gov/services/arbitration/information-fmcs-roster-arbitrators/>.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by:

- (1) Parties seeking to request an arbitration panel which may include the public, Federal, state, and local employees, Unions, and employers; and
- (2) Arbitrators provide information for registration and case processing updates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of these records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FMCS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(a) To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule regulation or order where the record, either alone or in conjunction with other information creates an indication of a violation or potential violation of civil or criminal laws or regulations.

(b) To disclose information to the National Archives and Records Administration (NARA) for use in its records management inspections; to the Government Accountability Office (GAO) for oversight purposes; to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

(c) To disclose information to the National Archives and Records Administration (NARA) in records management inspections.

(d) To disclose information to contractors, grantees, experts, consultants, detailers, and other non-Government employees performing or working on a contract, service, or other assignment for the Federal Government when necessary to accompany an

agency function related to this system of records.

(e) To officials of labor organizations recognized under 5 U.S.C. Chapter 71 upon receipt of a formal request and in accordance with the conditions of 5 U.S.C. 7114 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

(f) To disclose information to a Member of Congress or a congressional office in response to an inquiry made on behalf of, and at the request of, an individual who is the subject of the record.

(g) To disclose information when FMCS determines that the records are relevant to a proceeding before a court, grand jury, or administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(h) To disclose information to another Federal agency, to a court, or to 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. Such disclosure is permitted only when it is relevant and necessary to the litigation or proceeding.

(i) To any agency, organization, or person for the purposes of performing audit or oversight operations related to the operation of this system of records as authorized by law, but only information necessary and relevant to such audit or oversight function.

(j) To disclose information to appropriate agencies, entities, and persons when: (1) FMCS suspects or has confirmed that there has been a breach of the system of records; (2) FMCS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FMCS (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 FMCS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(k) To another Federal agency or Federal entity, when FMCS 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.

(l) To disclose information to arbitrators or parties to an arbitration concerning case processing, or to investigate allegations of arbitrator misconduct.

(m) To disclose to professional organizations including, but not limited to, the American Arbitration Association, JAMS, or the National Academy of Arbitrators concerning application or suitability of an arbitrator.

(n) To disclose aggregate data to other federal agencies, educational institutions, professional organizations, or FMCS clients who collaborate with FMCS to publish reports on aggregate data, to provide research or statistical information, services, or training concerning arbitration. This data may also be included in various public reports FMCS issues.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

These records are maintained in hard copy and electronic form in locations only accessible to authorized personnel. Electronic records are stored on the agency's internal servers with restricted access to authorized Human Resources staff and designated deciding officials as determined by agency policy.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

These records are retrieved by the name or other programmatic identifier assigned to an individual in the electronic database and paper filing system.

POLICIES AND PRACTICES FOR RETENTION OF DISPOSAL OF RECORDS:

All records are retained and disposed of in accordance with General Records Schedule 6.5, issued by the National Archives and Records Administration (NARA), and the Agency's Comprehensive Records Schedule approved by NARA.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are located in a locked file storage area or stored electronically in locations only accessible to authorize personnel requiring agency security credentials. Access is restricted and accessible to limited Human Resources officials, and/or individuals in a need-

to-know capacity. FMCS buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to their records should contact the Office of General Counsel (OGC). Individuals must provide the following information for their records to be located and identified: (1) Full name, (2) Address, and (3) A specific description of the record content requested. See 29 CFR 1410.3, Individual access requests.

CONTESTING RECORDS PROCEDURES:

See 29 CFR 1410.6, Requests for correction or amendment of records, on how to contest the content of any records. Privacy Act requests to amend or correct records may be submitted to the Chief Privacy Officer at privacy@fmcs.gov or Chief Privacy Officer at FMCS 250 E Street SW, Washington, DC 20427. Also, see <https://www.fmcs.gov/privacy-policy/>.

NOTIFICATION PROCEDURES:

See 29 CFR 1410.3(a), Individual access requests.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This amended SORN deletes and supersedes the SORN published in the **Federal Register** on March 24, 2022, at 87 FR 16737.

Dated: May 21, 2024.

Alisa Zimmerman,

Deputy General Counsel, Federal Mediation and Conciliation Service.

[FR Doc. 2024-11543 Filed 5-24-24; 8:45 am]

BILLING CODE 6732-01-P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Privacy Act of 1974; System of Records

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice of a modified system of records.

SUMMARY: Federal Mediation and Conciliation Service (FMCS) uses photographs, biographies, and agency contact information of employees to provide background information to the public, for use by stakeholders in preparation for services, and for trainings and conferences. FMCS may also use these documents for internal agency events and communications. Photographs of FMCS clients engaging

in FMCS services allows FMCS to represent the services FMCS provides to our clients. The notice amendment includes administrative updates to refine details published under summary, dates, addresses, supplementary information, purpose of the system, categories of records in the system, record source categories, routine uses, record access procedures, contesting records procedures, and the history section. These sections are amended to refine previously published information about the system of records. The further information contact, system name, security classification, system location, system manager, authority for maintenance of the system, categories of individuals covered by the system, policies and practices for storage of records, policies and practices for retrieval of records, policies and procedures for retention and disposal of records, administrative safeguards, notification procedures, and exemptions promulgated sections remain unchanged. This amended SORN deletes and supersedes the SORN published in the **Federal Register** on August 19, 2021.

DATES: This system of records will be effective without further notice on June 27, 2024 unless otherwise revised pursuant to comments received. Comments must be received on or before June 27, 2024.

ADDRESSES: You may send comments, identified by FMCS–0003, by any of the following methods:

- *Mail:* Office of General Counsel, 250 E Street SW, Washington, DC 20427.
- *Email:* register@fmcs.gov. Include FMCS–0003 on the subject line of the message.
- *Fax:* (202) 606–5444.

FOR FURTHER INFORMATION CONTACT: Greg Raelson, Director of Congressional and Public Affairs, at graelson@fmcs.gov or at (202) 606–8081.

SUPPLEMENTARY INFORMATION: The notice amendment includes administrative updates to refine details published under summary, dates, addresses, supplementary information, purpose of the system, categories of records in the system, record source categories, routine uses, record access procedures, contesting records procedures, and the history section. These sections are amended to refine previously published information about the system of records. The further information contact, system name, security classification, system location, system manager, authority for maintenance of the system, categories of individuals covered by the system, policies and practices for storage of records, policies and practices for

retrieval of records, policies and procedures for retention and disposal of records, administrative safeguards, notification procedures, and exemptions promulgated sections remain unchanged.

This system is needed for collecting, storing, and maintaining FMCS employee biographical information and event photographs to include photographs of FMCS clients.

SYSTEM NAME AND NUMBER:

FMCS–0003

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Mediation and Conciliation Service, 250 E Street SW, Washington, DC 20427.

SYSTEM MANAGER(S):

Greg Raelson, Director of Congressional and Public Affairs, email graelson@fmcs.gov, or send mail to Federal Mediation and Conciliation Service, 250 E Street Southwest, Washington, DC 20427, Attn: Greg Raelson.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Mediation and Conciliation Service, 29 U.S.C. 172, *et seq.*; Departmental Regulations, 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

The purposes of the system are as follows:

- (a) The records are used for internal and external communications, and to provide the public with contact information and biographies of the employees who carry out FMCS's mission and activities.
- (b) To digitize FMCS photographic files in support of preserving the materials.
- (c) To be used for reproduction by FMCS employees organizing such events as awards, ceremonies, farewell ceremonies and receptions, FMCS anniversary ceremonies and receptions, conferences, workshops, speaking engagements, and FMCS training and education programs.
- (d) To provide a representation of the training and other services FMCS provides.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FMCS employees, clients, visitors from other agencies, and members of the public.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records consist of digital photographs, digitized images of

photographic prints, negatives, and slides, and indexing data including name, geographical district, biographies, business title, business email, business cell phone and office number, business office address, business address of events, client information, and name and dates of events.

RECORD SOURCE CATEGORIES:

Photographs, FMCS employee biographical information, and client information are provided by FMCS employees on an ongoing basis. Donors include FMCS employees, FMCS clients, and visitors from the public or other agencies. Other records such as contact information are obtained from FMCS records.

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, these records or information contained therein may specifically be disclosed outside the Agency as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(a) As communication material at conferences, trainings, and speaking engagements where FMCS employees participate in their official capacity to demonstrate the experience and background of FMCS employees.

(b) To current and prospective FMCS clients including other federal agencies to provide background information on individuals for public knowledge and awareness.

(c) For distribution and presentation for news, public relations, official agency social media, community affairs, and client services purposes.

(d) In support of research activities conducted by FMCS employees and other agencies.

(e) To disclose information to a Member of Congress or a congressional office in response to an inquiry made on behalf of, and at the request of, an individual who is the subject of the record.

(f) In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when FMCS or other Agency representing FMCS determines the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(g) To the Department of Justice, including Offices of the U.S. Attorneys, or another Federal agency representing FMCS in pending or potential litigation

or proceedings before any court, adjudicative, or administrative body. Such disclosure is permitted only when it is relevant and necessary to the litigation or proceeding, and one of the following is a party to the litigation or has an interest in such litigation:

(1) FMCS, or any component thereof;

(2) Any employee or former employee of FMCS in their official capacity;

(3) Any employee or former employee of FMCS in their capacity where the Department of Justice or FMCS has agreed to represent the employee;

(4) The United States, a Federal agency, or another party in litigation before a court, adjudicative, or administrative body, upon the FMCS General Counsel's approval, pursuant to 5 CFR part 295 or otherwise.

(h) To any agency, organization, or person for the purposes of performing audit or oversight operations related to the operation of this system of records or for federal ethics compliance purposes as authorized by law, but only information necessary and relevant to such audit or oversight function.

(i) To appropriate agencies, entities, and persons when (1) FMCS suspects or has confirmed that there has been a breach of the system of records, (2) FMCS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FMCS (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 FMCS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(j) To another Federal agency or Federal entity, when FMCS 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.

(k) To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule regulation or order where the record, either alone or in conjunction with other information creates an indication of a violation or potential violation of civil or criminal laws or regulations.

(l) To disclose information to contractors, grantees, experts, consultants, detailees, and other non-Government employees performing or working on a contract, service, or other assignment for the agency when necessary to accompany an agency function related to this system of records.

(m) To officials of labor organizations and employers receiving services pursuant to 29 U.S.C. 172, *et seq.*

(n) To officials of labor organizations and federal agencies recognized under 5 U.S.C. chapter 71 upon receipt of a formal request and in accordance with the conditions of 5 U.S.C. 7114 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored electronically on the public facing website located here. Also, records are stored on FMCS's shared and internal hard drives and on the FMCS's Microsoft Office 365 SharePoint site both accessible only to FMCS employees. Hard copies of photographs are also displayed in FMCS's offices.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records on the public facing website can be searched by name, geographic district, and zip code. Records on the FMCS's shared and internal drives can be searched by name, and date and name of the event. On SharePoint, records can be searched by the date and name of the event.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are updated as needed and retained until no longer needed for business use. All records are retained and disposed of in accordance with General Records Schedule 6.4, issued by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records on FMCS's shared and internal drives, and on SharePoint are safeguarded in a secured environment and are maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include firewalls, intrusion detection and prevention systems, and role-based access controls. Hard copy records are accessed in FMCS facilities that are limited to authorized personnel with official duties requiring access. FMCS facilities

are equipped with security cameras and 24-hour security guard service. These records are kept in limited access areas in locked offices. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include restricting access to authorized personnel who have a "need to know", using locks, and password protection identification features.

RECORD ACCESS PROCEDURES:

Individuals must provide the following information for their records to be located and identified: (1) Full name, (2) Address, and (3) A reasonably identifying description of the record content requested. Requests can be submitted via fmcs.gov/foia, via email to privacy@fmcs.gov, or via mail to the Privacy Office at FMCS 250 E Street SW Washington, DC 20427. See 29 CFR 1410.3.

CONTESTING RECORDS PROCEDURES:

Requests for correction or amendment of records, on how to contest the content of any records. Privacy Act requests to amend or correct records may be submitted to the Privacy Office at privacy@fmcs.gov or via mail to the Privacy Office at FMCS 250 E Street SW, Washington, DC 20427. Also, see <https://www.fmcs.gov/privacy-policy/>. See 29 CFR 1410.6.

NOTIFICATION PROCEDURES:

See 29 CFR 1410.3(a), Individual access requests.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This amended SORN deletes and supersedes the SORN published in the **Federal Register** on August 19, 2021, at 86 FR 46701.

Dated: May 21, 2024.

Alisa Zimmerman,
Deputy General Counsel, Federal Mediation
and Conciliation Service.

[FR Doc. 2024-11544 Filed 5-24-24; 8:45 am]

BILLING CODE 6732-01-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Federal Mine Safety and Health Review Commission (FMSHRC) is issuing a notice of new Privacy Act system of records, FMSHRC-08.

DATES: This new system of record is effective upon publication; however, comments on the Routine Uses will be accepted on or before June 27, 2024. The Routine Uses are effective at the close of the comment period.

ADDRESSES: You may submit comments by any of the following methods:

- *Email:* PrivacyAct@fmshrc.gov.

Include "PRIVACY ACT SYSTEM OF RECORDS FMSHRC-08" in the subject line of the message.

- *Mail:* Office of the General Counsel, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004-1710.

Instructions: All submissions must include your name, return address, and email address, if applicable. Please clearly label submissions as "PRIVACY ACT SYSTEM OF RECORDS FMSHRC-08."

FOR FURTHER INFORMATION CONTACT:

Stacey George, Acting Senior Agency Official for Privacy, via telephone (202) 434-9939 or via email at SGeorge@fmshrc.gov.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, and 5 U.S.C. 552a(e)(4) requires federal agencies such as FMSHRC to publish in the **Federal Register** notice of any new or modified system of records. As detailed below, FMSHRC is issuing notice of new system of records Freedom of Information Act ("FOIA") Requests and Administrative Appeal Records retrieved by name of requester or individual appealing, FMSHRC-08, to describe the purpose of the system, to describe the records in the system, to specify the routine uses that apply to the system, and to describe the policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

The notice for FMSHRC-08, provided below in its entirety, is as follows.

SYSTEM NAME AND NUMBER:

Freedom of Information Act ("FOIA") Requests and Administrative Appeals Records retrieved by name of requester or individual appealing, FMSHRC-08.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of the General Counsel, Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004-1710.

SYSTEM MANAGER(S):

Chief FOIA Officer, Office of the General Counsel, Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004-1710, FOIA@fmshrc.gov, (202) 434-9900.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 823; 44 U.S.C. 3101 *et seq.*; 5 U.S.C. 552 *et seq.*; 29 CFR part 2702

PURPOSE(S) OF THE SYSTEM:

The information in this system is being collected to enable FMSHRC to carry out its responsibilities under the FOIA. These responsibilities include enabling FMSHRC staff to receive, track, process, and respond to access requests and administrative appeals; to assist and participate in litigation regarding agency action on such requests and appeals; to prepare reports to the Department of Justice (DOJ), the Attorney General, the Office of Government Information Services (OGIS) and any other Federal government entity with oversight over the Commission's FOIA activities; for the purpose of responding to inquiries submitted to DOJ's Office of Information Policy regarding federal agency compliance with the FOIA; and for the purpose of assisting the Commission in carrying out any other responsibilities under the FOIA and applicable executive orders or regulations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system covers individuals and/or their representatives who request records or information from the Commission pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. 552; individuals who are the subject of or who fall within the scope of a FOIA request or appeal; attorneys or other persons representing individuals submitting such requests and appeals; individuals whose requests and/or records have been referred to FMSHRC or whose requests or and/or records have been the subject of a consultation with FMSHRC; individuals who submit requests for information on other individuals; individuals filing an administrative appeal of a denial, in whole or in part, of any such request; and the FMSHRC personnel assigned to handle such requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system covers records received, created, and compiled in response to a FOIA request or administrative appeal, including: the original request; the original appeal; responses to the request or appeal; related internal memoranda; correspondence with other Federal

agencies; request and appeal determinations; and related electronic tracking data. These records may contain personal information retrieved in response to a request, including a requester's and/or their representative's contact information, such as their names, telephone numbers, and email and mailing addresses; FOIA tracking numbers; unique case identifier or other identifier assigned to the request or appeal; and office contact information of Commission employees and contractors.

RECORD SOURCE CATEGORIES:

Persons requesting information from the Commission or filing administrative appeals pursuant to the FOIA; agency employees assigned to handle processing the requests; agency records searched and identified as responsive in the process of responding to such requests; other agencies or entities that have referred to Commission requests concerning Commission records, or that have consulted with the Commission regarding handling of particular requests; and submitters or subjects of records or information that have provided assistance to the Commission in making access determinations.

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), the records or information contained therein may specifically be disclosed outside of the Commission as a routine use, as defined by 5 U.S.C. 552a(a)(7), pursuant to 5 U.S.C. 552a(b)(3) in the following circumstances:

1. To appropriate agencies, entities, and persons when the Commission: (a) suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Commission or another agency or entity) that rely upon the compromised information; and (c) has determined that 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 compromise and prevent, minimize, or remedy such harm.

2. To a federal, state, or local agency or entity for the purpose of: (a) consulting with that agency or entity to

enable the Commission to make a determination as to the propriety of access to information; (b) verifying the identity of an individual or the accuracy of information submitted by an individual who has requested access to information; or (c) processing payment of fees associated with FOIA request.

3. To a federal agency or entity that furnished the record or information for the purpose of: (a) permitting that agency or entity to make a decision as to access to the record or information; or (b) providing guidance or advice regarding the handling of particular requests.

4. To a Congressional office requesting the information on behalf of and at the request of the individual who is the subject of the record.

5. To appropriate officials and employees of a federal agency or entity when the information is relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a license, permit, grant, or other benefit.

6. To the DOJ in order to obtain advice on FOIA matters or regarding the agency's FOIA disclosure obligations.

7. To any Congressional Committee, subcommittee or joint committee, to the extent of matter within its jurisdiction, the Government Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

8. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.

9. To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures, and compliance with the FOIA, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

10. To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

11. To members of the public who visit FMSHRC's website and gain access to information pertaining to a case,

including decisions and orders, in accordance with 5 U.S.C. 552(a)(2) and 29 CFR 2702.7(b), recordings of oral arguments, and notices of meetings in accordance with 5 U.S.C. 552b(e)(1), and published on the website, unless it is determined that release of the information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

12. To interns, consultants, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

13. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the Commission determines that the records may be relevant and necessary to the proceeding; or in an appropriate proceeding before another administrative or adjudicative body when the adjudicator determines the records to be relevant and necessary to the proceeding and the use of such records is compatible with the purpose for which the Commission collected the records.

14. In connection with any pending or potential litigation challenging or seeking to enjoin actions by the Commission under the FOIA, as amended, and the Commission determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which the Commission collected the records.

15. To respond to subpoenas, specifically approved by a court, in any pending or potential litigation or other proceeding, and the Commission determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which the Commission collected the records.

16. To an agency, organization, or individual for audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to the system of records. Individuals provided information under this routine use are

subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FMSHRC officers and employees.

17. To a third party authorized, in writing, to receive such information by the individual who is the subject of the record.

18. To such recipients and under such circumstances and procedures as are mandated by federal statute.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored in electronic and/or paper format. Electronic records are stored in computerized databases on the Commission's server as well as in secured FedRAMP certified cloud environment. Paper records are stored in locked file rooms and/or file cabinets located in the Office of the General Counsel.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are indexed and retrieved by a unique tracking number assigned to the request or appeal. Records are also retrieved by the requester's or appellant's name, the date, and the subject of the request.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are retained and disposed in accordance with the General Records Schedules issued by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are safeguarded in a secured environment. The building where the records are stored has security cameras and security guard service. Access to the Commission's office in Washington, DC may be gained only by using an electronic key, which is provided only to Commission personnel. Paper records are kept in limited access areas during duty hours and in locked file cabinets and/or locked offices at all other times. Access is limited to those personnel whose official duties require access. Computerized records are safeguarded through use of information technology security controls, as dictated by the Federal Information Security Modernization Act (FISMA) and the National Institute of Standards and Technology (NIST), and access is limited to those personnel whose official duties require access. Contractors and other recipients providing services to the Commission shall be required to maintain the same or equivalent safeguards.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves or seeking access to records about themselves in this system of records should address written inquiries to: Executive Director, FMSHRC, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710. For an explanation on how such requests should be drafted, refer to FMSHRC's regulations contained in 29 CFR part 2705.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address written inquiries to: Executive Director, FMSHRC, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710. For an explanation on the specific procedures for contesting the contents of a record, refer to FMSHRC's regulations contained in 29 CFR part 2705.

NOTIFICATION PROCEDURES:

Individuals seeking notification of any records about themselves contained in this system of records should address written inquiries to: Executive Director, FMSHRC, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710. For an explanation on the specific procedures for sending a notification request, refer to FMSHRC's regulations contained in 29 CFR part 2705.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

Stacey George,

Chief FOIA Officer and Acting Senior Agency Official for Privacy, Federal Mine Safety and Health Review Commission.

[FR Doc. 2024–11623 Filed 5–24–24; 8:45 am]

BILLING CODE P**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION****Privacy Act of 1974; System of Records**

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Federal Mine Safety and Health Review Commission (FMSHRC) is creating a new notice of Privacy Act system of records FMSHRC–07. **DATES:** This new system of record is effective upon publication; however, comments on the Routine

Uses will be accepted on or before June 27, 2024. The Routine Uses are effective at the close of the comment period.

ADDRESSES: You may submit comments by any of the following methods:

- *Email:* PrivacyAct@fmshrc.gov. Include “PRIVACY ACT SYSTEM OF RECORDS FMSHRC–07” in the subject line of the message.
- *Mail:* Privacy Act Coordinator, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710.

Instructions: All submissions must include your name, return address, and email address, if applicable. Please clearly label submissions as “PRIVACY ACT SYSTEM OF RECORDS FMSHRC–07.”

FOR FURTHER INFORMATION CONTACT:

Stacey George, Acting Senior Agency Official for Privacy, via telephone at (202) 434–9939 or via email at SGeorge@fmshrc.gov.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, 5 U.S.C. 552a(e)(4), requires federal agencies such as FMSHRC to publish in the **Federal Register** notice of any new or modified system of records. As detailed below, FMSHRC is issuing a notice of a new system of records, Privacy Act Requests and Administrative Appeals Records FMSHRC–07, to describe the purpose of the system, to describe the records in the system, to specify the routine uses that apply to the system, and to describe the policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

The notice for FMSHRC–07, provided below in its entirety, is as follows.

SYSTEM NAME AND NUMBER:

Privacy Act Requests and Administrative Appeals Records, FMSHRC–07.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710.

SYSTEM MANAGER(S):

Senior Agency Official for Privacy, Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710. *PrivacyAct@fmshrc.gov*, (202) 434–9944.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 823, 44 U.S.C. 3101 *et seq.*; 5 U.S.C. 552a *et seq.*; 29 CFR part 2705.

PURPOSE(S) OF THE SYSTEM:

The information in this system is being collected to enable FMSHRC to carry out its responsibilities under the Privacy Act. These responsibilities include enabling FMSHRC staff to receive, track, process, and respond to Privacy Act requests and appeals; to assist in and support litigation that may arise from a Privacy Act access request, amendment request, or administrative appeal; and to carry out other responsibilities under the Privacy Act and other applicable federal laws.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system covers individuals and/or their representatives who request information from FMSHRC or request amendment or correction of information contained about the subject of the record pursuant to the Privacy Act of 1974, 5 U.S.C. 552a; individuals who submit requests for information on other individuals; individuals filing an administrative appeal of a denial, in whole or in part, of any such request; and FMSHRC personnel assigned to handle such requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system covers records received, created, and compiled in response to a Privacy Act request or administrative appeal, including: the original request; the original appeal; responses to the request or appeal; related internal memoranda; correspondence with other Federal agencies; request and appeal determinations; requests for amendment of records under the Privacy Act; and related electronic tracking data. These records may contain personal information retrieved in response to a request, including a requester's and/or their representative's contact information, such as their names, telephone numbers, and email and mailing addresses; Privacy Act case or tracking numbers; unique case identifier or other identifier assigned to the request or appeal; and office contact information of Commission employees and contractors.

RECORD SOURCE CATEGORIES:

Persons requesting information from FMSHRC or filing administrative appeals pursuant to the Privacy Act; agency employees assigned to handle processing the requests and appeals; agency records searched and identified as responsive in the process of responding to such requests; other agencies or entities that have referred to FMSHRC requests concerning FMSHRC records, or that have consulted with the Commission regarding handling of

particular requests; and submitters or subjects of records or information that have provided assistance to the Commission in making access or amendment determinations.

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), all or a portion of the records or information contained in this system of records may be disclosed as a routine use, as defined by 5 U.S.C. 552a(a)(7), pursuant to 5 U.S.C. 552a(b)(3), under the circumstances described below:

1. To a federal, state, or local agency or entity for the purpose of: (a) consulting with that agency or entity to enable the Commission to make a determination as to the propriety of access to or correction of information; (b) verifying the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment of information; or (c) processing payment of fees associated with Privacy Act requests.

2. To a federal agency or entity that furnished the record or information for the purpose of: (a) permitting that agency or entity to make a decision as to access to or correction of the record or information; or (b) providing guidance or advice regarding the handling of particular requests.

3. To a third party authorized, in writing, to receive such information by the individual who is the subject of the record in order to obtain assistance for the Commission in making a determination as to access or amendment.

4. To the public pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552, and 29 CFR part 2702, unless it is determined that release of the information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

5. To a Member of Congress or staff on behalf of and at the request of the individual who is the subject of the record.

6. To appropriate officials and employees of a federal agency or entity when the information is relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or

the issuance of a license, permit, grant, or other benefit.

7. To the Office of Management and Budget or the Office of Information and Regulatory Affairs for the purpose of obtaining its advice on Privacy Act matters.

8. To an agency, organization, or individual for audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to the system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FMSHRC officers and employees.

9. To contractors, experts, consultants, the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for FMSHRC, when necessary to accomplish an agency function related to the system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations of disclosure as are applicable to FMSHRC officers and employees.

10. To an appropriate federal, state, tribal, local, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties making the disclosure.

11. To the Department of Justice, FMSHRC's outside counsel, other federal agencies conducting litigation, or in proceedings before any court, adjudicative or administrative body, when (a) FMSHRC, or (b) any employee of FMSHRC in his or her official capacity, or (c) any employee of FMSHRC in his or her individual capacity where the Department of Justice or FMSHRC has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FMSHRC determines that the records are both relevant and necessary to the litigation.

12. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when FMSHRC determines that the records may be relevant and necessary

to the proceeding or in an appropriate proceeding before another administrative or adjudicative body when the adjudicator determines the records to be relevant and necessary to the proceeding.

13. To respond to subpoenas, specifically approved by a court, in any litigation or other proceeding, and FMSHRC determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FMSHRC collected the records.

14. To a federal, state, tribal, local, or foreign government agency or entity for the purpose of consulting with that agency or entity: (a) to assist in making a determination regarding redress for an individual in connection with the operations of a FMSHRC program; (b) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FMSHRC program; or (c) for the information submitted by an individual who has requested such redress on behalf of another individual.

15. To appropriate agencies, entities, and persons when the Commission: (a) suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Commission or another agency or entity) that rely upon the compromised information; and (c) has determined that 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 compromise and prevent, minimize, or remedy such harm.

16. To any Congressional Committee, subcommittee or joint committee, to the extent of matter within its jurisdiction, the Government Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

17. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.

18. To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

19. To such recipients and under such circumstances and procedures as are mandated by federal statute.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored in electronic and/or paper format. Electronic records are stored in computerized databases on the Commission's servers as well as in secured FedRAMP-certified cloud environments. Paper records are stored in locked file rooms and/or file cabinets located in the Office of the General Counsel.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are indexed and retrieved by a unique tracking number assigned to the request or appeal. Records are also retrieved by the requestor's or appellant's name, date, and the subject of the request.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are retained and disposed of in accordance with the General Records Schedules issued by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are safeguarded in a secured environment. The building where the records are stored has security cameras and security guard service. Access to the Commission's office in Washington, DC may be gained only by using an electronic key, which is provided only to Commission personnel. Paper records are kept in limited access areas during duty hours and in locked file cabinets and/or locked offices at all other times. Access is limited to those personnel whose official duties require access. Computerized records are safeguarded through use of information technology security controls, as dictated by the Federal Information Security Modernization Act (FISMA) and the National Institute of Standards and Technology (NIST), and access is limited to those personnel whose official duties require access. Contractors and other recipients providing services to the Commission shall be required to maintain the same or equivalent safeguards.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves or seeking access to records about themselves in this system of records should address written inquiries to: Executive Director,

FMSHRC, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710. For an explanation on how such requests should be drafted, refer to FMSHRC's regulations contained in 29 CFR part 2705.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address written inquiries to: Executive Director, FMSHRC, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710. For an explanation on the specific procedures for contesting the contents of a record, refer to FMSHRC's regulations contained in 29 CFR part 2705.

NOTIFICATION PROCEDURE:

Individuals seeking notification of any records about themselves contained in this system of records should address written inquiries to: Executive Director, FMSHRC, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710. For an explanation on the specific procedures for sending a notification request, refer to FMSHRC's regulations contained in 29 CFR part 2705.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HISTORY:

None.

Dated: April 5, 2024.

Stacey George,

Chief FOIA Officer and Acting Senior Agency Official for Privacy, Federal Mine Safety and Health Review Commission.

[FR Doc. 2024–11625 Filed 5–24–24; 8:45 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2024–11345) published on page 44980 in the third column of the issue for Wednesday, May 22, 2024.

Under A. Federal Reserve Bank of New York, entry 1 is corrected to read as follows:

1. *Hanover Bancorp, Inc., Mineola, New York (a Maryland corporation);* to become a bank holding company by acquiring Hanover Bancorp, Inc., Mineola, New York (a New York corporation), and thereby indirectly acquiring Hanover Community Bank, Garden City Park, New York.

Comments on this application must be received by June 27, 2024.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–11648 Filed 5–24–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–24–0931]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Blood Lead Surveillance System (BLSS)” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on November 27, 2023 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy

of the information collection plan and instruments, call (404) 639-7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Blood Lead Surveillance System (BLSS) (OMB Control No. 0920-0931, Exp. 07/31/2024)—Extension—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This is a request for a three-year Extension for an existing Paperwork Reduction Act (PRA) clearance titled “Blood Lead Surveillance System (BLSS)” (OMB Control No.0920-0931, Exp. 07/31/2024). The National Center for Environmental Health (NCEH) is leading this data collection conducted by for two Centers for Disease Control and Prevention (CDC) programs; one for childhood blood lead surveillance by NCEH and another for adult blood lead surveillance by the National Institute for Occupational Safety and Health (NIOSH).

The goal of the NCEH Childhood Blood Lead Surveillance (CBLS)

Program is to support blood lead screening and to promote primary prevention of exposure to lead. The CBLS Program also supports secondary prevention of adverse health effects when lead exposures occur in children, through improved program management and oversight in respondent jurisdictions.

The goal of the NIOSH Adult Blood Lead Epidemiology and Surveillance (ABLES) Program is to build state capacity for adult blood lead surveillance programs to measure trends in adult blood lead levels and to prevent lead over-exposures.

NCEH has a five-year cooperative agreement, titled “Childhood Lead Poisoning Prevention and Surveillance of Blood Lead Levels in Children” (Funding Opportunity Announcement [FOA] No. CDC-RFA-EH21-2102). The first two years of this ICR will extend from FY24 through FY26, and thus will be covered for two-thirds of the ICR three-year period, while funding for the third year of this ICR will be determined in the future. Data submission to the ABLES Program is voluntary and completed through data sharing agreements with state agencies or their bona fide agents.

Blood lead surveillance over the human lifespan is covered under this single ICR, specifically for children younger than 16 years through CBLS at NCEH, and for adults 16 years and older, through ABLES at NIOSH. Over the past several decades there have been substantial efforts in environmental lead abatement, improved protection from occupational lead exposure, and a reduction in the prevalence of population blood lead levels (BLLs) over time. The U.S. population BLLs have

substantially decreased over the last four decades. For example, the CDC has reported the 1976–1980 U.S. mean BLL in children six months to five years was 16.0 micrograms per deciliter (mcg/dL), and 14.1 mcg/dL among adults 18 to 74 years. More recently, the CDC reported the 2009–2010 U.S. BLL geometric means among children one to five years and among adults 20 years and older as 1.2 mcg/dL for both age groups. In 2012, the National Toxicology Program (NTP) concluded that there is sufficient evidence that even BLLs less than 5 mcg/dL are associated with adverse health effects in both children and adults. Despite the reduction in the overall population BLL over four decades, lead exposures continue to occur at unacceptable levels for individuals in communities and workplaces across the nation. Surveillance will continue through CBLS and ABLES to identify individuals with BLLs greater than most children who may need follow-up. Surveillance can also help prioritize communities for primary prevention of lead exposure and expanding blood lead testing. As of October 2021, NCEH defines its Blood Lead Reference Value (BLRV) for children at 3.5 mcg/dL. NIOSH defines an elevated BLLs as greater than or equal to 5 mcg/dL for adults.

Respondents are defined as state, local, and territorial health departments with lead poisoning prevention programs. The estimated annual time burden for NCEH CBLS is 1,058 hours. The estimated annual time burden for NIOSH ABLES is 280 hours. In total, CDC is requesting approval for a total annual time burden of 1,338 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State, Local and Territorial Health Departments, or their Bona Fide Agents.	CBLS Variables (ASCII Text Files).	66	4	4
	CBLS Aggregate Records Form (Excel).	1	1	2
	ABLES Case Records Form and Brief Narrative Report.	32	1	8
	ABLES Aggregate Records Form and Brief Narrative Report.	8	1	3

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2024–11589 Filed 5–24–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–24–24FS; Docket No. CDC–2024–
0038]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and
Prevention (CDC), Department of Health
and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease
Control and Prevention (CDC), as part of
its continuing effort to reduce public
burden and maximize the utility of
government information, invites the
general public and other Federal
agencies the opportunity to comment on
a proposed information collection, as
required by the Paperwork Reduction
Act of 1995. This notice invites
comments on a proposed information
collection titled Needle Exchange
Utilization Survey (NEXUS). This data
collection is being created to develop a
surveillance system to monitor drug use,
prevention behaviors, and the infectious
disease consequences of drug use in
select urban and non-urban areas of the
U.S.

DATES: CDC must receive written
comments on or before July 29, 2024.

ADDRESSES: You may submit comments
identified by Docket No. CDC–2024–
0038 by either of the following methods:

- **Federal eRulemaking Portal:**
www.regulations.gov. Follow the
instructions for submitting comments.
- **Mail:** Jeffrey M. Zirger, Information
Collection Review Office, Centers for
Disease Control and Prevention, 1600
Clifton Road NE, MS H21–8, Atlanta,
Georgia 30329.

Instructions: All submissions received
must include the agency name and
Docket Number. CDC will post, without
change, all relevant comments to
www.regulations.gov.

Please note: Submit all comments
through the Federal eRulemaking portal
(www.regulations.gov) or by U.S. mail to
the address listed above.

FOR FURTHER INFORMATION CONTACT: To
request more information on the

proposed project or to obtain a copy of
the information collection plan and
instruments, contact Jeffrey M. Zirger,
Information Collection Review Office,
Centers for Disease Control and
Prevention, 1600 Clifton Road NE, MS
H21–8, Atlanta, Georgia 30329;
Telephone: 404–639–7118; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION:

Under the Paperwork Reduction Act
of 1995 (PRA) (44 U.S.C. 3501–3520),
Federal agencies must obtain approval
from the Office of Management and
Budget (OMB) for each collection of
information they conduct or sponsor. In
addition, the PRA also requires Federal
agencies to provide a 60-day notice in
the **Federal Register** concerning each
proposed collection of information,
including each new proposed
collection, each proposed extension of
the existing collection of information,
and each reinstatement of previously
approved information collection before
submitting the collection to the OMB for
approval. To comply with this
requirement, we are publishing this
notice of a proposed data collection as
described below.

The OMB is particularly interested in
comments that will help:

1. Evaluate whether the proposed
collection of information is necessary
for the proper performance of the
functions of the agency, including
whether the information will have
practical utility;
2. Evaluate the accuracy of the
agency's estimate of the burden of the
proposed collection of information,
including the validity of the
methodology and assumptions used;
3. Enhance the quality, utility, and
clarity of the information to be
collected;
4. Minimize the burden of collecting
information on those to respond,
including using appropriate automated,
electronic, mechanical, or other
technological collection techniques or
other forms of information technology,
e.g., permitting electronic responses;
and
5. Assess information collection costs.

Proposed Project

Needle Exchange Utilization Survey
(NEXUS)—New—National Center for
HIV, Viral Hepatitis, STD, and TB
Prevention (NCHHSTP), Centers for
Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of the Needle Exchange
Utilization Survey (NEXUS) is to
develop a surveillance system to
monitor drug use, prevention behaviors,
and the infectious disease consequences

of drug use in 6–15 select urban and
non-urban areas of the U.S. that the
opioid crisis has impacted. Such a
surveillance system is needed to inform
prevention efforts and policy. The
specific objectives of the project are to
assess the following among persons who
inject drugs who are recruited in syringe
services programs (SSPs) and their peers
who use drugs through peer-driven
recruitment: (1) drug use and sexual
behaviors, injection risk networks,
receipt of prevention services, and
barriers to prevention and care; and (2)
the prevalence of HIV and hepatitis C
(HCV) infections.

The project will involve a two-stage
sampling approach. First, up to 15 SSPs
will be selected to ensure geographic
diversity and representation of key
program characteristics, such as the
syringe distribution model (needs-based
vs. all others) and length in operation
(<5 years, ≥5 years). Second, SSP
clients, the majority who are persons
who inject drugs (PWID), and their
peers who use drugs will be recruited
through a combination of direct
recruitment at each SSP and peer-driven
recruitment to partake in a survey and
HCV and HIV testing.

Clients of SSPs and their peers who
meet eligibility criteria will complete a
survey using an Electronic Data Capture
system, a secure web-based application
for administering online surveys. The
survey will include questions on drug
use and sexual behaviors, injection risk
networks, drug treatment history,
history of drug use-related adverse
health outcomes, experiences with law
enforcement, HIV and HCV testing
experience, and use of prevention and
health care services. Lastly, participants
will be offered anonymous HIV and
HCV testing in conjunction with the
survey, which they may refuse with no
effect on participation in the survey.

Data from NEXUS will be used to
inform the planning and evaluation of
prevention programs at the local and
national levels that aim to reduce
adverse health outcomes due to
injection and non-injection drug use
and to contribute to the overall opioid
crisis response efforts. Data from
NEXUS will also be used for an ongoing
surveillance system in the U.S. to
monitor trends in drug use and the
infectious disease consequences of drug
use.

Approximately 6,000 individuals will
complete the eligibility screener. Our
target population is 300 participants per
site or 4,500 for up to 15 sites. We
anticipate that, on average, 25% or
1,499 persons (for up to 15 SSPs) will
not be interested in completing a
questionnaire, yielding a maximum of

6,000 eligible participants. The total annualized burden is 3,126 hours. There are no other costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondent	Form	No. of respondents	No. of responses per respondent	Average burden per response (hours)	Total burden (in hours)
Persons Screened	Eligibility Screening Form English	5,400	1	5/60	450
Persons Screened	Eligibility Screening Form Spanish	600	1	5/60	50
Persons who give permission	Model Project Consent Form English	4,050	1	5/60	338
Persons who give permission	Model Project Permission Form Spanish	450	1	5/60	38
Eligible Participants	NEXUS Survey English	4,050	1	30/60	2,025
Eligible Participants	NEXUS Survey Spanish	450	1	30/60	225
Total .....	.....	.....	.....	.....	3,126

Jeffrey M. Zirger,
*Lead, Information Collection Review Office,
Office of Scientific Integrity, Office of Science,
Centers for Disease Control and Prevention.*
[FR Doc. 2024–11591 Filed 5–24–24; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Centers for Disease Control and
Prevention

[60Day–24–24FU; Docket No. CDC–2024–
0039]

Proposed Data Collection Submitted
for Public Comment and
Recommendations

AGENCY: Centers for Disease Control and
Prevention (CDC), Department of Health
and Human Services (HHS).
ACTION: Notice with comment period.

SUMMARY: The Centers for Disease
Control and Prevention (CDC), as part of
its continuing effort to reduce public
burden and maximize the utility of
government information, invites the
general public and other Federal
agencies the opportunity to comment on
a proposed information collection, as
required by the Paperwork Reduction
Act of 1995. This notice invites
comment on a proposed information
collection project titled Assessing
Capacity to Expand Hepatitis C Testing
and Treatment in United States Carceral
Systems. This data collection proposes
to estimate point prevalence of hepatitis
C virus in carceral settings, outline
patient characteristics, clinical
management, and understand key
operational and programmatic successes
and challenges to testing and treatment
of hepatitis C virus, as well as to
support timely analysis and utilize
findings to advance the elimination of
viral hepatitis in the United States.

DATES: CDC must receive written
comments on or before July 29, 2024.
ADDRESSES: You may submit comments,
identified by Docket No. CDC–2024–
0039 by either of the following methods:

- *Federal eRulemaking Portal:*
www.regulations.gov. Follow the
instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information
Collection Review Office, Centers for
Disease Control and Prevention, 1600
Clifton Road NE, MS H21–8, Atlanta,
Georgia 30329.

Instructions: All submissions received
must include the agency name and
Docket Number. CDC will post, without
change, all relevant comments to
www.regulations.gov.
Please note: Submit all comments
through the Federal eRulemaking portal
(*www.regulations.gov*) or by U.S. mail to
the address listed above.

FOR FURTHER INFORMATION CONTACT: To
request more information on the
proposed project or to obtain a copy of
the information collection plan and
instruments, contact Jeffrey M. Zirger,
Information Collection Review Office,
Centers for Disease Control and
Prevention, 1600 Clifton Road, NE, MS
H21–8, Atlanta, Georgia 30329;
Telephone: 404–639–7570; Email: *omb@
cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the
Paperwork Reduction Act of 1995 (PRA)
(44 U.S.C. 3501–3520), Federal agencies
must obtain approval from the Office of
Management and Budget (OMB) for each
collection of information they conduct
or sponsor. In addition, the PRA also
requires Federal agencies to provide a
60-day notice in the **Federal Register**
concerning each proposed collection of
information, including each new
proposed collection, each proposed
extension of existing collection of
information, and each reinstatement of
previously approved information
collection before submitting the
collection to the OMB for approval. To

comply with this requirement, we are
publishing this notice of a proposed
data collection as described below.

The OMB is particularly interested in
comments that will help:

1. Evaluate whether the proposed
collection of information is necessary
for the proper performance of the
functions of the agency, including
whether the information will have
practical utility;
2. Evaluate the accuracy of the
agency’s estimate of the burden of the
proposed collection of information,
including the validity of the
methodology and assumptions used;
3. Enhance the quality, utility, and
clarity of the information to be
collected;
4. Minimize the burden of the
collection of information on those who
are to respond, including through the
use of appropriate automated,
electronic, mechanical, or other
technological collection techniques or
other forms of information technology,
e.g., permitting electronic submissions
of responses; and
5. Assess information collection costs.

Proposed Project

Assessing Capacity to Expand
Hepatitis C Testing and Treatment in
United States Carceral Systems—New—
National Center for HIV, Viral Hepatitis,
STD, and TB Prevention (NCHHSTP),
Centers for Disease Control and
Prevention (CDC).

Background and Brief Description

Carceral settings pose a unique
challenge to hepatitis C elimination in
that data, as it relates to hepatitis C
virus testing and treatment, is not
readily available for analysis to
understand the burden of disease within
this environment. To our knowledge,
CDC does not have a repository of data
specifically directed towards hepatitis C
within State Department of Corrections
(DOC) or large jails. This survey

instrument will provide CDC the opportunity to survey a population that is key to advancing the Division of Viral Hepatitis strategic plan to eliminate viral hepatitis in the U.S.

The overarching goals for this data collection are: (1) to reduce new viral hepatitis infections; (2) to reduce viral hepatitis-related morbidity and mortality; and (3) to reduce viral hepatitis-related disparities. The information collected will allow CDC to be good stewards of resources by guiding programmatic initiatives and allocation of funding sources. Data from this project will be used to inform

program planning and evaluation of prevention programs that aim to reduce new viral hepatitis infections, reduce viral hepatitis-related morbidity and mortality and reduce viral hepatitis-related disparities. The data collected will establish a system for ongoing program evaluation and improvement and allows for data-driven resource allocation to areas of greatest need. Invitations will be sent to 101 State and Local DOCs, to include the District of Columbia. The request to complete this anonymous electronic survey will include enough time for record searches. This survey has branching

logic to reduce the number of questions asked to each respondent if the question does not apply. Participating institutions will have a set-time period, to complete the survey. This survey will be self-administered which may take up to 30 minutes to complete using an electronic platform. If preferred, there will be an option to complete an interviewer-administered survey via telephone or videoconferencing.

CDC requests OMB approval for an estimated 60 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATES OF ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State and local Department of Corrections (DOC) prison and jails, to include District of Columbia.	Assessing Capacity to Expand Hepatitis C Testing and Treatment in United States Carceral Systems.	101	1	30/60	60
Total .....	.....	.....	.....	.....	60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–11592 Filed 5–24–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–24–0953]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on March 14, 2024 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular

information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (OMB Control No. 0920–0953, Exp. 10/31/2024)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The information collection activities associated with this project provide a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal Government’s commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions but are not statistical surveys that yield quantitative results that can be generalized to the population of study. The feedback will provide insights into customer or stakeholder perceptions,

experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency’s services will be unavailable.

CDC will only submit a collection for approval under this Generic Clearance if they meet the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based) on considerations of total burden hours, total number of respondents (or burden-hours per respondent), and are low-cost for both the respondents and the Federal Government;

- The collections are noncontroversial and do not raise issues of concern to other Federal agencies;
 - Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
 - Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
 - Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
 - Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
 - Information gathered will yield qualitative information (the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study).
- Feedback collected under CDC Generic Clearances provides useful information, but it does not yield data that can be generalized to the overall population. This type of Generic Clearance for qualitative information will not be used for quantitative

information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other Generic Clearance mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new System of Records containing Privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

CDC requests OMB approval for an estimated 13,075 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Type of collections	Number of respondents	Annual frequency per response	Hours per response
Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.	Print Surveys	50,000	1	15/60
	Focus Groups	100	1	2
	Online Surveys	1500	1	15/60

Jeffrey M. Zirger,
*Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.*
[FR Doc. 2024–11590 Filed 5–24–24; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10882]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. Under the Paperwork Reduction Act of 1995

(PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by June 27, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

Type of Information Collection Request: New collection (Request for a new OMB control number); *Title of Information Collection:* The Medicare Advantage and Prescription Drug Programs: Part C and Part D Medicare Prescription Payment Plan Model Documents; *Use:* Sections 1860D–2(b)(2)(E)(v)(II)–(IV) of the Act state the requirements for Part D sponsors and MA organizations in implementing the program, which include the processes for outreach to enrollees identified as likely to benefit, election, and

termination. Subsection II states that any Part D enrollee may elect into the program prior to (aa) or during (bb) the plan year. Subsection III details that PDP sponsors and MA organizations must have a mechanism in place to inform enrollees that they are likely to benefit from electing into the program at the point of sale (POS). Subsection IV (aa) states that plans must terminate a beneficiary’s participation in the program when the beneficiary fails to pay the amounts owed under this program.

CMS has developed the six materials in the attached package as model notices in order to provide standardized and consistent language for potential and active program participants, regardless of which Part D plan they may be enrolled in. CMS will require Part D plans to disseminate these notices, as appropriate, to Part D enrollees to fulfill the requirements of the Sections 1860D–2(b)(2)(E)(v)(II)–(IV) of the Act. *Form Number:* CMS–10882 (OMB control number: 0938-New); *Frequency:* Yearly; *Affected Public:* Private, Federal Government, Business or other for profits, Not-for-profits institutions; *Number of Respondents:* 1,065; *Total Annual Responses:* 1,065; *Total Annual Hours:* 21,300. (For policy questions regarding this collection contact Michael Brown at (872) 287–1370 or michael.brown3@cms.hhs.gov.)

William N. Parham, III

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–11676 Filed 5–24–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; of the ACL Generic Information Collection for the Administration on Aging Formula Grant Programs OMB Control Number 0985-New

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under the Paperwork Reduction Act of 1995. This

30-day notice collects comments on the information collection requirements related to a new information collection for the ACL Generic Information Collection (Gen IC) for the Administration on Aging Formula Grant Programs.

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (ET) or postmarked by June 27, 2024.

ADDRESSES: Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find the information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. By mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Adam Mosey (202) 795–7631 or Adam.Mosey@acl.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, the Administration for Community Living (ACL) has submitted the following proposed collection of information to OMB for review and clearance. As a unit of the Administration for Community Living, the Administration on Aging (AoA) provides expertise on program development, advocacy, and initiatives for older Americans and their caregivers and families. Working with State agencies, local agencies, grantees, and community providers, AoA directs programs authorized by the Older Americans Act (OAA), Elder Justice Act (EJA), and other legislation that supports older adults. Through these programs multi-year State Plans and assurances, and other financial forms are needed to provide approval and oversight of grant recipients. ACL is seeking OMB approval to add a new Gen IC to ACL’s Paperwork inventory. This Gen IC will cover ACL/AoA formula grant programs for State Plans on Aging and assurances, State Plans on Adult Protective Services and assurances, and other financial forms associated with aging and APS formula grant management. Adding a Gen IC will allow for the collection of data across programmatic and financial management of the aging and APS formula grants.

Statutory Background

In 1965, Congress originally passed the Older Americans Act (OAA) in response to concerns by policymakers

about a lack of community social services for older adults.

The original legislation established authority for grants to states for community planning and social services, research and development projects, and personnel training in the field of aging. Changes to the OAA were made through the Supporting Older Americans Act of 2020.

This legislation reauthorized the OAA and its programs from Federal fiscal year (FFY) 2020 through 2024. The OAA provides the foundation for the national aging network, which includes the Administration on Aging (AoA), State Units on Aging (SUA), area agencies on aging (AAA), Tribal organizations, service providers, and volunteers. SUAs are an integral part of the network responsible for developing and administering a multi-year state plan that advocates for and aids older residents, their families, their caregivers, and, in many States, for adults with disabilities.

The Elder Justice Act, passed in 2010, is the first comprehensive legislation to address the abuse, neglect, and exploitation of older adults at the Federal level. The law authorized a variety of programs and initiatives to better coordinate Federal responses to elder abuse, promote elder justice research and innovation, support Adult Protective Services systems, and provide additional protections for residents of long-term care facilities. The importance of these services at the State-level and local-level is demonstrated by the fact that states significantly leverage Older Americans Act (OAA) funds to obtain other funding for these activities.

The Coronavirus Response and Relief Supplemental Appropriations Act of 2021 and the American Rescue Plan Act

provided two years of Federal funding (\$188 million in each year) to support, for the first time, the nationwide APS formula grant program authorized by the Elder Justice Act of 2010. That funding was used by States to expand or develop a variety of capabilities that were necessary to meet increased needs due to the public health pandemic, and ongoing funding is necessary to maintain the improved reach and effectiveness of APS systems beyond the pandemic.

The FY 2023 Omnibus Appropriations Bill provided, for the first time, an annual appropriation of \$15 million to continue providing Federal formula grants to State APS programs. This will be the first time State entities are required to develop and submit State plans under Section 2042 of the Elder Justice Act, 42 U.S.C. 1397m-1(b). However, States have developed spending plans for the formula funding received to date, consistent with 45 CFR 75.206(d), and to update those every three to five years.

This new Gen IC is for programmatic and financial management of the Aging and APS formula grants. The purpose of the State Plans is to document and provide the opportunity for public comment on achievements and planned activities for the multi-year plan period.

A wide range of constituents use or will use the State Plans to coordinate, monitor, evaluate, and improve Aging Network and APS support services by using the State Plans as a blueprint for service planning and delivery. Additionally, ACL leverages State Plans to understand the numerous services older adults use, and to utilize the information for advocating for the needs of older adults and those who use APS and for requesting additional funding. The purpose of the other financial forms

that are a part of this Gen IC is to facilitate OAA formula grant management.

Financial forms provide statutorily required information regarding each State's contribution to programs to ensure compliance with legislative requirements, pertinent Federal regulations, and other applicable instructions and guidelines issued by ACL. This information will be used for Federal oversight of the Aging Programs.

Based on ACL's extensive experience working with APS systems and OAA grantees on their State plans, ACL does not anticipate a significantly greater level of detail for the development of State plans for APS.

OAA and APS grantees are required to comply with all terms and conditions contained in Notices of Award (NoA) issued by ACL. When it is determined that a grantee is not in compliance with one or more of these requirements, ACL may require a grantee to submit to ACL a plan to come into compliance under a Corrective Action Plan (CAP), and any such CAP may require ACL's prior written approval, as determined by ACL. The CAP process is intended to be collaborative. Under a CAP, a grantee and ACL will jointly identify progress milestones and a feasible timeline for the grantee to come into compliance with the applicable requirement. Grantees must make a good faith effort at achieving full compliance to continue to have permission from ACL to operate under a CAP.

Comments in Response to the 60-Day Federal Register Notice

A 60-day notice published in the **Federal Register** on October 18, 2023, at 88 FR 71869–71871. ACL received one public comment.

Organization	Section	Comment	Response
Commonwealth of Virginia, Department for Aging and Rehabilitative Services.	Estimated Annualized Burden Table.	Noted that the burden estimates for State Plans on Aging, and State Plans on APS are too low. Recommended identification of ways to reduce reporting requirements, as well as revising burden estimates. Recommended survey of states to inform future burden estimates..	ACL appreciates the comment but declines to make changes at this time.

Estimated Program Burden: ACL estimates the burden of this collection of information as follows:

ESTIMATED ANNUALIZED BURDEN TABLE

Respondent/data collection activity	Form	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Unit on Aging (SUA)	State Plan on Aging	14.7	1	80	1,176
State Unit on Aging (SUA)	Financial Forms	56	5	1	280

ESTIMATED ANNUALIZED BURDEN TABLE—Continued

Respondent/data collection activity	Form	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
OAA or APS Grantee	Corrective Action Plan (CAP)	75	1	8	600
Total Estimated Burden .....	.....	.....	.....	.....	2,056

Dated: May 21, 2024.

Alison Barkoff,

Principal Deputy Administrator for the Administration for Community Living, performing the delegable duties of the Administrator and the Assistant Secretary for Aging.

[FR Doc. 2024–11602 Filed 5–24–24; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–0201]

Jessica Palacio; Denial of Hearing; Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is denying a request for a hearing submitted by Andrew S. Feldman, on behalf of Jessica Palacio (Palacio), and is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) permanently debaring Palacio from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Palacio was convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product under the FD&C Act. FDA provided notice to Palacio of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Palacio submitted a request for hearing but failed to file with the Agency information and analyses sufficient to create a basis for a hearing.

DATES: The order is applicable May 28, 2024.

ADDRESSES: Any application for termination of debarment by Palacio under section 306(d) of the FD&C Act (21 U.S.C. 335a(d)) (application) may be submitted as follows:

Electronic Submissions

• **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the

instructions for submitting comments.

An application submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application 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 application, that information will be posted on <https://www.regulations.gov>.

• If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application 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 a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All applications must include the Docket No. FDA–2023–N–0201. An application will be placed in the docket and, unless 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 an application with confidential information that you do not wish to be made publicly available, submit your application 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 your application. 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 application 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, 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 between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT:

Karen Fikes, Office of Scientific Integrity, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4232, Silver Spring, MD 20993, 301–796–9603.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(A) of the FD&C Act mandates permanent debarment if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product. On January 12, 2023, following a jury trial, the U.S. District Court for the Southern District of Florida entered

a judgment against Palacio for one count of false statements in violation of 18 U.S.C. 1001(a)(2).

A grand jury returned a two-count indictment on May 12, 2021, against Palacio, the study coordinator, for clinical trials from about 2013 to 2015 at Unlimited Medical Research, LLC (Unlimited). The indictment charged Palacio with conspiring to commit wire fraud, in violation of 18 U.S.C. 1349 and making a false statement to FDA, in violation of 18 U.S.C. 1001(a)(2). On September 13, 2022, the jury found Palacio guilty of both charges. However, on September 15, 2022, the court granted Palacio's motion for acquittal with respect to the conspiracy. On January 12, 2023, the court entered a criminal judgment against Palacio for false statements in violation of 18 U.S.C. 1001(a)(2) and sentenced Palacio to 36 months imprisonment.

By letter dated August 18, 2023, FDA's Office of Regulatory Affairs (ORA) notified Palacio of a proposal to issue an order of permanent debarment (Notice). As explained in the Notice, Palacio's conviction stemmed, in part, from a statement made in a signed affidavit to FDA investigators during the Agency's investigation into allegations of irregularities in data submitted by Unlimited. Unlimited previously contracted with Parexel International, a contract research organization that the sponsor company, GlaxoSmithKline (GSK), a global biopharma company, hired to conduct a clinical trial, known as the Vestri Study, to study certain asthma drugs in pediatric subjects aged 4 to 11 years. GSK reported allegations of irregular data to FDA related to certain records created by Unlimited that documented the participation of certain pediatric subjects. As study coordinator at Unlimited, Palacio would have, among other responsibilities, helped to ensure the study protocol was followed. Therefore, as part of the investigation, FDA questioned Palacio regarding the irregularities. Specifically, inspectors inquired about the screening visit of a specific subject called D.H., including records indicating Palacio performed a screening visit and records indicating the subject had been in school at the time of the purported screening. Palacio then signed an affidavit, on April 25, 2017, stating, "I can confirm that the Screening/Visit 1 was performed by myself and Dr. Villaman-Bencosme." As explained in the Notice, this statement was false in that Palacio knew at that time that D.H. had not participated in the clinical trial; therefore, she had not screened D.H. for the Vestri study. The signed affidavit was part of the evidence offered at trial

leading to Palacio's conviction for making false statements to FDA in violation of 18 U.S.C. 1001(a)(2).

The Notice explained that the proposed permanent debarment of Palacio is based on her Federal felony conviction for making false statements to FDA and that the conduct serving as the basis for that conviction relates to the development or approval, including the process for development or approval, of any drug product. The Notice also informed Palacio of an opportunity for her to request a hearing under section 306(i) of the FD&C Act and part 12 (21 CFR part 12).

In response to the Notice, Palacio submitted a timely request for a hearing, which included a notice of appearance and request for an extension to submit materials in support of the hearing request. Following two extensions to submit supporting materials, which were both granted, on December 4, 2023, Palacio submitted a response entitled "Memorandum in Support of a Request for a Hearing (Memorandum)." Palacio's Memorandum included several claims and multiple documents challenging whether she is subject to permanent debarment. Specifically, Palacio challenges whether her conviction relates to the development or approval, including the process for development or approval, of any drug product.

Under the authority delegated to him by the Commissioner of Food and Drugs, the Director, Office of Scientific Integrity (OSI Director) has considered Palacio's request for a hearing. Hearings are granted only if there is a genuine and substantial issue of fact. A request for a hearing may not rest upon mere allegations or denials but must present specific facts showing that there is a genuine and substantial issue of fact that justifies a hearing. Hearings will not be granted on issues of policy or law, on mere allegations, denials or general descriptions of positions and contentions, or on data and information insufficient to justify the factual determination urged (see § 12.24(b) (21 CFR 12.24(b))).¹

II. Argument in Support of a Hearing

Under section 306(a)(2)(A) of the FD&C Act, an individual convicted of a Federal felony for conduct relating to the development or approval, including

the process for development or approval, of any drug product is subject to permanent debarment. The relevant factual issues are whether Palacio was, in fact, convicted of a Federal felony and whether the basis of that conviction relates to the development or approval, including the process for development or approval, of any drug product.

Palacio does not dispute that a court convicted her of a Federal felony under 18 U.S.C. 1001(a)(2). In fact, in her Memorandum, Palacio concedes that her conviction is a fact not in dispute. However, Palacio challenges whether the conduct underlying her conviction relates to the development and approval, including the process for development and approval, of a drug. In her Memorandum, Palacio offers two central claims to support her argument: (1) material facts exist, which would determine whether she qualifies for permanent debarment under section 306(a)(2)(A) of the FD&C Act; and (2) nine prior permanent debarments are factually distinguishable from her proposed debarment, as they relate to false statements made "while a clinical trial or similar study was ongoing."

Section 306(a)(2)(A) of the FD&C Act specifically provides for permanent and mandatory debarment of individuals convicted of a felony under Federal law for conduct related to the development or approval, including the process for development or approval, of any drug product. If the language of the statute is clear, there is no need to look outside the statute to its legislative history in order to ascertain the statute's meaning (*Chamber of Commerce of the United States v. Whiting*, 563 U.S. 582, 599 (2011)). Likewise, the Supreme Court has repeatedly held that the language in the FD&C Act should be construed in a manner consistent with its overall public health purpose. The FD&C Act is given "liberal construction consistent with the Act's overriding purpose to protect public health . . ." (*United States v. Article of Drug Bacto-Unidisk*, 394 U.S. 784, 798 (1969)). The Supreme Court has addressed the definition of "relating to" in the context of other statutory authorities. Specifically, the Supreme Court stated that "relating to" expressed a broad legislative purpose and defined it as ". . . to stand in some relation; to have bearing or concern; to pertain; refer; to bring into association with or connection with." (*Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 383 (1992) (citing Black's Law Dictionary 1158 (5th ed. 1979))). When applying this definition to "reasonably related" in the context of FDA-regulated drug patents, the Supreme Court declined to read the requirement

¹ Palacio's Memorandum references her request for a hearing pursuant to the standard identified in 21 CFR part 16 as opposed to the standard outlined in § 12.24. In the Notice, ORA explained that her proposed debarment and the request for a hearing are addressed under the regulations outlined in part 12. Consequently, FDA applies the standard described in § 12.24 to Palacio's hearing request.

narrowly. Rather, an activity that is “appropriate to include in a submission to the FDA . . . is ‘reasonably related’ to the ‘development and submission of information under . . . Federal law’” (*Merck KGaA v. Integra Lifesciences I, Ltd.*, 545 U.S. 193, 207 (2005)).

In a previous action requiring mandatory debarment under section 306(a)(2)(A) of the FD&C Act for conduct relating to the development or approval, including the process for development or approval, of any drug product, FDA stated that “the statutory language ‘relating to the development or approval’ . . . by definition, encompasses all things that are logically connected with the development or approval of a drug product.” (Atul Shah; Denial of Hearing; Final Debarment Order, (59 FR 62399, December 5, 1994), (citing Webster’s Collegiate Dictionary, Merriam-Webster Inc., Springfield, MA, 1990, “relate”); *see also* Ray Nathan; Denial of Hearing; Final Debarment Order, (76 FR 48869 at 48870, August 9, 2011), (affirming the Shah definition of “relates to,” and going further to define “develop” . . . “to explore the possibilities of” and “to make suitable for commercial * * * purposes.” (see “Merriam-Webster’s Collegiate Dictionary,” 10th Edition (2002))).²

Palacio’s felony conviction is related to the development and approval, including the process for development and approval, of a drug. The trial established that Palacio held the role of clinical trial coordinator at the clinical trial site, Unlimited, which contracted to conduct a clinical trial to study certain asthma drugs in pediatric subjects between the ages of 4 and 11 years. As ORA explained in the Notice, drug sponsors, like GSK, submit clinical trial data in support of drug product applications for review and approval by FDA, and the Agency relies upon the integrity of the data and information in the applications to determine whether a drug meets required safety and effectiveness standards. The basis for Palacio’s Federal felony conviction for false statements in a signed affidavit is regarding conduct in her role as clinical trial coordinator. Specifically, in her signed affidavit Palacio “represented . . . that she had performed a screening visit for D.H. in the Study, when in truth and in fact, and as [Palacio] then and there well knew, she had not performed a screening for D.H. . . .” Palacio’s false statements about her role in the conduct of a clinical trial related to the development or approval,

including the process for development or approval, of any drug product. Palacio’s role and statements regarding her role pertaining to the Vestri Study, a clinical study meant to inform GSK’s submission to FDA, are logically connected to the development or approval of a drug product. Palacio’s Memorandum does not provide any material facts capable of overcoming the clear language in section 306(a)(2)(A) of the FD&C Act and the logical connection of her conduct to the development or approval, including the process for development or approval, of any drug product. Therefore, Palacio has failed to raise a genuine and substantial issue of fact warranting a hearing to determine whether she is subject to permanent debarment. Accordingly, the OSI Director need not address Palacio’s other arguments, including her efforts to distinguish her own conduct from that of other debarred individuals.

III. Findings and Order

Therefore, the OSI Director, under section 306(a)(2)(A) of the FD&C Act and authority delegated to him by the Commissioner of Food and Drugs, finds that Palacio has been convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product.

As a result of the foregoing findings, Palacio is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective May 28, 2024 (see 21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(ii) and 21 U.S.C. 321(dd)). Any person with an approved or pending drug product application, who knowingly uses the services of Palacio, in any capacity during her period of debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Palacio, during her period of debarment, provides services in any capacity to a person with an approved or pending drug product application, she will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Palacio during her period of debarment (section 306(c)(1)(B) of the FD&C Act).

Dated: May 21, 2024.

George M. Warren,

Director, Office of Scientific Integrity.

[FR Doc. 2024–11546 Filed 5–24–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–2222]

Authorization of Emergency Use of a Drug Product During the COVID–19 Pandemic; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of an Emergency Use Authorization (EUA) (the Authorization) under the Federal Food, Drug, and Cosmetic Act (FD&C Act) for use during the COVID–19 pandemic. FDA has issued an Authorization for the drug product PEMGARDA (pemivibart) as requested by Invivyd, Inc. (Invivyd). The Authorization contains, among other things, conditions on the emergency use of the authorized product. The Authorization follows the February 4, 2020, determination by the Secretary of Health and Human Services (HHS), as amended on March 15, 2023, that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect national security or the health and security of U.S. citizens living abroad and that involves a novel (new) coronavirus. The virus, named SARS–CoV–2, causes the illness COVID–19. On the basis of such determination, the Secretary of HHS declared on March 27, 2020, that circumstances exist justifying the authorization of emergency use of drugs and biological products during the COVID–19 pandemic, pursuant to the FD&C Act, subject to the terms of any authorization issued under that section. The Authorization, which includes an explanation of the reasons for issuance, is reprinted in this document.

DATES: The Authorization is effective as of March 22, 2024.

ADDRESSES: Submit written requests for a single copy of the EUA to the Office of Executive Programs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, 6th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to

² See also, The Drug Development Process | FDA. (<https://www.fda.gov/patients/learn-about-drug-and-device-approvals/drug-development-process>).

assist that office in processing your request or include a Fax number to which the Authorization may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorization.

FOR FURTHER INFORMATION CONTACT:

Johanna McLatchy, Office of Executive Programs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, 6th Floor, Silver Spring, MD 20993-0002, 301-796-3200 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb-3) allows FDA to strengthen public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help ensure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by biological, chemical, nuclear, or radiological agents when there are no adequate, approved, and available alternatives (among other criteria).

II. Criteria for EUA Authorization

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of the following grounds: (1) a determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents; (2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces, including personnel operating under the authority of title 10 or title 50, U.S. Code, of attack with (A) a biological, chemical, radiological, or nuclear agent or agents; or (B) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces;¹ (3) a determination by the

Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or (4) the identification of a material threat by the Secretary of Homeland Security pursuant to section 319F-2 of the Public Health Service (PHS) Act (42 U.S.C. 247d-6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary of HHS has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish in the **Federal Register** a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Under section 564(h)(1) of the FD&C Act, revisions to an authorization shall be made available on FDA's website. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use in an actual or potential emergency when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products and uses that are not approved, cleared, or licensed under sections 505, 510(k), 512, or 515 of the FD&C Act (21 U.S.C. 355, 360(k), 360b, and 360e) or section 351 of the PHS Act (42 U.S.C. 262), or conditionally approved under section 571 of the FD&C Act (21 U.S.C. 360ccc). FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and Prevention (to the extent feasible and appropriate given the applicable circumstances), FDA² concludes: (1) that an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or

condition; (2) that, based on the totality of scientific evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that: (A) the product may be effective in diagnosing, treating, or preventing (i) such disease or condition; or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; (4) in the case of a determination described in section 564(b)(1)(B)(ii) of the FD&C Act, that the request for emergency use is made by the Secretary of Defense; and (5) that such other criteria as may be prescribed by regulation are satisfied.

No other criteria for issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act.

III. The Authorization

The Authorization follows the February 4, 2020, determination by the Secretary of HHS, as amended on March 15, 2023, that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect national security or the health and security of U.S. citizens living abroad and that involves a novel (new) coronavirus. The virus, named SARS-CoV-2, causes the illness COVID-19. Notice of the Secretary's determination was provided in the **Federal Register** on February 7, 2020 (85 FR 7316) and notice of the Secretary's amended determination was provided in the **Federal Register** on March 20, 2023 (88 FR 16644). On the basis of such determination, the Secretary of HHS declared on March 27, 2020, that circumstances exist justifying the authorization of emergency use of drugs and biological products during the COVID-19 pandemic, pursuant to section 564 of the FD&C Act, subject to the terms of any authorization issued under that section. Notice of the Secretary's declaration was provided in the **Federal Register** on April 1, 2020

¹ In the case of a determination by the Secretary of Defense, the Secretary of HHS shall determine within 45 calendar days of such determination,

whether to make a declaration under section 564(b)(1) of the FD&C Act, and, if appropriate, shall promptly make such a declaration.

² The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

(85 FR 18250). Having concluded that the criteria for issuance of the Authorization under section 564(c) of the FD&C Act are met, on March 22, 2024, FDA issued an EUA to Invivyd for the drug product PEMGARDA (pemivibart), subject to the terms of the Authorization. The initial Authorization, which is included below in its entirety after section IV of this document (not including the authorized

versions of the fact sheets and other written materials), provides an explanation of the reasons for issuance, as required by section 564(h)(1) of the FD&C Act. Any subsequent reissuance of the Authorization can be found on FDA's web page at: <https://www.fda.gov/drugs/emergency-preparedness-drugs/emergency-use-authorizations-drugs-and-non-vaccine-biological-products>.

IV. Electronic Access

An electronic version of this document and the full text of the Authorization is available on the internet at: <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization>.

BILLING CODE 4164-01-P



FDA U.S. FOOD & DRUG
ADMINISTRATION

April 3, 2024

Invivyd, Inc.
Barry Sickels, PhD
Senior Vice President
Regulatory Affairs and Quality Assurance
1601 Trapelo Road, Suite 178
Waltham, MA 02451

RE: Emergency Use Authorization 122

Dear Dr. Sickels:

This letter is in response to Invivyd, Inc.'s (Invivyd) request that the Food and Drug Administration (FDA or Agency) issue an Emergency Use Authorization (EUA) for the emergency use of PEMGARDA (pemivibart) for the pre-exposure prophylaxis of coronavirus disease 2019 (COVID-19) in certain adults and adolescents, pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. §360bbb-3).

On February 4, 2020, as amended on March 15, 2023, pursuant to Section 564(b)(1)(C) of the Act, the Secretary of the Department of Health and Human Services (HHS) determined that there is a public health emergency, or a significant potential for a public health emergency, that has a significant potential to affect national security or the health and security of United States citizens living abroad, and that involves the virus that causes coronavirus disease 2019 (COVID-19).¹ On the basis of such determination, the Secretary of HHS on March 27, 2020, declared that circumstances exist justifying the authorization of emergency use of drugs and biological products during the COVID-19 pandemic, pursuant to Section 564 of the Act (21 U.S.C. 360bbb-3), subject to terms of any authorization issued under that section.²

¹ U.S. Department of Health and Human Services, *Determination of a Public Health Emergency and Declaration that Circumstances Exist Justifying Authorizations Pursuant to Section 564(b) of the Federal Food, Drug, and Cosmetic Act*, 21 U.S.C. § 360bbb-3, February 4, 2020; U.S. Department of Health and Human Services, *Amended Determination of a Public Health Emergency or Significant Potential for a Public Health Emergency Pursuant to Section 564(b) of the Federal Food, Drug, and Cosmetic Act*, 21 U.S.C. § 360bbb-3(b), March 15, 2023. 88 FR 16644 (March 20, 2023) ("Amended Determination").

² U.S. Department of Health and Human Services, *Declaration that Circumstances Exist Justifying Authorizations Pursuant to Section 564(b) of the Federal Food, Drug, and Cosmetic Act*, 21 U.S.C. § 360bbb-3, 85 FR 18250 (April 1, 2020). See Amended Determination ("The declarations issued pursuant to section 564(h)(1) of the FD&C Act that circumstances exist justifying the authorization of emergency use of certain in vitro diagnostics, personal respiratory protective devices, other medical devices and drugs and biological products, as set forth in those declarations, and that are based on the February 4, 2020 determination, remain in effect until those declarations are terminated in accordance with section 564 of the FD&C Act.").

Page 2 -- Invivyd, Inc.

On March 22, 2024, FDA issued an EUA authorizing the emergency use of PEMGARDA for the pre-exposure prophylaxis of COVID-19 in certain adults and adolescents.

PEMGARDA is a recombinant human monoclonal IgG1 λ antibody that targets the SARS-CoV-2 spike protein receptor binding domain, thereby inhibiting virus attachment to the human ACE2 receptor on host cells. PEMGARDA is not FDA-approved for any indication, including for use as pre-exposure prophylaxis of COVID-19.

On April 3, 2024, having concluded that revising this EUA is appropriate to protect the public health or safety under Section 564(g)(2) of the Act, FDA is reissuing the March 22, 2024 letter in its entirety, to revise a deadline in post-authorization requirement 7 of Condition P regarding the submission to FDA all genotypic and phenotypic resistance analysis data for subjects failing pemivibart prophylaxis in the CANOPY clinical trial.

Based on the totality of scientific evidence available to FDA, including data from CANOPY (NCT06039449), a Phase 3 clinical trial evaluating PEMGARDA for protection against COVID-19 based on an immunobridging approach, it is reasonable to believe that PEMGARDA may be effective for use as pre-exposure prophylaxis of COVID-19 in certain adults and adolescents, as described in the Scope of Authorization (Section II), and when used under the conditions described in this authorization, the known and potential benefits of PEMGARDA outweigh the known and potential risks of such product.

Having concluded that the criteria for issuance of this authorization under Section 564(c) of the Act are met, I am authorizing the emergency use of PEMGARDA for pre-exposure prophylaxis of COVID-19, as described in the Scope of Authorization section of this letter (Section II) and subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of PEMGARDA for pre-exposure prophylaxis of COVID-19, when administered as described in the Scope of Authorization (Section II), meets the criteria for issuance of an authorization under Section 564(c) of the Act, because:

1. SARS-CoV-2 can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus;
2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that PEMGARDA may be effective for use as pre-exposure prophylaxis of COVID-19 in certain adults and adolescents, as described in the Scope of Authorization (Section II), and that, when used under the conditions described in this authorization, the known and potential benefits of PEMGARDA outweigh the known and potential risks of such product; and

Page 3 – Invivyd, Inc.

3. There is no adequate, approved, and available alternative to the emergency use of PEMGARDA for pre-exposure prophylaxis of COVID-19 as further described in the Scope of Authorization (section II).³

II. Scope of Authorization

I have concluded, pursuant to Section 564(d)(1) of the Act, that the scope of this authorization is limited as follows:

- PEMGARDA may only be used by healthcare providers for pre-exposure prophylaxis of COVID-19 in adults and adolescents (12 years of age and older weighing at least 40 kg):
 - Who are not currently infected with SARS-CoV-2 and who have not had a known recent exposure to an individual infected with SARS-CoV-2 **and**
 - Who have moderate to severe immune compromise due to a medical condition or receipt of immunosuppressive medications or treatments **and** are unlikely to mount an adequate immune response to COVID-19 vaccination.

Limitations on Authorized Use

- PEMGARDA is **not** authorized for the following uses:
 - For treatment of COVID-19, or
 - For post-exposure prophylaxis of COVID-19 in individuals who have been exposed to someone infected with SARS-CoV-2.
- Pre-exposure prophylaxis with PEMGARDA is not a substitute for vaccination in individuals for whom COVID-19 vaccination is recommended. Individuals for whom COVID-19 vaccination is recommended, including individuals with moderate to severe immune compromise who may derive benefit from COVID-19 vaccination, should receive COVID-19 vaccination.
- PEMGARDA should only be administered in settings in which healthcare providers have immediate access to medications to treat a severe hypersensitivity reaction, such as anaphylaxis, and the ability to activate the emergency medical system (EMS), as necessary.
- PEMGARDA may only be prescribed for an individual patient by physicians, advanced practice registered nurses, and physician assistants that are licensed or authorized under State law to prescribe drugs.⁴

³ No other criteria of issuance have been prescribed by regulation under Section 564(c)(4) of the Act.

⁴ Under section 201(a)(1) of the Act, the term “State” is defined to mean “any State or Territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.”

Page 4 – Invivyd, Inc.

- In individuals who have recently received a COVID-19 vaccine, PEMGARDA should be administered at least two weeks after vaccination.
- The use of PEMGARDA covered by this authorization must be in accordance with the authorized Fact Sheets.

Product Description

PEMGARDA injection is a sterile, preservative-free, clear to slightly opalescent, colorless to yellow solution supplied in a single-dose 6R vial intended for intravenous infusion only. PEMGARDA is supplied in a single-dose vial at a concentration of 125 mg/mL. Each PEMGARDA carton contains nine vials of PEMGARDA. Each vial contains an overfill to allow the withdrawal of 500 mg (4.0 mL) of PEMGARDA.

The authorized storage and handling information for PEMGARDA is included in the authorized Fact Sheet for Healthcare Providers.

PEMGARDA is authorized for emergency use with the following product-specific information required to be made available to healthcare providers and to patients, parents, and caregivers, respectively, through Invivyd's website at www.PEMGARDA.com (referred to as the "authorized labeling"):

- Fact Sheet for Health Care Providers: Emergency Use Authorization (EUA) for PEMGARDA
- Fact Sheet for Patients, Parents, and Caregivers: Emergency Use Authorization (EUA) of PEMGARDA for Coronavirus Disease 2019 (COVID-19)

I have concluded, pursuant to Section 564(d)(2) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that the known and potential benefits of PEMGARDA, when used for pre-exposure prophylaxis of COVID-19 in adults and adolescents and used in accordance with this Scope of Authorization (Section II), outweigh the known and potential risks, pursuant to Section 564(c)(2)(B) of the Act.

I have concluded, pursuant to Section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that PEMGARDA may be effective when used for pre-exposure prophylaxis of COVID-19 in adults and adolescents and used in accordance with this Scope of Authorization (Section II), pursuant to Section 564(c)(2)(A) of the Act.

Having reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, I have concluded that PEMGARDA (as described in this Scope of Authorization (Section II)) meets the criteria set forth in Section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of PEMGARDA under this EUA must be consistent with, and may not exceed, the terms of the Authorization, including the Scope of Authorization (Section II) and the

Page 5 – Invivyd, Inc.

Conditions of Authorization (Section III). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under Section 564(b)(1)(C) described above and the Secretary of HHS's corresponding declaration under Section 564(b)(1), PEMGARDA is authorized for use as pre-exposure prophylaxis of COVID-19 as described in this Scope of Authorization (Section II) under this EUA, despite the fact that it does not meet certain requirements otherwise required by applicable federal law.

III. Conditions of Authorization

Pursuant to Section 564 of the Act, I am establishing the following conditions on this authorization:

Invivyd and Authorized Distributors⁵

- A. Invivyd and authorized distributor(s) will ensure that PEMGARDA is distributed and the authorized labeling (i.e., Fact Sheets) will be made available to healthcare facilities and/or healthcare providers as described in Section II of this Letter of Authorization.
- B. Invivyd and authorized distributor(s) will ensure that appropriate storage is maintained until the product is delivered to healthcare facilities and/or healthcare providers.
- C. Invivyd and authorized distributor(s) will ensure that the terms of this EUA are made available to all relevant stakeholders (e.g., U.S. government agencies, state and local government authorities, authorized distributors, healthcare facilities, healthcare providers) involved in distributing or receiving PEMGARDA. Invivyd will provide to all relevant stakeholders a copy of this Letter of Authorization and communicate any subsequent amendments that might be made to this Letter of Authorization and its authorized accompanying materials (i.e., Fact Sheets).
- D. Invivyd may request changes to this authorization, including to the authorized Fact Sheets for PEMGARDA. Any request for changes to this EUA must be submitted to the Office of Infectious Disease/Office of New Drugs/Center for Drug Evaluation and Research. Such changes require appropriate authorization prior to implementation.⁶
- E. Invivyd may develop and disseminate instructional and educational materials (e.g., materials providing information on product administration and/or patient monitoring) that are consistent with the authorized emergency use of PEMGARDA as described in this

⁵ "Authorized Distributor(s)" are identified by Invivyd as an entity or entities allowed to distribute the authorized PEMGARDA.

⁶ The following types of revisions may be authorized without reissuing this letter: (1) changes to the authorized labeling; (2) non-substantive editorial corrections to this letter; (3) new types of authorized labeling, including new fact sheets; (4) new carton/container labels; (5) expiration dating extensions; (6) changes to manufacturing processes, including tests or other authorized components of manufacturing; (7) new conditions of authorization to require data collection or study; (8) new strengths of the authorized product, new product sources (e.g., of active pharmaceutical ingredient) or of product components. For changes to the authorization, including the authorized labeling, of the type listed in (3), (6), (7), or (8), review and concurrence is required from the Counter-Terrorism and Emergency Coordination Staff/Office of the Center Director/CDER and the Office of Counterterrorism and Emerging Threats/Office of the Chief Scientist.

Page 6 – Invivyd, Inc.

Letter of Authorization and authorized labeling, without FDA's review and concurrence, when necessary to meet public health needs. Any instructional and educational materials that are inconsistent with the authorized labeling for PEMGARDA are prohibited. If the Agency notifies Invivyd that any instructional and educational materials are inconsistent with the authorized labeling, Invivyd must cease distribution of such instructional and educational materials. Furthermore, as part of its notification, the Agency may also require Invivyd to issue corrective communication(s).

- F. Invivyd will report to FDA all serious adverse events and medication errors potentially related to PEMGARDA use that are reported to Invivyd using either of the following options.

Option 1: Submit reports through the Safety Reporting Portal (SRP) as described on the [FDA SRP](#) web page.

Option 2: Submit reports directly through the Electronic Submissions Gateway (ESG) as described on the [FAERS electronic submissions](#) web page.

Submitted reports under both options must state: "PEMGARDA use for pre-exposure prophylaxis of COVID-19 under Emergency Use Authorization (EUA)." For reports submitted under Option 1, include this language at the beginning of the question "Describe Event" for further analysis. For reports submitted under Option 2, include this language at the beginning of the "Case Narrative" field.

- G. All manufacturing, packaging, and testing sites for both drug substance and drug product used for EUA supply will comply with current good manufacturing practice requirements of Section 501(a)(2)(B) of the Act.
- H. Invivyd will submit information to the Agency within three working days of receipt of any information concerning significant quality problems with drug product distributed under this EUA for PEMGARDA that includes the following:
- Information concerning any incident that causes the drug product or its labeling to be mistaken for, or applied to, another article; or
 - Information concerning any microbiological contamination, or any significant chemical, physical, or other change or deterioration in the distributed drug product, or any failure of one or more distributed batches of the product to meet the established specifications.

If a significant quality problem affects unreleased product and may also impact product(s) previously released and distributed, then information must be submitted for all potentially impacted lots.

Invivyd will include in its notification to the Agency whether the batch, or batches, in question will be recalled. If FDA requests that these, or any other batches, at any time, be recalled, Invivyd must recall them.

Page 7 – Invivyd, Inc.

If not included in its initial notification, Invivyd must submit information confirming that Invivyd has identified the root cause of the significant quality problems, taken corrective action, and provide a justification confirming that the corrective action is appropriate and effective. Invivyd must submit this information as soon as possible but no later than 45 calendar days from the initial notification.

- I. Invivyd will manufacture PEMGARDA to meet all quality standards and per the manufacturing process and control strategy as detailed in Invivyd's EUA request. Invivyd will not implement any changes to the description of the product, manufacturing process, facilities and equipment, and elements of the associated control strategy that assure process performance and quality of the authorized product, without notification to and concurrence by the Agency as described under Condition D.
- J. Invivyd will list PEMGARDA with a unique product NDC under the marketing category of Emergency Use Authorization. Further, the listing will include each establishment where manufacturing is performed for the drug and the type of operation performed at each such establishment.
- K. Through a process of inventory control, Invivyd and authorized distributor(s) will maintain records regarding distribution of PEMGARDA (i.e., lot numbers, quantity, receiving site, receipt date).
- L. Invivyd will establish a process for monitoring genomic database(s) for the emergence of global viral variants of SARS-CoV-2. A summary of Invivyd's process should be submitted to the Agency as soon as practicable, but no later than 30 calendar days of the issuance of this letter, and within 30 calendar days of any material changes to such process. Invivyd will provide reports to the Agency on a monthly basis summarizing any findings as a result of its monitoring activities and, as needed, any follow-up assessments planned or conducted.
- M. FDA may require Invivyd to assess the activity of the authorized PEMGARDA against any global SARS-CoV-2 variant(s) of interest (e.g., variants that are prevalent or becoming prevalent that harbor substitutions in the target protein). Invivyd will perform the required assessment in a manner and timeframe agreed upon by Invivyd and the Agency. Invivyd will submit to FDA a preliminary summary report immediately upon completion of its assessment followed by a detailed study report within 30 calendar days of study completion. Invivyd will submit any relevant proposal(s) to revise the authorized labeling based on the results of its assessment, as may be necessary or appropriate based on the foregoing assessment.
- N. Invivyd shall provide samples as requested of the authorized PEMGARDA to the HHS for evaluation of activity against emerging global viral variants of SARS-CoV-2, including specific amino acid substitution(s) of interest (e.g., variants that are highly prevalent or that harbor substitutions in the target protein) within 5 business days of any request made by HHS. Analyses performed with the supplied quantity of authorized pemivibart may include, but are not limited to, cell culture potency assays, protein

Page 8 — Invivyd, Inc.

binding assays, cell culture variant assays (pseudotyped virus-like particles and/or authentic virus), and in vivo activity assays.

- O. Invivyd must conduct additional studies selecting SARS-CoV-2 with reduced susceptibility to PEMGARDA in cell culture. Such studies must employ strategies as agreed upon between Invivyd and the Agency, and Invivyd must provide a protocol within 30 calendar days of the issuance of this letter.
- P. Invivyd must provide the following information to the Agency:
1. Anti-drug antibody (ADA) assessments for all participants from the CANOPY clinical trial on Days 1 and 28 by May 31, 2024; Month 3 by June 30, 2024; and Month 6 by July 31, 2024.
 2. A topline safety summary for all participants (Cohorts A and B) through Month 6 (last patient last visit) from the CANOPY clinical trial by June 30, 2024.
 3. An interim clinical study report for the CANOPY clinical trial with PK, safety and efficacy data for all participants (Cohorts A and B) through Month 6 (last patient last visit) by October 31, 2024.
 4. All pharmacokinetic data and the bioanalytical report for all participants through Month 12 from the CANOPY clinical trial by March 31, 2025.
 5. The final clinical study report for the clinical trial CANOPY by March 31, 2025.
 6. Bimonthly (every 2 months) aggregate of post-EUA reports of severe or serious hypersensitivity reactions, including anaphylaxis. Sampson's criteria should be used to appropriately classify reported hypersensitivity reactions as anaphylaxis. In the bimonthly aggregate reports, include the following information at minimum.
 - Specific symptoms (preferred terms)
 - Severity of symptoms (for descriptive purposes)
 - Onset of event in relation to the infusion
 - Total dosage of pemivibart infused
 - Interventions taken (medications, hospitalization, etc.)
 - Duration of event
 - Outcome of event
 7. All genotypic and phenotypic resistance analysis data for subjects failing pemivibart prophylaxis in the CANOPY clinical trial by August 30, 2024 (first batch of phenotypic data), March 31, 2025 (complete whole-genome sequence analysis data for Cohorts A and B), and April 30, 2025 (complete viral phenotypic data for Cohorts A and B).
 8. Invivyd must submit spike sequence data for each treatment failure identified in the CANOPY trial as soon as practicable, but no later than 6 weeks after failure determination. Phenotypic data for spike variants with substitutions in the PEMGARDA epitope at contact and adjacent residues should be obtained and submitted within 2 calendar days from receipt from the contractor.
- Q. Invivyd and authorized distributor(s) will make available to FDA upon request any records maintained in connection with this EUA.

Page 9 – Invivyd, Inc.

Healthcare Facilities to Whom PEMGARDA Is Distributed and Healthcare Providers Administering PEMGARDA

- R. Healthcare facilities and healthcare providers will ensure that they are aware of the Letter of Authorization, and the terms herein, and that the authorized Fact Sheets are made available to healthcare providers and to patients and caregivers, respectively, through appropriate means, prior to administration of PEMGARDA as described in the Scope of Authorization (Section II) under this EUA.
- S. Healthcare facilities and healthcare providers receiving PEMGARDA will track all serious adverse events and medication errors that are considered to be potentially related to PEMGARDA use and must report these to FDA in accordance with the Fact Sheet for Healthcare Providers. Complete and submit a MedWatch form (www.fda.gov/medwatch/report.htm), or complete and submit FDA Form 3500 (health professional) by fax (1-800-FDA-0178) (these forms can be found via link above). Call 1-800-FDA-1088 for questions. Submitted reports must state, “PEMGARDA use for pre-exposure prophylaxis of COVID-19 under Emergency Use Authorization” at the beginning of the question “Describe Event” for further analysis. A copy of the completed FDA Form 3500 must also be provided to Invivyd per the instructions in the authorized labeling.
- T. Healthcare facilities and healthcare providers will ensure that appropriate storage is maintained until the product is administered consistent with the terms of this letter and the authorized labeling.
- U. Through a process of inventory control, healthcare facilities will maintain records regarding the dispensing and administration of PEMGARDA for the use authorized in this letter (i.e., lot numbers, quantity, receiving site, receipt date), product storage, and maintain patient information (e.g., patient name, age, disease manifestation, number of doses administered per patient, other drugs administered).
- V. Healthcare facilities will ensure that any records associated with this EUA are maintained until notified by Invivyd and/or FDA. Such records will be made available to Invivyd, HHS, and FDA for inspection upon request.

Conditions Related to Printed Matter, Advertising, and Promotion

- W. All descriptive printed matter, advertising, and promotional materials relating to the use of PEMGARDA under this authorization shall be consistent with the authorized labeling, as well as the terms set forth in this EUA, and meet the requirements set forth in Section 502(a) and (n) of the Act, as applicable, and FDA implementing regulations. References to “approved labeling”, “permitted labeling”, or similar terms in these requirements shall be understood to refer to the authorized labeling for the use of PEMGARDA under this authorization. In addition, such materials shall:
 - Be tailored to the intended audience.

Page 10 – Invivyd, Inc.

- Not take the form of reminder advertisements or reminder labeling, as those terms are described in 21 CFR 202.1(e)(2)(i) and 21 CFR 201.100(f), respectively, except that reminder advertisements and reminder labeling intended only to provide price information to consumers, as described in 21 CFR 200.200, are permissible so long as such materials meet all conditions described in 21 CFR 200.200(a)(1)-(a)(4).
 - Present the same risk information relating to the major side effects and contraindications concurrently in the audio and visual parts of the presentation for advertising and promotional materials in audio-visual format.
 - Be accompanied by the authorized labeling, if the promotional materials are not subject to Section 502(n) of the Act.
 - Be submitted to FDA accompanied by Form FDA-2253 for consideration at least 14 calendar days prior to initial dissemination or first use.
- X. Invivyd may disseminate descriptive printed matter, advertising, and promotional materials relating to the emergency use of PEMGARDA that provide accurate descriptions of safety results and efficacy results on a clinical endpoint(s) or surrogate endpoint(s) from the clinical trial(s) summarized in the authorized labeling. Such materials must include any limitations of the clinical trial data as described in the authorized labeling. Invivyd may not imply that PEMGARDA is FDA-approved for its authorized use by making statements such as “PEMGARDA is safe and effective for the pre-exposure prophylaxis of COVID-19.”
- Y. All descriptive printed matter, advertising, and promotional material, relating to the use of PEMGARDA under this authorization clearly and conspicuously shall state that:
- PEMGARDA has not been approved, but has been authorized for emergency use by FDA under an EUA, for pre-exposure prophylaxis of COVID-19 in certain adults and adolescent individuals (12 years of age and older weighing at least 40 kg); and
 - The emergency use of PEMGARDA is only authorized for the duration of the declaration that circumstances exist justifying the authorization of the emergency use of drugs and biological products during the COVID-19 pandemic under Section 564(b)(1) of the Act, 21 U.S.C. § 360bbb-3(b)(1), unless the declaration is terminated or authorization revoked sooner.

If the Agency notifies Invivyd that any descriptive printed matter, advertising, or promotional materials do not meet the terms set forth in Conditions W through Y of this EUA, Invivyd must cease distribution of such descriptive printed matter, advertising, or promotional materials in accordance with the Agency’s notification. Furthermore, as part of its notification, the Agency may also require Invivyd to issue corrective communication(s).

Page 11 – Invivyd, Inc.

IV. Duration of Authorization

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of drugs and biological products during the COVID-19 pandemic is terminated under Section 564(b)(2) of the Act or the EUA is revoked under Section 564(g) of the Act.

Sincerely,

Patrizia A.
Cavazzoni-S

Digitally signed by
Patrizia A. Cavazzoni-S
Date: 2024.04.03
11:54:53 -04'00'

Patrizia Cavazzoni, M.D.
Director
Center for Drug Evaluation and Research
U.S. Food and Drug Administration

Dated: May 22, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–11640 Filed 5–24–24; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–2245]

Issuance of Priority Review Voucher; Material Threat Medical Countermeasure Product; PAXLOVID

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a material threat medical countermeasure (MCM) product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved material threat MCM product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that PAXLOVID (nirmatrelvir co-packaged with ritonavir) tablets, approved on May 25, 2023, manufactured by Pfizer, Inc., meets the criteria for a material threat MCM priority review voucher.

FOR FURTHER INFORMATION CONTACT:

Cathryn Lee, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002,

301–796–1394, email: Cathryn.Lee@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a material threat MCM priority review voucher to the sponsor of an approved material threat MCM product application. Under section 565A of the FD&C Act (21 U.S.C. 360bbb–4a) FDA will award priority review vouchers to sponsors of approved material threat MCM product applications that meet certain criteria upon approval of those applications. FDA has determined that PAXLOVID (nirmatrelvir co-packaged with ritonavir) tablets, manufactured by Pfizer, Inc., meets the criteria for a material threat MCM priority review voucher. PAXLOVID was approved on May 25, 2023, for the treatment of mild-to-moderate coronavirus disease 2019 (COVID–19) in adults who are at high risk for progression to severe COVID–19, including hospitalization or death.

For further information about the material threat MCM Priority Review Voucher Program and for a link to the full text of section 565A of the FD&C Act, go to <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/21st-century-cures-act-mcm-related-cures-provisions#prv>. For further information about PAXLOVID (nirmatrelvir co-packaged with ritonavir) tablets go to the “Drugs@FDA” website at <https://www.accessdata.fda.gov/scripts/cder/daf/>.

Dated: May 22, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–11643 Filed 5–24–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–2219]

Progynon Associates, et al.; Proposal to Withdraw Approval of Four New Drug Applications; Opportunity for a Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration’s (FDA or Agency) Center for Drug Evaluation and Research (CDER) is proposing to withdraw approval of four new drug applications (NDAs) and is announcing an opportunity for the NDA holders to request a hearing on this proposal. The basis for the proposal is that the NDA holders have repeatedly failed to file required annual reports for those NDAs.

DATES: The NDA holders may submit a request for a hearing by June 27, 2024. Submit all data, information, and analyses upon which the request for a hearing relies July 29, 2024. Submit electronic or written comments by July 29, 2024.

ADDRESSES: The request for a hearing may be submitted by the NDA holders by either of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments to submit your request for a hearing. Comments submitted electronically to <https://www.regulations.gov>, including

any attachments to the request for a hearing, will be posted to the docket unchanged.

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.

- Because your request for a hearing will be made public, you are solely responsible for ensuring that your request 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. The request for a hearing must include the Docket No. FDA-2024-N-2219 for "Progynon Associates, et al.; Proposal To Withdraw Approval of Four New Drug Applications; Opportunity for a Hearing." The request for a hearing will be placed in the docket and publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday. The NDA holders may submit all data and analyses upon which the request for a hearing relies in the same manner as the request for a hearing except as follows:

- Confidential Submissions—To submit any data analyses with confidential information that you do not wish to be made publicly available, submit your data and analyses only as a written/paper submission. You should submit two copies total of all data and analyses. 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 any decisions on this matter. 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> or available at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday. Submit both copies to the Dockets Management Staff. Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law.

Comments Submitted by Other Interested Parties: For all comments

submitted by other interested parties, submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-N-2219 for "Progynon Associates, et al.; Proposal To Withdraw Approval of Four New Drug Applications; Opportunity for a Hearing." 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:

Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993-0002, 301-796-3137, Kimberly.Lehrfeld@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The holder of an approved NDA to market a new drug for human use is required to submit annual reports to FDA concerning its approved NDA under §§ 314.81 and 314.98 (21 CFR 314.81 and 21 CFR 314.98). The holders of the approved NDAs listed in table 1 have repeatedly failed to submit the required annual reports and have not responded to the Agency's request for submission of the reports.

TABLE 1—APPROVED NDAS FOR WHICH REQUIRED REPORTS HAVE NOT BEEN SUBMITTED

Application No.	Drug	Holder
NDA 004652	ORETON (testosterone) Pellets for Subcutaneous Im-plantations, 75 milligrams (mg).	Progynon Associates, 9300 Wilshire Blvd., Beverly Hills, CA 90212.
NDA 013268	WINSTEROID (stanozolol) Tablets, 2 mg	Sterling Winthrop Inc., 90 Park Ave., New York, NY 10016.
NDA 017455	Copper T Model TCu 200B (copper) Intrauterine Device	Duramed Research, Inc., 425 Privet Rd., Horsham, PA 19044.
NDA 205003	PRESTALIA (amlodipine besylate/perindopril arginine) Tablets, equivalent to (EQ) 2.5 mg base/3.5mg, EQ 5 mg base/7 mg, and EQ 10 mg base/14 mg.	Adhera Therapeutics, Inc., 224 Holding Ave., Wake Forest, NC 27588.

Therefore, notice is given to the holders of the approved NDAs listed in table 1 and to all other interested persons that the Director of CDER proposes to issue an order, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(e)), withdrawing approval of the NDAs and all amendments and supplements thereto on the grounds that the NDA holders have failed to submit reports required under § 314.81.

In accordance with section 505 of the FD&C Act and part 314 (21 CFR part 314), the NDA holders are hereby provided an opportunity for a hearing to show why the approval of the NDAs listed previously should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug products covered by these NDAs.

An NDA holder who decides to seek a hearing must file the following: (1) A written notice of participation and request for a hearing (see **DATES** and **ADDRESSES**) and (2) the data, information, and analyses relied on to demonstrate that there is a genuine and substantial issue of fact that requires a hearing (see **DATES** and **ADDRESSES**). Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for a hearing, notice of participation and request for a hearing, the information and analyses to justify a hearing, other comments, and a grant or denial of a hearing are contained in § 314.200 and in 21 CFR part 12.

The failure of an NDA holder to file a timely written notice of participation and request for a hearing, as required by § 314.200, constitutes an election by that NDA holder not to avail itself of the opportunity for a hearing concerning CDER's proposal to withdraw approval of the NDAs and constitutes a waiver of any contentions concerning the legal status of the drug products. FDA will then withdraw approval of the NDAs, and the drug products may not thereafter be lawfully introduced or

delivered for introduction into interstate commerce. Any new drug product introduced or delivered for introduction into interstate commerce without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If a request for a hearing is not complete or is not supported, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions under this notice of opportunity for a hearing must be filed in two copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen at the Dockets Management Staff (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <https://www.regulations.gov>.

This notice is issued under section 505(e) of the FD&C Act and under authority delegated to the Director of CDER by the Commissioner of Food and Drugs.

Dated: May 17, 2024.

Douglas C. Throckmorton,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. 2024-11609 Filed 5-24-24; 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; Implement Maternal, Infant, and Early Childhood Home Visiting Program 2022 Legislative Changes: Assessment of Administrative Burden

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 27, 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: Implement Maternal, Infant, and Early Childhood Home Visiting Program 2022 Legislative Changes: Assessment of Administrative Burden

OMB No. 0915-xxxx—[NEW]
Abstract: The Consolidated Appropriations Act, 2023, Public Law 117–328, section 6101, the Jackie Walorski Maternal and Child Home Visiting Reauthorization Act of 2022 (Section 6101 of the Consolidated Appropriations Act, 2023) extended funding for the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program for an additional 5 years and adopted new program requirements. This included a new requirement for the Secretary of Health and Human Services to assess and reduce burden on MIECHV funding recipients in administering the program by: (1) eliminating duplication and streamlining reporting requirements; (2) analyzing ways, in consultation with administering agencies (*i.e.*, MIECHV funding recipients) to reduce the number of hours spent on complying with paperwork requirements by at least 15 percent; (3) reviewing paperwork and data collection requirements for tribal MIECHV funding recipients and exploring, in consultation with tribes and tribal organizations, ways to reduce administrative burden, respect sovereignty, and acknowledge the different focus points for tribal funding recipients; (4) collecting input from relevant state fiscal officials to align

fiscal requirements and oversight for states and eligible entities to ensure consistency with standards and guidelines for other federal formula grant programs; and (5) consulting with administering agencies and service delivery model representatives on needed and unneeded data elements regarding the dashboards provided for in newly added Social Security Act subsection 511(d)(1)(B), consistent with the data requirements of such subsection.
Through this ICR, HRSA aims to survey state, jurisdiction, and tribal MIECHV funding recipients to obtain feedback regarding potential ways to reduce administrative burden, as described above.
A 60-day notice was published in the **Federal Register** on December 20, 2023, vol. 88, No. 243; pp. 88084–88085. HRSA received four comments and the information collection tools have been revised in response. These changes addressed concerns with the burden estimate and to modify items for clarity and increase the burden estimates for respondents to more accurately reflect the time it will reasonably take respondents to respond to this information collection. HRSA also considered additional feedback from certain home visiting model developers and is removing from this ICR the proposed plan to survey home visiting model developers.
Need and Proposed Use of the Information: Section 511(h)(6)(A) of the

Social Security Act requires the Secretary of Health and Human Services to assess and reduce administrative burden on MIECHV funding recipients in specified ways. Information gained from this information collection will inform recommendations to reduce administrative burden.
Likely Respondents: State and jurisdiction MIECHV Program funding recipients that are states, territories, and, where applicable, nonprofit organizations receiving MIECHV funding to provide home visiting services within states; and tribal MIECHV Program funding recipients that are tribes and tribal organizations.
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
State and Jurisdiction MIECHV Funding Recipient Survey	56	1	56	27	1,512
Tribal MIECHV Funding Recipient Survey	29	1	29	4	116
Total	85	.....	85	.....	1,628

Maria G. Button,
Director, Executive Secretariat.
[FR Doc. 2024–11563 Filed 5–24–24; 8:45 am]
BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Resources and Services Administration****Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Evaluation of the Maternal and Child Health Bureau Pediatric Mental Health Care Access Program and the Screening and Treatment for Maternal Mental Health and Substance Use Disorders Program**

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than July 29, 2024.

ADDRESSES: Submit your comments to paperwork@hrsa.gov or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call Joella Roland, the HRSA Information Collection Clearance Officer, at (301) 443-3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Evaluation of the Maternal and Child Health Bureau Pediatric Mental Health Care Access Program and the Screening and Treatment for Maternal Mental Health and Substance Use Disorders Program, OMB No. 0906-xxxx—New.

Abstract: This notice describes information collection requests for two of HRSA's Maternal and Child Health Bureau programs: the Pediatric Mental Health Care Access (PMHCA) program and the Screening and Treatment for Maternal Mental Health and Substance Use Disorders (MMHSUD) program. The

PMHCA program aims to promote behavioral health integration into pediatric primary care by developing and supporting state, regional, and tribal pediatric mental health care teleconsultation access programs. The MMHSUD program aims to support maternity care providers and clinical practices by supporting the development, improvement, and/or maintenance of statewide or regional behavioral health networks. Both programs support health professionals (HPs)¹ in their delivery of high-quality and timely screening, assessment, treatment, and referrals for their targeted populations (e.g., children, adolescents, and young adults for PMHCA programs; pregnant and postpartum people for MMHSUD programs) through the provision of clinical behavioral health teleconsultation, care coordination support/navigation (e.g., resource identification and referrals), and training and education. Additionally, the PMHCA and MMHSUD programs focus on reducing racial, ethnic, and geographic disparities in access to care, especially in rural and other underserved areas.

The information will be collected from PMHCA and MMHSUD award recipient programs funded in 2021, 2022, or 2023 and from participants in and stakeholders of those programs:

- The 2021 and 2022 PMHCA programs are authorized by 42 U.S.C 254c-19 (sec. 330M of the Public Health Service Act), using funding provided by section 2712 of the American Rescue Plan Act of 2021 (Pub. L. 117-2).
- The 2023 PMHCA programs are authorized by 42 U.S.C 254c-19 (sec. 330M of the Public Health Service Act), as amended by section 11005 of the Bipartisan Safer Communities Act (Pub. L. 117-159).
- The 2023 MMHSUD programs are authorized by 42 U.S.C. 247b-13a; (sec. 317L-1 of the Public Health Service Act).

To evaluate progress made toward the programs' goals, this data collection will use the following eight instruments: (1) HP Survey, (2) Practice-Level Survey, (3) Program Implementation Survey, (4) Behavioral Health Consultation Provider Semi-Structured Interview (SSI), (5) Care Coordinator SSI, (6) Champion SSI,

¹ Health professionals may include, but are not limited to, pediatricians, family physicians, adult primary care clinicians, obstetrician-gynecologists, physician assistants, advanced practice nurses/nurse practitioners, licensed practical nurses, registered nurses, nurse midwives, counselors, behavioral health clinicians, social workers, care coordinators, medical assistants, and patient care navigators.

(7) Community-Based and Other Resources SSI, and (8) Program Implementation SSI.

Need and Proposed Use of the Information: HRSA needs this information to evaluate the PMHCA and MMHSUD programs to guide future decisions regarding increasing HPs' capacity to address patients' behavioral health and access to behavioral health services. Specifically, data collected for the evaluation will be used to study the efforts of the PMHCA and MMHSUD programs to achieve key outcomes (e.g., increase in access to behavioral health services; HPs trained; identification of community-based resources, including counselors or family service providers) and to measure whether and to what extent awardee programs are associated with changes in these outcomes. The evaluation will examine changes over time within and/or across the PMHCA and MMHSUD programs, regarding PMHCA- and MMHSUD-enrolled/participating HPs' and practices': (1) capacity to address patients' behavioral health and access to behavioral health care, through screening, assessment, treatment, and referral for behavioral health conditions and (2) use of program services (e.g., consultation, care coordination, training).

Likely Respondents

- *HP Survey:* Pediatricians, family physicians, obstetrician-gynecologists, physician assistants, advanced practice nurses/nurse practitioners, licensed practical nurses, registered nurses, counselors, social workers, medical assistants, and patient care navigators.
- *Practice-Level Survey:* Practice managers (e.g., office managers, office leadership, nurse champions).
- *Program Implementation Survey:* Cooperative agreement-funded project directors/principal investigators.
- *Behavioral Health Consultation Provider SSI:* PMHCA and MMHSUD program-level behavioral health consultation providers.
- *Care Coordinator SSI:* PMHCA- and MMHSUD-program-level care coordinators.
- *Champion SSI:* PMHCA and MMHSUD program champions (e.g., HPs, community and social service specialists).

- *Community-Based and Other Resources SSI:* PMHCA and MMHSUD program-level community resource partner representatives (e.g., counselors, social workers, other community and social service specialists, other HPs/

support workers, practice/organization managers).

• *Program Implementation SSI:*

Cooperative agreement-funded project directors/principal investigators.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information

requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train

personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
HP Survey	23,177	1	23,177	0.33	7,648.41
Practice-Level Survey	6,164	1	6,164	0.33	2,034.12
Program Implementation Survey	66	1	66	0.33	21.78
Behavioral Health Consultation Provider SSI	66	1	66	0.75	49.50
Care Coordinator SSI	66	1	66	0.75	49.50
Champion SSI	66	1	66	0.50	33.00
Community-Based and Other Resources SSI	50	1	50	0.50	25.00
Program Implementation SSI	132	1	132	1.00	132.00
Total	29,787	.....	29,787	.....	9,993.31

HRSA specifically requests comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2024-11567 Filed 5-24-24; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroplasticity and Neurotransmitters Study Section.

Date: June 20–21, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue NW, Washington, DC 20037.

Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301-435-1259, nadis@csr.nih.gov.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Gene Regulation in Cancer Study Section.

Date: June 24–25, 2024.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: North Bethesda Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Manzoor A. Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435-2477, zargerma@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Medical Imaging.

Date: June 24–25, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: North Bethesda Marriott Hotel & Conference Center, Montgomery County

Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Krystyna H Szymczyk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-4198, szymczykk@csr.nih.gov.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Injury, Repair, and Remodeling Study Section.

Date: June 24–25, 2024.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240-498-7546, diramig@csr.nih.gov.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Clinical Oncology Study Section.

Date: June 24–25, 2024.

Time: 8:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Hybrid Meeting).

Contact Person: Laura Asnaghi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockville Drive, Room 6200, MSC 7804, Bethesda, MD 20892, (301) 443-1196, laura.asnaghi@nih.gov

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics A Study Section.

Date: June 24–25, 2024.

Time: 9:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435-3504, tothct@csr.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Services: Quality and Effectiveness Study Section.

Date: June 24–25, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual meeting).

Contact Person: Jessica Bellinger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, (301) 827-4446, bellingerjd@csr.nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.

Date: June 24–25, 2024.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Christopher Payne, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 2208, Bethesda, MD 20892, 301-402-3702, christopher.payne@nih.gov.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Analytics and Statistics for Population Research Panel A Study Section.

Date: June 24–25, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Victoriya Volkova, Ph.D., DVM, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594-7781, volkovav2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-23-122: Research with Activities Related to Diversity (ReWARD).

Date: June 24, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Syed M Quadri, Ph.D., IRG Chief, Center for Scientific Review, National

Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301-435-1211, quadris@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 21, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11545 Filed 5-24-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Development of Candidate Radiation/Nuclear Medical Countermeasures (MCMs) (U01 Clinical Trial Not Allowed).

Date: July 18–19, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G54, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Hitendra S. Chand, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G54, Rockville, MD 20852, (240) 627-3245, hitendra.chand@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 21, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11547 Filed 5-24-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Initial Review Group; Medication Development Research Study Section.

Date: July 17, 2024.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Preethy Nayar, Ph.D., Scientific Review Officer, Scientific Review Branch, 301 North Stonestreet Avenue, MSC 6021, National Institute on Drug Abuse, NIH, Bethesda, MD 20892, 301-443-4577, nayarp2@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 21, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11542 Filed 5-24-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; P20 Exploratory Studies on Climatic-Dependent Events via a Proposed Health Research Center.

Date: June 3–4, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27713 (Virtual Meeting).

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P. O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, 984–287–3340, worth@niehs.nih.gov.

This notice is being published less than 15 days from the meeting date due to exceptional circumstances. The technical and scientific peer review of applications assigned to this committee must take place urgently so that awards in support of the Climate Change and Health Research Centers program, which is supported by a dozen NIH Institutes and Centers, can be made by the end of the fiscal year. If the meeting is not held on June 3–4, 2024, committee members with the requisite scientific expertise will be unable to attend due to scheduling conflicts. (Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: May 21, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–11551 Filed 5–24–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Aging and Development, Auditory Vision and Low Vision Technologies

Date: June 20–21, 2024.

Time: 9 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Barbara Susanne Mallon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–8992 mallonb@mail.nih.gov.

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Transmission of Vector-Borne and Zoonotic Diseases Study Section.

Date: June 24–25, 2024.

Time: 10 a.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Haruhiko Murata, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, National Institutes of Health, Bethesda, MD 20892, (301) 594–3245, muratah@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery and Development.

Date: June 24–25, 2024.

Time: 10 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, ruvinser@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Clinical Neurophysiology, Devices, Neuroprosthetics and Biosensors.

Date: June 25–26, 2024.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW Washington, DC 20037.

Meeting Format: In Person.

Contact Person: Cristina Backman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, (301) 480–9069 cbackman@mail.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Arthritis, Connective Tissue and Skin Study Section.

Date: June 25–26, 2024.

Time: 8 a.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn, Washington DC/ Georgetown, 2201 M. Street, NW Washington, DC 20037.

Meeting Format: In Person.

Contact Person: Robert Gersch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 867–5309, robert.gersch@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular and Surgical Devices.

Date: June 25–26, 2024.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Meeting Format: In Person.

Contact Person: Willard Wilson, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301–867–5309 willard.wilson@nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences, Integrated Review Group; Pathophysiology of Obesity and Metabolic Disease Study Section.

Date: June 25–26, 2024.

Time: 8:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: North Bethesda Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Meeting Format: In Person.

Contact Person: Heather Marie Brockway, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 813H, Bethesda, MD 20892, (301) 594-5228, brockwayhm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomaterials, Delivery, and Nanotechnology.

Date: June 25–26, 2024.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: David R Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301-435-2902, filpulaadr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 21, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11605 Filed 5-24-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; CareerTrac

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 <https://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: Celia Katz, Project Clearance Liaison, FIC, NIH, 16 Center Drive, Bethesda, MD 20892 or call non-toll-free number (301)-594-7857 or Email your request, including your address to: celia.wolfman@nih.gov.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on March 11, 2024, pages 17493–17494 (89 FR 17493) 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 Fogarty International Center (FIC), National Institute of Environmental Health Sciences (NIEHS), National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) and National Institute of Minority Health Disparities (NIMHD), National Cancer Institute Center to Reduce Cancer Health Disparities (NCI/CRCHD), National Institutes of Health (NIH), 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: CareerTrac, 0925-0568, Expiration Date: 05/31/2024 REVISION, Fogarty International Center (FIC), National Institute of Environmental Health Sciences (NIEHS), National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) and National Institute of Minority Health Disparities (NIMHD), National Cancer Institute Center to Reduce Cancer Health Disparities (NCI/CRCHD), National Institutes of Health (NIH).

Need and Use of Information

Collection: The purpose of this data collection system is to track, evaluate and report short and long-term outputs, outcomes and impacts of trainees involved in health research training programs—specifically tracking this for at least ten years following training by having Principal Investigators enter data after trainees have completed the program. The data collection system provides a streamlined, web-based application permitting principal investigators to record career achievement progress by trainee on a voluntary basis. FIC, NIEHS, NIDDK, NIMHD and NCI management will use this data to monitor, evaluate and adjust grants to ensure desired outcomes are achieved, comply with OMB Part requirements, respond to congressional inquiries, and as a guide to inform future strategic and management decisions regarding the grant program.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 13,539.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
FIC Grantee	90	20	40/60	1200
NIEHS Grantee	1517	3	40/60	3034
NIMHD Grantee	10	100	40/60	667
NIDDK Grantee	170	4	40/60	453
NCI/CRCHD Grantee	264	22	40/60	3,872
Superfund Grantee	49	30	40/60	980
Trainees	5,000	1	40/60	3,333
Total	7,100	20,309	.....	13,539

Jane M. Lambert,

Project Clearance Liaison, National Institute of Environmental Health Sciences, National Institutes of Health.

[FR Doc. 2024–11594 Filed 5–24–24; 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 Advisory Committee to the Director, National Institutes of Health.

This will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below. Given the capacity constraints of the venue, the public is strongly encouraged to attend virtually via NIH videocast. Individuals who plan to attend in-person or view the virtual meeting and need special assistance or other reasonable accommodations, 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: Advisory Committee to the Director, National Institutes of Health.

Date: June 13, 2024.

Time: 9:00 a.m. to 5:45 p.m.

Agenda: Director's Report; NIH Public Access Plan; Budget Update; Legislative Update; Update from ACD Working Group on Diversity; 10th Anniversary of the Brain Research Through Advancing Innovative Neurotechnologies; Overview of Women's Health Research and Policies Across NIH; Establishing a Network for Research in Primary Care Settings; Investigation of Co-occurring conditions across the Lifespan to Understand Down syndrome (INCLUDE) Project Update; Creation of ACD Working Group for Center for Information Technology; Other Business of the Committee.

Date: June 14, 2024.

Time: 9:00 a.m. to 12:15 p.m.

Agenda: HeLA Genome Data Access Working Group; Data Access Requests; Helping to End Addiction Long-term (HEAL) Initiative Update; Long COVID Update; Building and Maintaining Data Communities at NIH Other Business of the Committee.

Place: National Institutes of Health, Building 1, Wilson Hall, One Center Drive, Bethesda, MD 20892 (In-Person and Virtual Meeting).

Contact Person: Cyndi Burrus-Shaw, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301–496–2433, shawcy@od.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.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://acd.od.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 21, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–11550 Filed 5–24–24; 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 Novel and Exceptional Technology and Research Advisory Committee.

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 will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<https://videocast.nih.gov/>).

Name of Committee: Novel and Exceptional Technology and Research Advisory Committee.

Date: June 17, 2024.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: The Novel and Exceptional Technology and Research Advisory Committee (NExTRAC) will receive an update from the Working Group on Engaging the Public as Partners in Clinical Research and discuss the next steps regarding the current charge to the committee, delivered in August 2023.

Place: National Institutes of Health, 6705 Rockledge Drive, Suite 630, Bethesda, MD 20892 (Virtual Meeting).

This meeting is a virtual meeting and can be accessed at: <https://osp.od.nih.gov/policies/novel-and-exceptional-technology-and-research-advisory-committee-nextrac#tab4/>.

Contact Person: Jessica Tucker, Ph.D., Acting Deputy Director, Office of Science Policy, National Institutes of Health, 6705 Rockledge Drive, Suite 630, Bethesda, MD 20892, 301–496–9838, SciencePolicy@od.nih.gov.

Any interested person may file written comments by forwarding the statement to the Contact Person listed on this notice at least two business days prior to the meeting date. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Other than name and contact information, please do not include 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 comments. Please note that any comments NIH receives may be posted unredacted to the Office of Science Policy website.

Information is also available on the NIH Office of Science Policy website: <https://osp.od.nih.gov/policies/novel-and-exceptional-technology-and-research-advisory-committee-nextrac#tab4>, where an agenda, link to the webcast meeting, and any additional information for the meeting will be posted when available. Materials for this meeting will be posted prior to the meeting. Please check this website for updates.

(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 21, 2024.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–11604 Filed 5–24–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Clinical Trial Readiness Review Meeting.

Date: June 20, 2024.

Time: 10:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/HHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-496-9223, Ana.Olariu@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; BRAIN Initiative: Blueprint MedTech Translator.

Date: June 24, 2024.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/HHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-496-9223, Ana.Olariu@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 21, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11548 Filed 5-24-24; 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 NIH Clinical Center Research Hospital Board.

This will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below. Individuals who plan to attend in-person or view the virtual meeting and need special assistance or other reasonable accommodations, 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: NIH Clinical Center Research Hospital Board.

Date: June 21, 2024.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: NIH and Clinical Center (CC) Leadership Announcements, CC CEO Update of Recent Activities and Organizational Priorities, Status Report on Key CC Strategic Plan Initiatives, and Other Business of the Clinical Center Research Hospital Board (CCRHB).

Place: National Institutes of Health, Building 31, Conference Room 6C02 A & B, 9000 Rockville Pike, Bethesda, MD 20892 (Hybrid Meeting).

Contact Persons:

Patricia Piring, RN, MSN (C), National Institutes of Health Clinical Center, 10 Center Drive, Bethesda, MD 20892, ppiring@cc.nih.gov, (301) 402-2435, (202) 460-7542 (direct)

Natascha Pointer, Management Analyst, Executive Assistant to Dr. Gilman, Office of the Chief Executive Officer, National Institutes of Health Clinical Center, 10 Center Drive, Bethesda, MD 20892, npointer@cc.nih.gov, (301) 496-4114, (301) 402-2434 (direct).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person(s) listed on this notice. The statement should include the name, address, telephone number and, when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles,

including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the CCRHB website: <https://www.ccrhb.od.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 21, 2024.

Patricia B. Hansberger,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11586 Filed 5-24-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; Resource Center for Cannabis and Cannabinoid Research (U24 Clinical Trial Not Allowed).

Date: July 17, 2024.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Complementary and Integrative, Democracy II, 6707 Democracy Blvd, Bethesda, MD 20892.

Contact Person: MARTA V Hamity, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892. marta.hamity@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: May 21, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11607 Filed 5-24-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R8-ES-2024-0001; FXES1114080000-234-FF08EVEN00]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Morro Shoulderband Snail, San Luis Obispo County, CA; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Ken Carlson (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed Morro shoulderband snail (*Helminthoglypta walkeriana*) incidental to construction of a single-family residence at 2045 Pine Avenue, San Luis Obispo County, California. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before June 27, 2024.

ADDRESSES:

Obtaining Documents: The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS-R8-ES-2024-0001 at <https://www.regulations.gov>.

Submitting Comments: You may submit comments in writing by one of the following methods:

- **Online:** <https://www.regulations.gov>.

Follow the instructions for submitting comments on Docket No. FWS-R8-ES-2024-0001.

- **U.S. mail:** Public Comments

Processing; Attn: FWS-R8-ES-2024-0001; U.S. Fish and Wildlife Service; MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT:

Joseph Brandt, Fish and Wildlife Biologist, by email at fw8venturaitp@fws.gov, via phone at 805-644-1766, or by U.S. mail at 2493 Portola Road, Suite B, Ventura, CA 93003. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from Ken Carlson (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed Morro shoulderband snail (*Helminthoglypta walkeriana*) incidental to construction of a single-family residence at 2045 Pine Avenue, San Luis Obispo County, California. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that this proposed ITP qualifies as "low effect," and may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review.

Background

On December 15, 1994 (59 FR 64613), the Service listed the *Arctostaphylos morroensis* (Morro manzanita) as threatened and the Morro shoulderband snail as endangered. The Service subsequently reclassified the Morro shoulderband snail from endangered to threatened on February 3, 2022 (87 FR 6063). Section 9 of the ESA prohibits "take" of fish and wildlife species listed as endangered (16 U.S.C. 1538), where take is defined to include the following activities: "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532). The take prohibitions of section 9 are extended to species listed as threatened at the discretion of the Secretary of the Department of the Interior, and were extended to Morro shoulderband snail, with exceptions. The Service published a 4(d) rule, which includes exceptions to incidental take associated with native habitat enhancement and fire reduction activities (February 3, 2022, 87 FR 6063).

Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered and threatened species are in the Code of Federal Regulations (CFR) at 50 CFR 17.22 and 17.32, respectively. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species. The permittee would receive assurances under our "No Surprises" regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Applicant's Proposed Activities

The applicant has applied for a permit for incidental take of the Morro shoulderband snail. The take would occur in association with activities necessary for the construction of a single-family home, installation of a driveway, and installation of a septic system and utilities on 0.41 acres of low-quality Morro shoulderband snail habitat. A Fire Hazard Reduction Plan has been approved by the Service for the parcel. As a result, fire hazard reduction activities on the remaining 1.59 acres will be exempt from section 9 take prohibitions under the 4d Rule exemption.

The HCP includes avoidance and minimization measures for the Morro shoulderband snail, and mitigation for unavoidable loss of occupied habitat. The applicant will commensurately

offset impacts through a Service-approved mechanism such as an in-lieu program, conservation bank, or species account, which would go toward accomplishing the recovery goals for the species, such as restoration and protection of habitat.

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. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's proposed project would individually and cumulatively have a minor effect on the Morro shoulderband snail and the human environment. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a "low-effect" ITP that individually or cumulatively would have a minor effect on the species and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations, DOI's NEPA regulations, and the DOI Departmental Manual. A "low-effect" ITP is one that would result in (1) minor or nonsignificant effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) impacts that, when added together with the impacts of other past, present, and reasonable foreseeable actions, would not result in significant cumulative effects to the human environment.

Next Steps

The Service will evaluate the application and the comments received to determine whether to issue the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue an ITP to the applicant.

Authority

We provide this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500–1508 and 43 CFR 46).

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2024–11656 Filed 5–24–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2024–0079;
FXIA16710900000–245–FF09A30000]

Endangered Species; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service, have issued the following permits to conduct certain activities with endangered species. We issue these permits under the Endangered Species Act.

ADDRESSES: Information about the applications for the permits listed in

this notice is available online at <https://www.regulations.gov>. See

SUPPLEMENTARY INFORMATION for details.

FOR FURTHER INFORMATION CONTACT:

Timothy MacDonald, by phone at 703–358–2185 or via email at DMAFR@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have issued permits to conduct certain activities with endangered and threatened species in response to permit applications that we received under the authority of section 10(a)(1)(A) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*)

After considering the information submitted with each permit application and the public comments received, we issued the requested permits subject to certain conditions set forth in each permit. For each application for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Availability of Documents

The permittees' original permit application materials, along with public comments we received during public comment periods for the applications, are available for review. To locate the application materials and received comments, go to <https://www.regulations.gov> and search for the appropriate permit number (*e.g.*, 12345C) provided in table 1.

ePermit No.	Applicant	Permit issuance date
PER5047417	World Bird Sanctuary	February 7, 2024.
PER5681188	San Diego Wildlife Alliance	February 27, 2024.
PER5991794	Gregory West	March 1, 2024.
PER5225366	Jeffrey Becker	March 1, 2024.
PER0056306	Duke University	March 4, 2024.
PER5300236	Columbus Zoo and Aquarium	March 4, 2024.
PER7746895	Henry Vilas Zoo	April 8, 2024.
PER7750719	San Antonio Zoo	April 9, 2024.
PER5230668	Tulane University	April 11, 2024.
PER6139919	Cincinnati Zoo & Botanical Garden	March 15, 2024.
PER5702649	International Crane Foundation	March 19, 2024.
PER0054404	Audubon Nature Institute	March 21, 2024.
PER4234292	Hemker Park and Zoo	March 28, 2024.
PER6612201	Louisiana State University	April 18, 2024.

ePermit No.	Applicant	Permit issuance date
PER7485063	Busch Gardens	April 19, 2024.
PER7799033	Duke University Lemur Center	April 22, 2024.
PER7835252	Smithsonian Conservation Biology Institute	April 23, 2024.

Authority

We issue this notice under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*), and their implementing regulations.

Timothy MacDonald,
Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2024–11616 Filed 5–24–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2024–0072;
FXIA16710900000–245–FF09A30000]

Wild Bird Conservation Act; Receipt of Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), invite the public to comment on a permit application regarding foreign bird species for which the Service has jurisdiction under the Wild Bird Conservation Act (WBCA). With some exceptions, the WBCA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The WBCA also requires that we invite public comment before issuing permits for any activity it otherwise prohibits.

DATES: We must receive comments by June 27, 2024.

ADDRESSES:

Obtaining Documents: The application, application supporting materials, and any comments and other materials that we receive will be available for public inspection at <https://www.regulations.gov> in Docket No. FWS–HQ–IA–2024–0072.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet:* <https://www.regulations.gov>. Search for and

submit comments on Docket No. FWS–HQ–IA–2024–0072.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2024–0072; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, by phone at 703–358–2185 or via email at DMAFR@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on the application we have received. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others’ public comments at <https://www.regulations.gov> unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 112(4) of the Wild Bird Conservation Act of 1992 (WBCA; 16 U.S.C. 4901–4916), we invite public comments on permit applications before final action is taken. With some exceptions, the WBCA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Service regulations regarding permits for any activity otherwise prohibited by the WBCA with respect to any wild birds are available in title 50 of the Code of Federal Regulations in part 15.

III. Permit Application

We invite comments on the following application.

Applicant: David Kanellis, Las Vegas, NV; Permit No. PER9328605.

The applicant, along with members Martin Stiasny, Robert F. Kennedy, Jr., William G. Meeker, Gary D. Boberg, Mark and Ryan Moglich, Lewis R. Souder, Stephen Bucciarelli, Thomas J. Cullen IV, Michael Clark, Chase Delles, Cicon Gewelber, Anthony C. and Joe Suffredini, Corey J. Dalton, David

Myers, Rebecca O'Connor, Lauren McGough, Adam Chavez, Erland Renslo, David Dixon, Anne and Paul Schnell, Raymond Guzman, Erland Renslo, Duane Zobrist Sr., Duane Zobrist Jr., and the California Hawking Club, Inc., as their oversight committee, wishes to renew and amend the Cooperative Breeding Program CB030 covering the

species listed in table 1 by adding Steve Bergh of Chugiak, Alaska, and Laurayomya Jinright of Clark Fork, Idaho, as members to CB030 and removing Los Angeles Zoo, Stuart Rossell, Titus Plomaritis, Jim Tigan, Steve Hoddy, Rebecca and Justin Searle, Nicole Perretta, and Charles Browning as members to CB030. If the amendment

is approved, the program will include Steve Bergh of Chugiak, Alaska, and Laurayomya Jinright of Clark Fork, Idaho, as members of CB030. This notification covers activities to be conducted by the program over a 2-year period.

TABLE 1—SPECIES COVERED BY COOPERATIVE BREEDING PROGRAM CB030

Common name	Scientific name	Common name	Scientific name
African hawk-eagle	<i>Hieraaetus spilogaster</i>	Black goshawk	<i>Accipiter melanoleucus</i> .
European sparrowhawk	<i>Accipiter nisus</i>	Spectacled owl	<i>Pulsatrix perspicillata</i> .
Red-necked falcon	<i>Falco chicquera</i>	Saker falcon	<i>Falco cherrug</i> .
Steppe eagle	<i>Aquila nipalensis</i>	Verreaux's eagle	<i>Aquila verreauxii</i> .
Northern goshawk	<i>Accipiter gentilis</i>	African fish-eagle	<i>Haliaeetus vocifer</i> .
African crowned eagle	<i>Stephanoaetus coronatus</i>	Martial eagle	<i>Polemeatus bellicosus</i> .
Ornate hawk-eagle	<i>Spizaetus ornatus</i>	Bonelli's eagle	<i>Hieraaetus fasciatus</i> .
African goshawk	<i>Accipiter tachiro</i>	Eurasian eagle owl	<i>Bubo bubo</i> .
Ural owl	<i>Strix uralensis</i>	Peregrine falcon	<i>Falco peregrinus</i> .
Southern boobook	<i>Ninox boobook</i>	Lanner falcon	<i>Falco biarmicus</i> .
Verreaux's eagle-owl	<i>Bubo lacteus</i> ..		

IV. Next Steps

After the comment period closes, we will make a decision regarding permit issuance. If we issue the permit to the applicant listed, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching <https://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to <https://www.regulations.gov> and search for "12345A".

V. Authority

We issue this notice under the authority of the implementing regulations and under the authority of the Wild Bird Conservation Act of 1992 (16 U.S.C. 4901–4916). This notice is provided pursuant to section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Brenda Tapia,

Supervisory Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2024–11653 Filed 5–24–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2024–0061;
FXES11140800000–234–FF08EVEN00]

Receipt of Incidental Take Permit Application for Participation in the General Conservation Plan for Oil and Gas Activities; Draft Categorical Exclusion for the California Lease Remediation North Cat Canyon Oil Field Project; Santa Barbara County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from California Resources Corporation for an incidental take permit (ITP), pursuant to the Endangered Species Act, under the approved General Conservation Plan for Oil and Gas Activities (GCP). If granted, the ITP would authorize take of the California red-legged frog (*Rana draytonii*) and the Santa Barbara County distinct population segment (DPS) of the California tiger salamander (*Ambystoma californiense*), incidental to excavation and remediation of soils contaminated with hydrocarbons and restoration on the California (CAL) Lease (Site) within the North Cat Canyon Oil Field east of Santa Maria, California. The Service prepared a draft screening form in accordance with the National Environmental Policy Act to evaluate the potential effects of the specific

project to the natural and human environment resulting from issuing an ITP to the applicant. We invite the public and local, State, Tribal, and Federal agencies to comment on the draft screening form and the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual.

DATES: We must receive your written comments on or before June 27, 2024.

ADDRESSES:

Obtaining Documents: The document this notice announces (draft screening form), as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS–R8–ES–2024–0061 at <https://www.regulations.gov>. The approved GCP and the associated final environmental assessment/finding of no significant impact are also available on that site. However, we are no longer taking comments on those finalized, approved documents.

Submitting Comments: If you wish to submit comments, you may do so in writing by one of the following methods:

- **Online:** <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS–R8–ES–2024–0061.
- **U.S. mail:** Public Comments Processing, Attn: Docket No. FWS–R8–ES–2024–0061; U.S. Fish and Wildlife

Service, MS; PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT:

Joseph Brandt, Assistant Field Supervisor, by email at fw8venturaitp@fws.gov, via phone at 805–644–1766, or by U.S. mail at the Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from California Resources Corporation for an incidental take permit (ITP), pursuant to the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), under the approved General Conservation Plan for Oil and Gas Activities (GCP). A GCP is a mechanism that meets the definition of a conservation plan in section 10(a)(1)(B) of the ESA and enables the construct of a programmatic permitting and conservation process to address a defined suite of proposed activities over a defined planning area. The application for an incidental take permit was made pursuant to section 10(a)(1)(B) of the ESA. The ITP, if granted, would authorize take of the federally threatened California red-legged frog (*Rana draytonii*) and the federally endangered Santa Barbara County distinct population segment (DPS) of the California tiger salamander (*Ambystoma californiense*) incidental to activities associated with the soil remediation for on the California (CAL) Lease (Site) within the North Cat Canyon Oil Field in Santa Maria, California. The permit would be issued to the applicant under the GCP for Oil and Gas Activities, which was approved on June 27, 2022. Prior to approval, a notice of availability of the draft programmatic environmental assessment (EA) and GCP published on March 6, 2020 (85 FR 13181). The approved GCP and the associated final programmatic environmental assessment/finding of no significant impact are available on the Ventura Fish and Wildlife Office web page at <https://www.fws.gov/media/habitat-conservation-plans-and-general-conservation-plans>. We have also uploaded them to <https://www.regulations.gov>. However, we are

no longer taking comments on these finalized, approved documents.

Document for Public Comment

We invite public comment on a draft screening form we prepared in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), and on our preliminary determination that this proposed ITP may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)).

Background

The Service listed the California red-legged frog as threatened on May 23, 1996 (61 FR 25813), and the Santa Barbara County DPS of the California tiger salamander as endangered on September 21, 2000 (65 FR 57242). Section 9 of the ESA prohibits “take” of fish and wildlife species listed as threatened or endangered (16 U.S.C. 1538), where take is defined to include the following activities: “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532). Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered and threatened species are in the Code of Federal Regulations (CFR) at 50 CFR 17.22 and 17.32, respectively. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species. The permittee would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Applicant's Proposed Activities

The applicant has applied for a permit for incidental take of California red-legged frog and California tiger salamander. The take would occur in association with activities necessary to remediate soil contaminated with hydrocarbons at the CAL Site within the North Cat Canyon Oil Field in Santa Maria, California. The project will excavate contaminated soils at three distinct remedial areas, A5–01, B5–02/ B5–03, and B6–03 at the CAL Site. Based on initial investigations, approximately 4,926 cubic yards of soil will be excavated with 25 feet set as the

maximum depth for excavation. Excavated material will be transported to a State of California licensed disposal facility. Dewatering activities may also be conducted if perched groundwater is encountered in the excavations. The applicant will return all excavated areas to its original grade and revegetate them with native seed mix. The project area does not contain California red-legged frog breeding habitat however, an ephemeral drainage within the project area may provide a movement corridor during winter months. Nearest known location of California red-legged frogs is within 5-miles of the project site. Additionally, a potential California tiger salamanders breeding pond occurs within 0.7 miles of the project site, making the project site potential California tiger salamander upland habitat. The proposed soil remediation would require excavating contaminated soils, which will result in impacts to burrowing and dispersal habitat as well as the potential for direct injury or mortality from crushing for both species.

The project includes minimization measures for the California red-legged frog and California tiger salamander and mitigation for unavoidable impacts to the species and its habitat. The applicant has proposed a one-time fixed payment of \$13,050 to the California red-legged frog mitigation account managed by the National Fish and Wildlife Foundation to compensate for unavoidable impacts to the California red-legged frog. To mitigate for impacts to the California tiger salamander, the applicant proposes to purchase 1.25 credits from the Service-approved La Purisima Conservation Bank located in Santa Barbara County, California.

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. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and

its implementing regulations (40 CFR 1500–1508 and 43 CFR 46).

Stephen P. Henry,
*Field Supervisor, Ventura Fish and Wildlife
Office, Ventura, California.*

[FR Doc. 2024–11655 Filed 5–24–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_FRN_MO4500177410]

Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Lisbon Valley Mining Company, LLC Copper Mine Plan of Operations Modification, San Juan County, Utah

AGENCY: Bureau of Land Management,
Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM), Canyon Country District, Moab Field Office, Moab, Utah, intends to prepare an Environmental Impact Statement (EIS) to consider the effects of the Lisbon Valley Mining Company, LLC (LVMC) proposed plan of operations modification. This notice announces the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the EIS. The BLM requests the public submit comments concerning the scope of the analysis, potential alternatives, and identification of relevant information and studies by June 27, 2024. To afford the BLM the opportunity to consider comments in the draft EIS, please ensure your comments are received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later.

ADDRESSES: You may submit comments related to the plan of operations modification EIS by any of the following methods:

- **Website:** <https://eplanning.blm.gov/eplanning-ui/project/2027164/510>

- **Mail:** Bureau of Land Management, Moab Field Office, Lisbon Valley Mine Plan Modification EIS, 82 East Dogwood, Moab, Utah 84532

Documents pertinent to this proposal may be examined online at <https://eplanning.blm.gov/eplanning-ui/>

project/2027164/510 and at the BLM Moab Field Office.

FOR FURTHER INFORMATION CONTACT: Jill Stephenson, Planning and Environmental Specialist, telephone: 435–249–2100; address: 82 East Dogwood, Moab, UT 84532; email: BLM_UT_MB_LVMC_EIS@blm.gov. Contact Ms. Stephenson to have your name added to our mailing list.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Ms. Stephenson. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Lisbon Valley Copper Mine is in the Lisbon Valley in San Juan County in southeast Utah. The mine, situated on Federal, State, and private lands, has been in operation under the ownership of multiple companies since 1998. LVMC has operated the mine under Plan of Operations Serial No. UTU 072499 (mine plan) since it obtained ownership in 2009. The mine plan boundary encompasses 4,480 acres, of which current operations cover 1,146 acres (BLM: 521 acres; State: 333 acres; and private: 292 acres) of disturbance. LVMC also conducts exploration activities within a 5,430-acre authorized boundary adjacent to the mine plan boundary under Exploration Plan of Operations Serial No. UTU 077879 (exploration plan). Federal, State, and private lands occur within the exploration plan boundary (BLM: 3,199 acres; State: 1,056 acres; and private: 1,175 acres).

LVMC currently mines copper ore at the mine from mineralized zones in porous sandstones approximately 50 to 200 feet below the surface using conventional open pit mining methods. Waste rock material is hauled to existing waste rock storage areas or is used to backfill existing pits. The copper ore is hauled to a heap leach facility where it is crushed and stacked onto a heap leach pad. A low pH solution is sprayed onto the crushed ore and copper is leached out of the rock into solution. The resultant copper-laden solution is sent to adjacent process facilities where it undergoes solvent extraction and electrowinning processing. The final product is copper cathode of a 99.9% purity. Currently, LVMC is mining copper ore from two open pits. LVMC expects to operate the current mine

until both pits are exhausted in approximately 2028.

On April 11, 2023, the BLM Moab Field Office received a proposal from LVMC to modify its current mine plan. Consistent with the surface management regulations at 43 CFR 3809.411(a), the BLM reviewed the filed plan of operations modification and accepted it as complete on May 5, 2023.

Purpose and Need for the Proposed Action

The BLM's purpose and need are to respond to LVMC's mine plan modification proposal to expand mining operations and associated infrastructure and to prevent unnecessary and undue degradation of the public lands consistent with the BLM's responsibilities under FLPMA, surface management regulations (43 CFR subpart 3809), and use and occupancy regulations (43 CFR subpart 3715).

Preliminary Proposed Action and Alternatives

The proposed action is to modify the mine plan to expand open pit mining and beneficiation operations and to initiate the extraction of copper through a method of in-situ recovery (ISR) mining. The proposed expansion activities would include improvement of existing mining facilities in the mine plan boundary and construction of new facilities and associated access, power, and water facilities in the exploration plan boundary. Under the proposed action there would be approximately 2,391 acres of new surface disturbance (BLM: 1,388 acres; State: 412 acres; and private: 591 acres). Reclamation would be ongoing through the different phases of mining. The life of the mine is anticipated to be 20 years with final reclamation and post-closure monitoring occurring until approximately 2066.

The mine plan modification would include the following components: open pit, backfill area, ISR wellfield (injection wells, pump-back wells, and monitor wells), waste rock storage, storm water diversion channels, sediment basins, berms, heap leach pad, process ponds, solution pipelines, access roads, and ancillary facilities (power supply; reagent, fuel, ready line; crushing area and related stockpiles; area for temporary storage of petroleum-contaminated soils; groundwater monitoring wells; water supply pipeline and facilities; and construction laydown yards).

The proposed disturbance also includes improvements to the existing mining and processing facilities and their associated roads in the mine plan

boundary to accommodate the increase in copper production and personnel on site. Ongoing mining activity would continue in the existing mine plan boundary as LVMC constructs the proposed new facilities, which are expected to be completed within three years.

The installation of ISR wellfields would occur in conjunction with open pit mining operations. ISR activities would include the construction of access roads and approximately 1,700 well pads for injection, production, and/or monitoring that would each be 50 feet by 50 feet in size and spaced approximately 125–200 feet apart. LVMC would install the first injection and production wells in an existing pit area for a pilot test for the ISR. The pilot test at the existing pit area would last approximately one year. At the end of the pilot test, the data derived would be used to fine-tune the installation of the ISR wellfield, which would be adjacent to the new open pit. ISR mining would occur for the life of the mine until final reclamation.

In accordance with 40 CFR 1502.14(e), the BLM will develop alternatives to the proposed action in response to resource concerns and public scoping input. Resource concerns likely to influence alternatives development include water and waste management (e.g., waste rock and tailings). One preliminary alternative identified at this stage is the proposed action without ISR mining. The BLM welcomes comments on all preliminary alternatives as well as suggestions for additional alternatives.

Summary of Expected Impacts

Surface and subsurface disturbances associated with open-pit and ISR mining techniques may result in impacts to cultural, biological, visual, and water resources (surface and groundwater, including drinking water). Mining activities would also result in emissions of air pollutants and greenhouse gases.

Anticipated Permits and Authorizations

The following permits and authorizations are anticipated to be required to proceed with the proposed action:

- BLM authorization of the modification to the Plan of Operations Serial No. UTU 072499. (The total acreage of the exploration plan boundary would be reduced commensurate with the total exploration plan area that would get subsumed in the mine plan area.)

- U.S. Environmental Protection Agency authorization of an Aquifer Exemption (Class III Wells) Permit.
- State of Utah, Department of Environmental Quality authorization of Class III and Class V Underground Injection Control Permits, Utah Pollutant Discharge Elimination System Industrial Stormwater Permit (UTR00737), Ground Water Discharge Permit (UGW370005), Approval Order for Emissions Source (DAQE–AN114620014).
- State of Utah, Department of Natural Resources authorization of a Large Mining Permit (M/037/0088), Reclamation Contract (M/037/0088), Exploration Permit (E/037/0115), and Water Rights 05–2593; 05–762.
- San Juan County, Utah authorization of a Conditional Use Permit and a Building Permit.

Schedule for the Decision-Making Process

The BLM will provide additional opportunities for public participation consistent with the NEPA process, including a 45-day comment period on the draft EIS. The draft EIS is anticipated to be available for public review in the winter of 2025, and the final EIS is anticipated to be released in the spring of 2026 with a record of decision also in the spring of 2026.

Public Scoping Process

This notice of intent initiates the scoping period. The BLM will be holding one in-person public scoping meeting in Moab, Utah, and one virtual public scoping meeting. The specific dates and locations of these scoping meetings and any additional scoping meetings will be announced in advance through the BLM Moab Field Office website (<https://www.blm.gov/office/moab-field-office>), BLM social media, and on the BLM e-Planning page (see **ADDRESSES**).

Lead and Cooperating Agencies

The lead agency is the BLM. During the scoping process the BLM will invite other Federal, State, and local agencies with special expertise and/or jurisdiction by law to participate as cooperating agencies in the preparation of the EIS. Tribal nations will also be invited to participate as cooperating agencies.

Responsible Official

The responsible official for the BLM is the BLM Utah State Director. The scope of the State Director's decision is limited to the modification to the Plan of Operations Serial No. UTU 072499.

Nature of Decision To Be Made

The BLM will decide whether to authorize modifications to LVMC's mine plan of operations and, if so, under what terms and conditions.

Additional Information

The BLM will identify, analyze, and consider mitigation to address the reasonably foreseeable impacts to resources from the proposed action and all analyzed alternatives and, in accordance with 40 CFR 1502.14(e), include appropriate mitigation measures not already included in the proposed action or alternatives. Mitigation may include avoidance, minimization, rectification, reduction or elimination over time, and compensation; and it may be considered at multiple scales, including the landscape scale.

The BLM will utilize and coordinate the NEPA process to help support compliance with applicable procedural requirements under the Endangered Species Act (16 U.S.C. 1536) and section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), including public involvement requirements of Section 106. The information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed project will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Tribal nations on a government-to-government basis in accordance with Executive Order 13175, BLM Manual Section 1780, and other Department of the Interior policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Tribal nations and other stakeholders that may be interested in or affected by the proposed project that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

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 we will be able to do so.

(Authority: 40 CFR 1501.9)

Gregory Sheehan,
BLM Utah State Director.

[FR Doc. 2024–11646 Filed 5–24–24; 8:45 am]

BILLING CODE 4331–25–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_HQ_FRN_MO4500177674]

Land Acquisition Nomination and Ranking Process for Funds Made Available Through the Federal Land Transaction Facilitation Act Reauthorization of 2018

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of nomination and ranking process.

SUMMARY: The Federal Land Transaction Facilitation Act and the Federal Land Transaction Facilitation Act Reauthorization of 2018 (FLTFA) require the Secretary of the Interior and the Secretary of Agriculture to provide public notice of new procedures to identify, by State, inholdings of land or interests therein for which the landowner has indicated a desire to sell to the United States and to prioritize the acquisition of inholdings in accordance with the FLTFA. The FLTFA land acquisition program is managed through an Interagency Implementation Agreement among the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), U.S. Forest Service (USFS), and National Park Service (NPS) (collectively referred to as the Agencies).

DATES: The processes identified in this notice will take effect immediately upon publication of this notice. They will remain in effect until changed by the Agencies and announced through a notice published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Erica Pionke, BLM Headquarters Office, (202) 570–2624 or by email at epionke@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The FLTFA was reauthorized on March 23,

2018, under title III of Public Law 115–141 (43 U.S.C. 2301 through 2306). The FLTFA allows the Agencies to use proceeds from the sale or exchange of public land to purchase lands or interests therein in Alaska and the 11 contiguous Western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The FLTFA requires public notification of the procedures used to identify, by State, inholdings of land or interests therein for which the landowner has indicated a desire to sell to the United States and to prioritize the acquisition of inholdings. The FLTFA does not require the Agencies to acquire any land or interest in land that has been nominated by a willing landowner.

Definitions in the FLTFA Which Are Used in This Notice

(a) *Exceptional resource* means a resource of scientific, natural, historic, cultural, recreational access and use, or other recreational value that has been documented by a Federal, State, or local governmental authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

(b) *Federally designated area* means land in Alaska and the 11 contiguous Western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming that is within the boundary of:

(1) A national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national scenic area, research natural area, national outstanding natural area, priority species and habitats designated in a land use plan in accordance with subpart E (entitled “Fish and Wildlife”) of part I of appendix C of BLM Land Use Planning Handbook H–1601–1 (Rel 1–1693), a special recreation management area, or a national natural landmark managed by the BLM;

(2) A unit of the National Park System;

(3) A unit of the National Wildlife Refuge System;

(4) A National Forest or National Grassland in the National Forest System; or

(5) An area within which the Secretary of the Interior or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as:

(i) Wilderness under the Wilderness Act (16 U.S.C. 1131 *et seq.*);

(ii) A wilderness study area;

(iii) A component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 *et seq.*); or

(iv) A component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 *et seq.*).

(c) *Inaccessible lands that are open to public hunting, fishing, recreational shooting, or other recreational purposes* means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) in Alaska and the 11 contiguous Western States consisting of at least 640 contiguous acres on which the public is allowed under Federal or State law to hunt, fish, target shoot or use the land for other recreational purposes, but:

(1) To which there is no public access or egress; or

(2) To which public access or egress to the land is significantly restricted, as determined by the Secretary of the Interior.

(d) *Inholding* means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(e) *Public land* means public lands as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

Nomination of Land or Interest on Land for Acquisition by the Agencies

Effective upon publication of this notice, at any time, a landowner or their authorized representative may nominate their land for acquisition by the Agencies if their land meets the following criteria:

(a) The landowner must be a citizen of the United States or an entity that is lawfully authorized to conduct business in the relevant State and who voluntarily indicated a desire to sell land or interest in land to the United States;

(b) The nominated parcel must be located in Alaska or any of the 11 contiguous Western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and

(c) The nominated parcel must either:

(1) Meet the criteria to be identified as an inholding, which is located within a federally designated area;

(2) Be located adjacent to a federally designated area and contain exceptional resources; or

(3) Be adjacent to inaccessible lands open to public hunting, fishing, recreational shooting, or other recreational purposes.

Nominations may be presented to a local BLM Field Office; FWS Refuge

Office; USFS Supervisor's Office; or NPS Park Office having jurisdiction over the federally designated area in proximity to the nominated parcel. The acquisition of land or interest in land nominated by a landowner is a discretionary action by the Agencies and not required by the FLTFA.

Procedures Used To Prioritize Land or Interest in Land Nominated for Acquisition by the Agencies

Nominations to sell land or interest in land to the United States is subject to available funding and will be prioritized and reviewed by the following groups:

(a) Regional Interagency FLTFA Team (Regional Team) consisting of at least one member from each of the Agencies having jurisdiction over the nominated parcel. Each State listed in this notice shall have a Regional Team;

(b) State and regional leadership consisting of the BLM State Director; Regional Directors of the FWS and NPS; and Regional Forester for the USFS;

(c) A National Interagency FLTFA Team consisting of one or more representatives from each of the Agencies (FLTFA Team); and an Executive Committee consisting of the BLM Director; the FWS Director; the FS Chief; and the NPS Director, or their designated representative.

Funds made available under the FLTFA shall be supplemental to any funds appropriated under the Land and Water Conservation Fund (LWCF) Act (16 U.S.C. 4601–4 *et seq.*).

Upon receipt from its local office of a nomination to sell land or interest in land to the United States, the nominating Agency will make a discretionary determination if the parcel fits within the priorities of the Agency; if the parcel provides a benefit to the federally designated area; and other criteria as determined by the Agency. If the Agency determines to move forward with the acquisition, it will submit a request for funding to the Regional Team having jurisdiction over the nominated parcel. The Regional Team will first determine if there are sufficient funds available within the State having jurisdiction over the nominated parcel to complete the acquisition. Contributions from the LWCF will be identified by the submitting Agency at the time of submission. If sufficient funds are available, the Regional Team will review and rank the nomination based on the public benefits of a potential acquisition and availability of funds. The Regional Team will then forward the proposal to the State and Regional Leadership for review and concurrence of the recommendation. Nominations

approved by the State and Regional Leadership will then be forwarded to the FLTFA Team, whose duties are to consolidate nominations from multiple regions and develop a ranking recommendation to present to the Executive Committee for final funding approval. The proposed acquisition may be re-submitted in the future if sufficient funds are not available within the State having jurisdiction over the nominated parcel to complete the acquisition. There is no process for appeal if a nominated parcel is not selected or approved for funding.

(Authority: 43 U.S.C. 2301 through 2306)

Lonny R. Bagley,

Acting Assistant Director, Energy, Minerals and Realty Management, Bureau of Land Management.

[FR Doc. 2024–11595 Filed 5–24–24; 8:45 am]

BILLING CODE 4331–29–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1318 (Modification)]

Certain Graphics Systems, Components Thereof, and Digital Televisions Containing the Same; Notice of Commission Determination to Institute a Modification Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a modification proceeding as to the limited exclusion order (“LEO”) issued against Realtek Semiconductor Corporation (“Realtek”) of Hsinchu, Taiwan in the underlying investigation.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. 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, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 7, 2022, based on a complaint filed by Advanced Micro Devices, Inc. of Santa Clara, California and ATI Technologies ULC of Ontario, Canada (together, “AMD”). 87 FR 34718–19 (June 7, 2022). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on certain graphics systems, components thereof, and digital televisions containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,742,053; 8,760,454; 11,184,628; 8,468,547; and 8,854,381 (“the ‘381 patent”). *Id.* at 34718. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named 14 respondents: (1) TCL Industries Holdings Co., Ltd. of Guangdong, China; (2) TCL Industries Holdings (H.K.) Co. Limited of Hong Kong, China; (3) TCL Electronics Holdings Ltd. f/k/a TCL Multimedia Technology Holdings, Ltd. of Hong Kong, China; (4) TCL Technology Group Corporation of Guangdong, China; (5) TTE Corporation of Hong Kong, China; (6) TCL Holdings (BVI) Ltd. of Hong Kong, China; (7) TCL King Electrical Appliances (Huizhou) Co. Ltd. of Guangdong, China; (8) Shenzhen TCL New Technology Co., Ltd. of Guangdong, China; (9) TCL MOKA International Ltd. of Hong Kong, China; (10) TCL Smart Device (Vietnam) Co., Ltd. of Binh Duong Province, Vietnam; (11) Manufacturas Avanzadas SA de CV of Chihuahua, Mexico; (12) TCL Electronics Mexico, S de RL de CV of Benito Juarez, Mexico; (13) TCL Overseas Marketing Ltd. of Hong Kong, China; and (14) Realtek. *Id.* at 34719, as amended, 87 FR 62452–53 (Oct. 14, 2022). The Office of Unfair Import Investigations was not named as a party to this investigation. 87 FR at 34719.

On September 26, 2022, the Commission allowed TTE Technology, Inc. of Corona, California to intervene in this investigation as an additional respondent (collectively, with all named respondents except for Realtek, “TCL”). See Order No. 17 (Aug. 30, 2022), *unreviewed by Comm’n Notice* (Sept. 26, 2022).

On January 24, 2024, the Commission issued a final determination finding a violation of section 337 by Realtek and TCL with respect to claims 19 and 20 of the ‘381 patent. 89 FR 5934–35 (Jan. 30, 2024); see Comm’n Opinion (Jan. 24, 2024). The products adjudicated as infringing each incorporate graphics processing units (“GPUs”) designed and supplied by non-party ARM, Inc. (“ARM”). Comm’n Op. at 14. The

Commission determined that the appropriate remedy is: (i) an LEO against Realtek's and TCL's infringing products and (ii) cease and desist orders ("CDOs") against each of the TCL entities, but not against Realtek. 89 FR at 5935. The Commission also set the bond during the period of Presidential review at zero (0) percent of the entered value of the infringing articles. *Id.*

On February 1, 2024, Realtek filed a petition for reconsideration of the following sentence on page 59 of the Commission's Opinion: "The Commission has determined not to limit the remedial orders to 'GPUs with an ARM architecture.'" On May 6, 2024, the Commission denied Realtek's petition for reconsideration, reiterating that the LEO covers any of Realtek's infringing products that are within the scope of the investigation, including those containing GPUs manufactured by entities other than ARM. *See* Comm'n Notice (May 7, 2024).

On March 28, 2024, Realtek filed an appeal from the Commission's final determination with the U.S. Court of Appeals for the Federal Circuit. *See Realtek Semiconductor Corp. v. ITC*, Appeal Nos. 24–1613. That appeal remains pending.

On April 1, 2024, AMD and TCL filed a joint petition to modify in part the LEO as to TCL and rescind the CDOs against TCL based on a settlement agreement. On April 12, 2024, AMD and TCL filed a joint corrected petition to modify and rescind. On April 30, 2024, the Commission determined not to institute the requested modification and rescission proceedings due to the petition's failure to comply with the Commission's rules. *See* Comm'n Notice (May 1, 2024). The Commission specified that the determination not to institute was without prejudice. *Id.* On May 7, 2024, AMD and TCL filed a second corrected joint petition to modify and rescind. The second corrected petition is currently pending before the Commission.

On April 19, 2024, pursuant to 19 U.S.C. 1337(k) and Commission Rule 210.76(a) (19 CFR 210.76(a)), Realtek filed a petition to institute a modification proceeding as to the LEO based on a changed condition of fact. Specifically, Realtek contends that, on information and belief, non-party ARM—which supplied the GPUs contained in Realtek's products adjudicated as infringing the '381 patent—recently acquired a license to the '381 patent. On May 1, 2024, AMD filed a response opposing the petition. On May 3, 2024, Realtek submitted a letter to the Secretary in reply to AMD's opposition. On May 9, 2024, AMD

submitted a letter to the Secretary in response to Realtek's letter.

The Commission, having reviewed the record in this investigation, including Realtek's petition, AMD's response thereto, Realtek's letter in reply, and AMD's letter in response to Realtek's letter, has determined that Realtek's petition complies with the Commission's rules. Accordingly, the Commission has determined that institution of a modification proceeding is warranted under 19 U.S.C. 1337(k) and 19 CFR 210.76. The Commission has further determined to delegate the proceeding to a presiding administrative law judge ("ALJ"). For the modification proceeding so instituted, the Chief Administrative Law Judge, shall designate the presiding ALJ. The presiding ALJ shall submit a recommended determination within six (6) months after publication of notice of this Order in the **Federal Register**. AMD and Realtek are named as parties to the modification proceeding.

The Commission vote for this determination took place on May 21, 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).

By order of the Commission.

Issued: May 21, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–11606 Filed 5–24–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1377]

Certain Products Containing Tirzepatide and Products Purporting To Contain Tirzepatide; Notice of a Commission Determination Not To Review an Initial Determination Granting-in-Part Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined not to review an initial determination ("ID") (Order No. 12) of the presiding administrative law judge ("ALJ") granting-in-part a motion to amend the complaint and notice of

investigation to name two additional respondents.

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, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 27, 2023, based upon a complaint filed on behalf of Eli Lilly and Company ("Eli Lilly") of Indianapolis, Indiana. 88 FR 82914–15 (Nov. 27, 2023). The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States and the sale of certain products containing tirzepatide or purporting to contain tirzepatide by reason of false designation of source and false and misleading advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States, and based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain products containing tirzepatide or purporting to contain tirzepatide by reason of infringement of U.S. Trademark No. 6,809,369. *Id.* The complaint also alleges that a domestic industry exists pursuant to subsection (a)(2) of section 337. *Id.*

The Commission's notice of investigation named as respondents Arctic Peptides LLC of Akeny, Iowa; Audrey Beauty Co. of Hong Kong, China; Biolabshop Limited of Lancaster, United Kingdom; Mew Mews Company Limited of Hong Kong, China; Strate Labs LLC of Spring, Texas; Steroide Kaufen of Bialystok, Poland; Super Human Store of Barcelona, Spain; Supopeptide of Cedar Grove, New Jersey; Triggered Supplements LLC of Clearwater, Florida; Unewlife of Cedar Grove, New Jersey; and Xiamen Austronext Trading Co., Ltd. of Fujian, China. *Id.* at 82915. The Office of Unfair Import Investigations ("OUII") is also named as a party in this investigation. *Id.*

Respondents Unewlife, Supopeptide, and Steroide Kaufen were terminated pursuant to withdrawal of the complaint. *See* Order No. 8 (Mar. 7, 2024), *unreviewed by* Comm'n Notice (Mar. 21, 2024). Respondents Arctic Peptides LLC; Audrey Beauty Co., Ltd.; Biolabshop Limited; Mew Mews Co. Ltd.; Strate Labs LLC; Super Human Store; Triggered Supplements LLC (d/b/a The Triggered Brand); and Xiamen Austronext Trading Co., Ltd. (d/b/a AustroPeptide) have been found in default. *See* Order No. 13 (Apr. 22, 2024), *unreviewed by* Comm'n Notice (May 15, 2024).

On March 15, 2024, Eli Lilly filed a motion to amend the complaint and notice of investigation to name four additional respondents. On March 29, 2024, OUII filed a response to the motion identifying certain deficiencies in the proposed amendment. On April 2, 2024, Eli Lilly filed a motion for leave to submit a reply in support its motion, which was granted pursuant to Order No. 11 (Apr. 3, 2024). On April 9, 2024, OUII filed a sur-reply, which did not oppose the proposed amendment with respect to three respondents.

On April 22, 2024, the ALJ issued the subject ID granting-in-part the motion to amend and addressing other related issues. The ALJ found that Eli Lilly had complied with the requirements of Commission Rule 210.14(b) (19 CFR 210.14(b)) for amendment of the complaint and notice of investigation to add two respondents: Fibonaccci Sequence LLC d/b/a GenX Peptides ("GenX Peptides") of Houston, Texas; and Paradigm Peptides of Michigan City, Indiana. *See* ID at 7–11. In the same order, the ALJ denied-in-part the motion to amend with respect to two other proposed respondents and addressed related procedural issues, but these are not part of the initial determination that is before the Commission to review. *See id.* at 11–13.

No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The complaint and notice of investigation are hereby amended to add respondents GenX Peptides and Paradigm Peptides.

The Commission vote for this determination took place on May 21, 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).

By order of the Commission.

Issued: May 21, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–11534 Filed 5–24–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–593–596 and 731–TA–1401–1406 (Review)]

Large Diameter Welded Pipe From Canada, China, Greece, India, South Korea, and Turkey; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the countervailing duty orders on large diameter welded pipe from China, India, South Korea, and Turkey and revocation of the antidumping duty orders on large diameter welded pipe from Canada, China, Greece, India, South Korea, and Turkey would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: May 6, 2024.

FOR FURTHER INFORMATION CONTACT:

Nitin Joshi (202–708–1669), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On May 6, 2024, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group responses and the respondent interested party group responses from Canada and Greece to its notice of institution (89 FR 6543, February 1, 2024) were adequate, and determined to conduct full reviews of the orders on imports from Canada and Greece. The Commission also found that the respondent interested party group responses from China, India, South Korea, and Turkey were inadequate¹ but determined to conduct full reviews of the orders on imports from those countries in order to promote administrative efficiency in light of its determinations to conduct full reviews of the orders with respect to Canada and Greece. A record of the Commissioners' votes will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: May 22, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–11624 Filed 5–24–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1360]

Certain Portable Battery Jump Starters and Components Thereof (III); Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on May 17, 2024, the presiding administrative law judge ("ALJ") issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest

¹ Commissioner Jason E. Kearns found the respondent group response to be adequate in the five-year review concerning imports of large diameter welded pipe from India.

issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT:

Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3228. 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: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain portable battery jump starts and components thereof imported, sold for importation, and/or sold after importation by respondents Shenzhen Carku Technology Co., Ltd. of Guangdong, China; Aukey Technology Co., Ltd. of Shenzhen, China; Metasee LLC of Pearland, Texas (“Metasee”); Ace Farmer LLC of Houston, Texas; Shenzhen Konghui Trading Co., Ltd., d/b/a Hulkman Direct of Guangdong, China (“Hulkman Direct”); HULKMAN LLC of Santa Clara, California; and Shenzhenshi Daosishangmao Youxiangongsi, d/b/a/Fanttik Direct of Guangdong, China (“Fanttik Direct”); and cease and desist orders directed to Metasee, Hulkman Direct, and Fanttik

Direct. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ’s Recommended Determination on Remedy and Bonding issued in this investigation on May 17, 2024. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant’s licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on June 18, 2024.

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–1360”) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, <https://www.usitc.gov/>

[secretary/fed_reg_notices/rules/handbook_on_electronic_filing.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.

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 21, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–11540 Filed 5–24–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.
ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of TUV SUD America, Inc. (TUVAM) for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency’s preliminary finding to grant the application.
DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before June 12, 2024.

ADDRESSES: Comments may be submitted as follows:
Electronically: You may submit comments, including attachments, electronically at <http://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting comments.
Instructions: All submissions must include the Agency’s name and the docket number for this rulemaking (Docket No. OSHA–2007–0043). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket (including this Federal Register notice) are listed in the <http://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.

Extension of comment period: Submit requests for an extension of the comment period on or before June 12, 2024 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone: (202) 693–1999 or email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor by phone: (202) 693–1911 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that TUV SUD America, Inc. (TUVAM) is applying for expansion of the current recognition as a NRTL. TUVAM requests the addition of eighteen recognized testing standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL’s scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the

product-testing and product-certification activities for test standards within the NRTL’s scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the Federal Register in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides the final decision on the application. These notices set forth the NRTL’s scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details the NRTL’s scope of recognition. These pages are available from the OSHA website at: <https://www.osha.gov/nationally-recognized-testing-laboratory-program>.

TUVAM currently has sixteen facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: TUV SUD America, Inc., 401 Edgewater Place, Suite 500, Wakefield, MA 01880. A complete list of TUVAM’s scope of recognition (including sites recognized by OSHA) is available at: <https://www.osha.gov/nationally-recognized-testing-laboratory-program>.

II. General Background on the Application

TUVAM submitted an application to OSHA for expansion of the NRTL scope of recognition on September 30, 2021 (OSHA–2007–0043–0059), requesting the expansion of the NRTL scope of recognition to include eighteen additional test standards. OSHA did not perform any on-site reviews with respect to this application.

Table 1 below lists the appropriate test standards found in TUVAM’s application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM’S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 6141	Wind Turbines Permitting Entry of Personnel.
UL 62841–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 1: General Requirements.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION—Continued

Test standard	Test standard title
UL 62841–2–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–1: Particular Requirements for Hand-Held Drills and Impact Drills.
UL 62841–2–2	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–2: Particular Requirements for Hand-Held Screwdrivers And Impact Wrenches.
UL 62841–2–4	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–4: Particular Requirements For Hand-Held Sanders And Polishers Other Than Disc Type.
UL 62841–2–5	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–5: Particular Requirements for Hand-Held Circular Saws.
UL 62841–2–8	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn and Garden Machinery—Safety—Part 2–8: Particular Requirements for Hand-Held Shears and Nibblers.
UL 62841–2–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–9: Particular Requirements for Hand-Held Tappers and Threaders.
UL 62841–2–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–10: Particular Requirements for Hand-Held Mixers.
UL 62841–2–11	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–11: Particular Requirements For Hand-Held Reciprocating Saws.
UL 62841–2–14	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–14: Particular Requirements for Hand-Held Planers.
UL 62841–2–21	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–21: Particular Requirements for Hand-Held Drain Cleaners.
UL 62841–3–1	Electrical Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–1: Particular Requirements For Transportable Table Saws.
UL 62841–3–4	Electrical Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–4: Particular Requirements for Transportable Bench Grinders.
UL 62841–3–6	Electrical Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–6: Particular Requirements for Transportable Diamond Drills With Liquid System.
UL 62841–3–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–9: Particular Requirements for Transportable Mitre Saws.
UL 62841–3–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–10: Particular Requirements for Transportable Cut-Off Machines.
UL 62841–3–13	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–13: Particular Requirements for Transportable Drills.

III. Preliminary Findings on the Application

TUVAM submitted an acceptable application for expansion of the NRTL scope of recognition. OSHA's review of the application file, and pertinent documentation, indicate that TUVAM can meet the requirements prescribed by 29 CFR 1910.7 for expanding their recognition to include the addition of eighteen additional testing standards for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of TUVAM's applications. OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether TUVAM meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the

request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at <https://www.regulations.gov> under Docket No. OSHA–2007–0043 (for further information, see the “Docket” heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant TUVAM's applications for expansion of the scope of recognition. The Assistant Secretary will make the final decision

on granting the applications. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on May 20, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–11556 Filed 5–24–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0025]

UL LLC: Application for Expansion of Recognition and Proposed Modification to the NRTL Program’s List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of UL LLC, for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency’s preliminary finding to grant the application. Additionally, OSHA proposes to add one test standard to the NRTL Program’s List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before June 12, 2024.

ADDRESSES: Submit comments by any of the following methods:

Electronically: Submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office. All documents in the docket (including this **Federal Register** notice) are listed in the <http://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 the OSHA docket number (OSHA–2009–0025). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at <http://www.regulations.gov>. Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain

personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Extension of comment period: Submit requests for an extension of the comment period on or before June 12, 2024 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–1911 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that UL LLC, (UL) is applying to expand the current recognition as a NRTL. UL requests the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL’s scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL’s scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for

expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL’s scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including UL, which details that NRTL’s scope of recognition. These pages are available from the OSHA website at <https://www.osha.gov/dts/otpcanrtl/index.html>.

UL currently has fifty-five facilities (sites) recognized by OSHA for product testing and certification, with headquarters located at: UL LLC, 333 Pfingsten Road, Northbrook, Illinois 60062. A complete list of UL sites recognized by OSHA is available at <https://www.osha.gov/dts/otpcanrtl/ul.html>.

II. General Background on the Application

UL submitted an application, dated July 26, 2022 (OSHA–2009–0025–0062), to expand recognition to include one additional test standard. OSHA staff performed a detailed analysis of the application packet and other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1, below, lists the test standard found in UL’s application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED TEST STANDARD FOR INCLUSION IN UL’S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 3741 *	Photovoltaic Hazard Control.

* In this notice, OSHA also proposes to add this test standard to the NRTL Program’s List of Appropriate Test Standards.

III. Proposal To Add A New Test Standard to the NRTL Program’s List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to: (1) verify it represents a product category for which OSHA requires certification by a NRTL; (2) verify the document represents a

product and not a component; and (3) verify the document defines safety test specifications (not installation or operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) monitoring notifications issued by certain Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standards in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type of product that another test standard also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add one new test standard to the NRTL Program's list of appropriate test standards. Table 2, below, lists the test standard that is new to the NRTL Program. OSHA preliminarily determines that this test standard is an appropriate test standard. OSHA seeks public comment on this preliminary determination.

TABLE 2—STANDARD OSHA PROPOSES TO ADD TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 3741	Photovoltaic Hazard Control.

IV. Preliminary Findings on the Application

UL submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application files and related material preliminarily indicates that UL can meet the requirements prescribed by 29 CFR 1910.7 for expanding recognition to include the addition of the test standard listed above for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of UL's application.

OSHA also preliminarily determined that the test standard listed above is an appropriate test standard.

OSHA seeks public comment on these preliminary determinations.

V. Public Participation

OSHA welcomes public comment as to whether UL meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL and whether the

test standard listed above is an appropriate test standard that should be included in the NRTL Program's List of Appropriate Test Standards. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at <https://www.regulations.gov> under Docket No. OSHA–2009–0025 (for further information, see the “Docket” heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner and after addressing the issues raised by these comments, make a recommendation to the Assistant Secretary for Occupational Safety and Health on whether to grant UL's application for expansion of its scope of recognition and to add the test standards listed above to the NRTL Program's List of Appropriate Test Standards. The Assistant Secretary will make the final decision on granting the application and on adding the test standard listed above to the NRTL Program's List of Appropriate Test Standards. In making these decisions, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

VI. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on May 20, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–11558 Filed 5–24–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0016]

Nemko North America, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Nemko North America, Inc. (NNA) for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before June 12, 2024.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at <https://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2013–0016). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to <https://www.regulations.gov>. Documents in the docket (including this **Federal Register** notice) 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.

Extension of comment period: Submit requests for an extension of the

comment period on or before June 12, 2024 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-3653, Washington, DC 20210, or by fax to (202) 693-1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone: (202) 693-1999 or email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor by phone: (202) 693-1911 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that Nemko North America, Inc. (NNA) is applying for expansion of the current recognition as a NRTL. NNA requests the addition of nineteen recognized testing standards and one recognized testing site to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the

requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including NNA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at: <https://www.osha.gov/nationally-recognized-testing-laboratory-program>.

www.osha.gov/nationally-recognized-testing-laboratory-program.

NNA currently has two facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: Nemko North America, Inc., 2210 Faraday Avenue, Suite 150, Carlsbad, California 92008. A complete list of NNA's scope of recognition (including sites recognized by OSHA) is available at: <https://www.osha.gov/nationally-recognized-testing-laboratory-program>.

II. General Background on the Application

NNA submitted an application to OSHA for expansion of the NRTL scope of recognition. The application, dated October 24, 2023 (OSHA-2013-0016-0026), requested the expansion of the NRTL scope of recognition to include one additional test site located at: 1601 N A.W. Grimes Blvd., Suite B, Round Rock, Texas 78665 and nineteen additional test standards. OSHA staff performed an on-site review of NNA's testing facilities at NNA Austin, Texas on January 23-24, 2024, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. NNA has addressed these issues sufficiently, and OSHA staff has preliminarily determined that OSHA should grant the application.

Table 1 below lists the appropriate test standards found in NNA's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN NNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 60079-0	Explosive Atmospheres—Part 0: Equipment—General Requirements.
UL 60079-1	Explosive Atmospheres—Part 1: Equipment Protection by Flameproof Enclosures “d”.
UL 60079-2	Explosive Atmospheres—Part 2: Equipment Protection by Pressurized Enclosures “p”.
UL 60079-5	Explosive Atmospheres—Part 5: Equipment Protection by Powder Filling “q”.
UL 60079-6	Explosive Atmospheres—Part 6: Equipment Protection by Oil Immersion “o”.
UL 60079-7	Explosive Atmospheres—Part 7: Equipment Protection by Increased Safety “e”.
UL 60079-11	Explosive Atmospheres—Part 11: Equipment Protection by Intrinsic Safety “i”.
UL 60079-15	Explosive Atmospheres—Part 15: Equipment Protection by Type of Protection “n”.
UL 60079-18	Explosive Atmospheres—Part 18: Equipment Protection by Encapsulation “m”.
UL 60079-25	Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems.
UL 60079-28	Standard for Explosive Atmospheres—Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation.
UL 60079-31	Standard for Explosive Atmospheres—Part 31: Equipment Dust Ignition Protection Enclosure “t”.
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment.
UL 913	Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II and III, Division I, Hazardous (Classified) Locations.
UL 121201	Nonincendive Electrical Equipment for Use in Class I and II, Division 2 and Class III, Division 1 and 2 Hazardous (Classified) Locations.
TIA 4950	Requirements for Battery-Powered, Portable Land Mobile Radio Applications in Class I, II, and III, Division I, Hazardous (Classified) Locations.
UL 1203	Explosion-Proof and Dust-Ignition-Proof Electrical Equipment for Use in Hazardous (Classified) Locations.
UL 674	Electric Motors and Generators for Use in Hazardous (Classified) Locations.
UL 698A	Industrial Control Panels Relating to Hazardous (Classified) Locations.

III. Preliminary Findings on the Application

NNA submitted acceptable application for expansion of the NRTL scope of recognition. OSHA's review of the application files, and pertinent documentation, indicate that NNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding their recognition to include the addition of nineteen additional testing standards and one additional testing site for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of NNA's application. OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether NNA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at <https://www.regulations.gov> under Docket No. OSHA-2013-0016 (for further information, see the "Docket" heading in the section of this notice titled ADDRESSES).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant NNA's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational

Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8-2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on May 20, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024-11557 Filed 5-24-24; 8:45 am]

BILLING CODE 4510-26-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-423; NRC-2024-0102]

Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 3; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to an exemption request from Dominion Energy Nuclear Connecticut, Inc. (DENC, the licensee) submitted by letter dated May 2, 2023.

DATES: The exemption was issued on May 21, 2024.

ADDRESSES: Please refer to Docket ID NRC-2024-0102 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-2024-0102. 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. The ADAMS accession number for each document

referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the exemption was submitted by letter dated May 2, 2023 (ADAMS Accession No. ML23123A279), as supplemented by letter dated April 1, 2024 (ADAMS Accession No. ML24093A216).

- *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:

Richard Guzman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-1030; email: Richard.Guzman@nrc.gov.

SUPPLEMENTARY INFORMATION: The licensee is the holder of Renewed Facility Operating License No. NPF-49, which authorizes operation of Millstone Power Station, Unit No. 3 (Millstone 3), a pressurized-water reactor. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect. By letter dated May 2, 2023, as supplemented by letter dated April 1, 2024, DENC requested an exemption to section 50.46 of title 10 of the *Code of Federal Regulations* (10 CFR), "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," and 10 CFR part 50, appendix K, "ECCS [Emergency Core Cooling Systems] Evaluation Models," for Millstone 3. The text of the exemption is attached.

Dated: May 21, 2024.

For the Nuclear Regulatory Commission.

Richard V. Guzman,

Senior Project Manager, Plant Licensing Branch 1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

Nuclear Regulatory Commission

Docket No. 50-423

Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 3; Exemption

I. Background

Dominion Energy Nuclear Connecticut, Inc. (DENC, the licensee) is the holder of Renewed Facility Operating License No. NPF-49, which authorizes operation of Millstone Power

Station, Unit No. 3 (Millstone 3), a pressurized-water reactor (PWR). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC) now or hereafter in effect.

Millstone 3 shares the site with Millstone Power Station, Unit 1, a permanently defueled boiling water reactor nuclear unit, and Millstone Power Station, Unit 2, a PWR. The facility is located in Waterford, Connecticut, approximately 3.2 miles west southwest of New London, Connecticut. This exemption applies to Millstone 3 only. The other units, Units 1 and 2, are not covered by this exemption.

II. Request/Action

By letter dated May 2, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23123A279), as supplemented by letter dated April 1, 2024 (ML24093A216), DENC, requested an exemption to title 10 of the *Code of Federal Regulations* (10 CFR), part 50, section 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," and part 50, Appendix K, "ECCS [Emergency Core Cooling Systems] Evaluation Models," for Millstone 3.

This exemption request relates solely to the specific types of cladding materials for which 10 CFR 50.46 and 10 CFR part 50, Appendix K, are expressly applicable, namely zircaloy and ZIRLO™. Since these regulations specifically apply only to zircaloy and ZIRLO™, an exemption would be required to apply them to fuel clad with other materials, in this case Framatome M5™. Therefore, the licensee has requested such an exemption to support the introduction of Framatome GAIA fuel with the M5™ cladding. The proposed request would not exempt Millstone 3 from other requirements of 10 CFR 50.46 or 10 CFR part 50, appendix K, such as acceptance criteria, evaluation model features and documentation, and reporting of changes or errors.

This exemption request is specific to the M5™ cladding material exemption request only. The technical analysis necessary to support the use of M5™ cladding in the Millstone 3 GAIA Small Break and Large Break Loss-of-Coolant Accident (SBLOCA and RLBLOCA) evaluations under Framatome methods is documented in a separate safety evaluation for the related license amendment request (ML24109A003).

III. Discussion

Pursuant to 10 CFR 50.12, the licensee requested an exemption from the requirements of 10 CFR 50.46, and appendix K to 10 CFR part 50. The proposed exemption request would permit application of the requirements of 10 CFR 50.46 and appendix K to 10 CFR part 50 to fuel assemblies containing fuel rods fabricated with M5™ cladding material at Millstone 3.

The technical basis for the use of fuel clad with M5™ in PWRs is documented in Topical Report (TR) BAW-10227P-A, Revision 1, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," dated June 2003 (ADAMS Package No. ML15162B043).

This TR describes Framatome's evaluation for the use of the M5™ alloy in PWR fuel assemblies as a replacement for Zircaloy-4. This TR discusses material properties of M5™, as well as its behavior under normal operation, anticipated transients, and postulated accident conditions.

The regulation in 10 CFR 50.46(a)(1)(i) requires, in part, that each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding must be provided with an ECCS that must be designed so that its calculated cooling performance following postulated loss-of-coolant accidents conforms to the criteria set forth in 10 CFR 50.46(b). Since 10 CFR 50.46 specifically refers to fuel with zircaloy or ZIRLO™ cladding, the use of fuel with M5™ cladding requires an exemption from this section of the regulations.

Paragraph I.A.5, "Metal—Water Reaction Rate," of appendix K to 10 CFR part 50 requires the Baker-Just equation be used in the ECCS evaluation model to determine the rate of energy release, hydrogen generation, and cladding oxidation. The requirement for using the Baker-Just equation in appendix K conformant loss-of-coolant accident (LOCA) evaluation models presume use of zircaloy- or ZIRLO™-clad fuel rods. Therefore, application of 10 CFR part 50, appendix K to cladding materials other than zircaloy or ZIRLO™ also requires an exemption. Pursuant to 10 CFR 50.12, the NRC may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) the exemptions are authorized by law, will not present an undue risk to the public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

Under 10 CFR 50.12(a)(2)(ii), special circumstances include, among other things, when application of the specific regulation in the particular circumstances would not serve, or is not necessary to achieve, the underlying purpose of the rule.

A. The Exemption Is Authorized by Law

In accordance with 10 CFR 50.12, the NRC may grant an exemption from the requirements of 10 CFR part 50 if the exemption is authorized by law. The exemption requested in this instance is authorized by law, because no other prohibition of law exists to preclude the activities which would be authorized by the exemption.

This exemption would allow the use of M5™ cladding at Millstone 3 for GAIA SBLOCA and RLBLOCA analyses performed using Framatome (FRM) methods, instead of zircaloy or ZIRLO™ cladding. Selection of a specific cladding material in 10 CFR 50, appendix K was at the discretion of the Commission consistent with its statutory authority. No statute required the NRC to adopt this specification. As stated above, 10 CFR 50.12 allows the Commission to grant exemptions from the requirements of 10 CFR part 50. The NRC staff has determined that granting of an exemption from 10 CFR part 50, appendix K related to M5™ cladding, which is neither Zircaloy nor ZIRLO, will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The 10 CFR 50.46 requirements establish acceptance criteria for ECCS performance for reactors fueled with zircaloy or ZIRLO cladding during a LOCA. The technical basis for the use of fuel clad with M5™ in PWRs is documented in NRC-approved TR BAW-10227P-A, Revision 1, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," dated June 2003 (ADAMS Package No. ML15162B043). In this TR, Framatome demonstrated that the effectiveness of the ECCS will not be affected by a change from zircaloy or ZIRLO fuel rod cladding to M5™ fuel rod cladding. The analysis described in the TR demonstrated that the ECCS acceptance criteria applied to reactors fueled with zircaloy or ZIRLO clad fuel are also applicable to reactors fueled with M5™ fuel rod cladding.

Paragraph I.A.5 of appendix K to 10 CFR 50 requires that the Baker-Just equation be used in the ECCS evaluation

models to determine the rate of energy release, cladding oxidation, and hydrogen generation. In the NRC-approved TR BAW-10227-P-A, Revision 1, Framatome demonstrated that the Baker-Just model is conservative in the postulated LOCA scenarios with respect to the use of the M5™ alloy as a fuel rod cladding material. The Baker-Just equation is used to calculate cladding oxidation for the SBLOCA methodologies in the NRC-approved TR EMF-2328-P-A, Revision 0 (ML011410383) for fuel with M5™ cladding. The SBLOCA analysis (Attachments 3 and 4 in the licensee's May 2, 2023, letter) using the methodologies in TR EMF-2328-P-A, Revision 0 for Millstone 3 demonstrated that the amount of hydrogen generated in an M5-clad core meets the 10 CFR 50.46 criteria.

The NRC staff has reviewed the SBLOCA and RLBLOCA analyses in Attachments 3 through 6 in the licensee's May 2, 2023, letter, and concluded in a safety evaluation (ML24109A003) that the LOCA analyses meet the applicable acceptance criteria, confirming that the use of M5™ fuel cladding at Millstone 3 would not result in an increase in the consequences of postulated LOCAs beyond the required limits. Based on these reviews, the NRC staff concludes that the exemption presents no undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The proposed exemption will allow the licensee to use M5™ fuel rod cladding material, an improved fuel rod cladding material relative to the zircaloy material for which the requirements of 10 CFR 50.46 and 10 CFR part 50, appendix K were originally established. In its letter dated May 2, 2023, the licensee stated that the M5™ fuel rod cladding material is similar in design to the current cladding material used in Millstone 3. The change in cladding material will not result in any changes to the security aspects associated with control of special nuclear material and is unrelated to other security issues. In addition to its review of the exemption request, the NRC staff's technical analysis necessary to support the use of M5™ cladding in the Millstone 3 GAIA SBLOCA and RLBLOCA evaluations under Framatome methods is documented in a separate safety evaluation for the related license amendment request (ML24109A003). Based on these reviews, the NRC staff concludes that the use of M5™ fuel rod cladding at Millstone 3 will not significantly affect plant operations and

is therefore consistent with the common defense and security.

D. Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the circumstances would not serve the purpose of the rule or is not necessary to achieve the purpose of the rule.

The underlying purpose of 10 CFR 50.46 and appendix K to 10 CFR part 50 is to establish acceptance criteria for ECCS performance to provide reasonable assurance of safety in the event of a LOCA. Although the regulations in 10 CFR 50.46 and appendix K to 10 CFR part 50 are not expressly applicable to M5™ fuel rod cladding, the evaluations described in the above section show that the purpose of the regulations are met by this exemption; specifically, the NRC-approved topical report (TR) BAW-10227-A, Revision 1 demonstrated that the effectiveness of the ECCS will not be affected by a change from zircaloy or ZIRLO fuel rod cladding to M5™ fuel rod cladding and that the ECCS acceptance criteria applied to reactors fueled with zircaloy or ZIRLO clad fuel are also applicable to reactors fueled with M5™ fuel rod cladding.

Paragraph I.A.5 of appendix K to 10 CFR 50 requires that the Baker-Just equation be used in the ECCS EMs to determine the rate of energy release, cladding oxidation, and hydrogen generation. The NRC-approved TR BAW-10227-P-A, Revision 1 demonstrated that the Baker-Just model is conservative in the postulated LOCA scenarios with respect to the use of the M5™ alloy as a fuel rod cladding material.

Neither 10 CFR 50.46 acceptance criteria nor the 10 CFR 50 appendix K requirements for use of the Baker-Just equation in the ECCS EMs allows the use of M5™ fuel rod cladding material, even though the analysis demonstrated that applying the zircaloy or ZIRLO criteria to M5™ fuel produces acceptable results. Application of the regulatory requirements of 10 CFR 50.46 and 10 CFR 50 appendix K in this circumstance is not necessary to achieve the purpose of the rule. The purpose of these regulations is achieved through the application of the requirements to the use M5™ fuel rod cladding material. Therefore, the NRC staff determines that special circumstances for granting of an exemption, defined in 10 CFR 50.12(a)(2)(ii), exist.

E. Environmental Considerations

With respect to its impact on the quality of the human environment, the NRC has determined that the issuance of the exemption discussed herein meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9) because it is related to a requirement concerning the installation or use of a facility component located within the restricted area, as defined in 10 CFR part 20, and issuance of this exemption involves: (i) no significant hazards consideration; (ii) no significant change in the types or a significant increase in the amounts of any effluents that may be released offsite; and (iii) no significant increase in individual or cumulative occupational radiation exposure. Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the NRC's consideration of this exemption request. The basis for the NRC staff's determination is discussed as follows with an evaluation against each of the requirements in 10 CFR 51.22(c)(9)(i)–(iii).

Requirements in 10 CFR 51.22(c)(9)(i)

The NRC evaluated whether the exemption involves no significant hazards consideration using the standards described in 10 CFR 50.92(c), as presented below:

1. Does the proposed exemption involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed exemption would allow the use of M5™ cladding at Millstone 3 for GAIA SBLOCA and RLBLOCA analyses performed using FRM methods. The NRC approved topical reports cited above demonstrate that M5™ cladding has similar properties as the currently licensed Zircaloy. The fuel cladding itself is not a postulated initiator of previously evaluated accidents; thus, fuel cladding material does not affect the probability of occurrence of any accident. The consequences of none of the previously evaluated accidents were affected by fuel cladding material, and M5™ fuel cladding, likewise, is not expected to have any effect on the consequences of any previously evaluated accidents.

Therefore, the proposed exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed exemption create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The use of M5™ fuel rod cladding material will not result in changes in the operation or configuration of the facility. The above cited topical reports demonstrated that the material properties of M5™ cladding are similar to those of standard Zircaloy. Therefore, M5™ fuel cladding material will perform similarly to those fabricated from standard Zircaloy. The fuel cladding itself is not a postulated initiator of previously evaluated accidents and does not create the possibility of a new or different kind of accident.

Therefore, the proposed exemption does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed exemption involve a significant reduction in a margin of safety.

Response: No.

The proposed exemption will not involve a significant reduction in the margin of safety because it has been demonstrated that the material properties of the M5™ cladding is not significantly different from those of the standard Zircaloy. M5™ fuel cladding material is expected to perform similarly to standard Zircaloy for all normal operating and accident scenarios. Use of M5™ cladding does not require changing any of the current regulatory acceptance criteria, or relaxation of the methods of analysis.

Therefore, the proposed exemption does not involve a significant reduction in a margin of safety.

Based on the above evaluation of the standards set forth in 10 CFR 50.92(c), the NRC staff concludes that the proposed exemption involves no significant hazards consideration. Accordingly, the requirements of 10 CFR 51.22(c)(9)(i) are met.

Requirements in 10 CFR 51.22(c)(9)(ii)

The proposed exemption would allow the use of M5™ cladding at Millstone 3 for GAIA SBLOCA and RLBLOCA analyses performed using FRM methods. M5™ cladding has similar properties and performance characteristics as the currently licensed Zircaloy cladding. Thus, the use of M5™ fuel cladding material will not significantly increase the amount of effluents that may be released offsite. Therefore, the requirements of 10 CFR 51.22(c)(9)(ii) are met.

Requirements in 10 CFR 51.22(c)(9)(iii)

The proposed exemption would allow the use of M5™ cladding at Millstone 3 for GAIA SBLOCA and RLBLOCA analyses performed using FRM

methods. M5™ cladding has similar properties and performance characteristics as the currently licensed Zircaloy cladding. Thus, the use of M5™ fuel cladding material will not significantly increase individual occupational radiation exposure, or significantly increase cumulative occupational radiation exposure. Therefore, the requirements of 10 CFR 51.22(c)(9)(iii) are met.

Based on the above, the NRC staff concludes that the proposed exemption meets the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the NRC's issuance of this exemption.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants DENC an exemption from the requirements of 10 CFR 50.46 and 10 CFR part 50, appendix K. The proposed exemption request would permit application of the requirements of 10 CFR 50.46 and appendix K to fuel rod cladding with M5™ at Millstone 3. As stated above, this exemption relates solely to the cladding material specified in these regulations.

Dated at Rockville, Maryland, this 21st day of May, 2024.

For the Nuclear Regulatory Commission.

Jamie Pelton,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2024-11561 Filed 5-24-24; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-213 and 72-39; NRC-2024-0093]

Connecticut Yankee Atomic Power Company; Haddam Neck Plant; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering

issuance of an exemption in response to the April 24, 2023, request from Connecticut Yankee Atomic Power Company (CYAPCO), for the Haddam Neck Plant (HNP or Haddam Neck) located in East Hampton, Connecticut. The proposed exemption from NRC regulations, if granted, would permit CYAPCO to make withdrawals from a segregated account within Haddam Neck's overall nuclear decommissioning trust (NDT), on an annual basis, for spent nuclear fuel (SNF) and Greater than Class C (GTCC) waste management and non-radiological site restoration without prior notification to the NRC. The NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) associated with the proposed exemption.

DATES: The EA and FONSI referenced in this document are available on May 28, 2024.

ADDRESSES: Please refer to Docket ID NRC-2024-0093 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-2024-0093. Address questions about Docket IDs in [Regulations.gov](https://www.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:

Tilda Liu, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 404-997-4730; email: Tilda.Liu@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

By letter dated April 24, 2023, CYAPCO submitted a request to the NRC for an exemption from paragraphs 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) of title 10 of the *Code of Federal Regulations* (10 CFR) for the Haddam Neck Independent Spent Fuel Storage Installation¹ (ISFSI).

CYAPCO has established a separate (segregated) account within its overarching NDT, entitled “ISFSI Radiological Decom,” that identifies the funds for radiological decommissioning of the ISFSI apart from the larger balance of funds in the NDT allocated for ongoing management of SNF and GTCC waste and for non-radiological site restoration activities. Although 10 CFR 50.82 applies to the segregated account, it does not apply to the overall NDT.

If granted, the exemptions from 10 CFR 50.82(a)(8)(i)(A) and 50.75(h)(2) would permit CYAPCO to make withdrawals from the segregated account, on an annual basis, for SNF and GTCC waste management and non-radiological site restoration without prior notification to the NRC. More specifically, with this exemption, CYAPCO would be able to annually transfer funds exceeding 110 percent of the inflation-adjusted decommissioning cost estimate (DCE), described in 10 CFR 50.75, from the segregated account to its overarching NDT and use those funds for SNF and GTCC waste management and non-radiological site restoration.

HNP began commercial operations in January 1968, and ceased power production in December 1996. CYAPCO initiated decommissioning shortly thereafter. In July 2007, HNP completed its final decommissioning of the reactor site, except for the ISFSI, which included dismantling and removing all

reactor plant related facilities. As a result, only the ISFSI remains at the old plant site of HNP in East Hampton, Connecticut.

By letter dated November 26, 2007, NRC approved the release of most portions of the HNP site from the 10 CFR part 50 license (DPR-61) for unrestricted release, except for the ISFSI and immediately surrounding areas. Under its 10 CFR part 72 general license, HNP is authorized to possess, and store SNF at the permanently shut down and decommissioned facility under the provision of 10 CFR part 72, subpart K, “General License for Storage of Spent Fuel at Power Reactor Sites.”

The NRC staff is performing both a safety evaluation and an environmental review to determine whether to grant this exemption request. The NRC staff will prepare a separate safety evaluation report (SER) to document its safety review and analysis. The NRC’s SER will evaluate the proposed exemption for reasonable assurance of adequate protection of public health and safety, and the common defense and security. This EA documents the environmental review which the NRC staff prepared in accordance with 10 CFR 51.21 and 51.30(a). The NRC’s decision whether to grant the exemption will be based on the results of the NRC staff’s review as documented in this EA, and the staff’s safety review to be documented in the SER.

II. Environmental Assessment

By letter dated April 24, 2023, CYAPCO submitted a request to the NRC for an exemption from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2). If granted, the proposed exemption from 10 CFR 50.82(a)(8)(i)(A) and 50.75(h)(2) would permit CYAPCO to make withdrawals from the segregated account, on an annual basis, for SNF and GTCC waste management and non-radiological site restoration without prior notification to the NRC. More specifically, with this exemption, CYAPCO would be able to annually transfer funds exceeding 110 percent of the inflation-adjusted DCE, described in 10 CFR 50.75, from the segregated account to its overarching NDT and use those funds for SNF and GTCC waste management and non-radiological site restoration activities.

Need for the Proposed Action

As required by 10 CFR 50.82(a)(8)(i)(A), decommissioning trust funds may be used by the licensee if the withdrawals are for legitimate decommissioning activity expenses, consistent with the definition of decommissioning in 10 CFR 50.2. This

definition addresses radiological decommissioning and does not include activities associated with management of SNF and GTCC waste or non-radiological site restoration. Similarly, the requirements of 10 CFR 50.75(h)(2) restrict the use of decommissioning trust fund disbursements (other than for ordinary and incidental expenses) to decommissioning expenses until final decommissioning has been completed.

CYAPCO stated that it has established a segregated account, entitled “ISFSI Radiological Decom,” within its overarching NDT, that identifies the funds for radiological decommissioning of the ISFSI. This segregated account is apart from the larger balance of funds in the NDT allocated for ongoing management of SNF and GTCC waste and for other non-radiological site restoration activities. Therefore, exemption from 10 CFR 50.82(a)(8)(i)(A) and 50.75(h)(2) is needed to allow CYAPCO to use funds from the segregated account for SNF and GTCC waste management and other non-radiological site restoration activities.

In its Decommissioning Funding Assurance Status Report dated March 6, 2023, CYAPCO stated that, its inflation-adjusted DCE for the radiological decommissioning of the ISFSI is approximately \$7.1 million in 2022 dollars. It asserted this amount provides reasonable assurance of adequate funding to complete the NRC required decommissioning activities. In the same report, CYAPCO reported that the segregated “ISFSI Radiological Decom” account had \$46.4 million in 2022 dollars as of December 31, 2022. More specifically, in its exemption request, CYAPCO provided a table showing \$7,070,450, in 2022 dollars, as the inflation-adjusted DCE. CYAPCO’s exemption request further stated that the segregated account has a balance of \$47,609,309 as of December 31, 2022, meaning that the segregated account had a balance of \$40,538,859, or 573 percent beyond the inflation-adjusted DCE.

CYAPCO stated that, if the exemption is granted, funds in its segregated account which exceed 110 percent of the inflation-adjusted DCE for the radiological decommissioning of the ISFSI would be transferred to the overarching NDT on an annual basis without prior NRC notification. CYAPCO would then use those funds for SNF and GTCC waste management and non-radiological site restoration, which in turn, would allow CYAPCO to return its additional excess funds in the overarching NDT to its customers as part of future rate cases with the Federal Energy Regulatory Commission.

¹ As discussed in this document, the Haddam Neck ISFSI sits on the former site of HNP, which CYAPCO finished decommissioning in 2007. Although only the Haddam Neck ISFSI remains on the site, CYAPCO’s 10 CFR part 50 license, Facility Operating License No. DPR-61 remains in effect. Because CYAPCO requested an exemption from the requirements of 10 CFR part 50, this would be an exemption for CYAPCO’s 10 CFR part 50 license rather than for CYAPCO’s 10 CFR part 72 general license. Therefore, although CYAPCO’s submission requested an exemption for the Haddam Neck ISFSI, the NRC staff will consider it a request for an exemption for HNP.

The requirements of 10 CFR 50.75(h)(2) further provide that, except for withdrawals being made under 10 CFR 50.82(a)(8) or for payments of ordinary administrative costs and other incidental expenses of the NDT in connection with the operation of the NDT, no disbursement may be made from the NDT without written notice to the NRC at least 30 working days in advance. Therefore, an exemption from 10 CFR 50.75(h)(2) is also needed to allow CYAPCO to use funds from the segregated account for SNF and GTCC waste management and non-radiological site restoration activities without prior NRC notification.

Environmental Impacts of the Proposed Action

The proposed action involves an exemption from requirements that are of financial and/or administrative nature and that do not have an impact on the environment. Before the NRC could approve the proposed action, it would have to conclude that there is reasonable assurance that adequate funds are available in the segregated account to complete all activities associated with radiological decommissioning as well as SNF and GTCC waste management and non-radiological site restoration. Therefore, there would be no decrease in safety associated with the use of funds from the segregated account to also fund activities associated with SNF and GTCC waste management and non-radiological site restoration.

The requested exemption from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2), if approved, would allow transfers on an annual basis. CYAPCO stated that it will continue to provide its annual decommissioning funding assurance status report in accordance with 10 CFR 50.75(f)(1) and (2) and 10 CFR 50.82(a)(8)(v) and (vi) requirements. These reports provide the NRC staff with awareness of, and the ability to act on, any actual or potential funding deficiencies. As the proposed exemption would not affect these requirements, the NRC staff would have tools available for any potential funding deficiencies. Since the exemption would allow CYAPCO to use funds from the segregated account that are in excess of those required for radiological decommissioning, the adequacy of funds dedicated for radiological decommissioning would not be affected by the proposed exemption. Therefore, there is reasonable assurance that there would be no environmental impact due to lack of adequate funding for radiological decommissioning.

Further, there are no new accident precursors created by using the excess funds from the segregated account for SNF and GTCC waste management and non-radiological site restoration. The exemption, if granted, would be financial and/or administrative in nature. Thus, the probability of postulated accidents is not increased. Also, the consequences of postulated accidents are not increased. No changes are being made in the types or amounts of effluents that may be released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, the requested exemption will not present an undue risk to the public health and safety.

With regard to potential non-radiological impacts, the proposed action would have no direct impacts on land use or water resources, including terrestrial and aquatic biota, as it involves no new construction or modification of plant operational systems. There would be no changes to the quality or quantity of non-radiological effluents. In addition, there would be no noticeable effect on socioeconomic conditions in the region, no environmental justice impacts, no air quality impacts, and no impacts to historic and cultural resources from the proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

For these reasons, the NRC concludes there are no significant environmental impacts associated with the proposed exemption request.

Environmental Impacts of the Alternatives to the Proposed Action

In addition to the proposed action, the NRC staff also considered denial of the proposed action (*i.e.*, the “no-action” alternative). Denial of the exemption request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action would be similar.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies Consulted

By email dated April 5, 2024, the NRC provided a copy of the draft EA to the Connecticut Department of Energy and Environmental Protection, Radiation Division, for review. By email dated May 6, 2024, Connecticut Department of Energy and Environmental Protection, Radiation Division, indicated that it had no comments.

Endangered Species Act Section 7 Consultation

Section 7 of the Endangered Species Act of 1973, as amended (ESA), requires Federal agencies to consult with the U.S. Fish and Wildlife Service or National Marine Fisheries Service regarding actions that may affect listed species or designated critical habitats. The ESA is intended to prevent further decline of endangered and threatened species and restore those species and their critical habitat.

The NRC staff determined that a consultation under section 7 of the ESA is not required because the proposed action will not affect listed species or critical habitat.

National Historic Preservation Act Section 106 Consultation

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of their undertakings on historic properties. As stated in the NHPA, historic properties are any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places.

The NRC determined that the scope of activities described in this exemption request do not have the potential to cause effects on historic properties because the NRC's approval of this exemption request will not authorize new construction or land disturbance activities. The NRC staff also determined that the proposed action is not a type of activity that has the potential to impact historic properties because the proposed action would occur within the established HNP site boundary. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under section 106 of NHPA.

III. Finding of No Significant Impact

The environmental impacts of the proposed action—an exemption from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) allowing CYAPCO to make withdrawals from the segregated account, on an annual basis, for SNF and GTCC waste management and non-radiological site restoration without prior notification to the NRC—have been reviewed under the requirements in 10 CFR part 51, which implement the National Environmental Policy Act of 1969, as amended.

The proposed exemption would not have a significant adverse effect on the probability of an accident occurring and would not have any significant radiological or non-radiological impacts. The proposed exemption involves an

exemption from requirements that are of a financial and/or administrative nature and would not have an impact on the human environment. Consistent with 10 CFR 51.21, the NRC conducted the EA for the proposed exemption, and this FONSI incorporates by reference the EA included in this document. Therefore,

the NRC concludes that the proposed action will not have significant effects on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS, as indicated.

Document description	ADAMS accession No.
Request for Exemption from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) for the Haddam Neck Plant Independent Spent Fuel Storage Installation, dated April 24, 2023	ML23130A118.
Email to State of Connecticut providing draft environmental assessment related to Haddam Neck exemption request, dated April 5, 2024	ML24096B776.
Email Response from State of Connecticut on draft EA/FONSI, dated May 6, 2024	ML24129A058.
Haddam Neck Decommissioning Funding Assurance Status Report, dated March 6, 2023	ML23088A202.
Haddam Neck Plant—Release of Land from Part 50 License, November 26, 2007	ML073120350.

Dated: May 21, 2024.

For the Nuclear Regulatory Commission.

Yaira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–11553 Filed 5–24–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 99902100; NRC–2024–0078]

US SFR Owner, LLC.; Construction Permit Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice each week for four consecutive weeks of receipt and availability of an application for a construction permit for a single unit reactor facility from US SFR Owner, LLC, a wholly owned subsidiary of TerraPower, LLC. The application for the construction permit was received on March 28, 2024, and a supplement to the application was submitted on May 2, 2024.

DATES: May 28, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0078 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0078. 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 **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. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *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: Mallecia Sutton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0673, email: Mallecia.Sutton@nrc.gov.

I. Discussion

On March 28, 2024, TerraPower, LLC (TerraPower), on behalf of US SFR Owner, LLC., a wholly owned subsidiary of TerraPower, filed an application for a construction permit for a single-unit power reactor facility located in Lincoln County, Wyoming, pursuant to section 103 of the Atomic Energy Act, as amended, and part 50 of title 10 of the *Code of Federal*

Regulations (10 CFR), “Domestic Licensing of Production and Utilization Facilities.” The single-unit facility is to be identified as Kemmerer Power Station, Unit 1 and would be based on the TerraPower and General Electric-Hitachi Natrium reactor design which is a pool-type sodium fast reactor using metal fuel.

The application submitted on March 28, 2024, is available in ADAMS under Package Accession No. ML24088A059. Along with other documents, the ADAMS package includes the transmittal letter (ADAMS Accession No. ML24088A060), the preliminary safety analysis report (ADAMS Accession No. ML24088A065), and the environmental report (ADAMS Accession No. ML24088A072). The application was supplemented on May 2, 2024 (ADAMS Accession No. ML24123A242). The information submitted by the applicant includes certain administrative information submitted pursuant to 10 CFR 50.33, such as on financial qualifications; technical information submitted pursuant to 10 CFR 50.34; and the environmental report submitted pursuant to 10 CFR part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.” These notices are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

The NRC staff is currently undertaking its acceptance review of the application. If the application is accepted for docketing, a subsequent **Federal Register** notice will be issued that addresses the acceptability of the construction permit application for docketing and provisions for participation of the public in the permitting process.

Dated: May 13, 2024.

For the Nuclear Regulatory Commission.
Mallecia A. Sutton,
*Senior Project Manager, Advanced Reactor
 Licensing Branch 1, Division of Advanced
 Reactors and Non-Power Production and
 Utilization Facilities, Office of Nuclear
 Reactor Regulation.*

[FR Doc. 2024-10728 Filed 5-24-24; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72-78, 50-317, and 50-318;
 NRC-2024-0085]

Constellation Energy Generation, LLC; Calvert Cliffs Nuclear Power Plant, Units 1 and 2; Independent Spent Fuel Storage Installation; Exemption

AGENCY: Nuclear Regulatory
 Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued an exemption to Constellation Energy Generation, LLC, permitting Calvert Cliffs Nuclear Power Plant to maintain nine loaded and to load six new 37 multi-purpose canisters (MPC) with continuous basket shims in HI-STORM Flood/Wind MPC Storage System at its Calvert Cliffs Nuclear Power Plant, Unit 1 and Unit 2 independent spent fuel storage installation in a storage condition where the terms, conditions, and specifications in the Certificate of Compliance No. 1032, Amendment No. 1, Revision No. 1, are not met.

DATES: The exemption was issued on May 20, 2024.

ADDRESSES: Please refer to Docket ID NRC-2024-0085 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-2024-0085. 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. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *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: Yen-Ju Chen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301-415-1018; email: Yen-Ju.Chen@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: May 21, 2024.

For the Nuclear Regulatory Commission.

Yaira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety, and Safeguards.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket Nos. 72-78, 50-317, and 50-318

Constellation Energy Generation, LLC Calvert Cliffs Nuclear Power Plant Units 1 and 2

Independent Spent Fuel Storage Installation

I. Background

Constellation Energy Generation, LLC (Constellation) is the holder of Renewed Facility Operating License Nos. DPR-53 and DPR-69, which authorize operation of the Calvert Cliffs Nuclear Power Plant (CCNPP), Units 1 and 2, in Lusby, Maryland, pursuant to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities." The licenses provide, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC) now or hereafter in effect.

Consistent with 10 CFR part 72, subpart K, "General License for Storage of Spent Fuel at Power Reactor Sites," a general license is issued for the storage of spent fuel in an Independent Spent Fuel Storage Installation (ISFSI) at power reactor sites to persons authorized to possess or operate nuclear

power reactors under 10 CFR part 50. Constellation is authorized to operate nuclear power reactors under 10 CFR part 50 and holds a 10 CFR part 72 general license for storage of spent fuel at the CCNPP ISFSI. Under the terms of the general license, Constellation stores spent fuel at its CCNPP ISFSI using the HI-STORM Flood/Wind (FW) Multi-Purpose Canister (MPC) Storage System in accordance with Certificate of Compliance (CoC) No. 1032, Amendment No. 1, Revision No. 1.

II. Request/Action

By a letter dated March 22, 2024 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML24082A008), Constellation requested an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 that require CCNPP to comply with the terms, conditions, and specifications of the CoC No. 1032, Amendment No. 1, Revision No. 1 (ML15152A358). If approved, Constellation's exemption request would accordingly allow CCNPP to maintain nine loaded and to load six MPCs with continuous basket shims (CBS) (*i.e.*, MPC-37-CBS) in the HI-STORM FW MPC Storage System, and thus, to maintain and load the systems in a storage condition where the terms, conditions, and specifications in the CoC No. 1032, Amendment No. 1, Revision No. 1, are not met.

Constellation currently uses the HI-STORM FW MPC Storage System under CoC No. 1032, Amendment No. 1, Revision No. 1, for dry storage of spent nuclear fuel in MPC-37 at the CCNPP ISFSI. Holtec International (Holtec), the designer and manufacturer of the HI-STORM FW MPC Storage System, developed a variant of the design with CBS for the MPC-37, known as MPC-37-CBS. Holtec performed a non-mechanistic tip-over analysis with favorable results and implemented the CBS variant design under the provisions of 10 CFR 72.48, "Changes, tests, and experiments," which allows licensees to make changes to cask designs without a CoC amendment under certain conditions (listed in 10 CFR 72.48(c)). After evaluating the specific changes to the cask designs, the NRC determined that Holtec erred when it implemented the CBS variant design under 10 CFR 72.48, as this is not the type of change allowed without a CoC amendment. For this reason, the NRC issued three Severity Level IV violations to Holtec (ML24016A190).

Prior to the issuance of the violations, Constellation had loaded nine MPC-37-

CBS in the HI-STORM FW MPC Storage System, which are safely in storage at the CCNPP ISFSI. Constellation's near-term loading campaign for the CCNPP ISFSI include plans to load six MPC-37-CBS in the HI-STORM FW MPC Storage System beginning in July 2024. While Holtec was required to submit a CoC amendment to the NRC to seek approval of the CBS variant design, such a process will not be completed in time to inform decisions for this near-term loading campaign. Therefore, Constellation submitted this exemption request in order to allow for the continued storage of the nine already loaded MPC-37-CBS, and future loading of six MPC-37-CBS beginning in July 2024 at the CCNPP ISFSI. This exemption is limited to the use of MPC-37-CBS in the HI-STORM FW MPC Storage System only for the nine already loaded canisters and specific near-term planned loading of six new canisters using the MPC-37-CBS variant basket design.

III. Discussion

Pursuant to 10 CFR 72.7, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations of 10 CFR part 72 as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

A. The Exemption is Authorized by Law

This exemption would allow Constellation to maintain nine loaded and to load six MPC-37-CBS in the HI-STORM FW MPC Storage System at its CCNPP ISFSI in a storage condition where the terms, conditions, and specifications in the CoC No. 1032, Amendment No. 1, Revision No. 1, are not met. Constellation is requesting an exemption from the provisions in 10 CFR part 72 that require the licensee to comply with the terms, conditions, and specifications of the CoC for the approved cask model it uses. Section 72.7 allows the NRC to grant exemptions from the requirements of 10 CFR part 72. This authority to grant exemptions is consistent with the Atomic Energy Act of 1954, as amended, and is not otherwise inconsistent with NRC's regulations or other applicable laws. Additionally, no other law prohibits the activities that would be authorized by the exemption. Therefore, the NRC concludes that there is no statutory prohibition on the issuance of the requested exemption, and the NRC is authorized to grant the exemption by law.

B. The Exemption Will Not Endanger Life or Property or the Common Defense and Security

This exemption would allow Constellation to maintain nine loaded and to load six MPC-37-CBS in the HI-STORM FW MPC Storage System at the CCNPP ISFSI in a storage condition where the terms, conditions, and specifications in the CoC No. 1032, Amendment No. 1, Revision No. 1, are not met. In support of its exemption request, Constellation asserts that issuance of the exemption would not endanger life or property because the administrative controls the applicant has in place prevent a tip-over or handling event, and that the containment boundary would be maintained in such an event. Constellation relies, in part, on the approach in the NRC's Safety Determination Memorandum (ML24018A085). The NRC issued this Safety Determination Memorandum to address whether, with respect to the enforcement action against Holtec regarding this violation, there was any need to take an immediate action for the cask systems that were already loaded with non-compliant basket designs. The Safety Determination Memorandum documents a risk-informed approach concluding that, during the design basis event of a non-mechanistic tip-over, the fuel in the basket in the MPC-37-CBS remains in a subcritical condition.

Constellation also provided site-specific technical information, including information explaining why the use of the approach in the NRC's Safety Determination Memorandum is appropriate for determining the safe use of the CBS variant baskets at the CCNPP ISFSI. Specifically, Constellation described that the analysis of the tip-over design basis event that is relied upon in the NRC's Safety Determination Memorandum, which demonstrates that the MPC confinement barrier is maintained, is documented in the updated final safety analysis report (UFSAR) for the HI-STORM FW MPC Storage System CoC No. 1032, Amendment 1, Revision No. 1, that is used at the CCNPP site. Constellation also described its administrative controls for handling of the HI-STORM FW MPC Storage System at the CCNPP ISFSI to prevent a tip-over or handling event. Those controls include using single-failure-proof handling systems as defined in Section 5.1.6 of NUREG-0612, "Control of Heavy Loads at Nuclear Power Plants" (ML070250180). CCNPP's UFSAR Section 5.7 describes the spent fuel cask handling crane as being designated single-failure-proof

using criteria from NUREG-0554, "Single-Failure-Proof Cranes For Nuclear Power Plants." Constellation referenced its "Rigging and Lifting Program" and use of the Lift Lock (a special lifting device designed to the increased stress limits of ANSI N14.6, "for Radioactive Materials—Special Lifting Devices for Shipping Containers Weighing 10 000 Pounds (4500 kg) or More") to further demonstrate that CCNPP has applicable operational procedures in place to safely load, process, transfer and move the MPCs in accordance with the Technical Specifications in Appendix A of the CoC and the HI-STORM FW UFSAR.

Additionally, Constellation provided specific information from CCNPP's 72.212 Evaluation Report, Revision 3, indicating that during the design basis event of a non-mechanistic tip-over, CCNPP's ISFSI would meet the requirements in 10 CFR 72.104, "Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS," and 72.106, "Controlled area of an ISFSI or MRS." Specifically, Constellation described that, in the highly unlikely event of a tip-over, any potential fuel damage from a non-mechanistic tip-over event would be localized, the confinement barrier would be maintained, and the shielding material would remain intact. Coupled with the distance of the CCNPP ISFSI to the site area boundary, Constellation concluded that compliance with 72.104 and 72.106 is not impacted by approving this exemption request.

The NRC staff reviewed the information provided by Constellation and concludes that issuance of the exemption would not endanger life or property because the administrative controls Constellation has in place at the CCNPP ISFSI sufficiently minimize the possibility of a tip-over or handling event, and that the containment boundary would be maintained in such an event. The staff confirmed that these administrative controls are documented in the Technical Specifications and UFSAR for the HI-STORM FW MPC Storage System CoC No. 1032, Amendment 1, Revision No. 1, that is used at the CCNPP site. In addition, the staff confirmed that the information provided by Constellation regarding CCNPP's 72.212 Evaluation Report, Revision 3, demonstrates that the consequences of normal and accident conditions would be within the regulatory limits of the 10 CFR 72.104 and 10 CFR 72.106. The staff also determined that the requested exemption is not related to any aspect of the physical security or defense of the CCNPP ISFSI; therefore, granting the

exemption would not result in any potential impacts to common defense and security.

For these reasons, the NRC staff has determined that under the requested exemption, the storage system will continue to meet the safety requirements of 10 CFR part 72 and the offsite dose limits of 10 CFR part 20 and, therefore, will not endanger life or property or the common defense and security.

C. The Exemption is Otherwise in the Public Interest

The proposed exemption would allow the nine already loaded MPC-37-CBS in the HI-STORM FW MPC Storage System to remain in storage at the CCNPP ISFSI, and allow Constellation to load six MPC-37-CBS in the HI-STORM FW MPC Storage System beginning in July 2024 at the CCNPP ISFSI, even though the CBS variant basket design is not part of the approved CoC No. 1032, Amendment No. 1, Revision No. 1. According to Constellation, the exemption is in the public interest because unloading fuel from already loaded canisters and not being able to load fuel into dry storage in the future loading campaign would impact Constellation's ability to offload fuel from the CCNPP reactor units, consequently impacting continued safe reactor operation. The refueling of the MPCs, removal of fuel assemblies, and replacement into a different MPC would result in additional doses and handling operations with no added safety benefit. In addition, future loading campaigns would need to be delayed until older design canisters can be fabricated and delivered to the site.

Constellation stated that to unload already loaded MPC-37-CBS or delay the future loading campaign would impact the ability to effectively manage the margin to full core discharge capability in the CCNPP Units 1 and 2 spent fuel pools. The low spent fuel pool capability would make it difficult to refuel and present potential risks to fuel handling operations during pre- and post-outage. In addition, a crowded spent fuel pool would challenge the decay heat removal demand of the pool and increase the likelihood of a loss of fuel pool cooling event and a fuel handling accident. It could also result in higher dose to divers routinely performing underwater maintenance on the spent fuel pool fuel transfer system. Furthermore, CCNPP planned the cask loading campaigns years in advance based on availability of the specialized workforce and equipment that is shared throughout the Constellation fleet. These specialty resources support

competing priorities including refueling outages, loading campaigns, fuel pool cleanouts, fuel inspections, fuel handling equipment upgrade and maintenance, fuel shpping, new fuel receipt, and crane maintenance and upgrades. Any delays would have a cascading impact on other scheduled specialized activities.

For the reasons described by Constellation in the exemption request, the NRC agrees that it is in the public interest to grant the exemption. If the exemption is not granted, in order to comply with the CoC, Constellation would have to unload MPC-37-CBS from the HI-STORM FW MPC Storage System at the CCNPP ISFSI and reload into the older design MPC-37 to restore compliance with terms, conditions, and specifications of the CoC. This would subject onsite personnel to additional radiation exposure, increase the risk of a possible fuel handling accident, and increase the risk of a possible heavy load handling accident. Furthermore, the removed spent fuel would need to be placed in the spent fuel pool until it can be loaded into another storage cask or remain in the spent fuel pool if it is not permitted to be loaded into casks for the future loading campaign. As described by Constellation, this scenario would affect Constellation's ability to effectively manage the spent pool capacity and reactor fuel offloading at CCNPP. In addition, the rescheduling of the specialized resources for the future loading campaign would impact the operations of CCNPP and other Constellation sites.

Therefore, the staff concludes that approving the exemption is in the public interest.

Environmental Consideration

The NRC staff also considered whether there would be any significant environmental impacts associated with the exemption. For this proposed action, the NRC staff performed an environmental assessment pursuant to 10 CFR 51.30. The environmental assessment concluded that the proposed action would not significantly impact the quality of the human environment. The NRC staff concluded that the proposed action would not result in any changes in the types or amounts of any radiological or non-radiological effluents that may be released offsite, and there would be no significant increase in occupational or public radiation exposure because of the proposed action. The environmental assessment and the finding of no significant impact was published on May 20, 2024 (89 FR 43878).

IV. Conclusion

Based on these considerations, the NRC has determined that, pursuant to 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC grants Constellation an exemption from the requirements of §§ 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 with respect to the ongoing storage of nine MPC-37-CBS in the HI-STORM FW MPC Storage System and a future loading in the HI-STORM FW MPC Storage System of six new MPC-37-CBS beginning in July 2024.

This exemption is effective upon issuance.

Dated: May 20, 2024.

For the Nuclear Regulatory Commission.
/RA/

Yoira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2024-11554 Filed 5-24-24; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-10; NRC-2024-0086]

Northern States Power Company; Prairie Island Independent Spent Fuel Storage Installation; License Amendment Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a license amendment application from Northern States Power Company (NSPM) for an amendment to Special Nuclear Materials License No. SNM-2506 for the Prairie Island Independent Spent Fuel Storage Installation (PI ISFSI) located in Welch, Minnesota. The amendment request seeks to change License Conditions 23(a), 24(A)(2), and 24(B)(2). The subject license conditions are management activities with specified inspection intervals of three months or one quarter. The inspection intervals are "not to exceed every quarter" for license condition 23 and "not to exceed three months" for license condition 24. This is inconsistent with similar independent spent fuel storage installation (ISFSI) technical specifications (TS) surveillance requirements (SRs), for example, SR

3.1.4.1 and SR 3.1.4.2, which give the frequency as 92 days, and ISFSI TS SR 3.0.2, which allows up to 1.25 times the interval specified in the frequency. NSPM proposes to revise the license conditions to describe the inspection intervals similar to TS Surveillance Requirement Frequency, allowing up to 1.25 times the specified intervals to account for scheduling challenges, including but not limited to periods of extreme cold weather or other high-priority plant activities.

DATES: A request for a hearing or petition for leave to intervene must be filed by July 29, 2024.

ADDRESSES: Please refer to Docket ID NRC-2024-0086 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-2024-0086. Address questions about Docket IDs in [Regulations.gov](https://www.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. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **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: John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0262; email: John-Chau.Nguyen@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received, by letter dated April 2, 2024 (ADAMS Accession No. ML24095A075), a license amendment application from NSPM, to amend Special Nuclear Materials License No. SNM-2506, which authorizes the storage of spent fuel at the PI ISFSI located in Welch, Minnesota. Specifically, the proposed amendment, if approved, would allow NSPM to perform inspections with intervals similar to TS Surveillance Requirement Frequency, allowing up to 1.25 times the specified intervals. An interval extension period will provide flexibility to schedule the inspections around typical challenges, including but not limited to inclement weather, security drills, and refueling outages. The proposed changes to the inspection intervals in the subject license conditions also make them more consistent with the ISFSI TS.

An NRC administrative completeness review, documented in a letter to NSPM dated May 16, 2024 (ADAMS Accession No. ML24128A257), found the application acceptable to begin a technical review.

Before any issuance of the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report. In the amendment request, NSPM asserted that the proposed amendment satisfies the categorical exclusion criteria of paragraph 51.22(c)(11) of title 10 of the *Code of Federal Regulations* (10 CFR). The NRC will evaluate this assertion and make findings consistent with the National Environmental Policy Act and 10 CFR part 51.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the NRC's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this

document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053>) and on the NRC's public website at <https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056) and on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other

adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing

adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Dated: May 21, 2024.

For the Nuclear Regulatory Commission.

Yaira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024-11555 Filed 5-24-24; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

President's Commission on White House Fellowships Advisory Committee: Closed Meeting

AGENCY: President's Commission on White House Fellowships, Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The President's Commission on White House Fellowships (PCWHF) was established by an executive order in 1964. The PCWHF is an advisory committee composed of Special Government Employees appointed by the President. The Advisory Committee meets in late May/early June to interview potential candidates for

recommendation to become a White House Fellow. The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT: Rosemarie Vela, 712 Jackson Place NW, Washington, DC 20503, Phone: 202-395-4522.

SUPPLEMENTARY INFORMATION: *Name of Committee:* President's Commission on White House Fellowships Selection Weekend.

Date: May 30—June 2, 2024.

Time: 8:00 a.m.—5:30 p.m.

Place: St. Regis Hotel, 923 Black Lives Matter Plaza NW, Washington, DC 20006.

Agenda: The Commission will interview 30 National Finalists for the selection of the new class of White House Fellows.

Authority: Executive Orders 11183 and 14109

Office of Personnel Management.

Kayyonne Marston,

Federal Register Liaison.

[FR Doc. 2024-11636 Filed 5-24-24; 8:45 am]

BILLING CODE 6325-69-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024-306 and CP2024-314; MC2024-307 and CP2024-315; MC2024-308 and CP2024-316]

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 29, 2024.

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. 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)*: MC2024–306 and CP2024–314; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 69 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 20, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*:

Christopher C. Mohr; *Comments Due*: May 29, 2024.

2. *Docket No(s)*: MC2024–307 and CP2024–315; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 264 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 20, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Gregory S. Stanton; *Comments Due*: May 29, 2024.

3. *Docket No(s)*: MC2024–308 and CP2024–316; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 265 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 20, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Gregory S. Stanton; *Comments Due*: May 29, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–11562 Filed 5–24–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024–309 and CP2024–317]

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 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:

Table of Contents

- 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)*: MC2024–309 and CP2024–317; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 70 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 21, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*:

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).

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).

Kenneth R. Moeller; *Comments Due:* May 30, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–11651 Filed 5–24–24; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100195; File No. SR–BX–2024–017]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Cabinet Proximity Option Fee To Establish a Reservation Fee for Cabinets With Power Densities Greater Than 10 kW

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on May 9, 2024, Nasdaq BX, Inc. (“BX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange’s Cabinet Proximity Option Fee at General 8, Section 1, as described further below.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/bx/rules>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change³ is to amend the Exchange’s Cabinet Proximity Option Fee at General 8, Section 1(d) by establishing a reservation fee for cabinets with power densities greater than 10 kilowatts (“kW”).⁴

The Exchange currently offers a Cabinet Proximity Option program where, for a monthly fee, customers can obtain an option for future use on available, unused cabinet space in proximity to their existing equipment. Cabinets reserved under the Cabinet Proximity Option program are unused cabinets that customers reserve for future use and can be converted to a powered cabinet at the customer’s request. Under the program, customers can reserve up to maximum of 20 cabinets that the Exchange endeavors to provide as close as reasonably possible to the customer’s existing cabinet space, taking into consideration power availability within segments of the data center and the overall efficiency of use of data center resources as determined by the Exchange. Should reserved data center space be needed for use, the reserving customer will have three business days to formally contract with the Exchange for full payment for the reserved cabinet space or it will be reassigned. In making determinations to require exercise or relinquishment of reserved space as among numerous customers, the Exchange will take into consideration several factors, including: proximity between available reserved cabinet space and the existing space of a customer seeking additional space for actual cabinet usage; a customer’s ratio of cabinets in use to those reserved; the length of time that a particular reservation(s) has been in place; and any other factor that the Exchange deems

relevant to ensure overall efficiency in use of the data center space.⁵

The applicable monthly fees for the Cabinet Proximity Option program are in General 8, Section 1(d). The Cabinet Proximity Option fee is \$1,055/month per medium or low density cabinets and \$1,583/month per medium/high or high density cabinets.⁶ The Exchange proposes to establish a Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW. As such, the Exchange proposes to amend its fee schedule at General 8, Section 1(d) to reflect the addition to the existing Cabinet Proximity Option fees.

Currently, the Exchange offers Super High Density Cabinets with power densities greater than 10 kW and less than or equal to 17.3 kW.⁷ In addition, the Exchange intends to expand its data center and offer cabinets with increased power densities in the future, including power densities greater than 17.3 kW.⁸ Customers will not be liable to pay fees under the Cabinet Proximity Option program until such time as cabinets can be converted to powered cabinets. To be clear, the Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW would apply to any such reservations in the existing data center. Although the Exchange has an expansion of the data center underway, the fees for the Cabinet Proximity Option program would not apply to the expanded data center until the expansion is operational and cabinets are available and able to be converted to powered cabinets.⁹

The proposed Cabinet Proximity Option fee of \$3,000 would only be charged to those customers that voluntarily choose to reserve cabinets with power densities greater than 10 kW. Such option is available to all customers. Similar to other fees related to cabinet and power usage, the Cabinet Proximity Option fee is incremental,

⁵ See Securities Exchange Act Release No. 34–62396 (June 28, 2010), 75 FR 38585 (July 2, 2010) (SR–BX–2010–012).

⁶ Low density cabinets are cabinets with power densities less than or equal to 2.88 kW. Medium density cabinets are cabinets with power densities greater than 2.88 kW and less than or equal to 5 kW. Medium/High density cabinets are cabinets with power densities greater than 5 kW and less than or equal to 7 kW. High density cabinets are cabinets with power densities greater than 7 kW and less than 10 kW. See General 8, Section 1(a).

⁷ See General 8, Section 1(a).

⁸ The Exchange will submit proposed rule change(s) to the Commission regarding any proposal to expand its services, including a proposal to offer cabinets with new power densities.

⁹ Although the timing is subject to change, the Exchange anticipates that the data center expansion will be complete by September 2024.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ The Exchange initially filed the proposed pricing change on March 1, 2024 (SR–BX–2024–009). On March 13, 2024, the Exchange withdrew that filing and submitted SR–BX–2024–010. On May 9, 2024, the Exchange withdrew that filing and submitted this filing.

⁴ On February 26, 2024, the Exchange filed a proposal to offer the Exchange’s Cabinet Proximity Option program for cabinets with power densities greater than 10 kW. See Securities Exchange Act Release No. 34–99643 (February 29, 2024), 89 FR 16040 (March 6, 2024) (SR–BX–2024–007).

with higher fees being imposed based on higher levels of cabinet and power allocation. The proposed Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW is comparable to pricing for “PNU cabinets”¹⁰ available to customers of co-location facilities of the New York Stock Exchange LLC (“NYSE”), which charges a monthly fee of \$360 per kW for PNU cabinets.¹¹

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹³ 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.

First, the proposal is reasonable because the proposed fee is comparable to NYSE’s monthly fee of \$360 per kW for PNU cabinets.¹⁴ As noted above, NYSE offers “PNU cabinets,” which are reserved cabinets that are not active and can be converted to powered, dedicated cabinets when the user requests.¹⁵ The Exchange’s proposal would establish a flat \$3,000 Cabinet Proximity Option fee for cabinets with power densities greater than 10 kW. Under NYSE’s fee schedule, a reservation for a cabinet with power density equal to 10 kW would be \$3,600 (e.g., 10 kW × \$360). Because NYSE’s PNU cabinet fees are charged on a per kW basis, PNU cabinet fees for cabinets with power densities greater than 10 kW would be more than \$3,600 and increase as the power density of the cabinet increases.

¹⁰ Similar to the Exchange’s Cabinet Proximity Option program, the New York Stock Exchange offers “PNU cabinets,” which are reserved cabinets that are not active and can be converted to powered, dedicated cabinets when the user requests. Due to heightened demand for power and cabinets, NYSE established certain procedures related to PNU cabinet conversion and restrictions on new PNU cabinet offerings. NYSE adopted a policy that, if unallocated cabinet inventory is at or below 40 cabinets, new PNU cabinets are not offered. However, when the unallocated cabinet inventory is more than 40 cabinets, NYSE may continue to offer PNU cabinets. See Securities Exchange Act Release No. 34–90732 (December 18, 2020), 85 FR 84443 (December 28, 2020). See also Securities Exchange Act Release No. 34–91515 (April 8, 2021), 86 FR 19674 (April 14, 2021).

¹¹ See NYSE Connectivity Fee Schedule, available at https://www.nyse.com/publicdocs/Wireless_Connectivity_Fees_and_Charges.pdf.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(4) and (5).

¹⁴ See NYSE Connectivity Fee Schedule, available at https://www.nyse.com/publicdocs/Wireless_Connectivity_Fees_and_Charges.pdf.

¹⁵ *Supra* note 10.

Therefore, the Exchange’s proposal reflects a discounted price to reserve such cabinets as compared to NYSE’s fees for comparable PNU cabinets.

Furthermore, the Exchange offers the Cabinet Proximity Option program as a convenience to customers, providing an option to reserve unused cabinet space in proximity to their existing equipment. No firms are required to reserve cabinets via the Cabinet Proximity Option program. Clients may simply order cabinets without utilizing reservations. The proposed Cabinet Proximity Option fee of \$3,000 would only be charged to those customers that voluntarily choose to reserve cabinets with power densities greater than 10 kW and such option is available to all customers.

The Exchange believes substitutable products and services are available to market participants, including, among other things, other equities and options exchanges that a market participant may connect to in lieu of the Exchange,¹⁶ connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of equities or options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets. Market participants that wish to connect to the Exchange will continue to choose the method of connectivity based on their specific needs. Market participants that wish to connect to the Exchange but want to avoid or mitigate the effect of this proposed fee can choose to connect to the Exchange through a vendor (or order cabinets without reservations, as noted above).

In offering the Cabinet Proximity Option the Exchange incurs certain costs, including costs related to the data center, including maintaining an adequate level of power so that reserved cabinets can be available and powered on promptly at the request of customers.

If the Exchange is incorrect in its determination that the proposed fee

¹⁶ There are currently 16 registered equities exchanges that trade equities and 17 exchanges offering options trading services. No single equities exchange has more than 15% of the market share. See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (Last updated January 11, 2024), available at https://www.cboe.com/us/equities/market_statistics/. No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent. See Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at <https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary>. This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers.

reflects the value of the Cabinet Proximity Option for cabinets with power densities greater than 10 kW, customers will not reserve such cabinets.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because the proposed fee is less than NYSE’s fee for a comparable service, customers have choices in how they connect to the Exchange, and reservations under the Cabinet Proximity Option program are optional and provided as a convenience to customers.

The Exchange believes that the proposed fee change is not unfairly discriminatory because the Cabinet Proximity Option fee is assessed uniformly across all market participants that voluntarily select the option, which is available to all customers. All customers have the choice of whether and how to connect to the Exchange and may order cabinets without utilizing reservations.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition because the Cabinet Proximity Option program is available to any customer under the same fees as any other customer, and any customer that wishes to reserve a cabinet pursuant to the Cabinet Proximity Option program can do so on a non-discriminatory basis.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-BX-2024-017 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-BX-2024-017. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-BX-2024-017 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-11574 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35199; File No. 812-15478]

Kennedy Lewis Capital Company and Kennedy Lewis Capital Holdings LLC

May 21, 2024.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 18(a)(2), 18(c), 18(i) and section 61(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies that have elected to be regulated as business development companies to issue multiple classes of shares with varying sales loads and asset-based distribution and/or service fees.

APPLICANTS: Kennedy Lewis Capital Company and Kennedy Lewis Capital Holdings LLC.

FILING DATES: The application was filed on June 26, 2023, and amended on January 9, 2024, and April 16, 2024.

HEARING OR NOTIFICATION OF HEARING:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretarys-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below.

Hearing requests should be received by the Commission by 5:30 p.m. on June 17, 2024, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: Secretarys-Office@sec.gov. The Applicants: James Didden, Kennedy Lewis Capital Company, 225 Liberty Street, Suite 4210, New York, NY 10281; Richard Horowitz, Esq., Dechert LLP, richard.horowitz@dechert.com.

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenlees, Senior Counsel, or Lisa Reid Ragen, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and condition, please refer to Applicants' second amended and restated application, dated April 16, 2024, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-11532 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

¹⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁸ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100200; File No. SR-MRX-2024-12]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Cabinet Proximity Option Fee To Establish a Reservation Fee for Cabinets With Power Densities Greater Than 10 kW

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 9, 2024, Nasdaq MRX, LLC (“MRX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange’s Cabinet Proximity Option Fee at General 8, Section 1, as described further below.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/mrx/rules>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change³ is to amend the Exchange’s Cabinet Proximity Option Fee at General 8, Section 1(d) by establishing a reservation fee for cabinets with power densities greater than 10 kilowatts (“kW”).⁴

The Exchange currently offers a Cabinet Proximity Option program where, for a monthly fee, customers can obtain an option for future use on available, unused cabinet space in proximity to their existing equipment. Cabinets reserved under the Cabinet Proximity Option program are unused cabinets that customers reserve for future use and can be converted to a powered cabinet at the customer’s request. Under the program, customers can reserve up to maximum of 20 cabinets that the Exchange endeavors to provide as close as reasonably possible to the customer’s existing cabinet space, taking into consideration power availability within segments of the data center and the overall efficiency of use of data center resources as determined by the Exchange. Should reserved data center space be needed for use, the reserving customer will have three business days to formally contract with the Exchange for full payment for the reserved cabinet space or it will be reassigned. In making determinations to require exercise or relinquishment of reserved space as among numerous customers, the Exchange will take into consideration several factors, including: proximity between available reserved cabinet space and the existing space of a customer seeking additional space for actual cabinet usage; a customer’s ratio of cabinets in use to those reserved; the length of time that a particular reservation(s) has been in place; and any other factor that the Exchange deems relevant to ensure overall efficiency in use of the data center space.⁵

³ The Exchange initially filed the proposed pricing change on March 1, 2024 (SR-MRX-2024-05). On March 13, 2024, the Exchange withdrew that filing and submitted SR-MRX-2024-09. On May 9, 2024, the Exchange withdrew that filing and submitted this filing.

⁴ On February 26, 2024, the Exchange filed a proposal to offer the Exchange’s Cabinet Proximity Option program for cabinets with power densities greater than 10 kW. See Securities Exchange Act Release No. 34-99645 (February 29, 2024), 89 FR 16067 (March 6, 2024) (SR-MRX-2024-03).

⁵ See Securities Exchange Act Release No. 34-62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR-NASDAQ-2010-019). In 2017, the Exchange synchronized its options for connecting to the Exchange with that of its sister exchanges and

The applicable monthly fees for the Cabinet Proximity Option program are in General 8, Section 1(d). The Cabinet Proximity Option fee is \$1,055/month per medium or low density cabinets and \$1,583/month per medium/high or high density cabinets.⁶ The Exchange proposes to establish a Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW. As such, the Exchange proposes to amend its fee schedule at General 8, Section 1(d) to reflect the addition to the existing Cabinet Proximity Option fees.

Currently, the Exchange offers Super High Density Cabinets with power densities greater than 10 kW and less than or equal to 17.3 kW.⁷ In addition, the Exchange intends to expand its data center and offer cabinets with increased power densities in the future, including power densities greater than 17.3 kW.⁸ Customers will not be liable to pay fees under the Cabinet Proximity Option program until such time as cabinets can be converted to powered cabinets. To be clear, the Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW would apply to any such reservations in the existing data center. Although the Exchange has an expansion of the data center underway, the fees for the Cabinet Proximity Option program would not apply to the expanded data center until the expansion is operational and cabinets are available and able to be converted to powered cabinets.⁹

The proposed Cabinet Proximity Option fee of \$3,000 would only be charged to those customers that voluntarily choose to reserve cabinets with power densities greater than 10 kW. Such option is available to all customers. Similar to other fees related to cabinet and power usage, the Cabinet Proximity Option fee is incremental, with higher fees being imposed based

adopted uniform colocation services, including the Cabinet Proximity Option program. See Securities Exchange Act Release No. 34-81907 (October 19, 2017), 82 FR 49447 (October 25, 2017) (SR-MRX-2017-21).

⁶ Low density cabinets are cabinets with power densities less than or equal to 2.88 kW. Medium density cabinets are cabinets with power densities greater than 2.88 kW and less than or equal to 5 kW. Medium/High density cabinets are cabinets with power densities greater than 5 kW and less than or equal to 7 kW. High density cabinets are cabinets with power densities greater than 7 kW and less than 10 kW. See General 8, Section 1(a).

⁷ See General 8, Section 1(a).

⁸ The Exchange will submit proposed rule change(s) to the Commission regarding any proposal to expand its services, including a proposal to offer cabinets with new power densities.

⁹ Although the timing is subject to change, the Exchange anticipates that the data center expansion will be complete by September 2024.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

on higher levels of cabinet and power allocation. The proposed Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW is comparable to pricing for “PNU cabinets”¹⁰ available to customers of co-location facilities of the New York Stock Exchange LLC (“NYSE”), which charges a monthly fee of \$360 per kW for PNU cabinets.¹¹

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹³ 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.

First, the proposal is reasonable because the proposed fee is comparable to NYSE’s monthly fee of \$360 per kW for PNU cabinets.¹⁴ As noted above, NYSE offers “PNU cabinets,” which are reserved cabinets that are not active and can be converted to powered, dedicated cabinets when the user requests.¹⁵ The Exchange’s proposal would establish a flat \$3,000 Cabinet Proximity Option fee for cabinets with power densities greater than 10 kW. Under NYSE’s fee schedule, a reservation for a cabinet with power density equal to 10 kW would be \$3,600 (e.g., 10 kW × \$360). Because NYSE’s PNU cabinet fees are charged on a per kW basis, PNU cabinet fees for cabinets with power densities greater than 10 kW would be more than \$3,600 and increase as the power density of the cabinet increases. Therefore, the Exchange’s proposal

reflects a discounted price to reserve such cabinets as compared to NYSE’s fees for comparable PNU cabinets.

Furthermore, the Exchange offers the Cabinet Proximity Option program as a convenience to customers, providing an option to reserve unused cabinet space in proximity to their existing equipment. No firms are required to reserve cabinets via the Cabinet Proximity Option program. Clients may simply order cabinets without utilizing reservations. The proposed Cabinet Proximity Option fee of \$3,000 would only be charged to those customers that voluntarily choose to reserve cabinets with power densities greater than 10 kW and such option is available to all customers.

The Exchange believes substitutable products and services are available to market participants, including, among other things, other options exchanges that a market participant may connect to in lieu of the Exchange,¹⁶ connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets. Market participants that wish to connect to the Exchange will continue to choose the method of connectivity based on their specific needs. Market participants that wish to connect to the Exchange but want to avoid or mitigate the effect of this proposed fee can choose to connect to the Exchange through a vendor (or order cabinets without reservations, as noted above).

In offering the Cabinet Proximity Option the Exchange incurs certain costs, including costs related to the data center, including maintaining an adequate level of power so that reserved cabinets can be available and powered on promptly at the request of customers.

If the Exchange is incorrect in its determination that the proposed fee reflects the value of the Cabinet Proximity Option for cabinets with power densities greater than 10 kW, customers will not reserve such cabinets.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because the proposed fee is less than NYSE’s fee for a comparable service, customers have choices in how they connect to the Exchange, and reservations under the Cabinet Proximity Option program are optional and provided as a convenience to customers.

The Exchange believes that the proposed fee change is not unfairly discriminatory because the Cabinet Proximity Option fee is assessed uniformly across all market participants that voluntarily select the option, which is available to all customers. All customers have the choice of whether and how to connect to the Exchange and may order cabinets without utilizing reservations.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition because the Cabinet Proximity Option program is available to any customer under the same fees as any other customer, and any customer that wishes to reserve a cabinet pursuant to the Cabinet Proximity Option program can do so on a non-discriminatory basis.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section

¹⁰ Similar to the Exchange’s Cabinet Proximity Option program, the New York Stock Exchange offers “PNU cabinets,” which are reserved cabinets that are not active and can be converted to powered, dedicated cabinets when the user requests. Due to heightened demand for power and cabinets, NYSE established certain procedures related to PNU cabinet conversion and restrictions on new PNU cabinet offerings. NYSE adopted a policy that, if unallocated cabinet inventory is at or below 40 cabinets, new PNU cabinets are not offered. However, when the unallocated cabinet inventory is more than 40 cabinets, NYSE may continue to offer PNU cabinets. See Securities Exchange Act Release No. 34–90732 (December 18, 2020), 85 FR 84443 (December 28, 2020). See also Securities Exchange Act Release No. 34–91515 (April 8, 2021), 86 FR 19674 (April 14, 2021).

¹¹ See NYSE Connectivity Fee Schedule, available at https://www.nyse.com/publicdocs/Wireless_Connectivity_Fees_and_Charges.pdf.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(4) and (5).

¹⁴ See NYSE Connectivity Fee Schedule, available at https://www.nyse.com/publicdocs/Wireless_Connectivity_Fees_and_Charges.pdf.

¹⁵ *Supra* note 10.

¹⁶ There are currently 17 exchanges offering options trading services. No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent. See Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at <https://www.nasdaq.com/Trader.aspx?id=OptionsVolumeSummary>. This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers.

19(b)(3)(A)(ii) of the Act.¹⁷ At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MRX-2024-12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-MRX-2024-12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal

identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MRX-2024-12 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-11569 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100197; File No. SR-PHLX-2024-23]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Cabinet Proximity Option Fee To Establish a Reservation Fee for Cabinets With Power Densities Greater Than 10 kW

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 9, 2024, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Cabinet Proximity Option Fee at General 8, Section 1, as described further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/phlx/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

¹⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change³ is to amend the Exchange's Cabinet Proximity Option Fee at General 8, Section 1(d) by establishing a reservation fee for cabinets with power densities greater than 10 kilowatts ("kW").⁴

The Exchange currently offers a Cabinet Proximity Option program where, for a monthly fee, customers can obtain an option for future use on available, unused cabinet space in proximity to their existing equipment. Cabinets reserved under the Cabinet Proximity Option program are unused cabinets that customers reserve for future use and can be converted to a powered cabinet at the customer's request. Under the program, customers can reserve up to maximum of 20 cabinets that the Exchange endeavors to provide as close as reasonably possible to the customer's existing cabinet space, taking into consideration power availability within segments of the data center and the overall efficiency of use of data center resources as determined by the Exchange. Should reserved data center space be needed for use, the reserving customer will have three business days to formally contract with the Exchange for full payment for the reserved cabinet space or it will be reassigned. In making determinations to require exercise or relinquishment of

³ The Exchange initially filed the proposed pricing change on March 1, 2024 (SR-Phlx-2024-09). On March 13, 2024, the Exchange withdrew that filing and submitted SR-Phlx-2024-12. On May 9, 2024, the Exchange withdrew that filing and submitted this filing.

⁴ On February 26, 2024, the Exchange filed a proposal to offer the Exchange's Cabinet Proximity Option program for cabinets with power densities greater than 10 kW. See Securities Exchange Act Release No. 34-99644 (February 29, 2024), 89 FR 16069 (March 6, 2024) (SR-Phlx-2024-06).

¹⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

reserved space as among numerous customers, the Exchange will take into consideration several factors, including: proximity between available reserved cabinet space and the existing space of a customer seeking additional space for actual cabinet usage; a customer's ratio of cabinets in use to those reserved; the length of time that a particular reservation(s) has been in place; and any other factor that the Exchange deems relevant to ensure overall efficiency in use of the data center space.⁵

The applicable monthly fees for the Cabinet Proximity Option program are in General 8, Section 1(d). The Cabinet Proximity Option fee is \$1,055/month per medium or low density cabinets and \$1,583/month per medium/high or high density cabinets.⁶ The Exchange proposes to establish a Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW. As such, the Exchange proposes to amend its fee schedule at General 8, Section 1(d) to reflect the addition to the existing Cabinet Proximity Option fees.

Currently, the Exchange offers Super High Density Cabinets with power densities greater than 10 kW and less than or equal to 17.3 kW.⁷ In addition, the Exchange intends to expand its data center and offer cabinets with increased power densities in the future, including power densities greater than 17.3 kW.⁸ Customers will not be liable to pay fees under the Cabinet Proximity Option program until such time as cabinets can be converted to powered cabinets. To be clear, the Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW would apply to any such reservations in the existing data center. Although the Exchange has an expansion of the data center underway, the fees for the Cabinet Proximity Option program would not apply to the expanded data center until the expansion is operational

and cabinets are available and able to be converted to powered cabinets.⁹

The proposed Cabinet Proximity Option fee of \$3,000 would only be charged to those customers that voluntarily choose to reserve cabinets with power densities greater than 10 kW. Such option is available to all customers. Similar to other fees related to cabinet and power usage, the Cabinet Proximity Option fee is incremental, with higher fees being imposed based on higher levels of cabinet and power allocation. The proposed Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW is comparable to pricing for "PNU cabinets" ¹⁰ available to customers of co-location facilities of the New York Stock Exchange LLC ("NYSE"), which charges a monthly fee of \$360 per kW for PNU cabinets.¹¹

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹³ 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.

First, the proposal is reasonable because the proposed fee is comparable to NYSE's monthly fee of \$360 per kW for PNU cabinets.¹⁴ As noted above, NYSE offers "PNU cabinets," which are reserved cabinets that are not active and can be converted to powered, dedicated

cabinets when the user requests.¹⁵ The Exchange's proposal would establish a flat \$3,000 Cabinet Proximity Option fee for cabinets with power densities greater than 10 kW. Under NYSE's fee schedule, a reservation for a cabinet with power density equal to 10 kW would be \$3,600 (e.g., 10 kW × \$360). Because NYSE's PNU cabinet fees are charged on a per kW basis, PNU cabinet fees for cabinets with power densities greater than 10 kW would be more than \$3,600 and increase as the power density of the cabinet increases. Therefore, the Exchange's proposal reflects a discounted price to reserve such cabinets as compared to NYSE's fees for comparable PNU cabinets.

Furthermore, the Exchange offers the Cabinet Proximity Option program as a convenience to customers, providing an option to reserve unused cabinet space in proximity to their existing equipment. No firms are required to reserve cabinets via the Cabinet Proximity Option program. Clients may simply order cabinets without utilizing reservations. The proposed Cabinet Proximity Option fee of \$3,000 would only be charged to those customers that voluntarily choose to reserve cabinets with power densities greater than 10 kW and such option is available to all customers.

The Exchange believes substitutable products and services are available to market participants, including, among other things, other equities and options exchanges that a market participant may connect to in lieu of the Exchange,¹⁶ connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of equities or options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets. Market participants that wish to connect to the Exchange will continue to choose the method of connectivity based on their specific needs. Market participants

⁵ See Securities Exchange Act Release No. 34-62395 (June 28, 2010), 75 FR 38584 (July 2, 2010) (SR-Phlx-2010-18).

⁶ Low density cabinets are cabinets with power densities less than or equal to 2.88 kW. Medium density cabinets are cabinets with power densities greater than 2.88 kW and less than or equal to 5 kW. Medium/High density cabinets are cabinets with power densities greater than 5 kW and less than or equal to 7 kW. High density cabinets are cabinets with power densities greater than 7 kW and less than 10 kW. See General 8, Section 1(a).

⁷ See General 8, Section 1(a).

⁸ The Exchange will submit proposed rule change(s) to the Commission regarding any proposal to expand its services, including a proposal to offer cabinets with new power densities.

⁹ Although the timing is subject to change, the Exchange anticipates that the data center expansion will be complete by September 2024.

¹⁰ Similar to the Exchange's Cabinet Proximity Option program, the New York Stock Exchange offers "PNU cabinets," which are reserved cabinets that are not active and can be converted to powered, dedicated cabinets when the user requests. Due to heightened demand for power and cabinets, NYSE established certain procedures related to PNU cabinet conversion and restrictions on new PNU cabinet offerings. NYSE adopted a policy that, if unallocated cabinet inventory is at or below 40 cabinets, new PNU cabinets are not offered. However, when the unallocated cabinet inventory is more than 40 cabinets, NYSE may continue to offer PNU cabinets. See Securities Exchange Act Release No. 34-90732 (December 18, 2020), 85 FR 84443 (December 28, 2020). See also Securities Exchange Act Release No. 34-91515 (April 8, 2021), 86 FR 19674 (April 14, 2021).

¹¹ See NYSE Connectivity Fee Schedule, available at https://www.nyse.com/publicdocs/Wireless_Connectivity_Fees_and_Charges.pdf.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(4) and (5).

¹⁴ See NYSE Connectivity Fee Schedule, available at https://www.nyse.com/publicdocs/Wireless_Connectivity_Fees_and_Charges.pdf.

¹⁵ *Supra* note 10.

¹⁶ There are currently 16 registered equities exchanges that trade equities and 17 exchanges offering options trading services. No single equities exchange has more than 15% of the market share. See Choe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (Last updated January 11, 2024), available at https://www.cboe.com/us/equities/market_statistics/. No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent. See Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at <https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary>. This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers.

that wish to connect to the Exchange but want to avoid or mitigate the effect of this proposed fee can choose to connect to the Exchange through a vendor (or order cabinets without reservations, as noted above).

In offering the Cabinet Proximity Option the Exchange incurs certain costs, including costs related to the data center, including maintaining an adequate level of power so that reserved cabinets can be available and powered on promptly at the request of customers.

If the Exchange is incorrect in its determination that the proposed fee reflects the value of the Cabinet Proximity Option for cabinets with power densities greater than 10 kW, customers will not reserve such cabinets.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because the proposed fee is less than NYSE's fee for a comparable service, customers have choices in how they connect to the Exchange, and reservations under the Cabinet Proximity Option program are optional and provided as a convenience to customers.

The Exchange believes that the proposed fee change is not unfairly discriminatory because the Cabinet Proximity Option fee is assessed uniformly across all market participants that voluntarily select the option, which is available to all customers. All customers have the choice of whether and how to connect to the Exchange and may order cabinets without utilizing reservations.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition because the Cabinet Proximity Option program is available to any customer under the

same fees as any other customer, and any customer that wishes to reserve a cabinet pursuant to the Cabinet Proximity Option program can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-Phlx-2024-23 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-2024-23. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-Phlx-2024-23 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-11579 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100198; File No. SR-CboeEDGX-2024-025]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.11 To Describe the Manner in Which the Exchange Processes Executions in Securities Priced Below \$1.00 Received From Away Trading Centers Priced in Fractional Pennies

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 10, 2024, Cboe EDGX Exchange, Inc. ("Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

¹⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") proposes to amend Rule 11.11 to describe the manner in which the Exchange processes executions in securities priced below \$1.00 received from away Trading Centers priced in fractional pennies. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/options/regulation/rule_filings/edgx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.11 to describe the manner in which the Exchange processes executions in securities priced below \$1.00 received from away Trading Centers³ priced in fractional pennies.⁴ Currently, the Exchange does not accept or rank orders priced in fractional

pennies in securities priced below \$1.00⁵ for orders posted to the EDGX Book,⁶ but may receive executions priced in fractional pennies through its routing broker-dealer affiliate, Cboe Trading, Inc. ("Cboe Trading" or the "Routing Broker"). Today, when the Exchange's Routing Broker receives an execution in a security priced below \$1.00 from certain away Trading Centers priced in fractional pennies, the Routing Broker truncates the execution price to four decimal places by eliminating any values beyond four decimal places prior to transmitting the execution price back to the Exchange.⁷ The Exchange now proposes that for each Exchange order in a security priced below \$1.00 that the Routing Broker routes to an away Trading Center, and for which it receives an execution in fractional pennies, that such execution will be rounded up or down in favor of the Exchange order—i.e., the Routing Broker will round down to the nearest \$0.0001 for all buy executions, and round up to the nearest \$0.0001 for all sell executions.

Pursuant to Rule 2.11, the Exchange relies on its Routing Broker to provide outbound routing services from the Exchange to a routing destination. Rule 2.11 also provides the authority to the Exchange or the Routing Broker to cancel orders on the Exchange's equity securities platform when a technical or system issue occurs. In addition, Rule 2.11 also describes the operation of an error account for Cboe Trading. While Rule 2.11 speaks to the authority of the Routing Broker to provide outbound routing services, Rule 11.11 describes the manner in which orders are routed away from the Exchange to an away Trading Center. The Exchange proposes to add subparagraph (j) to Rule 11.11 to describe the order handling behavior of fractional penny executions on away Trading Centers.

Specifically, the Exchange proposes that in order to process executions which occur in securities priced below \$1.00 in fractional pennies on away

Trading Centers, the Exchange's Routing Broker will perform an adjustment to each fractional penny execution. In particular, for all buy executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies, the Routing Broker will round down to the nearest \$0.0001. Additionally, for all sell executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies, the Routing Broker will round up to the nearest \$0.0001. The only exception to this rounding behavior will occur when a buy execution in securities priced below \$1.00 in fractional pennies received from an away Trading Center would result in the Routing Broker rounding down to a price of \$0.0000. In this instance, and this instance only, the Routing Broker will instead round up to the minimum price of \$0.0001 in order to comply with Rule 11.6(i). The Routing Broker will afford the Exchange order (and ultimately, the User⁸) the most favorable execution price based on the fractional penny execution received by the Routing Broker from the away market, save for the limited scenario when the Routing Broker must round a buy order up to a price of \$0.0001 in order to meet the Exchange's minimum price requirement. Once the Routing Broker has completed its adjustment, it will transmit the order back to the Exchange.

The Exchange's proposal is based on a similar proposal from NYSE that described how its routing broker would process orders received from an away market that were executed in odd-lots or in sub-pennies.⁹ While the Exchange's proposal is similar to the NYSE Routing Broker Filing, there are important distinctions as described below. First, the NYSE Routing Broker Filing is a broad proposal that introduces NYSE's routing broker and provides a detailed description of the routing broker's operation, and the Exchange's proposal is limited to describing only the manner in which the Routing Broker processes executions received from an away Trading Center that occur in fractional pennies, as the Exchange's Routing Broker has been operating since 2014.¹⁰ Next, the Exchange's proposal differs from the NYSE Routing Broker Filing in

³ See Rule 2.11. A "Trading Center" means a securities exchange other than the Exchange, facilities of securities exchanges, automated trading systems, electronic communications networks, or other brokers or dealers.

⁴ For purposes of this filing, the term "fractional pennies" or "fractional penny" means an execution out to five decimal places or more (i.e., \$0.00001 or finer). The Exchange notes that it accepts and ranks orders in securities priced below \$1.00 out to four decimal places (\$0.0001). While quotations and executions in \$0.0001 increments are also known as fractional penny quotations (executions), the Exchange is limiting the use of the term "fractional penny" or "fractional pennies" within this proposal to executions out to five or more decimal places to categorize a specific issue with increments finer than \$0.0001.

⁵ See Rule 11.6(i). "Bids, offers, or orders in securities traded on the Exchange shall not be made in an increment smaller than: (i) \$0.01 if those bids, offers, or orders are priced equal to or greater than \$1.00 per share; or (ii) \$0.0001 if those bids, offers, or orders are priced less than \$1.00 per share; or (iii) any other increment established by the Commission for any security which has been granted an exemption from the minimum price increments requirement of SEC Rule 612(a) or 612(b) of Regulation NMS."

⁶ See Rule 1.5(d). The term "EDGX Book" shall mean the System's electronic file of orders.

⁷ For example, if the Routing Broker receives an execution from an away Trading Center priced at \$0.50037, it truncates the price to \$0.5003 prior to transmitting the execution price back to the Exchange.

⁸ See Rule 1.5(ee). The term "User" shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.

⁹ See Securities Exchange Act Release No. 55590 (April 5, 2007), 72 FR 18707 (April 13, 2007), SR-NYSE-2007-29 ("NYSE Routing Broker Filing").

¹⁰ See Securities Exchange Act Release No. 73940 (December 24, 2014), 80 FR 63 (January 2, 2015), SR-EDGX-2014-35 ("EDGX Routing Broker Amendment").

that the Exchange seeks to describe order handling behavior by its Routing Broker when executions on an away Trading Center occur in fractional pennies, whereas the NYSE Routing Broker Filing describes order handling behavior for executions received by its routing broker occurring in odd-lots or sub-pennies. While there is a distinction between the Exchange's proposal being focused on fractional pennies for securities priced below \$1.00 and NYSE's proposal applying to sub-pennies in securities priced at or above \$1.00, the order handling behavior by both NYSE's routing broker and the Exchange's Routing Broker is nearly identical as both round up (down) to provide the most favorable execution price in a permissible pricing increment based on the execution received from the away Trading Center. In the NYSE Routing Broker Filing, its routing broker rounds up (for sell orders) or down (for buy orders) to the nearest penny, providing the Exchange order the most favorable execution price based on the sub-penny execution received by the routing broker from the away market center. The Exchange's proposal indicates that the Routing Broker will round up (down) to the nearest \$0.0001, providing the Exchange order the most favorable execution price based on the fractional penny execution received by the Routing Broker from the away Trading Center. Additionally, while the NYSE Routing Broker Filing *describes* the order handling behavior of its routing broker, this description was not actually added as rule text to the NYSE rulebook¹¹ and the Exchange is seeking to codify its Routing Broker's order handling behavior when executions are received in fractional pennies.

This service provided by the Routing Broker with regard to fractional penny executions is not intended to operate as a means to generate revenue. While the Routing Broker does not anticipate accruing any positions as a result of the adjustments made to executions in securities priced below \$1.00 received from away Trading Centers in fractional pennies, the Routing Broker will liquidate positions assumed as a result of the services provided to the Exchange. To that end, it is the intent of the Routing Broker to be flat in all

positions at the end of each trading day.¹² The Routing Broker incorporates an automated system to immediately assist in the liquidation (acquisition) for any residual long (short) positions. To mitigate financial risk¹³ to the Routing Broker, registered trading personnel of the Routing Broker may be required to manually assist, as soon as practicable, in the liquidation (acquisition) of such positions, when due to the nature of the security (e.g., high-priced securities that trade with a wide spread) and its trading pattern or volatile market conditions liquidation (acquisition) is not immediately possible.

The Exchange has included the following examples to demonstrate the proposed order handling behavior.

Example 1

Firm A enters an order on the Exchange to buy 100 shares of ABC at \$0.5008. The Exchange's best offer is \$0.5007. Trading Center 1 is displaying a best offer at \$0.5006. Trading Center 1 also has the ability to execute trades in fractional pennies. The System¹⁴ transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.50058 due to price improvement received at Trading Center 1. The Routing Broker will sell 100 shares to Firm A at \$0.5005 and uses the fill of 100 shares at \$0.50058 to offset the position. The Routing Broker will incur *[sic]* total a *[sic]* loss of \$0.008, or \$0.00008 per share.

Example 2

Firm A enters an order on the Exchange to sell 100 shares of ABC at \$0.5004. The Exchange's best bid is \$0.5005. Trading Center 1 is displaying a best bid at \$0.5006. Trading Center 1 also has the ability to execute trades in fractional pennies. The System transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order

handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.50068 due to price improvement received at Trading Center 1. The Routing Broker will buy 100 shares from Firm A at \$0.5007 and uses the fill of 100 shares at \$0.50068 to offset the position. The Routing Broker will incur a total loss of \$0.002, or \$0.00002 per share.

Example 3

Firm A enters an order on the Exchange to buy 100 shares of ABC at \$0.0001. The Exchange's best offer is \$0.0003. Trading Center 1 is displaying a best offer at \$0.0001. Trading Center 1 also has the ability to execute trades in fractional pennies. The System transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.00008 due to price improvement received at Trading Center 1. The Routing Broker will sell 100 shares to Firm A at \$0.0001 and uses the fill of 100 shares at \$0.00008 to offset the position. The Routing Broker will have a total gain of \$0.002, or \$0.00002 per share.¹⁵

The Routing Broker will not engage in any business for the Exchange other than its outbound and inbound routing functions as detailed in Rules 2.11 and 2.12 and in the manner described above. Users are not required to utilize the Routing Broker when submitting orders to the Exchange. In the event a User does not wish for its order to be routed and potentially subject to the order handling behavior described above, it must enter an immediate-or-cancel ("IOC") or any such other order type available on the Exchange that is not eligible for routing. All bids and offers entered on the Exchange that are routed away via the Routing Broker which result in an execution shall be binding on the User that entered such bid or offer.

The Exchange believes that the above proposal detailing the order handling behavior for executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies will provide Users with the best possible outcome in situations where the Exchange is unable to process an

¹¹ See Securities Exchange Act Release No. 64729 (June 23, 2011), 76 FR 38232 (June 29, 2011), SR-NYSE-2011-24 ("NYSE Inbound Routing Filing"). Footnote 11 of the NYSE Inbound Routing Filing states "[n]o rule text was added to the NYSE Rules to describe these functions[.]" in reference to a statement that the routing broker was previously engaged in certain odd-lot and sub-penny transactions as part of its routing function for the exchange.

¹² Absent any unusual market conditions or timing of such trades (for example, the execution of the order at 15:59:59 (it is intended that the Routing Broker will be flat in all positions at the end of each trading day).

¹³ Any and all losses incurred during the facilitation of fractional penny executions will be assumed by the Routing Broker as part of the routing service provided.

¹⁴ See Rule 1.5(cc). The term "System" shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.

¹⁵ The Exchange notes that Example 3 is unlikely to happen as the minimum price increment is \$0.0001 but includes this example to demonstrate potential order handling behavior. See 17 CFR 242.612(b).

execution in fractional pennies due to System limitations.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposal promotes just and equitable principles of trade by providing additional transparency into how the Exchange’s Routing Broker processes executions in securities priced below \$1.00 received in fractional pennies from away Trading Centers. Additionally, the Exchange believes that the Routing Broker’s favorable price adjustment in favor of the User submitting the order promotes just and equitable principles of trade as it is designed to provide Users with the best possible outcome when their orders are adjusted due to System limitations on the Exchange. While the Routing Broker will be incurring a loss on each transaction except for in the limited scenario described in Example 3 above, the end result serves to protect investors and the public interest by providing a price more favorable to Users than the execution price received on the away Trading Center. The Exchange believes that the limited scenario presented in Example 3 above promotes just and equitable principles of trade because rather than providing an execution to the Exchange (and therefore the User) at a price of \$0.0000, the Routing Broker will instead round up to a price of \$0.0001, which is the minimum

execution price supported by the Exchange. While this will result in a minimal profit for the Routing Broker and an inferior execution price than what is provided by the away Trading Center, the Exchange believes that the benefit of the Exchange (and User) ultimately receiving a buy execution at \$0.0001 outweighs any minimal profit that the Routing Broker may receive and any minimal loss that the User experiences as a result of the rounding adjustment. Further, the proposal does not result in unfair discrimination as it applies to all executions received by the Routing Broker in securities priced below \$1.00 that are priced in fractional pennies. Should a User not wish for its order to be subject to the proposed fractional penny adjustment described above, it is free to select a different order type that does not route to an away Trading Center.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition as the proposed order handling behavior by the Routing Broker will apply to all orders routed away equally, in that any order received by the Routing Broker from an away Trading Center in fractional pennies will be adjusted down (up) to the benefit of the User before being sent back to the Exchange. The Exchange notes that use of the Routing Broker is not mandatory. If a User does not wish to have its order subjected to the proposed order handling behavior it is free to choose a different order type that is not eligible for routing to away Trading Centers. In addition, the proposed rule change will not impose any burden on intermarket competition as it is not being introduced to address a competitive issue, but rather to better describe order handling behavior by the Exchange’s Routing Broker.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁹ and Rule 19b-4(f)(6) thereunder.²⁰

A proposed rule change filed under Rule 19b-4(f)(6)²¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²² the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

The Exchange states that waiver of the operative delay would permit the Exchange’s Routing Broker to immediately implement the order handling behavior described in the proposal, which would benefit Users who submit a routable order to the Exchange and receive an execution on an away Trading Center in fractional pennies. The Exchange further states the proposed rule change does not present any new or novel issues, as at least one other exchange indicated that its routing broker performed similar rounding behavior for orders received in odd-lot or sub-penny increments that were filled on away market centers and were not compatible with existing exchange system behavior.²³ For these reasons, and because the proposal does not raise any new or novel issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative

¹⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

²⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²¹ 17 CFR 240.19b-4(f)(6).

²² 17 CFR 240.19b-4(f)(6)(iii).

²³ See *supra* note 9.

¹⁶ 15 U.S.C. 78f(b).

¹⁷ 15 U.S.C. 78f(b)(5).

¹⁸ *Id.*

delay and designates the proposal operative upon filing.²⁴

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁵ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2024-025 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-CboeEDGX-2024-025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and

printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2024-025 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-11577 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100187; File No. SR-NYSECHX-2024-18]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Rules Concerning Supervision To Adopt Rules Based on NYSE American Rules 3110—Equities and 3120—Equities

May 21, 2024.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on May 16, 2024, the NYSE Chicago, Inc. (“NYSE Chicago” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules concerning supervision to adopt rules based on NYSE American Rules 3110—Equities (Supervision) and

3120—Equities (Supervisory Control System) and make certain conforming changes. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules concerning supervision to adopt rules based on NYSE American Rules 3110—Equities (Supervision) and 3120—Equities (Supervisory Control System) and make certain conforming changes. More specifically, the Exchange proposes to (1) adopt new rule text that is substantially similar to NYSE American Rule 3110—Equities and NYSE American Rule 3120—Equities; (2) delete Article 6, Rule 5 (Registration, Supervision and Training) except for certain text that will be retained as new Rule 11.20 (Adherence to Law); and (3) make conforming changes to Rule 10.9217 (Violations Appropriate for Disposition Under Rule 9216(b)).

Background and Proposed Rule Change Current Supervision Rules

The Exchange's current supervision Rule is Article 6, Rule 5.

Subsection (a) of Article 6, Rule 5 sets forth a basic declaration that Participants are responsible for adherence to federal securities laws and Exchange rules, and must reasonably supervise their operations and associated persons to prevent violations of thereof.

Subsection (b) provides for the designation of persons with supervisory authority. Specifically, the rule provides that each Participant Firm must designate a principal executive officer, general partner or managing partner to hold overall authority and responsibility

²⁴ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁵ 15 U.S.C. 78s(b)(2)(B).

²⁶ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

for the Participant Firm's internal supervision and compliance with securities laws and regulations, although under the rule the designated supervisor under the rule may formally delegate their supervisory duties and authority to other persons within the firm. The rule also requires that Participants⁴ maintain, for a period of not less than six years (the first two years in an easily accessible place), records of the names of all persons who are designated as supervisory personnel and the dates for which those designations are effective. In the absence of such designation by a Participant Firm, the rule provides that the firm's General Partner(s), President, Chief Executive Officer or other principal executive officer shall be deemed to be responsible for a Firm's internal supervision and compliance function. In addition, each Participant Firm shall designate and specifically identify to the Exchange on Schedule A of Form BD one or more principals to serve as a Chief Compliance Officer.

Article 6, Rule 5(c) governs written supervisory procedures, and provides that each Participant Firm shall establish, maintain and enforce written procedures to supervise the types of business in which it engages and to supervise the activities of registered and associated persons. Such written procedures must be reasonably designed to achieve compliance with applicable securities laws and regulations, and with the applicable rules of the Exchange. The rule further specifies that the Participant Firm's written supervisory procedures must set forth the following: the supervisory system established by the Participant Firm; the titles, registration status and locations of the required supervisory personnel; and the responsibilities of each supervisor as they relate to the types of business engaged in, applicable securities laws and the rules of the Exchange. Article 6, Rule 5(c) requires that a copy of a Participant Firm's written supervisory procedures or the relevant portions thereof, be maintained at each location where supervisory activities are conducted on behalf of the firm. Each Participant Firm is required to periodically review and amend its

written supervisory procedures as appropriate within a reasonable time, including but not limited to, updates required by changes in applicable securities laws and regulations, including the rules of the Exchange, and as changes occur in the supervisory system. In addition, the rule provides that each Participant Firm shall be responsible for communicating these amendments within its organization. Finally, the rule requires each Participant Firm to maintain records evidencing actual review of transactions, systems, programs or other activities by the designated supervisory personnel pursuant to the written supervisory procedures.

Article 6, Rule 5(d) governs internal controls and training. The rule requires that at least annually, each Participant Firm must discuss compliance matters with its registered and associated persons and must maintain records confirming the dates of these discussions and the subject matters that were discussed. Each Participant Firm must also establish internal controls to determine that proper supervision is being exercised.

Article 6, Rule 5(e) governs branch and resident offices. Under the rule, a Participant Firm for which this Exchange is the Designated Examining Authority or which is subject to examination by another self-regulatory organization not having a comparable rule, shall not open a branch or resident office unless it has obtained the prior written approval of the Exchange. Application for approval of the opening of a branch or resident office must be made on a form provided by the Exchange at least one month (or such shorter period as the Exchange may approve) prior to the proposed opening date of the office. A Participant Firm maintaining branch or resident offices must establish procedures providing for close supervision of such offices, and maintain a close, responsible relationship with the person in charge of such office or offices. A designated partner or officer of the main office is personally responsible for proper supervision of such branch or resident office.

Finally, Supplementary Material .01 governs registration of new branch offices and sets forth the steps to be taken when registering new branch offices as required by Article 6, Rule 5(d). Supplementary Material .01 requires each Participant Firm to forward a completed Form BR to the Exchange. In addition, prior to approval of the branch office, the office manager or the registered representative in charge must have completed the

Exchange requirements for registration. The office may begin operating as a branch on receipt of written approval from the Exchange.

Proposed Rule Change

The Exchange proposes to delete the foregoing rules relating to supervision (except as noted below), which are, in main part, either duplicative of, or do not align with, the proposed supervision requirements discussed below, and adopt the text of NYSE American Rules 3110—Equities and 3120—Equities, subject to certain technical and conforming changes.⁵ The text in current rule Article 6, Rule 5(a) following the heading “Adherence to Law” would be retained in its entirety and moved to Rule 11 governing business conduct without substantive change as new Rule 11.20, also titled “Adherence to Law.”⁶

Proposed Rule 11.3110 (Supervision)

Proposed Rule 11.3110 is based primarily on requirements in the NYSE American and FINRA rulebooks and current Article 6, Rule 5 relating to, among other things, supervisory systems, written procedures, internal inspections, and review of correspondence.

Proposed Rule 11.3110(a)

Proposed Rule 11.3110(a) would cover supervisory systems and would require each Participant Firm to establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable Exchange rules. Under the proposed rule, final responsibility for proper supervision would rest with the Participant Firm. In addition, a Participant Firm's supervisory system would need to provide, at a minimum, for the following:

- The establishment and maintenance of written procedures as required by proposed Rule 11.3110.
- The designation, where applicable, of an appropriately registered principal with authority to carry out the supervisory responsibilities of the Participant Firm for each type of business in which it engages for which

⁴ The term “Participant” is defined in Article 1, Rule 1(s) to mean, among other things, any Participant Firm that holds a valid Trading Permit and that a Participant shall be considered a “member” of the Exchange for purposes of the Act. If a Participant is not a natural person, the Participant may also be referred to as a Participant Firm, but unless the context requires otherwise, the term Participant shall refer to an individual Participant and/or a Participant Firm. For the avoidance of doubt, this rule filing will use the phrase Participant and/or Participant Firm.

⁵ The technical and conforming changes are that the Exchange would substitute “Participant Firm” for “member organization” and change a cross-reference to NYSE American Rules 2210 to Exchange Rule 11.2210.

⁶ The Exchange notes that its affiliate NYSE National, Inc. has a similar business conduct rule. See NYSE National Rule 11.3.2 (Violations Prohibited).

registration as a broker-dealer is required.

- The registration and designation as a branch office or an office of supervisory jurisdiction (“OSJ”) of each location, including the main office, that meets the definitions contained in proposed Rule 11.3110(e). The Exchange has not previously designated OSJs. As such, the requirements relating to OSJs described hereinafter would be new for Participant Firms.

- The designation of one or more appropriately registered principals in each OSJ and one or more appropriately registered representatives or principals in each non-OSJ branch office with authority to carry out the supervisory responsibilities assigned to that office by the Participant Firm.

- The assignment of each registered person to an appropriately registered representative or principal who would be responsible for supervising that person’s activities.

- The use of reasonable efforts to determine that all supervisory personnel are qualified, either by virtue of experience or training, to carry out their assigned responsibilities.

- The participation of each registered representative and registered principal, either individually or collectively, no less than annually, in an interview or meeting conducted by persons designated by the Participant Firm at which compliance matters relevant to the activities of the representative and principal are discussed, which may occur in conjunction with the discussion of other matters and may be conducted at a central or regional location or at the representative’s or principal’s place of business.

Proposed Rule 11.3110(b)

Proposed Rule 11.3110(b)(1) would address written procedures and would require each Participant Firm to establish, maintain, and enforce written procedures to supervise the types of business in which it engages and the activities of its associated persons that are reasonably designed to achieve compliance with applicable securities laws and regulations and applicable Exchange rules.

Under proposed Rule 11.3110(b)(2), the supervisory procedures required by proposed Rule 11.3110(b) would need to include procedures for the review by a registered principal, evidenced in writing, of all transactions relating to the investment banking or securities business of the Participant Firm.

Consistent with NYSE American Rule 3110(b)(3)—Equities, proposed Rule 11.3110(b)(3) would be marked “Reserved.”

Under proposed Rule 11.3110(b)(4), the supervisory procedures required by proposed Rule 11.3110(b) would need to also include procedures for the review of incoming and outgoing written (including electronic) correspondence and internal communications relating to the Participant Firm’s investment banking or securities business and be appropriate for the Participant Firm’s business, size, structure, and customers. The supervisory procedures would need to require the Participant Firm’s review of:

- Incoming and outgoing written (including electronic) correspondence to properly identify and handle in accordance with firm procedures, customer complaints, instructions, funds and securities, and communications that are of a subject matter that require review under Exchange rules and federal securities laws.

- Internal communications to properly identify those communications that are of a subject matter that require review under Exchange rules and federal securities laws.

Such reviews would need to be conducted by a registered principal and evidenced in writing, either electronically or on paper. Those communications include (without limitation) certain communications with the public that require a principal’s preapproval (Rule 11.2210).

Proposed Rule 11.3110(b)(5) requires a Participant Firm’s supervisory procedures to include procedures to capture, acknowledge, and respond to all written (including electronic) customer complaints.

Under proposed Rule 11.3110(b)(6), the supervisory procedures required by proposed Rule 11.3110(b) would need to set forth the supervisory system established by the Participant Firm pursuant to proposed Rule 11.3110(a), and would need to include:

- The titles, registration status, and locations of the required supervisory personnel and the responsibilities of each supervisory person as these relate to the types of business engaged in, applicable securities laws and regulations, and Exchange rules.

- A record, preserved by the Participant Firm for a period of not less than three years, the first two years in an easily accessible place, of the names of all persons who are designated as supervisory personnel and the dates for which such designation is or was effective.

- Procedures prohibiting associated persons who perform a supervisory function from:

- Supervising their own activities; and

- Reporting to, or having their compensation or continued employment determined by, a person or persons they are supervising.

- If a Participant Firm determines, with respect to any of its supervisory personnel, that compliance with the preceding two bullets is not possible because of the Participant Firm’s size or a supervisory personnel’s position within the firm, the Participant Firm would need to document:

- The factors the Participant Firm used to reach such determination; and

- How the supervisory arrangement with respect to such supervisory personnel otherwise complies with proposed Rule 11.3110(a).

- Procedures reasonably designed to prevent the supervisory system required pursuant to proposed Rule 11.3110(a) from being compromised due to the conflicts of interest that may be present with respect to the associated person being supervised, including the position of such person, the revenue such person generates for the firm, or any compensation that the associated person conducting the supervision may derive from the associated person being supervised.

Proposed Rule 11.3110(b)(7) would require a Participant Firm to keep and maintain a copy of its written supervisory procedures, or such relevant portions, in each OSJ and at each location where supervisory activities are conducted on behalf of the Participant Firm. Each Participant Firm would need to promptly amend its written supervisory procedures to reflect changes in applicable securities laws or regulations, including Exchange rules, and as changes occur in its supervisory system. Each Participant Firm would be responsible for promptly communicating its written supervisory procedures and amendments to all associated persons to whom such written supervisory procedures and amendments are relevant based on their activities and responsibilities.

Proposed Rule 11.3110(c)

Proposed Rule 11.3110(c) would cover internal inspections. Proposed Rule 11.3110(c)(1) would require each Participant Firm to conduct a review, at least annually (on a calendar-year basis), of the businesses in which it engages. The review would need to be reasonably designed to assist the Participant Firm in detecting and preventing violations of, and achieving compliance with, applicable securities laws and regulations, and with applicable Exchange rules. Each Participant Firm

would need to review the activities of each office, which would include the periodic examination of customer accounts to detect and prevent irregularities or abuses. Each Participant Firm would also need to retain a written record of the date upon which each review and inspection is conducted.

In addition, proposed Rule 11.3110(c)(1) would require each Participant Firm to inspect at least annually (on a calendar-year basis) every OSJ and any branch office that supervises one or more non-branch locations. Each Participant Firm would need to also inspect at least every three years every branch office that does not supervise one or more non-branch locations. In establishing how often to inspect each non-supervisory branch office, the Participant Firm would need to consider whether the nature and complexity of the securities activities for which the location is responsible, the volume of business done at the location, and the number of associated persons assigned to the location require the non-supervisory branch office to be inspected more frequently than every three years. If a Participant Firm establishes a more frequent inspection cycle, the Participant Firm would need to ensure that at least every three years, the inspection requirements enumerated in proposed Rule 11.3110(c)(2) have been met. The Participant Firm's written supervisory and inspection procedures would need to set forth the non-supervisory branch office examination cycle, an explanation of the factors the Participant Firm used in determining the frequency of the examinations in the cycle, and the manner in which a Participant Firm will comply with proposed Rule 11.3110(c)(2) if using more frequent inspections than every three years. Each Participant Firm would need to inspect, on a regular periodic schedule, every non-branch location. In establishing such schedule, the Participant Firm would need to consider the nature and complexity of the securities activities for which the location is responsible and the nature and extent of contact with customers. The Participant Firm's written supervisory and inspection procedures would also need to set forth the schedule and an explanation regarding how the Participant Firm determined the frequency of the examination.

Proposed Rule 11.3110(c)(2) would require the inspection and review by a Participant Firm pursuant to proposed Rule 11.3110(c)(1) to be reduced to a written report and kept on file by the Participant Firm for a minimum of three years, unless the inspection is being conducted pursuant to proposed Rule

11.3110(c)(1)(C) and the regular periodic schedule is longer than a three-year cycle, in which case the report would need to be kept on file at least until the next inspection report has been written. Under proposed Rule 11.3110(c)(2)(A), if applicable to the location being inspected, that location's written inspection report would need to include, without limitation, the testing and verification of the Participant Firm's policies and procedures, including supervisory policies and procedures in the following areas:

- Safeguarding of customer funds and securities;
- Maintaining books and records;
- Supervision of supervisory personnel;
- Transmittals of funds (e.g., wires or checks, etc.) or securities from customers to third party accounts; from customer accounts to outside entities (e.g., banks, investment companies, etc.); from customer accounts to locations other than a customer's primary residence (e.g., post office box, "in care of" accounts, alternate address, etc.); and between customers and registered representatives, including the hand-delivery of checks; and
- Changes of customer account information, including address and investment objectives changes and validation of such changes.

The policies and procedures regarding transmittals of funds would need to include a means or method of customer confirmation, notification, or follow-up that can be documented. Participant Firm s may use reasonable risk-based criteria to determine the authenticity of the transmittal instructions. The policies and procedures regarding changes of customer account information would need to include, for each change processed, a means or method of customer confirmation, notification, or follow-up that can be documented and that complies with SEA Rules 17a-3(a)(17)(i)(B)(2) and 17a-3(a)(17)(i)(B)(3).

If a Participant Firm does not engage in all of the activities enumerated in the bullets immediately above at the location being inspected, the Participant Firm would need to identify those activities in the Participant Firm's written supervisory procedures or the location's written inspection report and document in the Participant Firm's written supervisory procedures or the location's written inspection report that supervisory policies and procedures for such activities would need to be in place at that location before the Participant Firm can engage in them.

Under proposed Rule 11.3110(c)(3), for each inspection conducted pursuant

to the proposed rule, a Participant Firm would need to:

- have procedures reasonably designed to prevent the effectiveness of inspections from being compromised due to the conflicts of interest that may be present with respect to the location being inspected, including but not limited to, economic, commercial, or financial interests in the associated persons and businesses being inspected; and
- ensure that the person conducting an inspection is not an associated person assigned to the location or is not directly or indirectly supervised by, or otherwise reporting to, an associated person assigned to the location. If a Participant Firm determines that compliance with this requirement is not possible either because of a Participant Firm's size or its business model, the Participant Firm would need to document in the inspection report both the factors the Participant Firm used to make its determination and how the inspection otherwise complies with proposed Rule 11.3110(c)(1).

The Exchange currently does not have a comparable rule.

Proposed Rule 11.3110(d)

Section 15(g) of the Act,⁷ adopted as part of the Insider Trading and Securities Fraud Enforcement Act of 1988 ("ITSFEA"),⁸ requires every registered broker or dealer to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material, non-public information by the broker or dealer or any associated person of the broker or dealer.

Proposed Rule 11.3110(d) would cover transaction reviews and investigations. Proposed Rule 11.3110(d)(1) would require each Participant Firm to include in its supervisory procedures a process for the review of securities transactions reasonably designed to identify trades that may violate the provisions of the Act, the rules thereunder, or Exchange rules prohibiting insider trading and manipulative and deceptive devices that are effected for the:

- Accounts of the Participant Firm;
- Accounts introduced or carried by the Participant Firm in which a person associated with the Participant Firm has a beneficial interest or the authority to make investment decisions;
- Accounts of a person associated with the Participant Firm that are

⁷ 15 U.S.C. 78o(g).

⁸ See Insider Trading and Securities Fraud Enforcement Act of 1988, Public Law 100-704, 102 Stat. 4677.

disclosed to the Participant Firm pursuant to Article 8, Rule 6 (Prohibited Accounts) or FINRA Rule 3210 (Accounts At Other Broker-Dealers and Financial Institutions), as applicable; and

- Covered accounts.

Under proposed Rule 11.3110(d)(2), each Participant Firm would need promptly to conduct an internal investigation into any such trade to determine whether a violation of those laws or rules has occurred. In addition, under proposed Rule 11.3110(d)(3), a Participant Firm engaging in investment banking services would need to file with the Exchange, written reports, signed by a senior officer of the Participant Firm, at such times and, without limitation, including such content, as follows:

- Within ten business days of the end of each calendar quarter, a written report describing each internal investigation initiated in the previous calendar quarter pursuant to proposed Rule 11.3110(d)(2), including the identity of the Participant Firm, the date each internal investigation commenced, the status of each open internal investigation, the resolution of any internal investigation reached during the previous calendar quarter, and, with respect to each internal investigation, the identity of the security, trades, accounts, associated persons of the Participant Firm, or associated person of the Participant Firm's family members holding a covered account, under review, and that includes a copy of the Participant Firm's policies and procedures required by proposed Rule 11.3110(d)(1).

- Within five business days of completion of an internal investigation pursuant to proposed Rule 11.3110(d)(2) in which it was determined that a violation of the provisions of the Act, the rules thereunder, or Exchange rules prohibiting insider trading and manipulative and deceptive devices had occurred, a written report detailing the completion of the investigation, including the results of the investigation, any internal disciplinary action taken, and any referral of the matter to the Exchange, another SRO, the SEC, or any other federal, state, or international regulatory authority.

For purposes of proposed Rule 11.3110(d)(4) the following definitions would apply:

- The term "covered account" would include any account introduced or carried by the Participant Firm that is held by:
 - The spouse of a person associated with the Participant Firm;
 - A child of the person associated with the Participant Firm or such

person's spouse, provided that the child resides in the same household as or is financially dependent upon the person associated with the Participant Firm;

- Any other related individual over whose account the person associated with the Participant Firm has control; or
- Any other individual over whose account the associated person of the Participant Firm has control and to whose financial support such person materially contributes.

- The term "investment banking services" would include, without limitation, acting as an underwriter, participating in a selling group in an offering for the issuer, or otherwise acting in furtherance of a public offering of the issuer; acting as a financial adviser in a merger or acquisition; providing venture capital or equity lines of credit or serving as placement agent for the issuer or otherwise acting in furtherance of a private offering of the issuer.

Proposed Rule 11.3110(e)⁹

Proposed Rule 11.3110(e) would define OSJ and branch office. As noted above, OSJ would be a new designation for the Exchange and the definition of the term would substantially mirror NYSE American's definition. The term would mean any office of a Participant Firm at which any one or more of the following functions take place:

- Order execution or market making;
- Structuring of public offerings or private placements;
- Maintaining custody of customers' funds or securities;
- Final acceptance (approval) of new accounts on behalf of the Participant Firm;
- Review and endorsement of customer orders;
- Final approval of retail communications for use by persons associated with the Participant Firm, pursuant to Rule 11.2210(b)(1), except for an office that solely conducts final approval of research reports; or
- Responsibility for supervising the activities of persons associated with the Participant Firm at one or more other branch offices of the Participant Firm.

The definition of "branch office" would be new and would mean any location where one or more associated persons of a Participant Firm regularly conducts the business of effecting any transactions in, or inducing or attempting to induce the purchase or sale of, any security, or is held out as such, excluding:

- Any location that is established solely for customer service or back office type functions where no sales activities are conducted and that is not held out to the public as a branch office;
- Any location that is the associated person's primary residence, provided that

- only one associated person, or multiple associated persons who reside at that location and are members of the same immediate family, conduct business at the location;

- the location is not held out to the public as an office and the associated person does not meet with customers at the location;

- neither customer funds nor securities are handled at that location;

- the associated person is assigned to a designated branch office, and such designated branch office is reflected on all business cards, stationery, retail communications and other communications to the public by such associated person;

- the associated person's correspondence and communications with the public are subject to the firm's supervision in accordance with proposed Rule 11.3110;

- electronic communications (*e.g.*, email) are made through the Participant Firm's electronic system;

- all orders are entered through the designated branch office or an electronic system established by the Participant Firm that is reviewable at the branch office;

- written supervisory procedures pertaining to supervision of sales activities conducted at the residence are maintained by the Participant Firm; and
- a list of the residence locations is maintained by the Participant Firm.

- Any location, other than a primary residence, that is used for securities business for less than 30 business days in any one calendar year, provided the Participant Firm complies with the first eight bullet points immediately above;

- Any office of convenience, where associated persons occasionally and exclusively by appointment meet with customers, which is not held out to the public as an office;

- Any location that is used primarily to engage in non-securities activities and from which the associated person(s) effects no more than 25 securities transactions in any one calendar year, provided that any retail communication identifying such location also sets forth the address and telephone number of the location from which the associated person(s) conducting business at the non-branch locations are directly supervised;

⁹ Like its affiliate NYSE American, the Exchange does not propose to adopt current FINRA Rule 3110(e), which governs the responsibility to investigate applicants for registration.

- The Floor of a registered national securities exchange where a Participant Firm conducts a direct access business with public customers; or

- A temporary location established in response to the implementation of a business continuity plan.

Notwithstanding the exclusions for branch offices described above, any location that is responsible for supervising the activities of persons associated with the Participant Firm at one or more non-branch locations of the Participant Firm would be considered a branch office.

The term “business day” would not include any partial business day provided that the associated person spends at least four hours on such business day at his or her designated branch office during the hours that such office is normally open for business.

Proposed Supplementary Materials to Rule 11.3110

Proposed Supplementary Material .01 to Rule 11.3110 would require a Participant Firm’s main office location to be registered and designated as a branch office or OSJ if it meets the definitions of a “branch office” or “office of supervisory jurisdiction” as set forth in proposed Rule 11.3110(e). In general, the nature of activities conducted at a main office will satisfy the requirements of such terms.

Proposed Supplementary Material .02 to Rule 11.3110 would provide that, in addition to the locations that meet the definition of OSJ in proposed Rule 11.3110(e), each Participant Firm would need to also register and designate other offices as OSJs as is necessary to supervise its associated persons in accordance with the standards set forth in proposed Rule 11.3110. In making a determination as to whether to designate a location as an OSJ, the Participant Firm should consider the following factors:

- Whether registered persons at the location engage in retail sales or other activities involving regular contact with public customers;
- Whether a substantial number of registered persons conduct securities activities at, or are otherwise supervised from, such location;
- Whether the location is geographically distant from another OSJ of the firm;
- Whether the Participant Firm’s registered persons are geographically dispersed; and
- Whether the securities activities at such location are diverse or complex.

Proposed Supplementary Material .03 to Rule 11.3110 would provide additional guidance relating to proposed

Rule 11.3110(a)(4), which requires a Participant Firm to designate one or more appropriately registered principals in each OSJ with the authority to carry out the supervisory responsibilities assigned to that office (“on-site principal”). The proposed Supplementary Material would provide that the designated on-site principal for each OSJ would need to have a physical presence, on a regular and routine basis, at each OSJ for which the principal has supervisory responsibilities.

Consequently, there is a general presumption that a principal will not be designated and assigned to be the on-site principal pursuant to proposed Rule 11.3110(a)(4) to supervise more than one OSJ. If a Participant Firm determines it is necessary to designate and assign one appropriately registered principal to be the on-site principal pursuant to proposed Rule 11.3110(a)(4) to supervise two or more OSJs, the Participant Firm would need to take into consideration, among others, the following factors:

- Whether the on-site principal is qualified by virtue of experience and training to supervise the activities and associated persons in each location;
- Whether the on-site principal has the capacity and time to supervise the activities and associated persons in each location;
- Whether the on-site principal is a producing registered representative;
- Whether the OSJ locations are in sufficiently close proximity to ensure that the on-site principal is physically present at each location on a regular and routine basis; and
- The nature of activities at each location, including size and number of associated persons, scope of business activities, nature and complexity of products and services offered, volume of business done, the disciplinary history of persons assigned to such locations, and any other indicators of irregularities or misconduct.

The Participant Firm would need to establish, maintain, and enforce written supervisory procedures regarding the supervision of all OSJs. In all cases where a Participant Firm designates and assigns one on-site principal to supervise more than one OSJ, the Participant Firm would need to document in the Participant Firm’s written supervisory and inspection procedures the factors used to determine why the Participant Firm considers such supervisory structure to be reasonable and the determination by the Participant Firm will be subject to scrutiny.

Proposed Supplementary Material .04 to Rule 11.3110 would provide that a

Participant Firm is not required to conduct in-person meetings with each registered person or group of registered persons to comply with the annual compliance meeting (or interview) required by proposed Rule 11.3110(a)(7). A Participant Firm that chooses to conduct compliance meetings using other methods (*e.g.*, on-demand webcast or course, video conference, interactive classroom setting, telephone, or other electronic means) would need to ensure, at a minimum, that each registered person attends the entire meeting (*e.g.*, an on-demand annual compliance webcast would require each registered person to use a unique user ID and password to gain access and use a technology platform to track the time spent on the webcast, provide click-as-you-go confirmation, and have an attestation of completion at the end of a webcast) and is able to ask questions regarding the presentation and receive answers in a timely fashion (*e.g.*, an on-demand annual compliance webcast that allows registered persons to ask questions via an email to a presenter or a centralized address or via a telephone hotline and receive timely responses directly or view such responses on the Participant Firm’s intranet site).

Proposed Supplementary Material .05 to Rule 11.3110 would provide that a Participant Firm may use a risk-based review system to comply with proposed Rule 11.3110(b)(2)’s requirement that a registered principal review all transactions relating to the investment banking or securities business of the Participant Firm. A Participant Firm is not required to conduct detailed reviews of each transaction if a Participant Firm is using a reasonably designed risk-based review system that provides a Participant Firm with sufficient information that permits the Participant Firm to focus on the areas that pose the greatest numbers and risks of violation.

Proposed Supplementary Material .06 to Rule 11.3110 would provide that, by employing risk-based principles, a Participant Firm would need to decide the extent to which additional policies and procedures for the review of:

- Incoming and outgoing written (including electronic) correspondence that fall outside of the subject matters listed in proposed Rule 11.3110(b)(4) are necessary for its business and structure. If a Participant Firm’s procedures do not require that all correspondence be reviewed before use or distribution, the procedures would need to provide for:

- The education and training of associated persons regarding the firm’s procedures governing correspondence;

- The documentation of such education and training; and
- Surveillance and follow-up to ensure that such procedures are implemented and followed.

- Internal communications that are not of a subject matter that require review under Exchange rules and federal securities laws are necessary for its business and structure.

Proposed Supplementary Material .07 to Rule 11.3110 would provide that the evidence of review required in proposed Rule 11.3110(b)(4) would need to be chronicled either electronically or on paper and clearly identify the reviewer, the internal communication or correspondence that was reviewed, the date of review, and the actions taken by the Participant Firm as a result of any significant regulatory issues identified during the review. Merely opening a communication would not be sufficient review.

Proposed Supplementary Material .08 to Rule 11.3110 would provide that, in the course of the supervision and review of correspondence and internal communications required by proposed Rule 11.3110(b)(4), a supervisor/principal may delegate certain functions to persons who need not be registered. However, the supervisor/principal remains ultimately responsible for the performance of all necessary supervisory reviews, irrespective of whether he or she delegates functions related to the review. Accordingly, supervisors/principals would need to take reasonable and appropriate action to ensure delegated functions are properly executed and should evidence performance of their procedures sufficiently to demonstrate overall supervisory control.

Proposed Supplementary Material .09 to Rule 11.3110 would provide that each Participant Firm would need to retain the internal communications and correspondence of associated persons relating to the Participant Firm's investment banking or securities business for the period of time and accessibility specified in SEA Rule 17a-4(b). The names of the persons who prepared outgoing correspondence and who reviewed the correspondence would need to be ascertainable from the retained records, and the retained records would need to be readily available to the Exchange, upon request.

Proposed Supplementary Material .10 to Rule 11.3110 would provide that a Participant Firm's determination that it is not possible to comply with proposed Rules 3110(b)(6)(C)(i) or (b)(6)(C)(ii) prohibiting supervisory personnel from supervising their own activities and from reporting to, or otherwise having

compensation or continued employment determined by, a person or persons they are supervising generally will arise in instances where:

- The Participant Firm is a sole proprietor in a single-person firm;
- A registered person is the Participant Firm's most senior executive officer (or similar position); or
- A registered person is one of several of the Participant Firm's most senior executive officers (or similar positions).

Proposed Supplementary Material .11 to Rule 11.3110 would provide that a Participant Firm may use electronic media to satisfy its obligation to communicate its written supervisory procedures, and any amendment thereto, pursuant to proposed Rule 11.3110(b)(7), provided that:

- The written supervisory procedures have been promptly communicated to, and are readily accessible by, all associated persons to whom such supervisory procedures apply based on their activities and responsibilities through, for example, the Participant Firm's intranet system;
- All amendments to the written supervisory procedures are promptly posted to the Participant Firm's electronic media;
- Associated persons are notified that amendments relevant to their activities and responsibilities have been made to the written supervisory procedures;
- The Participant Firm has reasonable procedures to monitor and maintain the security of the material posted to ensure that it cannot be altered by unauthorized persons; and
- The Participant Firm retains current and prior versions of its written supervisory procedures in compliance with the applicable record retention requirements of SEA Rule 17a-4(e)(7).

Proposed Supplementary Material .12 to Rule 11.3110 would provide that, in fulfilling its obligations under proposed Rule 11.3110(c), each Participant Firm would need to conduct a review, at least annually, of the businesses in which it engages. The review would need to be reasonably designed to assist in detecting and preventing violations of and achieving compliance with applicable securities laws and regulations and with Exchange rules. Each Participant Firm would need to establish and maintain supervisory procedures that take into consideration, among other things, the firm's size, organizational structure, scope of business activities, number and location of the firm's offices, the nature and complexity of the products and services offered by the firm, the volume of business done, the number of associated persons assigned to a location, the

disciplinary history of registered representatives or associated persons, and any indicators of irregularities or misconduct (*i.e.*, "red flags"), etc. The procedures established and reviews conducted would need to provide that the quality of supervision at remote locations is sufficient to ensure compliance with applicable securities laws and regulations and with Exchange rules. A Participant Firm would need to be especially diligent in establishing procedures and conducting reasonable reviews with respect to a non-branch location where a registered representative engages in securities activities. Based on the factors outlined above, Participant Firms may need to impose reasonably designed supervisory procedures for certain locations or may need to provide for more frequent reviews of certain locations.

Proposed Supplementary Material .13 to Rule 11.3110 would provide additional guidance to proposed Rule 11.3110(c)(1)(C), which would require a Participant Firm to inspect on a regular periodic schedule every non-branch location. In establishing a non-branch location inspection schedule, there is a general presumption that a non-branch location will be inspected at least every three years, even in the absence of any indicators of irregularities or misconduct (*i.e.*, "red flags"). If a Participant Firm establishes a longer periodic inspection schedule, the Participant Firm would need to document in its written supervisory and inspection procedures the factors used in determining that a longer periodic inspection cycle is appropriate.

Proposed Supplementary Material .14 to Rule 11.3110 would provide that a Participant Firm's determination that it is not possible to comply with proposed Rule 11.3110(c)(3)(B) with respect to who is not allowed to conduct a location's inspection will generally arise in instances where:

- The Participant Firm has only one office; or
- The Participant Firm has a business model where small or single person offices report directly to an OSJ manager who is also considered the offices' branch office manager.

Proposed Supplementary Material .15 to Rule 11.3110 would provide that for purposes of the proposed rule, the term "associated person" and "person associated with a Participant Firm" would have the same meaning as the terms "person associated with a member" or "associated person of a

member” as defined in Article I (rr) of the FINRA By-Laws.¹⁰

Finally, proposed Supplementary Material .16 to Rule 11.3110 would provide that individuals in charge of a group of employees shall reasonably discharge their duties and obligations with respect to supervision and control of those employees related to the business of their employer and compliance with securities laws and regulations and Exchange rules.

Proposed Rule 11.3120 (Supervisory Control System)

Proposed Rule 11.3120(a), which is based on NYSE American Rule 3120(a)—Equities, would provide that each Participant Firm would need to designate and specifically identify to the Exchange one or more principals who would need to establish, maintain, and enforce a system of supervisory control policies and procedures that:

- Test and verify that the Participant Firm’s supervisory procedures are reasonably designed with respect to the activities of the Participant Firm and its associated persons, to achieve compliance with applicable securities laws and regulations, and with applicable Exchange rules; and
- Create additional or amend supervisory procedures where the need is identified by such testing and verification.

The designated principal or principals would be required to submit to the Participant Firm’s senior management no less than annually, a report detailing each Participant Firm’s system of supervisory controls, the summary of the test results and significant identified exceptions, and any additional or amended supervisory procedures created in response to the test results.

Proposed Rule 11.3120(b) would provide that each report provided to senior management pursuant to proposed Rule 11.3120(a) in the calendar year following a calendar year in which a Participant Firm reported \$200 million or more in gross revenue would need to include, to the extent applicable to the Participant Firm’s business:

- A tabulation of the reports pertaining to customer complaints and internal investigations made to the Exchange during the preceding year; and

- Discussion of the preceding year’s compliance efforts, including procedures and educational programs, in each of the following areas:

- Trading and market activities;
- Investment banking activities;
- Antifraud and sales practices;
- Finance and operations;
- Supervision; and
- Anti-money laundering.

The proposed rule change seeks to mitigate compliance costs and burdens with respect to proposed Rule 11.3120’s annual reporting requirements by requiring that only Participant Firms reporting \$200 million or more in gross revenues in the preceding year include in their annual reports supplemental information. The Exchange also believes that the proposed threshold strikes the appropriate balance as it encompasses larger Participant Firms, Participant Firms engaged in significant underwriting activities and substantial trading activities or market making business, and Participant Firms with extensive sales platforms.

Proposed Rule 11.3120(c) would provide that, for purposes of proposed Rule 11.3120(b), “gross revenue” is defined as:

- Total revenue as reported on FOCUS Form Part II or IIA (line item 4030) less commodities revenue (line item 3990), if applicable; or
- Total revenue as reported on FOCUS Form Part II CSE (line item 4030) less, if applicable,
 - Commissions on commodity transactions (line item 3991); and
 - Commodities gains or losses (line items 3924 and 3904).

Proposed Supplementary Material .01 to Rule 11.3120 would provide that for purposes of the proposed rule, the term “associated person” and “person associated with a Participant Firm” would have the same meaning as the terms “person associated with a member” or “associated person of a member” as defined in Article I (rr) of the FINRA By-Laws.¹¹

Finally, the Exchange proposes conforming changes to Rule 10.9217 to replace references to Article 6, Rule 5(a) & (b) with proposed Rule 11.20 and Rule 11.3110(a) as well as references to Article 6, Rule 5(c) with Rule 11.3110(b)(1).

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the

Act,¹² in general, and furthers the objectives of Section 6(b)(5),¹³ in particular, because it is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed rule change supports the objectives of the Act by providing greater harmonization between Exchange rules and the rules of its affiliates and FINRA of similar purpose, resulting in less burdensome and more efficient regulatory compliance. In particular, Exchange Participant Firms that are also FINRA members are already subject to Exchange supervisory rules and FINRA Rules 3110 and 3120, and harmonizing these rules by adopting proposed Rules 11.3110 and 11.3120 would promote just and equitable principles of trade by requiring a single standard for supervision. To the extent the Exchange has proposed changes that differ from the NYSE American version of the Exchange rules, such changes are generally technical in nature and do not change the substance of the proposed rules. The Exchange also believes that the proposed rule change will update and add specificity to the requirements governing supervision, which will promote just and equitable principles of trade and help to protect investors.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather to achieve greater consistency between the Exchange’s rules and the rules of its affiliate and FINRA concerning supervision.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁴ and Rule

¹⁰ Article I (rr) of FINRA’s By-Laws provides that “person associated with a member” or “associated person of a member” means: (1) a natural person who is registered or has applied for registration under FINRA’s rules; (2) a sole proprietor, partner, officer, director, or branch manager of a member, or other natural person occupying a similar status or performing similar functions, or a natural person engaged in the investment banking or securities business who is directly or indirectly controlling or controlled by a member, whether or not any such person is registered or exempt from registration with the FINRA under its By-Laws or rules; and (3) for purposes of FINRA Rule 8210, any other person listed in Schedule A of Form BD of a member.

¹¹ See note 10, *supra*.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

19b–4(f)(6) thereunder.¹⁵ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NYSECHX–2024–18 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–NYSECHX–2024–18. This

file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–NYSECHX–2024–18 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–11576 Filed 5–24–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100196; File No. SR–NASDAQ–2024–022]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Cabinet Proximity Option Fee To Establish a Reservation Fee for Cabinets With Power Densities Greater Than 10 kW

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on May 9, 2024, The Nasdaq Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Cabinet Proximity Option Fee at General 8, Section 1, as described further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change³ is to amend the Exchange's Cabinet Proximity Option Fee at General 8, Section 1(d) by establishing a reservation fee for cabinets with power densities greater than 10 kilowatts (“kW”).⁴

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ The Exchange initially filed the proposed pricing change on March 1, 2024 (SR–NASDAQ–2024–009). On March 13, 2024, the Exchange withdrew that filing and submitted SR–NASDAQ–2024–013. On May 9, 2024, the Exchange withdrew that filing and submitted this filing.

⁴ On February 16, 2024, the Exchange filed a proposal to offer the Exchange's Cabinet Proximity Option program for cabinets with power densities greater than 10 kW. See Securities Exchange Act

¹⁵ 17 CFR 240.19b–4(f)(6).

¹⁶ 17 CFR 240.19b–4(f)(6).

¹⁷ 17 CFR 240.19b–4(f)(6)(iii).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

¹⁹ 17 CFR 200.30–3(a)(12).

The Exchange currently offers a Cabinet Proximity Option program where, for a monthly fee, customers can obtain an option for future use on available, unused cabinet space in proximity to their existing equipment. Cabinets reserved under the Cabinet Proximity Option program are unused cabinets that customers reserve for future use and can be converted to a powered cabinet at the customer's request. Under the program, customers can reserve up to maximum of 20 cabinets that the Exchange endeavors to provide as close as reasonably possible to the customer's existing cabinet space, taking into consideration power availability within segments of the data center and the overall efficiency of use of data center resources as determined by the Exchange. Should reserved data center space be needed for use, the reserving customer will have three business days to formally contract with the Exchange for full payment for the reserved cabinet space or it will be reassigned. In making determinations to require exercise or relinquishment of reserved space as among numerous customers, the Exchange will take into consideration several factors, including: proximity between available reserved cabinet space and the existing space of a customer seeking additional space for actual cabinet usage; a customer's ratio of cabinets in use to those reserved; the length of time that a particular reservation(s) has been in place; and any other factor that the Exchange deems relevant to ensure overall efficiency in use of the data center space.⁵

The applicable monthly fees for the Cabinet Proximity Option program are in General 8, Section 1(d). The Cabinet Proximity Option fee is \$1,055/month per medium or low density cabinets and \$1,583/month per medium/high or high density cabinets.⁶ The Exchange proposes to establish a Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW. As such, the Exchange proposes to amend its fee schedule at General 8, Section 1(d) to reflect the

addition to the existing Cabinet Proximity Option fees.

Currently, the Exchange offers Super High Density Cabinets with power densities greater than 10 kW and less than or equal to 17.3 kW.⁷ In addition, the Exchange intends to expand its data center and offer cabinets with increased power densities in the future, including power densities greater than 17.3 kW.⁸ Customers will not be liable to pay fees under the Cabinet Proximity Option program until such time as cabinets can be converted to powered cabinets. To be clear, the Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW would apply to any such reservations in the existing data center. Although the Exchange has an expansion of the data center underway, the fees for the Cabinet Proximity Option program would not apply to the expanded data center until the expansion is operational and cabinets are available and able to be converted to powered cabinets.⁹

The proposed Cabinet Proximity Option fee of \$3,000 would only be charged to those customers that voluntarily choose to reserve cabinets with power densities greater than 10 kW. Such option is available to all customers. Similar to other fees related to cabinet and power usage, the Cabinet Proximity Option fee is incremental, with higher fees being imposed based on higher levels of cabinet and power allocation. The proposed Cabinet Proximity Option fee of \$3,000 for cabinets with power densities greater than 10 kW is comparable to pricing for "PNU cabinets" ¹⁰ available to customers of co-location facilities of the New York Stock Exchange LLC

⁷ See General 8, Section 1(a).

⁸ The Exchange will submit proposed rule change(s) to the Commission regarding any proposal to expand its services, including a proposal to offer cabinets with new power densities.

⁹ Although the timing is subject to change, the Exchange anticipates that the data center expansion will be complete by September 2024.

¹⁰ Similar to the Exchange's Cabinet Proximity Option program, the New York Stock Exchange offers "PNU cabinets," which are reserved cabinets that are not active and can be converted to powered, dedicated cabinets when the user requests. Due to heightened demand for power and cabinets, NYSE established certain procedures related to PNU cabinet conversion and restrictions on new PNU cabinet offerings. NYSE adopted a policy that, if unallocated cabinet inventory is at or below 40 cabinets, new PNU cabinets are not offered. However, when the unallocated cabinet inventory is more than 40 cabinets, NYSE may continue to offer PNU cabinets. See Securities Exchange Act Release No. 34-90732 (December 18, 2020), 85 FR 84443 (December 28, 2020). See also Securities Exchange Act Release No. 34-91515 (April 8, 2021), 86 FR 19674 (April 14, 2021).

("NYSE"), which charges a monthly fee of \$360 per kW for PNU cabinets.¹¹

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹³ 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.

First, the proposal is reasonable because the proposed fee is comparable to NYSE's monthly fee of \$360 per kW for PNU cabinets.¹⁴ As noted above, NYSE offers "PNU cabinets," which are reserved cabinets that are not active and can be converted to powered, dedicated cabinets when the user requests.¹⁵ The Exchange's proposal would establish a flat \$3,000 Cabinet Proximity Option fee for cabinets with power densities greater than 10 kW. Under NYSE's fee schedule, a reservation for a cabinet with power density equal to 10 kW would be \$3,600 (*e.g.*, 10 kW × \$360). Because NYSE's PNU cabinet fees are charged on a per kW basis, PNU cabinet fees for cabinets with power densities greater than 10 kW would be more than \$3,600 and increase as the power density of the cabinet increases. Therefore, Nasdaq's proposal reflects a discounted price to reserve such cabinets as compared to NYSE's fees for comparable PNU cabinets.

Furthermore, the Exchange offers the Cabinet Proximity Option program as a convenience to customers, providing an option to reserve unused cabinet space in proximity to their existing equipment. No firms are required to reserve cabinets via the Cabinet Proximity Option program. Clients may simply order cabinets without utilizing reservations. The proposed Cabinet Proximity Option fee of \$3,000 would only be charged to those customers that voluntarily choose to reserve cabinets with power densities greater than 10 kW and such option is available to all customers.

The Exchange believes substitutable products and services are available to market participants, including, among

¹¹ See NYSE Connectivity Fee Schedule, available at https://www.nyse.com/publicdocs/Wireless_Connectivity_Fees_and_Charges.pdf.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(4) and (5).

¹⁴ See NYSE Connectivity Fee Schedule, available at https://www.nyse.com/publicdocs/Wireless_Connectivity_Fees_and_Charges.pdf.

¹⁵ *Supra* note 10.

other things, other equities and options exchanges that a market participant may connect to in lieu of the Exchange,¹⁶ connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of equities or options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets. Market participants that wish to connect to the Exchange will continue to choose the method of connectivity based on their specific needs. Market participants that wish to connect to the Exchange but want to avoid or mitigate the effect of this proposed fee can choose to connect to the Exchange through a vendor (or order cabinets without reservations, as noted above).

In offering the Cabinet Proximity Option the Exchange incurs certain costs, including costs related to the data center, including maintaining an adequate level of power so that reserved cabinets can be available and powered on promptly at the request of customers.

If the Exchange is incorrect in its determination that the proposed fee reflects the value of the Cabinet Proximity Option for cabinets with power densities greater than 10 kW, customers will not reserve such cabinets.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because the proposed fee is less than NYSE's fee for a comparable service, customers have choices in how they connect to the Exchange, and reservations under the Cabinet Proximity Option program are optional and provided as a convenience to customers.

The Exchange believes that the proposed fee change is not unfairly discriminatory because the Cabinet Proximity Option fee is assessed uniformly across all market participants that voluntarily select the option, which is available to all customers. All customers have the choice of whether

and how to connect to the Exchange and may order cabinets without utilizing reservations.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition because the Cabinet Proximity Option program is available to any customer under the same fees as any other customer, and any customer that wishes to reserve a cabinet pursuant to the Cabinet Proximity Option program can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2024-022 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NASDAQ-2024-022. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NASDAQ-2024-022 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-11583 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

¹⁶ There are currently 16 registered equities exchanges that trade equities and 17 exchanges offering options trading services. No single equities exchange has more than 15% of the market share. See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (Last updated January 11, 2024), available at https://www.cboe.com/us/equities/market_statistics/. No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent. See Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at <https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary>. This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers.

¹⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁸ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100199; File No. SR-CboeEDGA-2024-015]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.11 To Describe the Manner in Which the Exchange Processes Executions in Securities Priced Below \$1.00 Received From Away Trading Centers Priced in Fractional Pennies

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 10, 2024, Cboe EDGA Exchange, Inc. (“Exchange” or “EDGA”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the “Exchange” or “EDGA”) proposes to amend Rule 11.11 to describe the manner in which the Exchange processes executions in securities priced below \$1.00 received from away Trading Centers priced in fractional pennies. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/edga/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of

the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.11 to describe the manner in which the Exchange processes executions in securities priced below \$1.00 received from away Trading Centers³ priced in fractional pennies.⁴ Currently, the Exchange does not accept or rank orders priced in fractional pennies in securities priced below \$1.00⁵ for orders posted to the EDGA Book,⁶ but may receive executions priced in fractional pennies through its routing broker-dealer affiliate, Cboe Trading, Inc. (“Cboe Trading” or the “Routing Broker”). Today, when the Exchange’s Routing Broker receives an execution in a security priced below \$1.00 from certain away Trading Centers priced in fractional pennies, the Routing Broker truncates the execution price to four decimal places by eliminating any values beyond four decimal places prior to transmitting the execution price back to the Exchange.⁷ The Exchange now proposes that for each Exchange order in a security priced below \$1.00 that the Routing Broker routes to an away Trading Center, and for which it receives an execution in fractional pennies, that such execution will be

³ See Rule 2.11. A “Trading Center” means a securities exchange other than the Exchange, facilities of securities exchanges, automated trading systems, electronic communications networks, or other brokers or dealers.

⁴ For purposes of this filing, the term “fractional pennies” or “fractional penny” means an execution out to five decimal places or more (*i.e.*, \$0.00001 or finer). The Exchange notes that it accepts and ranks orders in securities priced below \$1.00 out to four decimal places (\$0.0001). While quotations and executions in \$0.0001 increments are also known as fractional penny quotations (executions), the Exchange is limiting the use of the term “fractional penny” or “fractional pennies” within this proposal to executions out to five or more decimal places to categorize a specific issue with increments finer than \$0.0001.

⁵ See Rule 11.6(i). “Bids, offers, or orders in securities traded on the Exchange shall not be made in an increment smaller than: (i) \$0.01 if those bids, offers, or orders are priced equal to or greater than \$1.00 per share; or (ii) \$0.0001 if those bids, offers, or orders are priced less than \$1.00 per share; or (iii) any other increment established by the Commission for any security which has been granted an exemption from the minimum price increments requirement of SEC Rule 612(a) or 612(b) of Regulation NMS.”

⁶ See Rule 1.5(d). The term “EDGA Book” shall mean the System’s electronic file of orders.

⁷ For example, if the Routing Broker receives an execution from an away Trading Center priced at \$0.50037, it truncates the price to \$0.5003 prior to transmitting the execution price back to the Exchange.

rounded up or down in favor of the Exchange order—*i.e.*, the Routing Broker will round down to the nearest \$0.0001 for all buy executions, and round up to the nearest \$0.0001 for all sell executions.

Pursuant to Rule 2.11, the Exchange relies on its Routing Broker to provide outbound routing services from the Exchange to a routing destination. Rule 2.11 also provides the authority to the Exchange or the Routing Broker to cancel orders on the Exchange’s equity securities platform when a technical or system issue occurs. In addition, Rule 2.11 also describes the operation of an error account for Cboe Trading. While Rule 2.11 speaks to the authority of the Routing Broker to provide outbound routing services, Rule 11.11 describes the manner in which orders are routed away from the Exchange to an away Trading Center. The Exchange proposes to add subparagraph (j) to Rule 11.11 to describe the order handling behavior of fractional penny executions on away Trading Centers.

Specifically, the Exchange proposes that in order to process executions which occur in securities priced below \$1.00 in fractional pennies on away Trading Centers, the Exchange’s Routing Broker will perform an adjustment to each fractional penny execution. In particular, for all buy executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies, the Routing Broker will round down to the nearest \$0.0001. Additionally, for all sell executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies, the Routing Broker will round up to the nearest \$0.0001. The only exception to this rounding behavior will occur when a buy execution in securities priced below \$1.00 in fractional pennies received from an away Trading Center would result in the Routing Broker rounding down to a price of \$0.0000. In this instance, and this instance only, the Routing Broker will instead round up to the minimum price of \$0.0001 in order to comply with Rule 11.6(i). The Routing Broker will afford the Exchange order (and ultimately, the User⁸) the most favorable execution price based on the fractional penny execution received by the Routing Broker from the away market, save for the limited scenario when the Routing Broker must round a buy order up to a price of \$0.0001 in order to meet the Exchange’s minimum

⁸ See Rule 1.5(ee). The term “User” shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

price requirement. Once the Routing Broker has completed its adjustment, it will transmit the order back to the Exchange.

The Exchange's proposal is based on a similar proposal from NYSE that described how its routing broker would process orders received from an away market that were executed in odd-lots or in sub-pennies.⁹ While the Exchange's proposal is similar to the NYSE Routing Broker Filing, there are important distinctions as described below. First, the NYSE Routing Broker Filing is a broad proposal that introduces NYSE's routing broker and provides a detailed description of the routing broker's operation, and the Exchange's proposal is limited to describing only the manner in which the Routing Broker processes executions received from an away Trading Center that occur in fractional pennies, as the Exchange's Routing Broker has been operating since 2014.¹⁰ Next, the Exchange's proposal differs from the NYSE Routing Broker Filing in that the Exchange seeks to describe order handling behavior by its Routing Broker when executions on an away Trading Center occur in fractional pennies, whereas the NYSE Routing Broker Filing describes order handling behavior for executions received by its routing broker occurring in odd-lots or sub-pennies. While there is a distinction between the Exchange's proposal being focused on fractional pennies for securities priced below \$1.00 and NYSE's proposal applying to sub-pennies in securities priced at or above \$1.00, the order handling behavior by both NYSE's routing broker and the Exchange's Routing Broker is nearly identical as both round up (down) to provide the most favorable execution price in a permissible pricing increment based on the execution received from the away Trading Center. In the NYSE Routing Broker Filing, its routing broker rounds up (for sell orders) or down (for buy orders) to the nearest penny, providing the Exchange order the most favorable execution price based on the sub-penny execution received by the routing broker from the away market center. The Exchange's proposal indicates that the Routing Broker will round up (down) to the nearest \$0.0001, providing the Exchange order the most favorable execution price based on the fractional penny execution received by the Routing Broker from the away

Trading Center. Additionally, while the NYSE Routing Broker Filing *describes* the order handling behavior of its routing broker, this description was not actually added as rule text to the NYSE rulebook¹¹ and the Exchange is seeking to codify its Routing Broker's order handling behavior when executions are received in fractional pennies.

This service provided by the Routing Broker with regard to fractional penny executions is not intended to operate as a means to generate revenue. While the Routing Broker does not anticipate accruing any positions as a result of the adjustments made to executions in securities priced below \$1.00 received from away Trading Centers in fractional pennies, the Routing Broker will liquidate positions assumed as a result of the services provided to the Exchange. To that end, it is the intent of the Routing Broker to be flat in all positions at the end of each trading day.¹² The Routing Broker incorporates an automated system to immediately assist in the liquidation (acquisition) for any residual long (short) positions. To mitigate financial risk¹³ to the Routing Broker, registered trading personnel of the Routing Broker may be required to manually assist, as soon as practicable, in the liquidation (acquisition) of such positions, when due to the nature of the security (e.g., high-priced securities that trade with a wide spread) and its trading pattern or volatile market conditions liquidation (acquisition) is not immediately possible.

The Exchange has included the following examples to demonstrate the proposed order handling behavior.

Example 1

Firm A enters an order on the Exchange to buy 100 shares of ABC at \$0.5008. The Exchange's best offer is \$0.5007. Trading Center 1 is displaying a best offer at \$0.5006. Trading Center 1 also has the ability to execute trades in fractional pennies. The System¹⁴

transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.50058 due to price improvement received at Trading Center 1. The Routing Broker will sell 100 shares to Firm A at \$0.5005 and uses the fill of 100 shares at \$0.50058 to offset the position. The Routing Broker will incur a total loss of \$0.008, or \$0.00008 per share.

Example 2

Firm A enters an order on the Exchange to sell 100 shares of ABC at \$0.5004. The Exchange's best bid is \$0.5005. Trading Center 1 is displaying a best bid at \$0.5006. Trading Center 1 also has the ability to execute trades in fractional pennies. The System transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.50068 due to price improvement received at Trading Center 1. The Routing Broker will buy 100 shares from Firm A at \$0.5007 and uses the fill of 100 shares at \$0.50068 to offset the position. The Routing Broker will incur a total loss of \$0.002, or \$0.00002 per share.

Example 3

Firm A enters an order on the Exchange to buy 100 shares of ABC at \$0.0001. The Exchange's best offer is \$0.0003. Trading Center 1 is displaying a best offer at \$0.0001. Trading Center 1 also has the ability to execute trades in fractional pennies. The System transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.00008 due to price improvement received at Trading Center 1. The Routing Broker will sell 100 shares to Firm A at \$0.0001 and uses the fill of 100 shares at \$0.00008 to offset the position. The Routing Broker will

facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.

⁹ See Securities Exchange Act Release No. 55590 (April 5, 2007), 72 FR 18707 (April 13, 2007), SR-NYSE-2007-29 ("NYSE Routing Broker Filing").

¹⁰ See Securities Exchange Act Release No. 73939 (December 24, 2014), 80 FR 91 (January 2, 2015), SR-EDGA-2014-34 ("EDGA Routing Broker Amendment").

¹¹ See Securities Exchange Act Release No. 64729 (June 23, 2011), 76 FR 38232 (June 29, 2011), SR-NYSE-2011-24 ("NYSE Inbound Routing Filing"). Footnote 11 of the NYSE Inbound Routing Filing states "[n]o rule text was added to the NYSE Rules to describe these functions[.]" in reference to a statement that the routing broker was previously engaged in certain odd-lot and sub-penny transactions as part of its routing function for the exchange.

¹² Absent any unusual market conditions or timing of such trades (for example, the execution of the order at 15:59:59 (it is intended that the Routing Broker will be flat in all positions at the end of each trading day).

¹³ Any and all losses incurred during the facilitation of fractional penny executions will be assumed by the Routing Broker as part of the routing service provided.

¹⁴ See Rule 1.5(cc). The term "System" shall mean the electronic communications and trading

have a total gain of \$0.002, or \$0.00002 per share.¹⁵

The Routing Broker will not engage in any business for the Exchange other than its outbound and inbound routing functions as detailed in Rules 2.11 and 2.12 and in the manner described above. Users are not required to utilize the Routing Broker when submitting orders to the Exchange. In the event a User does not wish for its order to be routed and potentially subject to the order handling behavior described above, it must enter an immediate-or-cancel (“IOC”) or any such other order type available on the Exchange that is not eligible for routing. All bids and offers entered on the Exchange that are routed away via the Routing Broker which result in an execution shall be binding on the User that entered such bid or offer.

The Exchange believes that the above proposal detailing the order handling behavior for executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies will provide Users with the best possible outcome in situations where the Exchange is unable to process an execution in fractional pennies due to System limitations.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁸ requirement that the rules of an exchange not be designed

to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposal promotes just and equitable principles of trade by providing additional transparency into how the Exchange’s Routing Broker processes executions in securities priced below \$1.00 received in fractional pennies from away Trading Centers. Additionally, the Exchange believes that the Routing Broker’s favorable price adjustment in favor of the User submitting the order promotes just and equitable principles of trade as it is designed to provide Users with the best possible outcome when their orders are adjusted due to System limitations on the Exchange. While the Routing Broker will be incurring a loss on each transaction except for in the limited scenario described in Example 3 above, the end result serves to protect investors and the public interest by providing a price more favorable to Users than the execution price received on the away Trading Center. The Exchange believes that the limited scenario presented in Example 3 above promotes just and equitable principles of trade because rather than providing an execution to the Exchange (and therefore the User) at a price of \$0.0000, the Routing Broker will instead round up to a price of \$0.0001, which is the minimum execution price supported by the Exchange. While this will result in a minimal profit for the Routing Broker and an inferior execution price than what is provided by the away Trading Center, the Exchange believes that the benefit of the Exchange (and User) ultimately receiving a buy execution at \$0.0001 outweighs any minimal profit that the Routing Broker may receive and any minimal loss that the User experiences as a result of the rounding adjustment. Further, the proposal does not result in unfair discrimination as it applies to all executions received by the Routing Broker in securities priced below \$1.00 that are priced in fractional pennies. Should a User not wish for its order to be subject to the proposed fractional penny adjustment described above, it is free to select a different order type that does not route to an away Trading Center.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition as the proposed order handling behavior

by the Routing Broker will apply to all orders routed away equally, in that any order received by the Routing Broker from an away Trading Center in fractional pennies will be adjusted down (up) to the benefit of the User before being sent back to the Exchange. The Exchange notes that use of the Routing Broker is not mandatory. If a User does not wish to have its order subjected to the proposed order handling behavior it is free to choose a different order type that is not eligible for routing to away Trading Centers. In addition, the proposed rule change will not impose any burden on intermarket competition as it is not being introduced to address a competitive issue, but rather to better describe order handling behavior by the Exchange’s Routing Broker.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁹ and Rule 19b-4(f)(6) thereunder.²⁰

A proposed rule change filed under Rule 19b-4(f)(6)²¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²² the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may

¹⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

²⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²¹ 17 CFR 240.19b-4(f)(6).

²² 17 CFR 240.19b-4(f)(6)(iii).

¹⁵ The Exchange notes that Example 3 is unlikely to happen as the minimum price increment is \$0.0001 but includes this example to demonstrate potential order handling behavior. See 17 CFR 242.612(b).

¹⁶ 15 U.S.C. 78f(b).

¹⁷ 15 U.S.C. 78f(b)(5).

¹⁸ *Id.*

become operative immediately upon filing.

The Exchange states that waiver of the operative delay would permit the Exchange's Routing Broker to immediately implement the order handling behavior described in the proposal, which would benefit Users who submit a routable order to the Exchange and receive an execution on an away Trading Center in fractional pennies. The Exchange further states the proposed rule change does not present any new or novel issues, as at least one other exchange indicated that its routing broker performed similar rounding behavior for orders received in odd-lot or sub-penny increments that were filled on away market centers and were not compatible with existing exchange system behavior.²³ For these reasons, and because the proposal does not raise any new or novel issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²⁴

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁵ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-

CboeEDGA-2024-015 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-CboeEDGA-2024-015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGA-2024-015 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-11582 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100194; File No. SR-OCC-2024-005]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by The Options Clearing Corporation Concerning Modifications to Its Board Charter and Risk Committee Charter To Align With Recently Adopted CFTC Governance Requirements for Derivatives Clearing Organizations

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act" or "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 8, 2024, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)³ of the Act and Rule 19b-4(f)(6)⁴ thereunder. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would make modifications to its Board of Directors Charter and Corporate Governance Principles ("Board Charter") and Risk Committee Charter ("Risk Committee Charter") to comply with recently adopted governance requirements⁵ by the Commodity Futures Trading Commission ("CFTC") for derivatives clearing organizations ("DCOs") that became effective on July 13, 2023, and with which DCOs, like OCC, must comply by July 12, 2024.

The proposed changes to OCC's Board Charter are included [sic] as Exhibit 5A to File No. SR-OCC-2024-005 and proposed changes to the Risk Committee Charter are included [sic] as Exhibit 5B to File No. SR-OCC-2024-005. Material proposed to be added is underlined and material proposed to be deleted is marked in strikethrough text.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ See 88 FR 44675 (July 13, 2023) ("CFTC Adopting Release"), <https://www.govinfo.gov/content/pkg/FR-2023-07-13/pdf/2023-14361.pdf>.

²³ See *supra* note 9.

²⁴ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁵ 15 U.S.C. 78s(b)(2)(B).

²⁶ 17 CFR 200.30-3(a)(12), (59).

All terms with initial capitalization that are not defined herein have the same meaning as set forth in the OCC By-Laws and Rules.⁶

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OCC is the sole clearing agency registered with the Commission for standardized equity options listed on national securities exchanges. OCC also clears and settles certain stock loan transactions and transactions in futures and options on futures. In connection with its clearance and settlement of transactions in securities, OCC is a "covered clearing agency"⁷ regulated by the Commission. In connection with its clearance and settlement activities for transactions in futures and options on futures, OCC is a DCO regulated by the CFTC. OCC is also designated as a systemically important financial market utility by the Financial Stability Oversight Council pursuant to Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

As a covered clearing agency and DCO, OCC maintains a robust governance structure that is designed to comply with existing requirements of the Commission and the CFTC. Recently, the CFTC adopted new regulations regarding governance requirements for DCOs that supplement the existing governance requirements applicable to OCC as a DCO ("Governance Rules").⁸ The CFTC Governance Rules require, among other things, that: (i) DCOs establish and consult with a risk management committee on all matters that could

materially affect the risk profile of the DCO; (ii) DCOs implement certain composition, rotation, and documentation requirements for the risk management committee; and (iii) DCOs establish a risk advisory working group that must convene at least two times per year, and adopt written policies and procedures related to the formation and role of the risk management working group. While OCC's current governance structure meets many of the requirements of the Governance Rules, OCC is proposing to clarify: (i) a smaller subset of OCC's existing Financial Risk Advisory Committee ("FRAC") will serve as a non-Board-level risk management committee described in the Governance Rules; (ii) the entire FRAC will serve as a non-Board-level risk advisory working group described in the Governance Rules; and (iii) governance charters to reflect the requirements in the Governance Rules described above. DCOs, including OCC, are required to comply with these new regulations by July 12, 2024.

1. Purpose

The purpose of this proposed rule change by OCC is to modify its Board Charter and Risk Committee Charter to implement changes that are designed to comply with certain of the Governance Rules. The Governance Rules are found in CFTC Regulation 39.24.⁹ As part of the Governance Rules, DCOs are required to establish one or more risk management committees that meet certain composition requirements and to require the DCO's board of directors to consult with such risk management committee(s) on all matters that could materially affect the risk profile of the DCO and to consider and respond to input from the risk management committee(s) on such matters. In the CFTC Adopting Release, the CFTC clarifies that a DCO may structure the required risk management committee as either a non-Board-level advisory committee or as a Board-level committee.¹⁰ In this proposed rule change, OCC intends to structure the required risk management committee as a non-Board-level committee. Therefore, OCC is revising its Board Charter and Risk Committee Charter to articulate the role of the non-Board-level committee and its responsibility to provide OCC's existing Board-level Risk Committee with pertinent information to be disseminated, as appropriate, for the Board's review and consideration on all

matters that could materially affect OCC's risk profile.

As described below, OCC already maintains a robust governance structure that is designed to promote clear and transparent governance arrangements that, among other things, help effectively manage risks that arise in or are borne by OCC as a covered clearing agency and DCO. This structure is shaped by existing Commission and CFTC requirements, which are also described in part below. Within OCC's existing governance structure, the FRAC serves a similar purpose as the risk management committee and risk advisory working group described in the Governance Rules. OCC intends to make modifications to the FRAC to satisfy both the risk management committee and risk advisory working group Governance Rules requirements by designating a rotating smaller group of FRAC members to comprise the non-Board-level risk management committee, and the FRAC will function as the risk advisory working group. The changes that OCC is proposing to its Board Charter and Risk Committee Charter to address the Governance Rules for DCOs would become one facet of OCC's larger and overall governance structure. Because OCC treats the Board Charter and Risk Committee Charter as "rules" for purposes of Section 19(b) of the Exchange Act, it is therefore submitting the changes in connection with this proposed rule change.¹¹

OCC believes that the material aspects of its operations will appropriately comply with the new Governance Rules by including the proposed provisions in OCC's Board Charter and Risk Committee Charter. As detailed below, these proposed provisions include requiring the Board and the Risk Committee to consult with and respond to input from a new, non-Board-level risk management committee on all matters that could materially affect OCC's risk profile.

Existing Governance Structure

As part of OCC's existing governance structure, OCC already maintains a Board-level Risk Committee. Therefore, the new non-Board-level risk management committee is not and will not be the only aspect of OCC's governance structure that is designed to provide appropriate consideration and supervision over matters that could materially affect OCC's risk profile.

¹¹ OCC intends to implement written policies and procedures to comply with the remaining requirements in the new CFTC requirements for DCOs, and OCC believes that those written policies and procedures will not require separate rule filings with the Commission or the CFTC.

⁶ OCC's By-Laws and Rules can be found on OCC's public website: <https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules>.

⁷ The term "covered clearing agency" is defined in Exchange Act Rule 17Ad-22(a)(5) to mean "a registered clearing agency that provides the services of a central counterparty or central securities depository."

⁸ See 88 FR 44675 (July 13, 2023) ("CFTC Adopting Release"), <https://www.govinfo.gov/content/pkg/FR-2023-07-13/pdf/2023-14361.pdf>.

⁹ 17 CFR 39.24.

¹⁰ See CFTC Adopting Release at 44678.

Rather, such governance structure mechanisms are already in place at OCC and compliance with the new Governance Rules will supplement those existing mechanisms.

For example, as specified in the Risk Committee Charter, the duties of the Risk Committee in discharging oversight include, but are not limited to, reviewing the adequacy of OCC's management of risks related to credit exposures (including margin and clearing fund methodologies), overseeing OCC's risk models and risk model validation process, reviewing and approving new products that materially impact OCC's established risk profile (and referring such products to the Board for potential approval), overseeing OCC's framework for membership of Clearing Members, and considering and discussing input and guidance from the FRAC relating to financial risk issues.¹²

The Risk Committee is also just one part of the more robust overall governance structure that OCC maintains to promote best practices and to comply with existing Commission and CFTC regulatory requirements that apply to OCC as a covered clearing agency and as a DCO. Certain of these regulatory requirements concerning OCC's governance structure are described in more detail below to provide greater context about the existing regulatory landscape to which the new Governance Rules are being added.

In connection with OCC's existing Board and Board committee structure, OCC maintains charters for the Board and all Board committees, Fitness Standards for Directors, Clearing Members and Others ("Fitness Standards"), and a Code of Conduct for OCC Directors ("Code of Conduct"). The charters, Fitness Standards, and Code of Conduct are all publicly available on OCC's website.¹³ The Board is composed of directors who are Public

Directors,¹⁴ Exchange Directors,¹⁵ Member Directors,¹⁶ and a Management Director.¹⁷ In this way, the directors serving on the Board represent a range of different stakeholders from the markets that OCC serves. In addition, the Board oversees six Board-level committees that are composed of certain Board directors and that assist the Board in carrying out its supervisory responsibilities. Aside from the Risk Committee, the other committees are the Audit Committee, Compensation and Performance Committee, Governance and Nominating Committee, Regulatory Committee, and Technology Committee. OCC also maintains the FRAC that operates as a forum in which OCC seeks feedback on financial risk initiatives. Members of OCC management participate in the FRAC along with representatives of parties that participate in the markets that OCC serves, such as Clearing Members, customers of Clearing Members, exchanges, and other stakeholders.

Existing Regulatory Requirements Regarding OCC's Governance Structure

OCC's existing governance structure, as partially described above, is already shaped by significant regulatory requirements under the Exchange Act and the Commodity Exchange Act ("CEA") that apply to OCC as a covered clearing agency and DCO. Accordingly, the Governance Rules for DCOs are supplementary to these existing regulatory obligations applicable to OCC's governance structure.

For example, the DCO core principles in the CEA already require OCC to have governance arrangements that are transparent to permit the consideration of the views of owners and

participants.¹⁸ Similarly, because OCC is a registered clearing agency its rules must assure a fair representation of its shareholders and participants in the selection of its Directors and the administration of its affairs.¹⁹ Part 39.24 of the CFTC's regulations for DCOs also requires OCC to have governance arrangements that, among other things, are clear and documented, describe the structure in which the board of directors, committees, and management operate, and clearly specify the roles and responsibilities of the board of directors and its committees.²⁰ Similarly, Exchange Act Rules 17Ad-22(e)(2) and (3) require OCC as a covered clearing agency to have governance arrangements that, among other things, provide for governance arrangements that are clear and transparent, specify clear and direct lines of responsibility, consider the interests of Clearing Members' customers and other relevant stakeholders, and that establish a risk management committee of the board of directors and an independent audit committee of the board of directors.²¹ These obligations work in coordination with a further obligation to maintain a sound risk management framework for managing risks that arise in or are borne by OCC and for Board review and approval of related policies and procedures.²² In addition, provisions in the CEA and CFTC regulations and Commission rules under the Exchange Act obligate OCC to have fitness standards for Board directors, Clearing Members and others.²³ OCC's governance structure currently reflects all of these requirements.

New CFTC DCO Governance Requirements and Creation of a Non-Board-Level Risk Management Committee

As part of OCC's approach to comply with the Governance Rules, OCC will create a separate, non-Board-level risk management committee. As noted above, OCC already has a Risk Committee that is a Board-level committee. Creation of the new risk management committee as a non-Board-level advisory committee will be consistent with the CFTC Adopting Release guidance that a DCO may structure the required risk management committee as either a non-Board-level

¹² As described in more detail below, the participants in the FRAC include members of OCC's management as well as representatives of parties that participate in the markets that OCC serves, such as Clearing Members, customers of Clearing Members, exchanges, and other stakeholders.

¹³ See Board Charters, Board Committee Charters and Other Governance Documents, available at <https://www.theocc.com/company-information/documents-and-archives/board-charters>.

¹⁴ Terms regarding service by Public Directors are set forth in OCC's By-Laws and in OCC's Fitness Standards. For example, a Public Director must have no affiliation with any national securities exchange, national securities association, designated contract market, futures commission merchant, or broker or dealer in securities. See e.g., OCC By-Laws Article III, Section 6A; Fitness Standards at "Additional Criteria for the Public Directors".

¹⁵ Terms regarding service by Exchange Directors are set forth in OCC's By-Laws and in OCC's Fitness Standards. For example, the exchange nominating the Exchange Director must own common stock of OCC. See e.g., OCC By-Laws Article III, Section 6; Fitness Standards at "Additional Criteria for Exchange Directors".

¹⁶ Terms regarding service by Member Directors are set forth in OCC's By-Laws and in OCC's Fitness Standards. See e.g., OCC By-Laws Article III, Section 2; Fitness Standards at "Additional Criteria for Member Directors".

¹⁷ Terms regarding service by the Management Director are set forth in OCC's By-Laws and in OCC's Fitness Standards. For example, the Management Director must be an OCC employee. See e.g., OCC By-Laws Article III, Section 7.

¹⁸ 7 U.S.C. 7a-1(c)(2)(O)(i)(II).

¹⁹ 15 U.S.C. 78q-1(b)(3)(C).

²⁰ 17 CFR 39.24(b)(1), (3), (5).

²¹ 17 CFR 240.17Ad-22(e)(2)(i), (v), (vi), (3)(iv) and (v).

²² 17 CFR 240.17Ad-22(e)(3)(i).

²³ 7 U.S.C. 7a-1(c)(2)(O)(ii); 17 CFR 240.17Ad-22(e)(2)(iv); 17 CFR 240.17Ad-25(c)(3).

advisory committee or as a Board-level committee.

While OCC's existing governance structure, including the consideration of the FRAC's input on risk initiatives, is robust and meets the CFTC's overall objective in requiring governance arrangements that are transparent, fulfill the public interest, and permit the consideration of the views of owners and participants, OCC's existing FRAC requires slight modifications to ensure continued compliance with the Governance Rules. Specifically, modifications are required to OCC's existing FRAC that are important to include within OCC's Risk Committee's delegation. These modifications, as outlined in the proposed Risk Committee Charter, (i) codify the required oversight and consultation between OCC's existing Board-level Risk Committee and the non-Board-level risk management committee, and (ii) establish the responsibility of OCC's existing Board-level Risk Committee to provide the Board with pertinent information for the Board's review and consideration for all matters that could materially affect OCC's risk profile from the non-Board-level risk management committee. Furthermore, modifications to OCC's existing FRAC are required to codify a regular rotation of membership and refine the current membership composition. By proposing modifications to OCC's existing FRAC to create a non-Board-level risk management committee and a risk advisory working group, OCC will satisfy the membership composition and rotation requirements outlined in the Governance Rules.

The operation of the non-Board-level risk management committee will be controlled by written policies and procedures that OCC will design to ensure compliance with the new DCO requirements. For example, the DCO must maintain written policies and procedures to make certain that the risk management committee consultation process is described in detail and to include requirements for the DCO to document the board's consideration of and response to risk management committee input.²⁴ A DCO is also required to have written policies and procedures related to the creation and maintenance of minutes for each risk management committee meeting.²⁵

The changes that OCC is proposing to its Board Charter and Risk Committee Charter to comply with part of the Governance Rules are described below, and they are designed to ensure that the

Risk Committee and the Board work in coordination to consult with the new non-Board-level risk management committee and to respond to input from that committee on all matters that could materially affect OCC's risk profile. Consistent with the descriptions above of OCC's existing governance structure and the current Commission and CFTC requirements that already shape it, the proposed changes to the Board Charter and Risk Committee Charter would become part of the larger overall governance structure that OCC maintains to promote clear and transparent governance arrangements and to effectively manage risks that arise within or are borne by OCC as a covered clearing agency and DCO.

Proposed Changes to Board Charter

OCC proposes to modify the Board Charter to provide two new aspects of how the Board fulfills its oversight role. Specifically, the Board Charter would state that the Board would oversee OCC's process for consultation with the new, non-Board-level risk management committee and the consideration of, and responses to, input from the non-Board-level risk management committee by the Board through reports from the Risk Committee. The Board would provide oversight of this process and would review and consider the discussions with the Risk Committee regarding the Risk Committee's consultation with the non-Board-level risk management committee.²⁶ The Board would also become more directly involved in the consultation and response process led by the Risk Committee as it determines appropriate in its business judgment.

In addition to the proposed changes described above, OCC proposes to incorporate several non-substantive changes to the Board Charter, including but not limited to, using initial capitalization for the term "Executive Session" consistently throughout the document, eliminating unnecessary words, and adding minor grammatical updates and terms for clarity.

Proposed Changes to Risk Committee Charter

OCC also proposes to modify the Risk Committee Charter in a manner consistent with the proposed changes to the Board Charter. Specifically, the Risk Committee Charter would be revised to state that the Risk Committee would have responsibility for consulting with the non-Board-level risk management

committee²⁷ and for considering and responding to input from that committee on all matters that could materially affect OCC's risk profile. It would also state that the Risk Committee would provide relevant non-Board-level risk management committee input to the Board for its review and consideration.

In addition to the proposed changes described above, OCC proposes to incorporate several non-substantive changes to the Risk Committee Charter, including but not limited to, eliminating unnecessary words, and adding minor grammatical updates and terms for clarity and consistency.

2. Statutory Basis

Section 17A(b)(3)(F) of the Exchange Act requires, among other things, that the rules of a clearing agency must be designed to promote the prompt and accurate clearance and settlement of securities transactions, safeguard securities and funds in its custody or control or for which it is responsible, and, in general, protect investors and the public interest.²⁸ In addition, Rule 17Ad-22(e)(3) requires OCC, as a covered clearing agency, to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency.²⁹

OCC believes that the proposed rule changes are consistent with these requirements because the proposed rule change is designed to modify OCC's Board Charter and Risk Committee Charter to reflect how the Board and Risk Committee would work in coordination to consult with and consider input from a new, non-Board-level risk management committee on all matters that could materially affect OCC's risk profile and to consider and respond to input from the non-Board-level risk management committee on such matters. Implementation of these proposed changes would promote OCC's compliance with the new Governance Rules,³⁰ which all DCOs must comply with by July 12, 2024. Compliance with applicable CFTC regulations is part of OCC's sound risk management framework to manage legal and regulatory risk. In addition,

²⁷ As of the July 12, 2024, CFTC compliance date, OCC's FRAC will act as the non-Board-level risk management committee. Although not anticipated, changes to the name of the committee serving as the non-Board-level risk committee could happen in the future.

²⁸ 15 U.S.C. 78q-1(b)(3)(F).

²⁹ 17 CFR 240.17Ad-22(e)(3).

³⁰ 17 CFR 39.24.

²⁴ 17 CFR 39.24(b)(11)(i).

²⁵ *Id.*

²⁶ The oversight process will be documented in OCC's FRAC Guiding Principles Document.

implementing the proposed duties of the Board and Risk Committee within the Board Charter and Risk Committee Charter would promote management of risk consistent with the requirements in Rule 17Ad-22(e)(3)³¹ and OCC's prompt and accurate clearance and settlement of securities transactions, safeguarding of securities and funds in its custody or control or for which it is responsible, and the protection of investors consistent with 17A(b)(3)(F) of the Exchange Act³² because it would involve the new, non-Board-level risk management committee in OCC's process of assessing and managing risks that could materially affect OCC's risk profile in a way that supplements OCC existing process for managing such risks, including through oversight by the Risk Committee and the Board.

In addition, OCC believes the proposed changes are consistent with Rule 17Ad-22(e)(2). Specifically, Rule 17Ad-22(e)(2) requires OCC to, among other things, provide for governance arrangements that are clear and transparent, clearly prioritize the safety and efficiency of the covered clearing agency and specify clear and direct lines of responsibility. Modifying the Board Charter and Risk Committee Charter through the proposed changes described above would be consistent with these requirements because the changes would document in a clear, direct and transparent way the material aspects of the process through which the Board and Risk Committee would work in coordination to consult with and consider input from a new, non-Board-level risk management committee on all matters that could materially affect OCC's risk profile and to consider and respond to input from the non-Board-level risk management committee on such matters.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Exchange Act³³ requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. OCC does not believe that the proposed rule changes to modify the Board Charter and Risk Committee Charter to comply with the Governance Rules would impact or impose any burden on competition. The proposed changes would promote OCC's compliance with the Governance Rules that OCC must comply with by July 12, 2024. The

proposed changes to the Board Charter and Risk Committee Charter are designed to clearly, directly and transparently document the material aspects of the process through which the Board and Risk Committee would work in coordination to consult with and consider input from a new, non-Board-level risk management committee on all matters that could materially affect OCC's risk profile and to consider and respond to input from the non-Board-level risk management committee on such matters. These changes to OCC's governance structure would apply to all Clearing Members equally and would not disadvantage or favor any particular user in relation to another user. Therefore, OCC believes that the proposed changes would not impose any burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

- (i) significantly affect the protection of investors or the public interest;
- (ii) impose any significant burden on competition; and
- (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act³⁴ and Rule 19b-4(f)(6)³⁵ thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.³⁶

³⁴ 15 U.S.C. 78s(b)(3)(A).

³⁵ 17 CFR 240.19b-4(f)(6).

³⁶ Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Regulation 40.6.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-OCC-2024-005 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-OCC-2024-005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at <https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules>.

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-OCC-2024-005 and should be submitted on or before June 18, 2024.

³¹ 17 CFR 240.17Ad-22(e)(3).

³² 15 U.S.C. 78q-1(b)(3)(F).

³³ 15 U.S.C. 78q-1(b)(3)(I).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–11572 Filed 5–24–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100204; File No. SR–FINRA–2024–008]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rule 12800 (Simplified Arbitration) To Clarify and Amend the Applicability of the Document Production Lists

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² notice is hereby given that on May 13, 2024, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend the FINRA Code of Arbitration Procedure for Customer Disputes (“Customer Code”) to clarify and, in some instances, amend the applicability of the Document Production Lists to simplified customer arbitrations administered under FINRA Rule 12800.

The text of the proposed rule change is available on FINRA’s website at <http://www.finra.org>, at the principal office of FINRA and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed

rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

I. Overview of the Document Production Lists and Simplified Customer Arbitrations

FINRA Dispute Resolution Services (“DRS”) provides a Discovery Guide to supplement the discovery rules contained in the Customer Code and help guide the parties and arbitrators through the discovery process in customer arbitrations.³ The Document Production Lists, which are included in the Discovery Guide and described in FINRA Rule 12506, outline presumptively discoverable documents that the parties should exchange, without arbitrator or DRS staff intervention. Document Production Lists 1 and 2 describe the documents that are presumed to be discoverable in all arbitrations between a customer and a member firm or associated person except in simplified customer arbitrations as explained below.⁴ List 1 outlines the documents that member firms and associated persons shall produce; List 2 outlines the documents that customers shall produce.⁵

The proposed rule change would affect the applicability of the Document Production Lists in simplified customer arbitrations. Simplified customer arbitrations are arbitrations in which the dispute between a customer and member firm or associated person involves \$50,000 or less, exclusive of interest and expenses.⁶ There are three types of simplified customer arbitrations. If the customer does not request a hearing, the arbitrator will render an award based on the pleadings and other materials submitted by the parties (“paper cases”).⁷ If the customer requests a hearing, the customer must select between one of two hearing options.⁸ If the customer requests an

Option One hearing under FINRA Rule 12800(c)(3)(A), the regular provisions of the Customer Code relating to prehearings and hearings, including all fee provisions, apply (“regular hearing”). The customer may also request an Option Two special proceeding, an abbreviated hearing, under FINRA Rule 12800(c)(3)(B) (“special proceeding”).

Currently, the Document Production Lists do not apply in paper cases and special proceedings.⁹ However, under FINRA Rule 12800(g)(1), the arbitrator may exercise discretion to choose to use relevant portions of the Document Production Lists in paper cases and special proceedings “in a manner consistent with the expedited nature of simplified proceedings.” Absent such an exercise of discretion by the arbitrator, to obtain discovery in paper cases and special proceedings, the parties must request documents and other information from each other, pursuant to FINRA Rule 12800(g)(2).¹⁰ Therefore, under the current Customer Code, no documents or information are presumptively discoverable in paper cases and special proceedings.

By contrast, the Document Production Lists do apply in simplified customer arbitrations in which the customer requests a regular hearing. As noted above, if the customer requests a regular hearing during the simplified customer arbitration, FINRA Rule 12800(c)(3)(A) states that the “regular provisions” of the Customer Code “relating to prehearings and hearings” apply. DRS has issued guidance clarifying this language to mean that the Document Production Lists apply in simplified customer arbitrations in which the customer requests a regular hearing.¹¹ Consistent with this guidance, the

⁹ FINRA Rule 12800(g)(1) provides that the Document Production Lists “do not apply to arbitrations subject to this rule” (i.e., paper cases and special proceedings).

¹⁰ FINRA Rule 12800(g)(2) provides that all production requests must be served on all other parties and filed with the Director within 30 days from the date that the last answer is due; any response or objection to a production request must be served on all other parties and filed with the Director within 10 days of the receipt of the request. The term “Director” means the Director of DRS and, unless the Customer Code provides that the Director may not delegate a specific function, the term includes FINRA staff to whom the Director has delegated authority. See FINRA Rule 12100(m).

¹¹ See FINRA DRS Party’s Reference Guide, p. 31, <https://www.finra.org/sites/default/files/Party-Reference-Guide.pdf> (explaining that “[t]he Document Production Lists in the Discovery Guide as described in FINRA Rule 12506 do not apply to simplified [customer] arbitrations decided on the papers or decided by special proceeding. However, the Discovery Guide does apply to simplified cases in which a customer requests a regular hearing.”). See also <https://www.finra.org/arbitration-mediation/simplified-arbitrations>.

³⁷ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See <https://www.finra.org/sites/default/files/ArbMed/p394527.pdf>. The FINRA Discovery Guide and Document Production Lists do not apply to arbitrations administered under the Code of Arbitration Procedure for Industry Disputes.

⁴ See FINRA Rule 12506(a).

⁵ See <https://www.finra.org/sites/default/files/ArbMed/p394527.pdf>.

⁶ See FINRA Rule 12800(a).

⁷ See FINRA Rule 12800(c)(2).

⁸ See FINRA Rule 12800(c)(3).

current practice is to treat the Document Production Lists as applying in simplified customer arbitrations in which the customer requests a regular hearing.¹²

II. The Proposed Rule Change

A. Proposed Amendments to the Applicability of the Document Production Lists in Paper Cases and Special Proceedings

The proposed rule change would amend FINRA Rule 12800(g)(1) to give customers in paper cases and special proceedings the option to elect at the time that they initiate an arbitration or, if they are a respondent, no later than the answer due date, whether they want the Document Production Lists to apply to all parties. Specifically, under proposed Rule 12800(g)(1)(B), FINRA Rule 12506—which describes the Document Production Lists and sets forth the timeframes for responding to the Document Production Lists—would not apply in paper cases or special proceedings “unless the customer requests that the Document Production Lists apply to all parties when initiating an arbitration pursuant to Rule 12302 or, if the customer is a respondent, no later than the answer due date pursuant to Rule 12303, regardless of the parties’ agreement to extend any answer due date.”¹³ If the customer elects to apply the Document Production Lists in their case, FINRA Rule 12506 would apply. As a result, all parties would be required to produce the documents on the Document Production Lists, explain why the documents cannot be produced, or object to the production of the documents within the timeframes set forth in FINRA Rule 12506.¹⁴

¹² For cases in which the Document Production Lists apply, FINRA Rule 12506(b)(1) provides that unless the parties agree otherwise, within 60 days of the date that the answer to the statement of claim is due, or, for parties added by amendment or third party claim, within 60 days of the date that their answer is due, parties must either: (1) produce to all other parties all documents in their possession or control that are described in Document Production Lists 1 and 2; (2) identify and explain the reason that specific documents described in Document Production Lists 1 and 2 cannot be produced within the required time, and state when the documents will be produced, and serve this response on all parties and file this response with the Director; or (3) object as provided in FINRA Rule 12508 and serve this response on all parties and file this response with the Director.

¹³ FINRA Rule 12303 provides that respondent(s) must serve each other party with an answer to the statement of claim within 45 days of receipt of the statement of claim. FINRA Rule 12207(a) provides that the parties may agree in writing to extend or modify the deadline for serving an answer.

¹⁴ A party must act in good faith when complying with FINRA Rule 12506(b)(1). “Good faith” means that a party must use its best efforts to produce all documents required or agreed to be produced. If a document cannot be produced in the required time,

If the customer does not timely elect to apply the Document Production Lists to all parties when initiating an arbitration or, as applicable, no later than the answer due date, proposed Rule 12800(g)(1)(B) would retain the current provision in the rule that the arbitrator has the discretion to use relevant portions of the Document Production Lists in a manner consistent with the expedited nature of simplified customer arbitrations. Additionally, proposed Rule 12800(g)(2) would retain the current provision in the rule that would permit the parties to request documents and information from each other.

Based on feedback from customer representatives, FINRA is concerned that *pro se*¹⁵ customers, who are the majority of customers in paper cases and special proceedings,¹⁶ may not know what documents to request from the opposing party. This lack of understanding creates the risk that parties may not obtain and, therefore, are unable to provide arbitrators with the relevant documents and information to decide paper cases and special proceedings. Providing customers in paper cases and special proceedings with the option to use the Document Production Lists could increase customer awareness and understanding of the discovery process and the likelihood that these parties are able to discover the documents and information that are relevant to their arbitration. If the customer elects to use the Document Production Lists in a paper case or special proceeding, parties should automatically (*i.e.*, without the need to make production requests or engage in motion practice) receive those documents and information that are relevant, or likely to lead to relevant evidence, in such customer disputes, which could help expedite the discovery process.¹⁷ In addition, this

a party must establish a reasonable timeframe to produce the document. See FINRA Rule 12506(b)(2). If a party objects to producing any document described in Document Production Lists 1 or 2, FINRA Rule 12508 provides that the party must specifically identify which document or requested information it is objecting to and why (*e.g.*, a document is irrelevant to the particular dispute).

¹⁵ For purposes of the Customer Code, the term “*pro se*” refers to a party that is not represented by an attorney or others during an arbitration or mediation. See FINRA Rule 12100(z).

¹⁶ From 2018 to 2023, customers were a party in 1,038 paper cases and special proceedings that closed and appeared *pro se* in 623 of the arbitrations (60 percent).

¹⁷ See Securities Exchange Act Release No. 41833 (September 2, 1999), 64 FR 49256, 49260–61 (September 10, 1999) (Order Approving File No. SR–NASD–1999–07) (stating that the Document Production Lists were created “to provide parties with information that is reasonably calculated to

increased access to relevant documents and other information could improve the efficiency of the DRS arbitration forum to bring about outcomes (*i.e.*, awards and settlements) in paper cases or special proceedings that are more consistent with the merits of the case.¹⁸

If the SEC approves the proposed rule change, FINRA will develop and publish guidance about discovery that will be available to all parties in simplified customer arbitrations. The guidance would, among other things, direct parties to the Discovery Guide. In addition to describing the Document Production Lists, the Discovery Guide includes information that could improve the parties’ awareness and understanding of the discovery process such as information about the circumstances under which the parties may object to the production of documents on the Document Production Lists, the parties’ ability to request additional documents other than those included on the Document Production Lists, the process for obtaining the production of documents from non-parties, the forms that the production of documents should take, and the parties’ right to object to the production of documents based on confidentiality and privilege concerns.¹⁹

As discussed above, proposed Rule 12800(g)(1)(B) would require that the customer decide whether to apply the Document Production Lists in a paper case or special proceeding “when initiating an arbitration pursuant to Rule 12302” or “no later than the answer due date pursuant to Rule 12303, regardless of the parties’ agreement to extend any answer due date.”²⁰ Thus, parties would know whether they will have to gather and eventually produce the documents on the Document Production

lead to the discovery of admissible evidence in arbitrations” and that “[t]he Discovery Guide will streamline the discovery process. By creating lists of documents that should be produced in all customer arbitrations . . . the Discovery Guide will help expedite the discovery process and reduce the number of discovery disputes between parties, which in turn should help lower the cost of the arbitration discovery process.”). See also Securities Exchange Act Release No. 70419 (September 16, 2013), 78 FR 57916, 57920 (September 20, 2013) (Order Approving File No. SR–FINRA–2013–024) (stating that FINRA amended the Discovery Guide to “help reduce the number and limit the scope of disputes involving document production.”).

¹⁸ See *infra* Item II.B. (discussing *Economic Impact Assessment*).

¹⁹ Nothing in the Discovery Guide precludes the parties from voluntarily agreeing to an exchange of documents in a manner different from that set forth in the Discovery Guide. FINRA encourages the parties to agree to the voluntary exchange of documents and to stipulate to various matters. See <https://www.finra.org/sites/default/files/ArbMed/p394527.pdf>.

²⁰ See *supra* note 13 and accompanying text.

Lists in the early stages of an arbitration case, either after the arbitration has been initiated or no later than the answer due date.²¹ As noted above, if the SEC approves the proposed rule change, FINRA will develop and publish guidance about discovery that will be available for all parties in simplified customer arbitrations. This guidance would include information to assist customers in making an informed decision regarding whether to elect to use the Document Production Lists in their case.

Finally, the proposed rule change would give only customers the right to elect to have the Document Production Lists apply in paper cases and special proceedings because, as discussed above, a majority of the customers who appear in these types of cases are *pro se* and may not be familiar with the discovery process.²² On the other hand, few associated persons appear *pro se* in paper cases and special proceedings.²³ FINRA understands, however, that some *pro se* associated persons may not be familiar with the discovery process; the guidance that FINRA plans to issue would be available to all parties, including parties who appear *pro se*.

Further, although only customers would have the option to choose whether the Document Production Lists would apply in their case, FINRA does not believe the proposed rule change would impose an unfair burden on industry parties or deprive them in any way of their right to obtain discoverable documents and information. If a customer elects to have the Document Production Lists apply in a paper case or special proceeding, that election would trigger production obligations for both customers and industry parties; as noted above, the documents on List 1 would be presumptively discoverable by customers, and the documents on List 2 would be presumptively discoverable by member firms and associated persons.²⁴ Moreover, even if a customer chooses not to apply the Document Production Lists in a particular case, industry parties still would have the same right that they currently have under FINRA

Rule 12800(g)(2) to request the production of documents and information from the customer.

B. Proposed Amendments To Clarify the Applicability of the Document Production Lists in Simplified Customer Arbitrations When the Customer Requests a Regular Hearing

Currently, FINRA Rule 12800(c)(3)(A) states that, when a customer requests a regular hearing, the “regular provisions” of the Customer Code relating to prehearings and hearings apply. As noted above, DRS has issued guidance clarifying this language to mean that the Document Production Lists apply in simplified customer arbitrations in which the customer requests a regular hearing.²⁵ For additional clarity, the proposed rule change would codify that the Document Production Lists apply to simplified customer arbitrations in which the customer requests a regular hearing. Specifically, proposed Rule 12800(g)(1)(A) would provide that the “Document Production Lists, described in Rule 12506, apply to arbitrations in which the customer requests an Option One hearing.” The proposed rule change would increase transparency and help ensure parties are aware and understand that the Document Production Lists apply in simplified customer arbitrations in which the customer requests a regular hearing.

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice*.²⁶

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,²⁷ which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

FINRA believes that the proposed rule change will protect investors and the public interest as it will provide customers in paper cases and special proceedings with the option to use the Document Production Lists, thereby increasing customer awareness and understanding of the discovery process

and the likelihood that these parties are able to discover the documents and information that are relevant to their arbitration. If the customer elects to use the Document Production Lists in a paper case or special proceeding, parties should automatically (*i.e.*, without the need to make production requests or engage in motion practice) receive those documents and information that are relevant, or likely to lead to relevant evidence, in such customer disputes, which could help expedite the discovery process. In addition, this increased access to relevant documents and other information could improve the efficiency of the DRS arbitration forum to bring about outcomes (*i.e.*, awards and settlements) in paper cases or special proceedings that are more consistent with the merits of the case.²⁸

FINRA also believes that the proposed rule change will protect investors and the public interest by aligning the Customer Code with existing DRS practice and guidance that the Document Production Lists apply in simplified customer arbitrations in which the customer requests a regular hearing. Codifying this existing practice and guidance will improve transparency and enhance parties' awareness and understanding of the discovery process in simplified customer arbitrations.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment to analyze the regulatory need for the proposed rule change, its potential economic impacts, including anticipated costs, benefits, and distributional and competitive effects, relative to the current baseline, and the alternatives FINRA considered in assessing how best to meet FINRA's regulatory objectives.

(a) Regulatory Need

The proposed rule change addresses a concern that certain customers in simplified customer arbitrations may be at a disadvantage in obtaining relevant documents and other information useful to their cases, due to a lack of awareness and understanding of how to use the discovery process. The proposed rule change and additional guidance are anticipated to increase customer

²¹ As noted above, if the customer elects to have the Document Production Lists apply, all parties would be required to produce the documents on the Document Production Lists, explain why the documents cannot be produced, or object to the production of the documents within the timeframes set forth in FINRA Rule 12506.

²² See *supra* note 16 and accompanying text.

²³ From 2018 to 2023, where they were a party, associated persons appeared *pro se* in 88 of the 292 customer paper cases and special proceedings that closed.

²⁴ See FINRA Rule 12506. See also <https://www.finra.org/sites/default/files/ArbMed/p394527.pdf>.

²⁵ See *supra* note 11 and accompanying text.

²⁶ FINRA notes that the proposed rule change would impact all members, including members that are funding portals or have elected to be treated as capital acquisition brokers (“CABs”), given that the funding portal and CAB rule sets incorporate the impacted FINRA rules by reference.

²⁷ 15 U.S.C. 78o–3(b)(6).

²⁸ See *infra* Item II.B. (discussing *Economic Impact Assessment*).

awareness, understanding and utilization of the discovery process, reducing the risk that the resulting outcomes do not reflect the actual merits of the underlying dispute.

(b) Economic Baseline

The economic baseline for the proposed rule change consists of the current provisions under the Customer Code and published guidance that address the discovery process in simplified customer arbitrations. FINRA anticipates the proposed rule change to affect the customers, industry parties, and arbitrators to simplified customer arbitrations.

To better understand the potential impacts of the proposed rule change, FINRA examines the 1,717 simplified customer arbitrations that closed from 2018 to 2023.²⁹ Simplified customer arbitrations represent 12 percent of all customer arbitrations which closed during the sample period.

As discussed above, customer representatives have provided feedback that the Customer Code provides inadequate guidance, particularly to *pro se* customers, regarding discovery in simplified customer arbitrations. They have reported to FINRA that customers may not know what documents to request from the opposing party. This raises concerns that parties are not obtaining and, therefore, not providing arbitrators the relevant documents and information to decide simplified customer arbitrations and that these arbitrations are not decided on a full record.

To put these concerns in context, for the 1,717 simplified customer arbitrations that closed from 2018 to 2023, FINRA identifies the number where a customer appears *pro se*. A higher percentage of customers appear *pro se* in paper cases (517 of 792 cases, 65 percent) and special proceedings (106 of 246 cases, 43 percent) than in simplified customer arbitrations where they request a regular hearing (183 of 679 cases, 27 percent).

Data are not available to comprehensively describe the discovery process in the DRS arbitration forum. FINRA is therefore not able to determine the number of discovery requests in simplified customer arbitrations, the frequency of objections, and how discovery may differ by proceeding or representation type.³⁰

²⁹ Customers appeared as claimant in 1,650 simplified customer arbitrations, as respondent in 63 simplified customer arbitrations, and as both claimant and respondent in four cases.

³⁰ Data are also not available describing, under Rule 12800(g)(1), arbitrator discretion to choose relevant portions of the Document Production Lists

(c) Economic Impacts

In paper cases and special proceedings, the proposed rule change would provide customers the option to apply the Document Production Lists. Along with the planned additional guidance, this proposed rule change may increase customer awareness and understanding of the discovery process and their access to relevant documents and other information through an established framework of presumptively discoverable documents. This increased access may improve the efficiency of the DRS arbitration forum to bring about outcomes (*i.e.*, awards and settlements) in paper cases or special proceedings that are more consistent with the merits of the case which could decrease the potential benefits to member firms and associated persons from engaging in misconduct and increase customer protection.

Paper cases and special proceedings may be decided on the merits of the case where customers appear *pro se* and avail themselves of discovery. The proposed rule change, together with the guidance that would accompany it, would increase customers' awareness and understanding of their option to apply the Document Production Lists, and more generally inform them of the documents or information that may be available through discovery. The value of the additional awareness and understanding is likely greater for those customers who appear *pro se* and have limited knowledge of discovery than for those customers who retain an attorney or representation by a law clinic. Customers who appear *pro se*, however, may still have difficulty understanding the discovery process, the types of documents or information that may support their claims, and whether to apply the Document Production Lists. For some customers who appear *pro se*, therefore, the proposed rule change may not have the full intended effect.

When customers elect to apply the Document Production Lists in paper cases or special proceedings, parties may incur additional or fewer discovery-related costs. The additional costs customers may incur would be at their own expense. The overall impact on discovery-related costs would depend on how the number of production requests and discovery-related motions change relative to the baseline. Parties may need to produce additional documents or information

in paper cases and special proceedings to obtain discovery. Arbitrator use of this discretion under the baseline may indicate the need for information by customers, and an impact of the proposed rule change may be to reduce reliance on this discretion.

described in the Document Production Lists, increasing costs relative to the baseline. On the other hand, parties may cease objecting to the production of documents that were requested in the baseline and that become presumptively discoverable. They may, however, incur additional costs objecting to the production of additional documents or information that were not requested under the baseline and which the proposed rule change makes presumptively discoverable.

The costs parties incur may also relate to the time to resolution. The proposed 60 days for parties to respond to the Document Production Lists may lengthen the time to resolution.³¹ The time to resolution may further lengthen if parties object to the production of documents or information that were not requested under the baseline and which the proposed rule change makes presumptively discoverable. Longer times to resolution may create additional business uncertainty for industry parties and delay the availability of funds to customers who win awards. To the extent that the application of the Document Production Lists reduces the amount of disagreement between parties and precludes the need for production requests and discovery-related motions, however, then the time to resolution may decrease and parties may benefit from a shorter time to resolution.

The greater exchange of relevant documents or information when customers elect to apply the Document Production Lists may also increase the ability of parties to settle prior to an award. Relative to arbitrating the dispute, parties who settle may incur fewer costs (*e.g.*, attorney fees, forum fees, time to resolution) to resolve the dispute.³²

The codification of existing DRS guidance (as detailed above) that the Document Production Lists apply in simplified customer arbitrations in which the customer requests a regular hearing should not result in material economic effects. In the experience of FINRA staff, since DRS issued additional guidance, few questions have arisen regarding the application of

³¹ As described above, under current FINRA Rule 12800(g)(2), when customers elect not to apply the Document Production Lists, all production requests must be served within 30 days from the date that the last answer is due. Any response or objection to a production request must be served within 10 days of its receipt.

³² Half of the 1,717 simplified customer arbitrations that closed from 2018 to 2023 settled. A higher percentage of simplified customer arbitrations settled where customers requested a regular hearing (73 percent) than in paper cases (34 percent) or special proceedings (56 percent).

Document Production Lists in simplified customer arbitrations in which the customer requests a regular hearing. However, to the extent that parties are currently unaware of the DRS guidance and misunderstand the application of the Document Production Lists in simplified customer arbitrations, the codification of the DRS guidance could affect the discovery process.

(d) Alternatives Considered

An alternative to the proposed rule change is to automatically apply the Document Production Lists in paper cases and special proceedings without the need for the customer to make an election. Relative to the proposed rule change, all parties in paper cases and special proceedings would obtain the relevant documents and other information and further decrease the risk that arbitration outcomes do not reflect the actual merits of the underlying dispute. As discussed above, most customers appear *pro se* in paper cases and special proceedings and may have difficulty understanding the discovery process. Parties, however, would incur the costs associated with the application of the Document Production Lists in all cases, even when the documents and other information described on the Document Production Lists are not relevant to the case and their production may not impact arbitration outcomes.

Another alternative is to pare the Document Production Lists for paper cases and special proceedings, to the extent possible, to those documents and other information that are thought to be more relevant for these arbitrations. Relative to the proposed rule change, this alternative may decrease production costs. However, given that the Document Production Lists were designed to capture those documents that are most likely to lead to the discovery of relevant information in customer arbitrations, paring down the Document Production Lists may reduce the ability of customers to access relevant documents and other information. It is not known how these countervailing effects may impact the decision of customers to apply the Document Production Lists and case outcomes.

Finally, an alternative to the proposed rule change is to decrease the number of days for a party to respond when customers elect to apply the Document Production Lists in paper cases and special proceedings (e.g., from 60 days to 30 days). This may reduce the extent to which the time to resolution may lengthen. Some parties, however,

including customers who appear *pro se*, may incur additional costs to respond to the Document Production Lists within the shortened timeframe, such as by needing to obtain relevant documents on an expedited basis. Parties may also seek an extension, thereby lengthening the discovery process, nonetheless.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-FINRA-2024-008 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-FINRA-2024-008. 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 (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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-FINRA-2024-008 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-11584 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100193; File No. SR-CboeBZX-2024-039]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 13, 2024, Cboe BZX Exchange, Inc. ("Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

³³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/BZX/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform ("BZX Equities") by modifying certain Add/Remove Volume Tiers. The Exchange proposes to implement these changes effective May 13, 2024.³

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the "Act"), to which market participants may direct their order flow. Based on publicly

available information,⁴ no single registered equities exchange has more than 16% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a "Maker-Taker" model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above \$1.00, the Exchange provides a standard rebate of \$0.00160 per share for orders that add liquidity and assesses a fee of \$0.0030 per share for orders that remove liquidity.⁵ For orders in securities priced below \$1.00, the Exchange does not provide a rebate for orders that add liquidity and assesses a fee of 0.30% of the total dollar value for orders that remove liquidity.⁶ Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Add/Remove Volume Tiers

Under footnote 1 of the Fee Schedule, the Exchange offers various Add/Remove Volume Tiers. In particular, the Exchange offers eight Add Volume Tiers that provide enhanced rebates for orders yielding fee codes B,⁷ V⁸ and Y⁹ where a Member reaches certain add volume-based criteria. The Exchange now proposes to modify Add Volume Tier 8 by lowering the requirement in the first prong of criteria. The current criteria for Add Volume Tier 8 is as follows:

- Add Volume Tier 8 provides a rebate of \$0.0031 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders yielding fee codes B, V, or Y) where a Member: (1) has an

ADAV¹⁰ as a percentage of TCV¹¹ $\geq 0.50\%$; and (2) Member has a Tape B ADV¹² $\geq 1.50\%$ of the Tape B TCV; and (3) Member has a Remove ADV $\geq 0.30\%$ of the TCV.

The proposed criteria for Add Volume Tier 8 is as follows:

- Add Volume Tier 8 provides a rebate of \$0.0031 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders yielding fee codes B, V, or Y) where a Member: (1) has an ADAV as a percentage of TCV $\geq 0.42\%$; and (2) Member has a Tape B ADV $\geq 1.50\%$ of the Tape B TCV; and (3) Member has a Remove ADV $\geq 0.30\%$ of the TCV.

In addition to the Add/Remove Volume Tiers offered under footnote 1, the Exchange also offers four Non-Displayed Add Volume Tiers that each provide an enhanced rebate for Members' qualifying orders yielding fee codes HB,¹³ HV,¹⁴ or HY,¹⁵ where a Member reaches certain volume-based criteria offered in each tier. The Exchange now proposes to modify Non-Displayed Add Volume Tier 1. The current criteria for Non-Displayed Add Volume Tier 1 is as follows:

- Non-Displayed Add Volume Tier 1 provides a rebate of \$0.0018 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders yielding fee codes HB, HV, or HY) where a Member adds an ADV $\geq 0.05\%$ of the TCV as Non-Displayed orders that yield fee codes HB, HI,¹⁶ HV or HY.

The proposed criteria for Non-Displayed Add Volume Tier 1 is as follows:

- Non-Displayed Add Volume Tier 1 provides a rebate of \$0.0018 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders yielding fee codes HB, HV, or HY) where a Member adds an ADV $\geq 0.06\%$ of the TCV as Non-Displayed orders that yield fee codes HB, HI, HV or HY.

¹⁰ "ADAV" means average daily added volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

¹¹ "TCV" means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

¹² "ADV" means average daily volume calculated as the number of shares added or removed, combined, per day, calculated on a monthly basis.

¹³ Fee code HB is appended to non-displayed orders that add liquidity to BZX in Tape B securities.

¹⁴ Fee code HV is appended to non-displayed orders that add liquidity to BZX in Tape A securities.

¹⁵ Fee code HY is appended to non-displayed orders that add liquidity to BZX in Tape C securities.

¹⁶ Fee code HI is appended to non-displayed orders that add liquidity to BZX and receive price improvement.

³ The Exchange initially filed the proposed fee change on May 1, 2024 (SR-CboeBZX-2024-033). On May 9, 2024, the Exchange withdrew that filing and submitted SR-CboeBZX-2024-036. On May 13, 2024, the Exchange withdrew that filing and submitted this proposal.

⁴ See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (April 23, 2024), available at https://www.cboe.com/us/equities/market_statistics/.

⁵ See BZX Equities Fee Schedule, Standard Rates.

⁶ *Id.*

⁷ Fee code B is appended to displayed orders that add liquidity to BZX in Tape B securities.

⁸ Fee code V is appended to displayed orders that add liquidity to BZX in Tape A securities.

⁹ Fee code Y is appended to displayed orders that add liquidity to BZX in Tape C securities.

The proposed, modified Add Volume Tier 8 and Non-Displayed Add Volume Tier 1 are intended to continue to provide an additional opportunity to incentivize Members to earn an enhanced rebate by increasing their order flow to the Exchange, which further contributes to a deeper, more liquid market and provides even more execution opportunities for active market participants. While the proposed criteria for Add Volume Tier 8 is slightly less difficult than existing criteria and the proposed criteria for Non-Displayed Add Volume Tier 1 is slightly more difficult than existing criteria, the Exchange believes that both tiers continue to offer an enhanced rebate that is commensurate with the proposed criteria. Incentivizing an increase in liquidity adding volume through enhanced rebate opportunities encourages liquidity-adding Members on the Exchange to increase transactions and take execution opportunities provided by such increased liquidity, together providing for overall enhanced price discovery and price improvement opportunities on the Exchange. As such, increased overall order flow benefits all Members by contributing towards a robust and well-balanced market ecosystem.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁷ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁸ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)²⁰ as it is

designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to modify Add Volume Tier 8 and Non-Displayed Add Volume Tier 1 reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. Specifically, the Exchange's proposal to introduce slightly different criteria to Add Volume Tier 8 and Non-Displayed Add Volume Tier 1 is not a significant departure from existing criteria, is reasonably correlated to the enhanced rebate offered by the Exchange and other competing exchanges,²¹ and will continue to incentivize Members to submit order flow to the Exchange. Additionally, the Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,²² including the Exchange,²³ and are reasonable, equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Competing equity exchanges offer similar tiered pricing structures, including schedules or rebates and fees that apply based upon members achieving certain volume and/or growth thresholds, as well as assess similar fees or rebates for similar types of orders, to that of the Exchange.

In particular, the Exchange believes its proposal to modify Add Volume Tier 8 and Non-Displayed Add Volume Tier 1 is reasonable because the revised tiers will be available to all Members and provide all Members with an opportunity to receive an enhanced

rebate. The Exchange further believes its proposal to modify Add Volume Tier 8 and Non-Displayed Add Volume Tier 1 will provide a reasonable means to encourage liquidity adding displayed orders in Members' order flow to the Exchange and to incentivize Members to continue to provide liquidity adding and liquidity removing volume to the Exchange by offering them an opportunity to receive an enhanced rebate on qualifying orders. An overall increase in activity would deepen the Exchange's liquidity pool, offer additional cost savings, support the quality of price discovery, promote market transparency and improve market quality, for all investors.

The Exchange believes that its proposal to modify Add Volume Tier 8 and Non-Displayed Add Volume Tier 1 is reasonable as the proposed criteria do not represent a significant departure from the criteria currently offered in the Fee Schedule. The Exchange also believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members continue to be eligible for the proposed Add Volume Tier 8 and Non-Displayed Add Volume Tier 1 and have the opportunity to meet the tiers' criteria and receive the corresponding enhanced rebate if such criteria is met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for proposed Add Volume Tier 8 and Non-Displayed Add Volume Tier 1. While the Exchange has no way of predicting with certainty how the proposed changes will impact Member activity, based on the prior month's volume, the Exchange anticipates that at least one Member will be able to satisfy proposed Add Volume Tier 8 and at least three Members will be able to satisfy proposed Non-Displayed Add Volume Tier 1. The Exchange also notes that proposed changes will not adversely impact any Member's ability to qualify for enhanced rebates offered under other tiers. Should a Member not meet the proposed new criteria, the Member will merely not receive that corresponding enhanced rebate.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would

¹⁷ 15 U.S.C. 78f(b).

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ *Id.*

²⁰ 15 U.S.C. 78f(b)(4).

²¹ See Nasdaq Price List, Add and Remove Rates, Rebate to Add Displayed Liquidity, Shares Executed at or Above \$1.00, available at <https://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2>; see also MEMX Equities Fee Schedule, Non-Display Add Tiers, available at <https://info.memxtrading.com/equities-trading-resources/us-equities-fee-schedule/>.

²² See e.g., EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

²³ See e.g., BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the Exchange's proposal to modify Add Volume Tier 8 and Non-Displayed Add Volume Tier 1 will apply to all Members equally in that all Members are eligible for the new and modified tiers, have a reasonable opportunity to meet the proposed tiers' criteria and will receive the enhanced rebate on their qualifying orders if such criteria is met. The Exchange does not believe the proposed changes burden competition, but rather, enhance competition as they are intended to increase the competitiveness of BZX by amending existing pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange, providing for additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Next, the Exchange believes the proposed rule changes does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 16% of the market share.²⁴ Therefore, no exchange possesses significant pricing power in the

execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."²⁵ The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."²⁶ Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²⁷ and paragraph (f) of Rule 19b-4²⁸ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2024-039 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-CboeBZX-2024-039. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication

²⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

²⁶ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

²⁷ 15 U.S.C. 78s(b)(3)(A).

²⁸ 17 CFR 240.19b-4(f).

²⁴ *Supra* note 4.

submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2024-039 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-11568 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100203; File No. SR-CboeBZX-2024-037]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.13 To Describe the Manner in Which the Exchange Processes Executions in Securities Priced Below \$1.00 Received From Away Trading Centers Priced in Fractional Pennies

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b-4 thereunder, ² notice is hereby given that on May 10, 2024, Cboe BZX Exchange, Inc. (“Exchange” or “BZX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) proposes to amend Rule 11.13 to describe the manner in which the Exchange processes executions in securities priced below \$1.00 received from away Trading Centers priced in fractional pennies. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.13 to describe the manner in which the Exchange processes executions in securities priced below \$1.00 received from away Trading Centers ³ priced in fractional pennies. ⁴ Currently, the Exchange does not accept or rank orders priced in fractional pennies in securities priced below \$1.00 ⁵ for orders posted to the BZX Book, ⁶ but may receive executions priced in fractional pennies through its routing broker-dealer affiliate, Cboe Trading, Inc. (“Cboe Trading” or the “Routing Broker”). Today, when the Exchange’s Routing Broker receives an execution in a security priced below \$1.00 from certain away Trading Centers priced in fractional pennies, the Routing Broker truncates the execution price to four decimal places by eliminating any values beyond four decimal places

³ See Rule 2.11. A “Trading Center” means a securities exchange other than the Exchange, facilities of securities exchanges, automated trading systems, electronic communications networks, or other brokers or dealers.

⁴ For purposes of this filing, the term “fractional pennies” or “fractional penny” means an execution out to five decimal places or more (*i.e.*, \$0.00001 or finer). The Exchange notes that it accepts and ranks orders in securities priced below \$1.00 out to four decimal places (\$0.0001). While quotations and executions in \$0.0001 increments are also known as fractional penny quotations (executions), the Exchange is limiting the use of the term “fractional penny” or “fractional pennies” within this proposal to executions out to five or more decimal places to categorize a specific issue with increments finer than \$0.0001.

⁵ See Rule 11.11(a)(2). “Bids, offers, orders of indications of interests in securities traded on the Exchange shall not be made in an increment smaller than \$0.0001 if those bids, offers or indications of interests are priced less than \$1.00 per share and the security is an NMS stock pursuant to Commission Rule 600(b)(46) and is trading on the Exchange.”

⁶ See Rule 1.5(e). The term “BZX Book” shall mean the System’s electronic file of orders.

priori [*sic*] to transmitting the execution price back to the Exchange.⁷ The Exchange now proposes that for each Exchange order in a security priced below \$1.00 that the Routing Broker routes to an away Trading Center, and for which it receives an execution in fractional pennies, that such execution will be rounded up or down in favor of the Exchange order—*i.e.*, the Routing Broker will round down to the nearest \$0.0001 for all buy executions, and round up to the nearest \$0.0001 for all sell executions.

Pursuant to Rule 2.11, the Exchange relies on its Routing Broker to provide outbound routing services from the Exchange to a routing destination. Rule 2.11 also provides the authority to the Exchange or the Routing Broker to cancel orders on the Exchange’s equity securities platform when a technical or system issue occurs. In addition, Rule 2.11 also describes the operation of an error account for Cboe Trading. While Rule 2.11 speaks to the authority of the Routing Broker to provide outbound routing services, Rule 11.13(b) describes the manner in which orders are routed away from the Exchange to an away Trading Center. The Exchange proposes to add subparagraph (6) to Rule 11.13(b) to describe the order handling behavior of fractional penny executions on away Trading Centers.

Specifically, the Exchange proposes that in order to process executions which occur in securities priced below \$1.00 in fractional pennies on away Trading Centers, the Exchange’s Routing Broker will perform an adjustment to each fractional penny execution. In particular, for all buy executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies, the Routing Broker will round down to the nearest \$0.0001. Additionally, for all sell executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies, the Routing Broker will round up to the nearest \$0.0001. The only exception to this rounding behavior will occur when a buy execution in securities priced below \$1.00 in fractional pennies received from an away Trading Center would result in the Routing Broker rounding down to a price of \$0.0000. In this instance, and this instance only, the Routing Broker will instead round up to the minimum price of \$0.0001 in order to comply with Rule 11.11(a)(2). The Routing Broker will afford the Exchange

⁷ For example, if the Routing Broker receives an execution from an away Trading Center priced at \$0.50037, it truncates the price to \$0.5003 prior to transmitting the execution price back to the Exchange.

²⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

order (and ultimately, the User⁸) the most favorable execution price based on the fractional penny execution received by the Routing Broker from the away market, save for the limited scenario when the Routing Broker must round a buy order up to a price of \$0.0001 in order to meet the Exchange's minimum price requirement. Once the Routing Broker has completed its adjustment, it will transmit the order back to the Exchange.

The Exchange's proposal is based on a similar proposal from NYSE that described how its routing broker would process orders received from an away market that were executed in odd-lots or in sub-pennies.⁹ While the Exchange's proposal is similar to the NYSE Routing Broker Filing, there are important distinctions as described below. First, the NYSE Routing Broker Filing is a broad proposal that introduces NYSE's routing broker and provides a detailed description of the routing broker's operation, and the Exchange's proposal is limited to describing only the manner in which the Routing Broker processes executions received from an away Trading Center that occur in fractional pennies, as the Exchange's Routing Broker has been operating since the Exchange's approval in 2008.¹⁰ Next, the Exchange's proposal differs from the NYSE Routing Broker Filing in that the Exchange seeks to describe order handling behavior by its Routing Broker when executions on an away Trading Center occur in fractional pennies, whereas the NYSE Routing Broker Filing describes order handling behavior for executions received by its routing broker occurring in odd-lots or sub-pennies. While there is a distinction between the Exchange's proposal being focused on fractional pennies for securities priced below \$1.00 and NYSE's proposal applying to sub-pennies in securities priced at or above \$1.00, the order handling behavior by both NYSE's routing broker and the Exchange's Routing Broker is nearly identical as both round up (down) to provide the most favorable execution price in a permissible pricing increment based on the execution received from the away Trading Center. In the NYSE Routing Broker Filing, its routing broker rounds up (for sell orders) or down (for

buy orders) to the nearest penny, providing the Exchange order the most favorable execution price based on the sub-penny execution received by the routing broker from the away market center. The Exchange's proposal indicates that the Routing Broker will round up (down) to the nearest \$0.0001, providing the Exchange order the most favorable execution price based on the fractional penny execution received by the Routing Broker from the away Trading Center. Additionally, while the NYSE Routing Broker Filing *describes* the order handling behavior of its routing broker, this description was not actually added as rule text to the NYSE rulebook¹¹ and the Exchange is seeking to codify its Routing Broker's order handling behavior when executions are received in fractional pennies.

This service provided by the Routing Broker with regard to fractional penny executions is not intended to operate as a means to generate revenue. While the Routing Broker does not anticipate accruing any positions as a result of the adjustments made to executions in securities priced below \$1.00 received from away Trading Centers in fractional pennies, the Routing Broker will liquidate positions assumed as a result of the services provided to the Exchange. To that end, it is the intent of the Routing Broker to be flat in all positions at the end of each trading day.¹² The Routing Broker incorporates an automated system to immediately assist in the liquidation (acquisition) for any residual long (short) positions. To mitigate financial risk¹³ to the Routing Broker, registered trading personnel of the Routing Broker may be required to manually assist, as soon as practicable, in the liquidation (acquisition) of such positions, when due to the nature of the security (e.g., high-priced securities that trade with a wide spread) and its trading pattern or volatile market conditions liquidation (acquisition) is not immediately possible.

¹¹ See Securities Exchange Act Release No. 64729 (June 23, 2011), 76 FR 38232 (June 29, 2011), SR-NYSE-2011-24 ("NYSE Inbound Routing Filing"). Footnote 11 of the NYSE Inbound Routing Filing states "[n]o rule text was added to the NYSE Rules to describe these functions[.]" in reference to a statement that the routing broker was previously engaged in certain odd-lot and sub-penny transactions as part of its routing function for the exchange.

¹² Absent any unusual market conditions or timing of such trades (for example, the execution of the order at 15:59:59 (it is intended that the Routing Broker will be flat in all positions at the end of each trading day.

¹³ Any and all losses incurred during the facilitation of fractional penny executions will be assumed by the Routing Broker as part of the routing service provided.

The Exchange has included the following examples to demonstrate the proposed order handling behavior.

Example 1

Firm A enters an order on the Exchange to buy 100 shares of ABC at \$0.5008. The Exchange's best offer is \$0.5007. Trading Center 1 is displaying a best offer at \$0.5006. Trading Center 1 also has the ability to execute trades in fractional pennies. The System¹⁴ transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.50058 due to price improvement received at Trading Center 1. The Routing Broker will sell 100 shares to Firm A at \$0.5005 and uses the fill of 100 shares at \$0.50058 to offset the position. The Routing Broker will incur a total loss of \$0.008, or \$0.00008 per share.

Example 2

Firm A enters an order on the Exchange to sell 100 shares of ABC at \$0.5004. The Exchange's best bid is \$0.5005. Trading Center 1 is displaying a best bid at \$0.5006. Trading Center 1 also has the ability to execute trades in fractional pennies. The System transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.50068 due to price improvement received at Trading Center 1. The Routing Broker will buy 100 shares from Firm A at \$0.5007 and uses the fill of 100 shares at \$0.50068 to offset the position. The Routing Broker will incur a total loss of \$0.002, or \$0.00002 per share.

Example 3

Firm A enters an order on the Exchange to buy 100 shares of ABC at \$0.0001. The Exchange's best offer is \$0.0003. Trading Center 1 is displaying a best offer at \$0.0001. Trading Center 1 also has the ability to execute trades in fractional pennies. The System transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then

¹⁴ See Rule 1.5(aa). The term "System" shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.

⁸ See Rule 1.5(cc). The term "User" shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.

⁹ See Securities Exchange Act Release No. 55590 (April 5, 2007), 72 FR 18707 (April 13, 2007), SR-NYSE-2007-29 ("NYSE Routing Broker Filing").

¹⁰ See Securities Exchange Act Release No. 58375 (August 18, 2008), 73 FR 49498 (August 21, 2008), File No. 10-182 ("BATS Exchange Approval Order").

transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.00008 due to price improvement received at Trading Center 1. The Routing Broker will sell 100 shares to Firm A at \$0.0001 and uses the fill of 100 shares at \$0.00008 to offset the position. The Routing Broker will have a total gain of \$0.002, or \$0.00002 per share.¹⁵

The Routing Broker will not engage in any business for the Exchange other than its outbound and inbound routing functions as detailed in Rules 2.11 and 2.12 and in the manner described above. Users are not required to utilize the Routing Broker when submitting orders to the Exchange. In the event a User does not wish for its order to be routed and potentially subject to the order handling behavior described above, it must enter an immediate-or-cancel (“IOC”) or any such other order type available on the Exchange that is not eligible for routing. All bids and offers entered on the Exchange that are routed away via the Routing Broker which result in an execution shall be binding on the User that entered such bid or offer.

The Exchange believes that the above proposal detailing the order handling behavior for executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies will provide Users with the best possible outcome in situations where the Exchange is unable to process an execution in fractional pennies due to System limitations.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in

securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposal promotes just and equitable principles of trade by providing additional transparency into how the Exchange’s Routing Broker processes executions in securities priced below \$1.00 received in fractional pennies from away Trading Centers. Additionally, the Exchange believes that the Routing Broker’s favorable price adjustment in favor of the User submitting the order promotes just and equitable principles of trade as it is designed to provide Users with the best possible outcome when their orders are adjusted due to System limitations on the Exchange. While the Routing Broker will be incurring a loss on each transaction except for in the limited scenario described in Example 3 above, the end result serves to protect investors and the public interest by providing a price more favorable to Users than the execution price received on the away Trading Center. The Exchange believes that the limited scenario presented in Example 3 above promotes just and equitable principles of trade because rather than providing an execution to the Exchange (and therefore the User) at a price of \$0.0000, the Routing Broker will instead round up to a price of \$0.0001, which is the minimum execution price supported by the Exchange. While this will result in a minimal profit for the Routing Broker and an inferior execution price than what is provided by the away Trading Center, the Exchange believes that the benefit of the Exchange (and User) ultimately receiving a buy execution at \$0.0001 outweighs any minimal profit that the Routing Broker may receive and any minimal loss that the User experiences as a result of the rounding adjustment. Further, the proposal does not result in unfair discrimination as it applies to all executions received by the Routing Broker in securities priced below \$1.00 that are priced in fractional pennies. Should a User not wish for its order to be subject to the proposed fractional penny adjustment described above, it is free to select a different order type that does not route to an away Trading Center.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition as the proposed order handling behavior by the Routing Broker will apply to all orders routed away equally, in that any order received by the Routing Broker from an away Trading Center in fractional pennies will be adjusted down (up) to the benefit of the User before being sent back to the Exchange. The Exchange notes that use of the Routing Broker is not mandatory. If a User does not wish to have its order subjected to the proposed order handling behavior it is free to choose a different order type that is not eligible for routing to away Trading Centers. In addition, the proposed rule change will not impose any burden on intermarket competition as it is not being introduced to address a competitive issue, but rather to better describe order handling behavior by the Exchange’s Routing Broker.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁹ and Rule 19b-4(f)(6) thereunder.²⁰

¹⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

²⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁵ The Exchange notes that Example 3 is unlikely to happen as the minimum price increment is \$0.0001 but includes this example to demonstrate potential order handling behavior. See 17 CFR 242.612(b).

¹⁶ 15 U.S.C. 78f(b).

¹⁷ 15 U.S.C. 78f(b)(5).

¹⁸ *Id.*

A proposed rule change filed under Rule 19b-4(f)(6)²¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²² the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

The Exchange states that waiver of the operative delay would permit the Exchange's Routing Broker to immediately implement the order handling behavior described in the proposal, which would benefit Users who submit a routable order to the Exchange and receive an execution on an away Trading Center in fractional pennies. The Exchange further states the proposed rule change does not present any new or novel issues, as at least one other exchange indicated that its routing broker performed similar rounding behavior for orders received in odd-lot or sub-penny increments that were filled on away market centers and were not compatible with existing exchange system behavior.²³ For these reasons, and because the proposal does not raise any new or novel issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²⁴

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁵ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2024-037 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-CboeBZX-2024-037. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2024-037 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-11575 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100202; File No. SR-CboeBYX-2024-015]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.13 To Describe the Manner in Which the Exchange Processes Executions in Securities Priced Below \$1.00 Received From Away Trading Centers Priced in Fractional Pennies

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 10, 2024, Cboe BYX Exchange, Inc. ("Exchange" or "BYX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") proposes to amend Rule 11.13 to describe the manner in which the Exchange processes executions in securities priced below \$1.00 received from away Trading Centers priced in fractional pennies. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/byx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of

²¹ 17 CFR 240.19b-4(f)(6).

²² 17 CFR 240.19b-4(f)(6)(iii).

²³ See *supra* note 9.

²⁴ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁵ 15 U.S.C. 78s(b)(2)(B).

²⁶ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.13 to describe the manner in which the Exchange processes executions in securities priced below \$1.00 received from away Trading Centers³ priced in fractional pennies.⁴ Currently, the Exchange does not accept or rank orders priced in fractional pennies in securities priced below \$1.00⁵ for orders posted to the BYX Book,⁶ but may receive executions priced in fractional pennies through its routing broker-dealer affiliate, Cboe Trading, Inc. ("Cboe Trading" or the "Routing Broker"). Today, when the Exchange's Routing Broker receives an execution in a security priced below \$1.00 from certain away Trading Centers priced in fractional pennies, the Routing Broker truncates the execution price to four decimal places by eliminating any values beyond four decimal places prior to transmitting the execution price back to the Exchange.⁷ The Exchange now proposes that for each Exchange order in a security priced below \$1.00 that the Routing Broker routes to an away Trading Center, and for which it receives an execution in fractional pennies, that such execution will be rounded up or down in favor of the Exchange order—*i.e.*, the Routing

Broker will round down to the nearest \$0.0001 for all buy executions, and round up to the nearest \$0.0001 for all sell executions.

Pursuant to Rule 2.11, the Exchange relies on its Routing Broker to provide outbound routing services from the Exchange to a routing destination. Rule 2.11 also provides the authority to the Exchange or the Routing Broker to cancel orders on the Exchange's equity securities platform when a technical or system issue occurs. In addition, Rule 2.11 also describes the operation of an error account for Cboe Trading. While Rule 2.11 speaks to the authority of the Routing Broker to provide outbound routing services, Rule 11.13(b) describes the manner in which orders are routed away from the Exchange to an away Trading Center. The Exchange proposes to add subparagraph (6) to Rule 11.13(b) to describe the order handling behavior of fractional penny executions on away Trading Centers.

Specifically, the Exchange proposes that in order to process executions which occur in securities priced below \$1.00 in fractional pennies on away Trading Centers, the Exchange's Routing Broker will perform an adjustment to each fractional penny execution. In particular, for all buy executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies, the Routing Broker will round down to the nearest \$0.0001. Additionally, for all sell executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies, the Routing Broker will round up to the nearest \$0.0001. The only exception to this rounding behavior will occur when a buy execution in securities priced below \$1.00 in fractional pennies received from an away Trading Center would result in the Routing Broker rounding down to a price of \$0.0000. In this instance, and this instance only, the Routing Broker will instead round up to the minimum price of \$0.0001 in order to comply with Rule 11.11(a)(2). The Routing Broker will afford the Exchange order (and ultimately, the User⁸) the most favorable execution price based on the fractional penny execution received by the Routing Broker from the away market, save for the limited scenario when the Routing Broker must round a buy order up to a price of \$0.0001 in order to meet the Exchange's minimum price requirement. Once the Routing Broker has completed its adjustment, it

will transmit the order back to the Exchange.

The Exchange's proposal is based on a similar proposal from NYSE that described how its routing broker would process orders received from an away market that were executed in odd-lots or in sub-pennies.⁹ While the Exchange's proposal is similar to the NYSE Routing Broker Filing, there are important distinctions as described below. First, the NYSE Routing Broker Filing is a broad proposal that introduces NYSE's routing broker and provides a detailed description of the routing broker's operation, and the Exchange's proposal is limited to describing only the manner in which the Routing Broker processes executions received from an away Trading Center that occur in fractional pennies, as the Exchange's Routing Broker has been operating since the Exchange's approval in 2008.¹⁰ Next, the Exchange's proposal differs from the NYSE Routing Broker Filing in that the Exchange seeks to describe order handling behavior by its Routing Broker when executions on an away Trading Center occur in fractional pennies, whereas the NYSE Routing Broker Filing describes order handling behavior for executions received by its routing broker occurring in odd-lots or sub-pennies. While there is a distinction between the Exchange's proposal being focused on fractional pennies for securities priced below \$1.00 and NYSE's proposal applying to sub-pennies in securities priced at or above \$1.00, the order handling behavior by both NYSE's routing broker and the Exchange's Routing Broker is nearly identical as both round up (down) to provide the most favorable execution price in a permissible pricing increment based on the execution received from the away Trading Center. In the NYSE Routing Broker Filing, its routing broker rounds up (for sell orders) or down (for buy orders) to the nearest penny, providing the Exchange order the most favorable execution price based on the sub-penny execution received by the routing broker from the away market center. The Exchange's proposal indicates that the Routing Broker will round up (down) to the nearest \$0.0001, providing the Exchange order the most favorable execution price based on the fractional penny execution received by the Routing Broker from the away Trading Center. Additionally, while the NYSE Routing Broker Filing *describes*

³ See Rule 2.11. A "Trading Center" means a securities exchange other than the Exchange, facilities of securities exchanges, automated trading systems, electronic communications networks, or other brokers or dealers.

⁴ For purposes of this filing, the term "fractional pennies" or "fractional penny" means an execution out to five decimal places or more (*i.e.*, \$0.00001 or finer). The Exchange notes that it accepts and ranks orders in securities priced below \$1.00 out to four decimal places (\$0.0001). While quotations and executions in \$0.0001 increments are also known as fractional penny quotations (executions), the Exchange is limiting the use of the term "fractional penny" or "fractional pennies" within this proposal to executions out to five or more decimal places to categorize a specific issue with increments finer than \$0.0001.

⁵ See Rule 11.11(a)(2). "Bids, offers, orders of indications of interests in securities traded on the Exchange shall not be made in an increment smaller than \$0.0001 if those bids, offers or indications of interests are priced less than \$1.00 per share and the security is an NMS stock pursuant to Commission Rule 600(b)(46) and is trading on the Exchange."

⁶ See Rule 1.5(e). The term "BYX Book" shall mean the System's electronic file of orders.

⁷ For example, if the Routing Broker receives an execution from an away Trading Center priced at \$0.50037, it truncates the price to \$0.5003 prior to transmitting the execution price back to the Exchange.

⁸ See Rule 1.5(cc). The term "User" shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.

⁹ See Securities Exchange Act Release No. 55590 (April 5, 2007), 72 FR 18707 (April 13, 2007), SR-NYSE-2007-29 ("NYSE Routing Broker Filing").

¹⁰ See Securities Exchange Act Release No. 62716 (August 13, 2010), 75 FR 51295 (August 19, 2010), File No. 10-198 ("BYX Exchange Approval Order").

the order handling behavior of its routing broker, this description was not actually added as rule text to the NYSE rulebook¹¹ and the Exchange is seeking to codify its Routing Broker's order handling behavior when executions are received in fractional pennies.

This service provided by the Routing Broker with regard to fractional penny executions is not intended to operate as a means to generate revenue. While the Routing Broker does not anticipate accruing any positions as a result of the adjustments made to executions in securities priced below \$1.00 received from away Trading Centers in fractional pennies, the Routing Broker will liquidate positions assumed as a result of the services provided to the Exchange. To that end, it is the intent of the Routing Broker to be flat in all positions at the end of each trading day.¹² The Routing Broker incorporates an automated system to immediately assist in the liquidation (acquisition) for any residual long (short) positions. To mitigate financial risk¹³ to the Routing Broker, registered trading personnel of the Routing Broker may be required to manually assist, as soon as practicable, in the liquidation (acquisition) of such positions, when due to the nature of the security (e.g., high-priced securities that trade with a wide spread) and its trading pattern or volatile market conditions liquidation (acquisition) is not immediately possible.

The Exchange has included the following examples to demonstrate the proposed order handling behavior.

Example 1

Firm A enters an order on the Exchange to buy 100 shares of ABC at \$0.5008. The Exchange's best offer is \$0.5007. Trading Center 1 is displaying a best offer at \$0.5006. Trading Center 1 also has the ability to execute trades in fractional pennies. The System¹⁴

¹¹ See Securities Exchange Act Release No. 64729 (June 23, 2011), 76 FR 38232 (June 29, 2011), SR-NYSE-2011-24 ("NYSE Inbound Routing Filing"). Footnote 11 of the NYSE Inbound Routing Filing states "[n]o rule text was added to the NYSE Rules to describe these functions[.]" in reference to a statement that the routing broker was previously engaged in certain odd-lot and sub-penny transactions as part of its routing function for the exchange.

¹² Absent any unusual market conditions or timing of such trades (for example, the execution of the order at 15:59:59 (it is intended that the Routing Broker will be flat in all positions at the end of each trading day).

¹³ Any and all losses incurred during the facilitation of fractional penny executions will be assumed by the Routing Broker as part of the routing service provided.

¹⁴ See Rule 1.5(aa). The term "System" shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for

transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.50058 due to price improvement received at Trading Center 1. The Routing Broker will sell 100 shares to Firm A at \$0.5005 and uses the fill of 100 shares at \$0.50058 to offset the position. The Routing Broker will incur a total loss of \$0.008, or \$0.00008 per share.

Example 2

Firm A enters an order on the Exchange to sell 100 shares of ABC at \$0.5004. The Exchange's best bid is \$0.5005. Trading Center 1 is displaying a best bid at \$0.5006. Trading Center 1 also has the ability to execute trades in fractional pennies. The System transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.50068 due to price improvement received at Trading Center 1. The Routing Broker will buy 100 shares from Firm A at \$0.5007 and uses the fill of 100 shares at \$0.50068 to offset the position. The Routing Broker will incur a total loss of \$0.002, or \$0.00002 per share.

Example 3

Firm A enters an order on the Exchange to buy 100 shares of ABC at \$0.0001. The Exchange's best offer is \$0.0003. Trading Center 1 is displaying a best offer at \$0.0001. Trading Center 1 also has the ability to execute trades in fractional pennies. The System transmits Firm A's order with order handling instructions to the Routing Broker. The Routing Broker then transmits the order with the order handling instructions received from the Exchange to Trading Center 1. The Routing Broker receives a fill of 100 shares at \$0.00008 due to price improvement received at Trading Center 1. The Routing Broker will sell 100 shares to Firm A at \$0.0001 and uses the fill of 100 shares at \$0.00008 to offset the position. The Routing Broker will have a total gain of \$0.002 or \$0.00002 per share.¹⁵

ranking, execution and, when applicable, routing away.

¹⁵ The Exchange notes that Example 3 is unlikely to happen as the minimum price increment is \$0.0001 but includes this example to demonstrate

The Routing Broker will not engage in any business for the Exchange other than its outbound and inbound routing functions as detailed in Rules 2.11 and 2.12 and in the manner described above. Users are not required to utilize the Routing Broker when submitting orders to the Exchange. In the event a User does not wish for its order to be routed and potentially subject to the order handling behavior described above, it must enter an immediate-or-cancel ("IOC") or any such other order type available on the Exchange that is not eligible for routing. All bids and offers entered on the Exchange that are routed away via the Routing Broker which result in an execution shall be binding on the User that entered such bid or offer.

The Exchange believes that the above proposal detailing the order handling behavior for executions in securities priced below \$1.00 received from an away Trading Center in fractional pennies will provide Users with the best possible outcome in situations where the Exchange is unable to process an execution in fractional pennies due to System limitations.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposal promotes just and equitable principles of trade by

potential order handling behavior. See 17 CFR 242.612(b).

¹⁶ 15 U.S.C. 78f(b).

¹⁷ 15 U.S.C. 78f(b)(5).

¹⁸ *Id.*

providing additional transparency into how the Exchange's Routing Broker processes executions in securities priced below \$1.00 received in fractional pennies from away Trading Centers. Additionally, the Exchange believes that the Routing Broker's favorable price adjustment in favor of the User submitting the order promotes just and equitable principles of trade as it is designed to provide Users with the best possible outcome when their orders are adjusted due to System limitations on the Exchange. While the Routing Broker will be incurring a loss on each transaction except for in the limited scenario described in Example 3 above, the end result serves to protect investors and the public interest by providing a price more favorable to Users than the execution price received on the away Trading Center. The Exchange believes that the limited scenario presented in Example 3 above promotes just and equitable principles of trade because rather than providing an execution to the Exchange (and therefore the User) at a price of \$0.0000, the Routing Broker will instead round up to a price of \$0.0001, which is the minimum execution price supported by the Exchange. While this will result in a minimal profit for the Routing Broker and an inferior execution price than what is provided by the away Trading Center, the Exchange believes that the benefit of the Exchange (and User) ultimately receiving a buy execution at \$0.0001 outweighs any minimal profit that the Routing Broker may receive and any minimal loss that the User experiences as a result of the rounding adjustment. Further, the proposal does not result in unfair discrimination as it applies to all executions received by the Routing Broker in securities priced below \$1.00 that are priced in fractional pennies. Should a User not wish for its order to be subject to the proposed fractional penny adjustment described above, it is free to select a different order type that does not route to an away Trading Center.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition as the proposed order handling behavior by the Routing Broker will apply to all orders routed away equally, in that any order received by the Routing Broker from an away Trading Center in

fractional pennies will be adjusted down (up) to the benefit of the User before being sent back to the Exchange. The Exchange notes that use of the Routing Broker is not mandatory. If a User does not wish to have its order subjected to the proposed order handling behavior it is free to choose a different order type that is not eligible for routing to away Trading Centers. In addition, the proposed rule change will not impose any burden on intermarket competition as it is not being introduced to address a competitive issue, but rather to better describe order handling behavior by the Exchange's Routing Broker.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁹ and Rule 19b-4(f)(6) thereunder.²⁰

A proposed rule change filed under Rule 19b-4(f)(6)²¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²² the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

The Exchange states that waiver of the operative delay would permit the

Exchange's Routing Broker to immediately implement the order handling behavior described in the proposal, which would benefit Users who submit a routable order to the Exchange and receive an execution on an away Trading Center in fractional pennies. The Exchange further states the proposed rule change does not present any new or novel issues, as at least one other exchange indicated that its routing broker performed similar rounding behavior for orders received in odd-lot or sub-penny increments that were filled on away market centers and were not compatible with existing exchange system behavior.²³ For these reasons, and because the proposal does not raise any new or novel issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²⁴

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁵ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBYX-2024-015 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

¹⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

²⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²¹ 17 CFR 240.19b-4(f)(6).

²² 17 CFR 240.19b-4(f)(6)(iii).

²³ See *supra* note 9.

²⁴ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁵ 15 U.S.C. 78s(b)(2)(B).

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBYX–2024–015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBYX–2024–015 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024–11573 Filed 5–24–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100205; File No. SR–LTSE–2024–03]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Its Trading Rules in Connection With Its Transition to a New Trading Platform

May 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on May 9, 2024, the Long-Term Stock Exchange, Inc. (“LTSE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes changes to its trading rules in connection with its transition to a new trading platform with technology provided by MEMX Technologies LLC (“MEMX Technologies”), an affiliated entity of MEMX LLC (“MEMX Exchange”), with different functionality and features unique to the LTSE market model. The Exchange will retain responsibility for overseeing the daily market operations of the Exchange's trading system and will maintain operational control over the features of such system and any changes thereto. Further, the Exchange will continue to have regulatory responsibility for the Exchange's trading system and will continue to fully discharge all of its obligations as a registered national securities exchange.

The text of the proposed rule change is available at the Exchange's website at <https://longtermstockexchange.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing rule changes that will effectuate a transition of the technology supporting the Exchange's trading system (the “System”)³ from its current platform to one provided on an outsourced basis by MEMX Technologies LLC (“MEMX Technologies”). These rule changes are intended to provide the Exchange with a technology platform that will significantly enhance the System and provide market participants with more opportunities to trade on the Exchange while minimizing any disruptive effect to Members interacting with the current System. Further, the proposed changes are the result of a thorough and comprehensive analysis of the Exchange's current technology platform and the changes needed to bring the System into a more competitive posture with other trading venues. The Exchange determined that licensing an instance of an existing trading technology platform currently in use by another registered national securities exchange⁴ and operating pursuant to rules that have already been approved by or filed for immediate effectiveness with the Commission, is the most efficient and effective option. To facilitate an expedient implementation of the new trading platform,⁵ while minimizing operational impact, the Exchange is proposing to amend certain of its trading rules to conform to those of the MEMX Exchange, which are supported by the current trading platform that LTSE is licensing from MEMX Technologies, and replatforming subsequent to the approval of this filing.

The Exchange is proposing to delete the following LTSE Rules and replace them with an identical or substantially similar version of the corresponding MEMX Rule. Specifically, LTSE Rule 11.151 (Market Maker Obligations) is being amended to delete the definitions of “Crossing Quotation” and “Locking

³ LTSE Rule 1.160 (Definitions) defines the System in paragraph (rr) as “. . . the electronic communications and trading facility designated by the Board [of Directors] through which the securities orders of Members are consolidated for ranking and execution.”

⁴ The Exchange is proposing to license technology from MEMX Technologies, which is currently being used by MEMX Exchange.

⁵ The Exchange will continue to utilize its current System until after the rule changes proposed herein are effective, after such time, the Exchange will then transfer its System to the trading platform licensed from MEMX Technologies which will operate the platform pursuant to the rules proposed herein.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

²⁶ 17 CFR 200.30–3(a)(12), (59).

Quotation” from this Rule to relocate them to newly proposed Rule 11.180 (Definitions) where they are being conformed to MEMX definitions of the same terms. LTSE Rule 11.180 (Units of Trading) is being renamed to (Definitions), deleted in its entirety and replaced with MEMX Rule 11.6 (Definitions).⁶ LTSE Rule 11.190 (Orders and Modifiers) is being amended to conform with MEMX Rule 11.8 (Order Types and Modifiers). LTSE Rule 11.210 (Minimum Price Variant) is being deleted and the definition is being relocated to newly proposed LTSE Rule 11.180 (Definitions) and is identical to MEMX Rule 11.6(g) (Minimum Price Variation).⁷ LTSE Rule 11.220 (Priority of Orders) is being deleted in its entirety and replaced with MEMX Rule 11.9 (Priority of Orders). LTSE Rule 11.230 (Order Execution) is being amended to conform with MEMX Rule 11.10 (Order Execution).⁸ LTSE Rule 11.271 (Trading Halts) is being deleted in its entirety because the substance of the rule will be adopted in newly proposed LTSE Rule 11.281 (Limit Up-Limit Down Plan and Trading Halts on the Exchange). LTSE Rules 11.281 (Limit Up-Limit Down Mechanism) and 11.282 (Regulatory Trading Halts) are being amended to conform with MEMX Rule 11.22 (Limit Up-Limit Down Plan and Trading Halts) and the Nasdaq UTP Plan, as amended.⁹ LTSE Rule 11.310 (Locking or Crossing Quotations in NMS Stocks) is being amended to conform with MEMX Rule 11.10 (f) (Locking Quotation or Crossing Quotation in NMS Stocks). LTSE Rule 11.320 (Input of Accurate Information) is being amended to conform with MEMX Rule 11.5 (Input of Accurate Information). LTSE Rule 11.330 (Data Products) is being amended to conform with MEMX Rule 13.8 (Data Products). LTSE Rule 11.380 (Risk Management) is being deleted in its entirety and replaced with Interpretation and

Policies .01 and .02 of MEMX Rule 11.10 (Order Execution). LTSE Rule 11.410 (Use of Market Data Feeds and Calculations of Necessary Price Reference Points) is being amended to conform with MEMX Rule 13.4 (Usage of Data Feeds).¹⁰ In addition to the aforementioned rule changes, the Exchange is also deleting certain rules that are not supported by the new System or are now proposed to appear elsewhere in the rulebook.¹¹

As discussed above, the rule changes proposed herein are based on rules already approved by or filed for immediate effectiveness with the Commission for use by MEMX Exchange. The LTSE notes, however, that it is not proposing to adopt all of the MEMX Exchange trading rules for use by the System as LTSE has different functionality and features unique to its market model; for example, the Exchange will not offer routing functionality,¹² as is the case today, and is not proposing to adopt certain order types (e.g., Retail Orders as described in MEMX Exchange Rule 11.21). Moreover, the Exchange is not proposing any rule changes that would affect membership, member conduct, or the Exchange’s Listings.

As initially designed and implemented, the current System was based on the concept of a “Very Simple Market” (“VSM”).¹³ Since the Exchange is focused on serving companies and investors focusing on the long-term, and differentiates itself from other exchanges primarily by promoting long-term policies and governance practices for listed companies, the Exchange sought to further differentiate itself by adopting a trading model that appealed to the interests and needs of long-term investors.¹⁴ The Exchange remains committed to its mission to provide a listings venue for companies seeking to differentiate themselves by adopting and implementing long-term policies

and governance practices.¹⁵ However, to date the VSM concept has not led to significant participation by long-term investors, causing the Exchange to explore ways of achieving this goal within the framework of a more widely-accepted market structure. As noted above, given the current need to upgrade the Exchange’s technology infrastructure (both hardware and software) supporting the System, the cost and efficiency considerations, and an assessment of the type of market that would be competitive on a trading basis while supporting the Exchange’s long-term mission, the Exchange has determined to replace the VSM with a trading model substantially similar to that currently used by the MEMX Exchange, with certain key differences in functionality that address LTSE’s unique market model.¹⁶ From a technology perspective, the Exchange will operate on its own servers, separate and apart from the MEMX Exchange, with no joint or shared connections to participants. LTSE Members will be required to utilize LTSE-specific member gateways to connect into the System, and these will be separate from those of the MEMX Exchange. Stated another way, LTSE will continue to operate as it does now, as a standalone Exchange, within the national market system, and the mere fact that it is licensing a technology platform from MEMX Technologies will not provide any special treatment or advantage to the MEMX Exchange.

Additionally, and importantly, LTSE will continue to fully discharge its obligations as a national securities exchange, separate and distinct from those of the MEMX Exchange, and will not rely on nor utilize the MEMX Exchange to fulfill any aspect of those obligations on LTSE’s behalf.

The Exchange Will Continue To Operate as an Independent Registered National Securities Exchange and Self-Regulatory Organization

The Exchange and MEMX Technologies executed a Development, License and Services Agreement on January 23, 2024, with accompanying Schedules (collectively, the “DLSA”). MEMX Technologies, an affiliate of the MEMX Exchange, is in the business of developing technology systems for use in the financial industry. As part of the arrangement, MEMX Technologies will

⁶ Newly proposed Rule 11.180 (Definitions) seeks to adopt MEMX Rule 11.6 (Definitions) in its entirety. Including matching definitions of the following terms: Cancel Back, Crossing Quotation, Display Options, Locking Price, Locking Quotation, Minimum Execution Quantity, Minimum Price Variation, Pegged Order, Permitted Price, Re-Pricing, Reserve Quantity, Posting Instructions, Short Sale, Short Exempt, Time In Force, Trading Center, and Units of Trading.

⁷ *Id.*

⁸ MEMX Rule provisions related to the routing of orders are not being adopted as the Exchange is not offering that functionality.

⁹ See Securities Exchange Act Release No. 92071 (May 28, 2021); 86 FR 29846 (June 3, 2021) (Order Approving the Fiftieth Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis, as Modified by Amendments Nos. 1 and 2).

¹⁰ LTSE is not adopting the language in MEMX Rule 13.4 (Usage of Data Feeds) related to the routing of orders.

¹¹ LTSE Rule 11.231 (Regular Market Session Opening Process for Non-LTSE Primary Listed Securities) is being deleted in its entirety as this functionality is not supported in the new System. LTSE Rule 11.240(c) (Trade Execution, Reporting, and Dissemination of Quotations) is being deleted because it appears in newly proposed LTSE Rule 11.230.

¹² See footnote 9 [sic].

¹³ See Securities Exchange Act Release No. 87221 (October 3, 2019); 84 FR 54195 (October 9, 2019); SR-LTSE-2019-02. The VSM provided for a more limited array of order types, with all orders fully displayed and no hidden or reserve orders, and all trades occurring at displayed prices.

¹⁴ *Id.*

¹⁵ See LTSE Rule Series 14.400, Corporate Governance Requirements and Rule 14.425, Long-Term Policies.

¹⁶ As discussed above, the Exchange will not offer routing, is not adopting the “Retail Order” order type and will maintain its rules governing its listing function.

provide LTSE its market-as-a-service trading system to operate LTSE's trading platform. This is the first time the Exchange will be utilizing a system licensed from an unaffiliated third-party. Under the terms of the DLSA, both LTSE and MEMX Technologies are required to keep confidential all Confidential Information of each other and, except as expressly authorized, not use such Confidential Information¹⁷ or make any such Confidential Information¹⁸ available to any third party, including MEMX Exchange. MEMX Technologies is allowed to share information with its representatives, but only on a need-to-know basis and only for purposes of MEMX Technologies fulfilling its obligations under the DLSA.

The DLSA sets forth a multiyear arrangement that requires MEMX Technologies to provide the system and services to allow the Exchange to operate fair and orderly markets. Upon contract termination for any reason, the DLSA requires MEMX Technologies to provide transition services for a period of not less than 18 months, which include the transition of any Equipment that is capable of being transferred to Exchange including any Exchange data, confidential information, and system information. The DLSA further requires that such transition services be designed to ensure minimal disruption to Exchange's business operations. In addition, upon the occurrence of certain circumstances, including MEMX Technologies' cessation of the services or insolvency, the Exchange is entitled to a complete and accurate copy of the source code for the system, together with all associated information, documentation and materials required to enable the Exchange to operate, support and maintain the system, including integrations with any third-party provider product or service. In

addition, because any suspension or termination of access to the system or the services of MEMX Technologies would be a violation of the agreement as it could impair the Exchange's ability to ensure continuity of service, the parties have agreed that the Exchange would be entitled to an injunction and other equitable relief (such as an order requiring specific performance) from MEMX Technologies. Finally, in the event that MEMX Technologies is unwilling or unable to provide the system or services, MEMX Holdings LLC ("MEMX Holdings"), the parent of MEMX Technologies, has entered into a guaranty agreement ("Parent Guaranty") with the Exchange that, among other things, would require MEMX Holdings to perform in MEMX Technologies' stead, or cause the performance of MEMX Technologies obligations under the DLSA, including transition services.

The instance of the trading platform being licensed by LTSE is based on the functionality of the MEMX Exchange, but will be differentiated by the addition of certain functionalities specific to LTSE's market model and the deletion of certain functionalities specific to MEMX Exchange's market model.¹⁹ In summary, while the two exchanges will share a technology provider, each will operate a trading platform that is individualized to their market model and rule set. Notwithstanding the foregoing, much of the technology infrastructure that MEMX Technologies will provide to LTSE pursuant to the DLSA is substantially similar to the technology provided to the MEMX Exchange. However, there are key differences that are designed to support LTSE's mission as an exchange designed for long-term investors and its different market structure.²⁰ To that end, LTSE is proposing to adopt rules consistent with the functionality of the new System, including the adoption of certain order types and order handling processes²¹ that will be new to LTSE with the migration to the new System. As discussed in more detail above, LTSE does not currently offer order routing functionality and will not do so initially upon replatforming; LTSE will not adopt the Retail Order program offered by the MEMX Exchange, and will continue to utilize only the data feeds provided by the securities information processors ("SIPs") as described in LTSE Rule 11.410 (Use of Market Data Feeds and Calculations of Necessary

Price Reference Points) in contrast to the system functionality employed by MEMX Exchange, which utilizes direct data feeds from several exchanges as the primary data sources for the same purposes.²²

The Exchange notes that there is nothing in Section 6 of the Exchange Act, or any other provision of the Act, that prevents two independent exchanges from utilizing the technology infrastructure provided to both by an affiliate of one of the exchanges, which offers it as "market-as-a-service." Section 6(a)(1) of the Act,²³ defines an exchange as ". . . any organization, association, or group of persons, whether incorporated or unincorporated, which constitutes, maintains, or provides a marketplace or facilities for bringing together purchasers and sellers of securities or for otherwise performing the functions commonly performed by a stock exchange as that term is generally understood. . . ." The Exchange submits that the fact that it is using an outsourced technology platform supplied by an affiliate of another registered national securities exchange, under a contract negotiated on an "arms-length" basis, does not implicate Section 6 of the Act since LTSE will continue to independently provide a marketplace for bringing together purchasers and sellers of equity securities, and performing the functions commonly performed by a stock exchange as that term is understood. In LTSE's case, this means providing a marketplace designed to serve the needs of long-term investors and operating a listing exchange, which is distinct from the market structure of the MEMX Exchange.

Additionally, there are several examples of separately registered national securities exchanges and self-regulatory organizations successfully migrating to a common technology platform, while retaining important differentiators particular to each respective market. In each such case, the rule changes proposed by each exchange to accomplish the re-platforming were filed with the Commission for approval or immediate effectiveness.²⁴

²² See MEMX Exchange Rule 13.4 (Usage of Data Feeds).

²³ 15 U.S.C. 78c(a)(1).

²⁴ See, e.g., Exchange Act Release No. 87264 (October 9, 2019), 84 FR 55345 (October 16, 2019) (SR-NYSECHX 2019-08), NYSE Chicago, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Add Rules to Support the Transition of Trading to the Pillar Trading Platform; Exchange Act Release No. 83289 (May 17, 2018), 83 FR 23968 (May 23, 2018)

Continued

¹⁷ Examples include e.g., requests from a governmental authority and as required by subpoena, court order or other similar process.

¹⁸ The agreement defines Confidential Information, in part, as: all non-public and proprietary information and materials disclosed to or accessed by any other Party or its Representatives in connection with the Agreement that is marked "confidential" or that such other Party knows, or reasonably should know, is confidential to such first Party, including all non-public information of any Party relating to such Party's subsidiaries, Affiliates, investors, customers, suppliers, contractors, business plans, strategies, operations, methods of doing business, finances, assets, technology (including Software and IT Systems), workflows, specifications and technical information, and any information or materials developed by reference to or use of such information and materials. Further, the Agreement includes in its definition of Confidential Information information of third parties that is disclosed to either Party.

¹⁹ *Id.*

²⁰ *Id.*

²¹ These order types and processes are currently employed on the MEMX Exchange.

As a further example of the differentiation between LTSE and the MEMX Exchange, LTSE will not be obligated to accept any change to LTSE's instance of the technology platform that may be proposed by the MEMX Exchange for its own market but is not desired by LTSE. Importantly, there is no incentive, monetary or otherwise, for LTSE to accept any changes proposed by the MEMX Exchange. Moreover, if MEMX Exchange proposes a rule for its own market, it does not mean that LTSE will automatically adopt the same rule. LTSE will continue to independently evaluate other exchanges' rule filings, including MEMX Exchange, to determine whether or not such changes should be adopted by LTSE. If LTSE seeks to implement an enhancement to its trading platform that is not applicable to the MEMX Exchange, MEMX Technologies will be obligated to develop and implement that enhancement (at a cost to be borne by LTSE). Importantly, MEMX Technologies has no authority to make any changes to the LTSE System without LTSE's direct instruction to do so.

LTSE's instance of the trading platform will operate on separate servers from those of the MEMX Exchange, and neither exchange will gain any advantage over other market participants in terms of access or speed or otherwise. Moreover, LTSE Members will be required to separately connect to LTSE and there will be no cross-connections between members of the respective exchanges. Simply stated, LTSE utilizing the outsourced trading platform provided by MEMX Technologies will have no impact on the competitive relationship between LTSE and the MEMX Exchange, which will continue to operate within the context of the national market system as it currently does.

LTSE will continue to provide for its market and cross-market surveillance through its Regulatory Services Agreement with FINRA ("RSA"), as it does today pursuant to LTSE Rule 1.170. The Exchange will maintain its

independent regulatory function to oversee the RSA and will not utilize personnel from the MEMX Exchange for that purpose. The DLSA agreement provides that MEMX Technologies will provide to FINRA all of the required data needed to effectively surveil the LTSE market in a timely, complete and accurate way. Prior to the re-launch of the Exchange on the new trading platform, extensive testing will be conducted in conjunction with FINRA to assure that there are no data issues or gaps in surveillance coverage.

In summary, the Exchange believes that the use of a common, but not functionally identical, trading platform by LTSE and the MEMX Exchange will not in any way alter the competitive position of the two exchanges or establish any type of connection or opportunity for interaction that would be different than LTSE currently has with every other exchange participant in the national market system.

Compliance With Regulation SCI

As a registered national securities exchange, LTSE is an "SCI entity" responsible for compliance with the requirements of Regulation SCI—Systems Compliance and Integrity ("Reg. SCI") under the Exchange Act.²⁵ The Exchange classifies several of its systems, including its trading System, as "SCI systems" based on the definitions as stated under Reg. SCI.

Accordingly, the Exchange submits that its proposal to move to an outsourced trading technology infrastructure is consistent with Reg. SCI. In the Adopting Release, the Commission stated that an SCI entity may contract with third parties to operate SCI systems on its behalf with the requirement that ". . . [the] SCI entity is responsible for having in place processes and requirements to ensure that it is able to satisfy the requirements of Regulation SCI for SCI systems operated on its behalf by a third party" ²⁶ Thus, while MEMX Technologies will provide the service of operating the System, all of the regulatory obligations pertaining to the System's compliance with Reg. SCI are the responsibility of the Exchange, as is the case today. LTSE has obtained commitments from MEMX Technologies under the DLSA that will allow LTSE to continue to meet its responsibilities under Reg. SCI.²⁷

Reg. SCI Rule 1001(a)(1), requires LTSE to ". . . establish, maintain and enforce policies and procedures reasonably designed to ensure that its SCI systems . . . have levels of capacity, integrity, resiliency, availability, and security, adequate to maintain the SCI's entity's operational capability and promote the maintenance of fair and orderly markets." Accordingly, the Exchange has in place detailed policies and procedures reasonably designed to ensure that its systems, including third-party systems, operate in the manner intended, including in compliance with the federal securities laws and rules, and the Exchange's rules and governing documents, and will review and revise its policies and procedures as necessary.²⁸

Consistent with that approach and the Exchange's obligations under Reg. SCI Rule 1001(a)(2) to have policies and procedures reasonably designed to include the requirements enumerated in that section, the negotiated DLSA provides the Exchange with information allowing it to meet all regulatory requirements, including requisite oversight to ensure the Exchange continues to meet all regulatory requirements. Consistent with Reg. SCI Rule 1001(a)(2)(i) such policies and procedures shall include, at a minimum: (i) the establishment of current and future technological infrastructure capacity planning estimates; (ii) periodic capacity stress tests to determine ability of the Exchange's Reg SCI systems to process transactions in an accurate, timely, and efficient manner; (iii) a program to review and keep current systems development and testing methodology for such systems; (iv) regular reviews and testing, as applicable, of such systems, including backup systems, to identify vulnerabilities pertaining to internal and external threats, physical hazards, and natural or manmade disasters; (v) business continuity and disaster recovery plans designed to effectuate the requirements for backup and recovery capabilities sufficiently resilient and geographically diverse and reasonably designed to achieve next business day resumption of trading and two-hour resumption of critical SCI systems following a wide-scale disruption; (vi) standards that result in such systems being designed, developed, tested, maintained, operated, and surveilled in a manner that facilitates the successful collection,

(SR-NYSENAT 2018-02), NYSE National, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Amended by Amendment No. 1, to Support the Re-launch of NYSE National, Inc. on the Pillar Trading Platform; Exchange Act Release No. 86173 (June 20, 2019), 84 FR 30267 (June 26, 2019) (SR-CBOE-2019-027), CBOE Exchange, Inc., Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend and Move Certain Current Rules from the Exchange's Currently Effective Rulebook to the Shell Structure for the Exchange's Rulebook that will Become Effective Upon the Migration of the Exchange's Trading Platform to the Same System used by the Cboe Affiliated Exchanges.

²⁵ See, Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014), the "Adopting Release."

²⁶ *Id.*, at 72275-76.

²⁷ DLSA between LTSE and MEMX Technologies dated January 23, 2024.

²⁸ LTSE has obtained commitments from MEMX Technologies to provide data and information, pursuant to the DLSA, that is necessary for LTSE to meet its responsibilities under Reg SCI.

processing, and dissemination of market data; and (vii) monitoring of such systems to identify potential SCI events.

In furtherance of meeting the above, and to supplement and support its current Reg. SCI policies and procedures, LTSE will independently approve and disapprove System changes and, in addition to oversight of the testing performed by MEMX Technologies, will maintain an independent methodology to test proposed changes to the System. Pursuant to the Agreement, MEMX Technologies is required to provide certain information to LTSE regarding the operation of the System in order to allow for LTSE to conduct sufficient oversight in compliance with its Reg. SCI policies and procedures.²⁹ In addition, LTSE also will monitor market operations with respect to the System. These monitoring tools will allow LTSE to initiate or require appropriate additional investigation or remedial action as necessary in the event of an issue impacting the integrity of the System. In addition, pursuant to the Agreement, LTSE will receive information allowing it to conduct proper oversight of the security program applicable to the System. Taken together, the tools, processes and information provided to LTSE will support the Exchange in meeting its Reg. SCI obligations and provide a means for its operations and technology personnel to provide independent oversight of the operation of the System.

Additionally, the Exchange has established processes and requirements for communication between responsible Exchange personnel and MEMX Technologies personnel which, it believes, will fully satisfy all of the Exchange's independent Reg. SCI obligations.

Pursuant to Reg. SCI Rule 1001(a)(3) the Exchange will periodically review the effectiveness of its policies and procedures required by Reg. SCI Rule 1001(a) and take prompt action to remedy any deficiencies in such policies and procedures.³⁰ The

Exchange will include, in its written inventory, classification and maintenance of the MEMX Technologies platform as a SCI system.

Pursuant to Reg. SCI Rule 1001(b)(1), the Exchange shall establish policies and procedures regarding systems compliance reasonably designed to ensure that all SCI systems operate in a manner that complies with all rules and regulations. Such policies shall include at a minimum, and as required by LTSE Rule 1001(b)(1)(i)—(iv) including (i) testing of all systems and changes to SCI systems prior to implementation; (ii) a system of internal controls over changes to SCI systems; (iii) a plan for assessments of the functionality of SCI designed to detect compliance issues, including by responsible SCI personnel; and (iv) a plan of coordination communication between regulatory and other personnel of the SCI entity, including by responsible SCI personnel, regarding SCI systems design, changes, testing, and controls designed to detect and prevent systems compliance issues.

LTSE will have oversight of MEMX Technologies to ensure that, for all required reportable information relating to the Exchange, the following must be provided to the Exchange in a manner consistent with the timelines required by Reg. SCI: (i) disruption, systems intrusion, and systems compliance issues; (ii) material system changes including enhancements and defect remediations; (iii) relevant annual audit and SCI systems compliance review reports; (iv) evidence of periodic security training for MEMX personnel; and (v) such additional information as may be required by Regulation SCI or written SEC guidance about the interpretation of Regulation SCI, or as may be requested by Exchange that is necessary to accurately respond to a request from staff at the Commission. This provision is reasonably designed to ensure that the Exchange can meet its obligations under SCI Rule 1002(b)³¹ with respect to reporting to the Commission staff of SCI events as described in SCI Rule 1000, and material system changes as required by Rule 1003 of Regulation SCI.

Additionally, MEMX Technologies, on behalf of LTSE, has established and shall maintain disaster recovery and business continuity plans and the capacity and resources to implement such plans. The plans must include maintaining backup and recovery capabilities sufficiently resilient and geographically diverse and are reasonably designed to achieve next-business day resumption of trading and

two-hour resumption of the System and any supporting SCI systems following a wide-scale disruption. The DLSA stipulates that these plans shall comply with all legal requirements, including Reg SCI.

Consistent with Rule 1001(c)(1)³² of Reg. SCI, the Exchange will continue to designate persons, each of whom will be an Exchange employee, as "responsible SCI personnel" who will discharge all of the requirements required of responsible SCI personnel as described in Rule 1001(c) of Reg. SCI and per Reg. SCI Rule 1001(c)(2), each SCI entity shall periodically review the effectiveness of such policies and procedures and take prompt action to remedy deficiencies.

Reg. SCI Rule 1005(a) requires the Exchange to make, keep and preserve all documents relating to its compliance with Reg. SCI as prescribed in Section 17a-1 of the Act. The Exchange has policies and procedures in place to meet the requirements of Reg. SCI Rule 1005(a), including contractual undertakings by MEMX Technologies to assist the Exchange in fulfilling its recording keeping responsibilities with all the applicable laws.

The DLSA also provides the Exchange with other controls, including audit rights. Specifically, the Exchange or its designee shall have the right to audit and inspect the services provided by MEMX Technologies and the records of those services, as well as all facilities, systems and equipment used to provide the System or services for regulatory compliance purposes or to confirm compliance with the DLSA and any amounts paid or owed by the Exchange to MEMX Technologies.

There are also additional reporting requirements that require MEMX Technologies to, among other things, provide the Exchange, on a quarterly basis, with a summary of audit reports that relate to the services or System, including any system and organization control ("SOC") reports or other audit reports completed by an independent party. The audit summary will contain a summary of audits issued during the quarter, a listing of open issues with their current status (including target completion dates and issue ratings), and a listing of issues closed during the quarter. The Exchange submits that these provisions will provide a rigorous framework to assure that it meets its regulatory obligations under Reg. SCI and effective oversight of the operation of the System by MEMX Technologies.

²⁹ Among other things, the Exchange will monitor the services of MEMX Technologies with third-party software for capacity. Further, the Exchange will oversee the operation of the System for compliance with Reg SCI, including without limitation for the maintenance of comprehensive policies and procedures, the provision of required information and review of the System, including penetration testing and results of the testing.

³⁰ At a minimum, such policies and procedures shall include: market data; capacity planning estimates; periodic capacity stress tests; a program to review and keep current development and testing methodologies; integrity, availability and security adequate to maintain operational capabilities to promote the maintenance of fair and orderly markets, as required by Reg. SCI Rule 1001(a)(1).

³¹ 17 CFR 242. 1002.

³² 17 CFR 242.1001(c).

Proposed Changes to LTSE Rules

The Exchange is proposing rule changes that will effectuate the transition to the technology infrastructure provided by MEMX Technologies. The proposed amendments are designed to provide for a timely and efficient transition to the new trading platform with minimal operational risk or disruption to Members. While certain of the Exchange's current trading rules will remain unchanged, the proposed rule changes conform, in large part to the MEMX Exchange including the introduction of certain order types and order handling processes that are new to LTSE but are used by the MEMX Exchange. Therefore, the exchange believes that these proposed changes are neither novel nor controversial, and their introduction on the System will not significantly affect investor protection, competition within the national market system, or limit access to or availability of the System. Additionally, the Exchange is not proposing any changes to its rules governing membership or member conduct.

New Definitions Relating to the Trading Rules

First, in LTSE Rule 11.151 (Market Maker Obligations), the Exchange proposes two ministerial amendments to paragraph (e)(2)(A)(ii), which defines the term "Crossing Quotation" and paragraph (e)(2)(A)(iii), which defines the term "Locking Quotation." The Exchange is proposing to delete the substance of the definitions from this section and adopt a cross-reference to each of the defined terms, "Crossing Quotation" and "Locking Quotation," to newly proposed LTSE Rule 11.180 (Definitions). The text of the newly proposed definitions, which will appear in newly proposed LTSE Rule 11.180(b) and (e), respectively, will conform with the definitions contained in MEMX Exchange Rule 11.6(b) (Crossing Quotation) and 11.6(e) (Locking Quotation).

LTSE Rule 11.180 (Units of Trading) is being amended to conform to MEMX Rule 11.6 (Definitions). Accordingly, the title of LTSE Rule 11.180, is being amended to change from "Units of Trading" to "Definitions" to conform with MEMX Rule 11.6 (Definitions). The current text of 11.180 is being deleted in its entirety and in its place, MEMX Rule 11.6 (Definitions) is being adopted in its entirety. Each of the definitions set forth below are the same as those contained in current MEMX Exchange Rule 11.6(a)–11.6(q) and LTSE is proposing

to adopt conforming definitions in newly proposed LTSE Rule 11.180, as described below.

- LTSE Rule 11.180(a) (Cancel Back)—An instruction the User may attach to an order instructing the System to immediately cancel the order when, if displayed by the System on the LTSE Book at the time of entry would create a violation of Rule 610(d) of Regulation NMS or Rule 201 of Regulation SHO, or the order cannot otherwise be executed or posted by the System to the LTSE Book at its limit price.³³

- LTSE Rule 11.180(b) (Crossing Quotation)—The display of a bid (offer) for an NMS stock at a price that is higher (lower) than the price of an offer (bid) for such NMS stock previously disseminated pursuant to an effective national market system plan in violation of Rule 610(d) of Regulation NMS. This defined term is being moved from LTSE Rule 11.310 (Locking or Crossing Quotations in NMS Stocks), paragraph (a)(2) to this newly proposed rule to consolidate definitions applicable throughout Chapter 11 into a single rule.³⁴

- LTSE Rule 11.180(c) (Display Options)—(1) Displayed, which is an instruction the User may attach to an order stating that the order is to be displayed by the System on the LTSE Book; and (2) Non-Displayed, which is an instruction the User may attach to an order stating that the order is not to be displayed by the System on the LTSE Book. The proposal to allow Users to enter non-displayed orders on LTSE represents a change from the display options afforded to Users under the VSM, which allowed only for displayed orders, and is designed to allow for greater opportunities for market participants to interact with the System.³⁵

- LTSE Rule 11.180(d) (Locking Price)—The price at which an order to buy (sell), that if displayed by the System on the LTSE Book, would be a Locking Quotation.³⁶

- LTSE Rule 11.180(e) (Locking Quotation)—The display of a bid for an NMS stock at a price that equals the price of an offer for such NMS stock previously disseminated pursuant to an effective national market system plan, or the display of an offer for an NMS stock at a price that equals the price of a bid for such NMS stock previously

disseminated pursuant to an effective national market system plan in violation of Rule 610(d) of Regulation NMS. This defined term is being moved from LTSE Rule 11.310 (Locking or Crossing Quotations in NMS Stocks), paragraph (a)(3) to this newly proposed rule to consolidate definitions applicable throughout Chapter 11 into a single rule.³⁷

- LTSE Rule 11.180(f) (Minimum Execution Quantity)—This proposed amendment replaces the Minimum Quantity Order definition in current LTSE Rule 11.190(b)(11) and will permit a User³⁸ to attach a Minimum Execution Quantity to an order with a Non-Displayed instruction or a Time-in-Force of Immediate-or-Cancel instruction. It requires the System to execute the order only to the extent that a minimum quantity can be satisfied. An order with the Minimum Execution Quantity instruction will only execute upon entry against a single order resting on the LTSE Book. If, upon entry, there are no orders that satisfy the minimum quantity condition resting on the LTSE Book, the order will either be posted to the LTSE Book at its limit price or canceled in accordance with the terms of the order. However, an order with a Minimum Execution Quantity will be canceled where, if posted, it would cross the displayed price of an order on the LTSE Book. An order to buy (sell) with a Minimum Execution Quantity instruction that is ranked in the LTSE Book will not be eligible to trade: (i) at a price equal to or above (below) any sell (buy) orders that are Displayed and that have a ranked price equal to or below (above) the price of such order with a Minimum Execution Quantity instruction; or (ii) at a price above (below) any sell (buy) order that is Non-Displayed and has a ranked price below (above) the price of such order with a Minimum Execution Quantity instruction.

However, an order with a Minimum Execution Quantity instruction that crosses an order on the LTSE Book may execute at a price less aggressive than its ranked price against an incoming order so long as such execution is consistent with the above restrictions. An order with a Minimum Execution Quantity instruction may be partially executed so long as the execution size of the individual order is equal to or exceeds the quantity provided in the instruction.

³³ This proposed rule text matches MEMX Rule 11.6(a) (Cancel Back).

³⁴ This proposed rule text matches MEMX Rule 11.6(b) (Crossing Quotation).

³⁵ This proposed rule text matches MEMX Rule 11.6(c) (Display Options).

³⁶ This proposed rule text matches MEMX Rule 11.6(d) (Locking Price).

³⁷ This proposed rule text matches MEMX Rule 11.6(e) (Locking Quotation).

³⁸ The term "User" is defined in Exchange Rule 1.160(uu) as ". . . any Member or Sponsored Participant who is authorized to obtain access to the System. . . ." This definition will remain unchanged.

Any shares remaining after a partial execution will continue to be executed at a size that is equal to or exceeds the quantity provided in the instruction. If posted to the LTSE Book, the order may only execute against individual incoming orders with a size that satisfies the minimum quantity condition. An order with the Minimum Execution Quantity instruction cedes execution priority when it would lock or cross an order against which it would otherwise execute if it were not for the minimum execution size restriction. If a resting Non-Displayed sell (buy) order did not meet the minimum quantity condition of a same-priced resting order to buy (sell) with a Minimum Execution Quantity instruction, a subsequently arriving sell (buy) order that meets the minimum quantity condition will trade ahead of such resting Non-Displayed sell (buy) order at that price. Where the number of shares remaining after a partial execution are less than the quantity provided in the instruction, the Minimum Execution Quantity shall be equal to the number of shares remaining.³⁹

- LTSE Rule 11.180(g) (Minimum Price Variation (“MPV”))—Bids, offers, or orders in securities traded on the Exchange shall not be made in an increment smaller than: (i) \$0.01 if those bids, offers, or orders are priced equal to or greater than \$1.00 per share; or (ii) \$0.0001 if those bids, offers, or orders are priced less than \$1.00 per share; or (iii) any other increment established by the Commission for any security which has been granted an exemption from the minimum price increments requirements of SEC Rule 612(a) or 612(b) of Regulation NMS. This proposed rule text is substantially similar to that contained in current LTSE Rule 11.210 (Minimum Price Variant). The Exchange proposes to reposition the definition of an MPV to this LTSE Rule 11.180(g) and current LTSE Rule 11.210 will become a “Reserved” section.⁴⁰

- LTSE Rule 11.180(h) (Pegged Order)—An order that automatically re-prices in response to changes in the NBBO, as further described in LTSE Rule 11.190(c). A User entering a Pegged Order can specify that the order’s price will peg to the NBB or NBO or a certain amount away from the NBB or NBO (offset) or the midpoint of the NBBO, as described below. The Exchange currently does not offer Pegged Orders as part of the VSM and this will be new

functionality. The proposed rule text is based on MEMX Exchange Rule 11.6(h).⁴¹

In proposed LTSE Rule 1.180(h)(1), the Exchange defines a “Primary Peg” as an order with instructions to peg to the NBB, for a buy order, or the NBO, for a sell order. A User may, but is not required to, select an offset equal to or greater than \$0.01 above or below the NBB or NBO that the order is pegged to (“Primary Offset Amount”). A User submitting a Pegged Order with a Primary Peg instruction may, but is not required to, include a limit price on such order.

In proposed LTSE Rule 11.180(h)(2), the Exchange defines a “Midpoint Peg” as a Pegged Order with an instruction to peg to the midpoint of the NBBO. A User submitting a Pegged Order with a Midpoint Peg instruction may, but is not required to, include a limit price on such order. A Pegged Order with a Midpoint Peg instruction and a limit price that is more aggressive than the midpoint of the NBBO will execute at the midpoint of the NBBO or better subject to its limit price. A Pegged Order with a Midpoint Peg instruction may execute at its limit price or better when its limit price is less aggressive than the midpoint of the NBBO.

A Pegged Order with a Midpoint Peg instruction will be ranked at the midpoint of the NBBO where its limit price is equal to or more aggressive than the midpoint of the NBBO. In such case, pursuant to LTSE Rule 11.220 (Priority of Orders), all Pegged Orders with a Midpoint Peg instruction that are ranked at the midpoint of the NBBO will retain their priority as compared to each other based upon the time such orders were initially received by the System. A Pegged Order with a Midpoint Peg instruction will be ranked at its limit price where its limit price is less aggressive than the midpoint of the NBBO.

- LTSE Rule 11.180(i) (Permitted Price)—The Exchange proposes to define “Permitted Price” as the price at which a sell order will be displayed at one Minimum Price Variation above the NBB.⁴²

- LTSE Rule 11.180(j) (Re-Pricing)—The Exchange is proposing to define how certain conditions will result in a repricing of an order by the System. First, in subparagraph (1)(A)(i) through (1)(A)(v), the Exchange describes repricing instructions to comply with

Rule 610(d) of Regulation NMS, as follows:

(A) Display-Price Sliding.

(i) An order instruction, where an order would be a Locking Quotation or Crossing Quotation of an external market if displayed by the System on the LTSE Book at the time of entry, will be ranked at the Locking Price in the LTSE Book and displayed by the System at one Minimum Price Variation lower (higher) than the Locking Price for orders to buy (sell). A User may elect to have the System only apply the Display-Price Sliding instruction to the extent a display-eligible order at the time of entry would be a Locking Quotation. For Users that select this portion of the Display-Price Sliding instruction, any order will be canceled if, upon entry, such order would be a Crossing Quotation of an external market.

(ii) An order subject to the Display-Price Sliding instruction will retain its original limit price irrespective of the prices at which such order is ranked and displayed. In the event the NBBO changes such that an order subject to the Display-Price Sliding instruction would not be a Locking Quotation or Crossing Quotation, the order will receive a new timestamp, and will be displayed at the most aggressive permissible price. All orders that are re-ranked and re-displayed pursuant to the Display-Price Sliding instruction will retain their priority as compared to other orders subject to the Display-Price Sliding instruction based upon the time such orders were initially received by the Exchange.

Following the initial ranking and display of an order subject to the Display-Price Sliding instruction, an order will only be re-ranked and re-displayed to the extent it achieves a more aggressive price, provided, however, that (1) the Exchange will re-rank an order at the same price as the displayed price in the event such order’s displayed price would be a Locking Quotation or Crossing Quotation, which event will not result in a change in priority for the order at its displayed price, and (2) when an away Trading Center publishes a Protected Quotation that locks or crosses the displayed price of a resting Limit Order of Odd Lot size with a multiple price sliding instruction (as described in sub-paragraph (iii) below) and the Exchange does not have a Protected Quotation displayed at such price, the resting Limit Order will be ranked at the Locking Price in the LTSE Book and displayed by the System at one Minimum Price Variation lower (higher) than the Locking Price for orders to buy (sell).

³⁹ This proposed rule text matches MEMX Rule 11.6(f) (Minimum Execution Quantity).

⁴⁰ This proposed rule text matches MEMX Rule 11.6(g) (Minimum Price Variation).

⁴¹ This proposed rule text matches MEMX Rule 11.6(h) (Pegged Order).

⁴² This proposed rule text matches MEMX Rule 11.6(i) (Permitted Price).

(iii) The ranked and displayed prices of an order subject to the Display-Price Sliding instruction may be adjusted once or multiple times depending upon the instructions of a User and changes to the prevailing NBBO. A User that submits an order with a Display-Price Sliding instruction must select either single or multiple price sliding. The Exchange's single price sliding process will only adjust the ranked and displayed prices of an order upon entry and then the displayed price one time following a change to the prevailing NBBO, provided however, that if such an order's displayed price becomes a Locking Quotation or Crossing Quotation then the Exchange will adjust the ranked price of such order and it will not be further re-ranked or redisplayed at any other price. Orders subject to the Exchange's multiple price sliding process will be further re-ranked and re-displayed as permissible based on changes to the prevailing NBBO.

(iv) Any display-eligible order with a Post Only instruction that would be a Locking Quotation or Crossing Quotation of the Exchange upon entry will be executed or canceled. In the event the NBBO changes such that an order with a Post Only instruction subject to Display-Price Sliding instruction would be ranked at a price at which it could remove displayed liquidity from the LTSE Book, the order will be executed or canceled.

(v) An order with a Post Only instruction will be permitted to post and be displayed opposite the ranked price of orders subject to Display-Price Sliding instruction. In the event an order subject to the Display-Price Sliding instruction is ranked on the LTSE Book with a price equal to an opposite side order displayed by the Exchange, it will be subject to processing as set forth in LTSE Rule 11.230(a)(4).

In proposed LTSE Rule 11.180(j)(2)(A) through (D), the Exchange describes re-pricing instructions to comply with Rule 201 of Regulation SHO,⁴³ as follows:

(A) An order to sell with a Short Sale instruction that, at the time of entry, could not be executed or displayed in compliance with Regulation SHO will be re-priced by the System at the Permitted Price. A User that submits an order with a short sale re-pricing instruction must select either single or multiple price sliding. The Exchange's single price sliding process will only re-

price an order upon entry. To reflect declines in the NBB, the Exchange's multiple price sliding process will continue to re-price and re-display a short sale order at the Permitted Price down to the order's limit price. In the event the NBB changes such that the price of an order of Odd Lot size or with a Non-Displayed instruction subject to Rule 201 of Regulation SHO would be a Locking Quotation or Crossing Quotation, the order will be canceled.

(B) When a Short Sale Circuit Breaker is in effect, the System may execute a sell order with a Displayed and Short Sale instruction at the price of the NBB if, at the time of initial display of the sell order with a Short Sale instruction, the order was at a price above the then-current NBB.

(C) Orders with a Short Exempt instruction will not be subject to repricing under this section.

(D) If an order is subject to a Display-Price Sliding instruction and also contains a Short Sale instruction when a Short Sale Circuit Breaker is in effect, the re-pricing instructions to comply with Rule 201 of Regulation SHO under this Rule will apply.⁴⁴

- LTSE Rule 11.180(k) (Reserve Quantity)—The Exchange is proposing to define "Reserve Quantity" as a portion of an order that includes a Non-Displayed instruction in which a portion of that order is also displayed on the LTSE Book. Both the portion of the order with a Displayed instruction and the Reserve Quantity are available for execution against incoming orders.

In proposed LTSE Rule 11.80(k)(1), the Exchange defines "Replenishment Amounts." If the portion of the order with a Displayed instruction is reduced to less than a Round Lot, the System will, in accordance with the User's instruction, replenish the displayed quantity from the Reserve Quantity using one of the below replenishment instructions. Under either instruction below, any order with a Reserve Quantity will be handled as a new order by the System and a new order identification number will be created each time a displayed quantity is replenished. The Exchange will obfuscate the unique order identification number on its data feeds for replenishment of an order with Reserve Quantity. If the remainder of an order is less than the replenishment amount, the Exchange will replenish and display the entire remainder of the order. A User must instruct the Exchange as to the quantity of the order to be initially displayed by the System

("Max Floor") when entering an order with a Reserve Quantity, which is also used to determine the replenishment amount, as described in proposed LTSE Rule 11.180(k)(1)(A) and (B). In subparagraph (A), the Exchange proposes to define Random Replenishment as an instruction a User may attach to the Reserve Quantity of an order where replenishment quantities for the order are randomly determined by the System in Round Lot increments only within a replenishment range established by the User. In particular, the User entering an order into the System subject to the Random Replenishment instruction must select a replenishment value and Max Floor. The actual quantity that will be initially displayed will be the Max Floor. The displayed replenishment quantities will then be determined by the System by randomly selecting a number of shares within a replenishment range that is between: (i) the Max Floor minus the replenishment value; and (ii) the Max Floor plus the replenishment value. A User entering an order into the System subject to the Random Replenishment instruction must either select immediate replenishment or to have the time interval of such replenishment randomly set by the Exchange. If a User has selected a random time interval, the System will randomly replenish the User's displayed replenishment quantity at different time intervals ranging up to one (1) millisecond following each execution that triggers replenishment. The non-displayed portion of an order subject to Random Replenishment will remain fully executable prior to the replenishment of a User's displayed quantity.

In proposed subparagraph (B) regarding Fixed Replenishment, the Exchange proposes that, for an order for which the Random Replenishment instruction has not been selected, the System will replenish the displayed quantity of the order to the Max Floor designated by the User.⁴⁵

- LTSE Rule 11.180(l) (Posting Instructions)—The Exchange is proposing to designate subparagraph (1) of this rule as "Reserved." In subparagraph (2), the Exchange describes "Post Only" as an instruction that may be attached to an order that is to be ranked and executed on the Exchange pursuant to LTSE Rule 11.220 and LTSE Rule 11.230(a)(4) or canceled, as appropriate, except that the order will not remove liquidity from the LTSE Book, except in the following condition: an order with a Post Only instruction

⁴³ The Exchange notes that all rules being adopted or amended that are related to Regulation SHO are identical to the corresponding MEMX Exchange rules.

⁴⁴ This proposed rule text matches MEMX Rule 11.6(j) (Re-Pricing).

⁴⁵ This proposed rule text matches MEMX Rule 11.6(k) (Reserve Quantity).

and a Display-Price Sliding instruction will remove contra-side liquidity from the LTSE Book if the order is an order to buy or sell a security priced below \$1.00 or if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the LTSE Book and subsequently provided liquidity, including the applicable fees charged or rebates provided. To determine at the time of a potential execution whether the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the LTSE Book and subsequently provided liquidity, the Exchange will use the highest possible rebate paid and highest possible fee charged for such executions on the Exchange.⁴⁶

- LTSE Rule 11.180(m) (Short Sale)—An instruction on an order which shall have the same meaning as defined in Rule 200(a) of Regulation SHO.⁴⁷

- LTSE Rule 11.180(n) (Short Exempt)—An instruction on an order with a Short Sale instruction that satisfies the requirements set forth in Rule 201 of Regulation SHO.⁴⁸

- LTSE Rule 11.180(o) (Time-in-Force (“TIF”))—The Exchange is proposing to adopt the same TIFs as appear in MEMX Exchange Rule 11.6(o), as follows: (1) Immediate-or-Cancel (“IOC”), which is an instruction the User may attach to an order stating the order is to be executed in whole or in part as soon as such order is received. The portion not executed immediately on the Exchange is treated as canceled and is not posted to the LTSE Book. This is identical to MEMX Exchange Rule 11.6(o)(1) except that LTSE is not adopting the provision related to routing of the order.

In proposed subparagraph (2), the Exchange proposes to define the TIF of “Day” as an instruction the User may attach to an order stating that an order to buy or sell is designated for execution starting with the Pre-Market Session and, if not executed, expires at the end of Regular Trading Hours. Any Day Order entered into the System before the opening for business on the Exchange as determined pursuant to LTSE Rule 11.110, or after the closing of Regular Trading Hours, will be rejected. The Exchange is deleting in its entirety LTSE Rule 11.190(d)(2) and replacing it with newly proposed LTSE Rule 11.180(o), which is substantially similar to MEMX Exchange Rule 11.6(o)(2).

In proposed LTSE Rule 11.180(o)(3), the Exchange is proposing to adopt a TIF of Fill-or-Kill (“FOK”), which is an instruction the User may attach to an order stating that the order is to be executed in its entirety as soon as it is received and, if not so executed, is canceled. This represents an addition to the Exchange’s rules, which currently does not provide for an TIF of FOK but conforms to MEMX Exchange Rule 11.6(o)(3).

Proposed LTSE Rule 11.180(o)(4) describes the Good-til-Time (“GTT”) TIF as an instruction the User may attach to an order specifying the time of day at which the order expires, which is designated for execution starting with the Pre-Market Session. Any unexecuted portion of an order with a TIF instruction of GTT will be canceled at the expiration of the User’s specified time, which can be no later than the close of the Post-Market Session. This definition is in current LTSE Rule 11.190(o)(5) but is being moved to this LTSE Rule 11.180 and amended to conform to MEMX Exchange Rule 11.6(o)(4).

In proposed LTSE Rule 11.180(o)(5), the Exchange seeks to define the TIF of Regular Hours Only (“RHO”) as an instruction a User may attach to an order stating that an order to buy or sell is designated for execution only during Regular Trading Hours and, if not executed, expires at the end of Regular Trading Hours. Any order with a TIF instruction of RHO entered into the System before the opening or after the closing of Regular Trading Hours will be rejected. The Exchange currently does not offer a TIF of RHO and is proposing to adopt the RHO TIF to conform to MEMX Exchange Rule 11.6(o)(5).

- LTSE Rule 11.180(p) (Trading Center)—The Exchange is proposing to define “Trading Center” to mean other securities exchanges, facilities of securities exchanges, automated trading systems, electronic communications networks or other brokers or dealers. The Exchange’s current rules do not contain that definition and the Exchange is proposing to adopt the same definition found in MEMX Rule 11.6(p) (Trading Center).

- LTSE Rule 11.180(q) (Units of Trading)—The Exchange proposes in subparagraphs (1)–(3) to define units of trading. In (1), the Exchange defines a Round Lot as one hundred (100) shares or any multiple thereof, unless an alternative number of shares is established as a Round Lot by the listing exchange for the security. Orders that are a Round Lot are eligible to be Protected Quotations. In (2), the Exchange defines an Odd Lot as any

amount less than a Round Lot. Orders of Odd Lot size are only eligible to be Protected Quotations if aggregated to form a Round Lot. In (3), the Exchange defines a Mixed Lot as any amount greater than a Round Lot that is not an integer multiple of a Round Lot. Odd Lot portions of orders of Mixed Lot size are only eligible to be Protected Quotations if aggregated to form a Round Lot.⁴⁹

Amendments to LTSE Rule 11.190 Orders and Modifiers

The Exchange is proposing revisions to current LTSE Rule 11.190 governing orders and modifiers available to Users pursuant to the VSM. The Exchange is amending the title of LTSE Rule 11.190 from “Orders and Modifiers” to “Order Types and Modifiers” to better describe the content of the newly proposed rule and to conform to MEMX Rule 11.8 (Order Types and Modifiers) upon which this rule is modeled.

The Exchange is proposing to amend the entirety of the rule text, to conform with MEMX Rule 11.8 (Order Types and Modifiers). Only provisions governing order routing are not being adopted, otherwise the rules, as proposed, are identical. These changes are intended to better facilitate a transition to the new trading platform with minimal disruption to Members by implementing order types and order handling processes that are currently in the technology utilized by MEMX Exchange and will support the System post-replatforming.

Next, the introductory text to the rule will provide that Users may enter into the System the types of orders listed in LTSE Rule 11.190, subject to the limitations set forth in this rule or elsewhere in Exchange rules. The Exchange will also include new text stating that, by default, orders are limited to a maximum of 1,000,000 shares or \$30,000,000.00, which will align with the capacity of the System after the replatforming is complete. Additionally, the Exchange proposes to reposition the statement that any order that is submitted to the System will be an “LTSE Only” order from LTSE Rule 11.190(b)(6), which is proposed for deletion as described below.

Newly proposed LTSE Rule 11.190(a), will include the definition of a Limit Order, specifically, that a Limit Order is an order to buy or sell a stated amount of a security at a specified price (“Limit Price”) or better. A “marketable” Limit Order is a Limit Order to buy (sell) at or above (below) the lowest (highest)

⁴⁹ This proposed rule text matches MEMX Rule 11.6(q) (Units of Trading).

⁴⁶ This proposed rule text matches MEMX Rule 11.6(l) (Posting Instructions).

⁴⁷ This proposed rule text matches MEMX Rule 11.6(m) (Short Sale).

⁴⁸ This proposed rule text matches MEMX Rule 11.6(n) (Short Exempt).

Protected Offer (“Protected Bid”) for the security. New subparagraph (a)(1) will include text stating that a Limit Order must have one of the following TIF instructions: IOC, FOK, Day, RHO or GTT, which are the same TIFs that will be available pursuant to amended LTSE Rule 11.180.

Newly proposed subparagraph (a)(2) will address the size of Limit Orders that can be submitted through the System. A Limit Order may be an Odd Lot, Round Lot or Mixed Lot. A User may include a Minimum Execution Quantity instruction for a Limit Order with a Non-Displayed instruction or TIF of IOC.

Newly proposed subparagraph (a)(3) will provide that a Limit Order may include a Displayed instruction or a Non-Displayed instruction.

Proposed LTSE Rule 11.190(a)(4) provides that a Limit Order with a Displayed instruction may include a Reserve Quantity, which will not be displayed by the System. A Limit Order with both a Displayed instruction and Reserve Quantity must include a replenishment instruction and a replenishment amount.

Proposed LTSE Rule 11.90(a)(5) adopts rule text governing an Intermarket Sweep Order (“ISO”). The System will accept ISOs (as such term is defined in Regulation NMS). To be eligible for treatment as an ISO, the order must be: (i) a Limit Order; (ii) marked “ISO”; and (iii) the User entering the order must simultaneously route one or more additional Limit Orders marked “ISO,” if necessary, to away Trading Centers to execute against the full displayed size of any Protected Quotation for the security with a price that is superior to the limit price of the ISO entered in the System. Such orders, if they meet the requirements of the foregoing sentence, may be executed at one or multiple price levels in the System without regard to Protected Quotations at away Trading Centers consistent with Regulation NMS (*i.e.*, may trade through such quotations).

Proposed LTSE Rule 11.190(a)(5) further provides that the Exchange relies on the marking of an order as an ISO when handling such order, and thus, it is the entering Member’s responsibility, not the Exchange’s responsibility, to comply with the requirements of Regulation NMS relating to ISOs. Incoming ISOs must have a TIF instruction of Day, GTT, or IOC. Incoming ISOs cannot include a TIF instruction of FOK or RHO. Any unfilled portion of an incoming ISO with a GTT or Day instruction will be posted by the System to the LTSE Book at the entered limit price. An incoming

ISO with a Post Only and TIF instruction of GTT or Day will be canceled without execution if, when entered, it is immediately marketable against an order with a Display instruction resting in the LTSE Book unless such order removes liquidity pursuant to LTSE Rule 11.180(l)(2). A User entering an incoming ISO with a TIF instruction of Day represents that such User has simultaneously routed one or more additional Limit Orders marked “ISO,” if necessary, to away Trading Centers to execute against the full displayed size of any Protected Quotation for the security with a price that is superior or equal to the limit price of the ISO entered in the System. Incoming ISOs may be an Odd Lot, Round Lot, or Mixed Lot. A User may include a Minimum Execution Quantity instruction for an incoming ISO with an IOC instruction.

Proposed LTSE Rule 11.190(a)(6) (Session)—provides that a Limit Order can be eligible for execution during the Pre-Market Session, Regular Market Session and the Post-Market Session.

Proposed LTSE Rule 11.190(a)(7) (Posting)—states that a Limit Order may include a Post only instruction.

Proposed LTSE Rule 11.190(a)(8) (Locked or Crossed Market)—provides that, to the extent an incoming Limit Order with a Non-Displayed instruction would be a Crossing Quotation if displayed at its limit price, such order will execute against interest in the LTSE Book at prices up to and including the Locking Price and will then be canceled by the System.⁵⁰ A resting Limit Order with a Non-Displayed instruction that would be a Crossing Quotation, if displayed at the price at which it is ranked, will be canceled by the System.

When an away Trading Center publishes a Protected Quotation that locks or crosses the displayed price of a resting Limit Order of Odd Lot size with a Displayed instruction and the Exchange does not have a Protected Quotation displayed at such price, such order will be canceled by the System unless such order contains a multiple price sliding instruction, in which case such order will be re-priced pursuant to LTSE Rule 11.180(j)(1)(A).

Proposed LTSE Rule 11.190(a)(9) (Re-Pricing Instructions to Comply with Rule 610 of Regulation NMS)—provides that a Limit Order may include a Display-Price Sliding instruction or a Cancel Back instruction. A Limit Order to buy (sell) with a limit price that would be a Crossing Quotation at the

time of entry into the System will not execute at a price that is higher (lower) than the Locking Price. An incoming ISO that includes a Post Only and TIF instruction of GTT, or Day may be displayed at prices equal to or more aggressive than the Locking Price. However, the System will immediately Cancel Back an ISO that includes a Post Only and TIF instruction of GTT, or DAY if the System is displaying orders on the LTSE Book at the Locking Price at the time of the ISO’s entry in the System unless such order removes liquidity pursuant to LTSE Rule 11.180(l).

Proposed LTSE Rule 11.190(a)(10) (Re-Pricing Instructions to Comply with Rule 201 of Regulation SHO)—provides that a Limit Order that includes a Short Sale instruction that is not marked Short Exempt, and that cannot be executed in the System or displayed by the System on the LTSE Book at its limit price because a Short Sale Circuit Breaker is in effect, will be subject to the Re-Pricing Instruction to comply with Rule 201 of Regulation SHO if the order includes a Display-Price Sliding instruction or will be subject to the Cancel Back instruction. The System will immediately Cancel Back an incoming ISO combined with a TIF instruction of GTT or Day and a Short Sale instruction that does not include a Short Exempt instruction and that cannot be executed or displayed at its limit price at the time of entry into the System because of the existence of a Short Sale Circuit Breaker.

Proposed LTSE Rule 11.190(b) defines a “Market Order” as an order to buy or sell a stated amount of a security that is to be executed at the NBBO or better when the order reaches the Exchange. The Exchange proposes to adopt the following provisions related to Market Orders: (1) a Market Order must have one of the following time in force instructions: DAY, IOC, RHO, or FOK and that Market Order that includes a TIF instruction of FOK will be canceled if not executed in full immediately after entry into the System; (2) Size, Market Orders may be an Odd Lot, Round Lot, or Mixed Lot. A User may attach a Minimum Execution Quantity instruction to a Market Order with a TIF instruction of IOC; (3) Display, a Market Order is not eligible to be displayed on the LTSE Book and will be canceled if not executed by the System; (4) Session, a Market Order is only eligible for execution by the System during the Market Session. The Exchange has denoted subparagraph (5) as “Reserved.”; (6) Execution, the Exchange states that a Market Order shall not trade through a Protected

⁵⁰ MEMX Exchange Rule 11.8(b)(8) contains rule text addressing the routing of an order which LTSE is not adopting at this time.

Quotation and any portion of a Market Order that would execute at a price more than \$0.50 or 5 percent worse than the NBBO at the time the order initially reaches the Exchange, whichever is greater, will be canceled; (7) No Available NBBO, the Exchange states that a Market Order received by the System when the NBBO is not available will be rejected or canceled back to the entering User. In proposed LTSE Rule 11.190(c), the Exchange describes Pegged Orders, which are new to LTSE, but a standard order type offered by MEMX Exchange. Specifically, a User may indicate to peg an order to a reference price, including an instruction of Primary Peg (the NBB for buy orders and NBO for sell orders) or an instruction of Midpoint Peg (the midpoint of the NBBO). The System's calculation of the NBBO does not take into account any Pegged Orders that are resting on the LTSE Book. A new timestamp is created for a Pegged Order each time it is automatically re-priced.

In proposed paragraph (c)(1), the Exchange states that a Pegged Order may contain the following Time In Force instructions: Day, FOK, IOC, RHO or GTT. Any unexecuted portion of a Pegged Order with a TIF instruction of Day or GTT that is resting on the LTSE Book will receive a new timestamp each time it is re-priced in response to changes in the midpoint of the NBBO. In proposed new paragraph (c)(2), Size, the Exchange states that Pegged Orders may be entered as an Odd Lot, Round Lot or Mixed Lot and a User may include a Minimum Execution Quantity instruction. Proposed new paragraph (c)(3) Display, states that Pegged Orders are not eligible to include a Displayed instruction and new paragraph (c)(4) Session, states that Pegged Orders may be executed during the Pre-Market Session, the Market Session, and the Post-Market Session. Paragraph (c)(5) Posting, states that a Pegged Order may include Post Only instructions.

Proposed paragraphs (c)(6), Locked or Crossed Markets and (c)(7) No Available NBBO, describe the handling of Pegged Orders when the market is locked or crossed or when no NBBO is available. For locked or crossed market, to the extent an incoming Pegged Order would be a Crossing Quotation if displayed at the price at which it would be ranked in the LTSE Book, such order will execute against interest in the LTSE Book at prices up to and including the Locking Price and will then be canceled by the System. A Pegged Order resting on the LTSE Book is not eligible for execution when a Locking or Crossing Quotation exists. In such cases, a Pegged Order would rest on the LTSE Book and

would not be eligible for execution in the System until a Locking Quotation or Crossing Quotation no longer exists. With respect to no available NBBO, (c)(7) states that a Pegged Order received by the System when the NBBO is not available will be rejected or canceled back to the entering User. A Pegged Order resting on the LTSE Book will be canceled back to the User when the NBB or NBO that the order is pegged to is no longer available.

Additionally, the Exchange proposes to delete the following Supplementary Material to current LTSE Rule 11.190(b): .01, Best Execution; .02, Firm Quote Obligations; and .03, Just and Equitable Principles of Trade. These sections pertain to use of the AGID modifier, which will no longer be offered but its functionality will be replaced by the STP modifier as described below.

Amendments to LTSE Rule 11.210 Minimum Price Variant

The Exchange proposes to delete current LTSE Rule 11.210, Minimum Price Variant in its entirety because it has proposed to adopt a substantially similar definition that conforms to the MEMX definition of the same term⁵¹ in newly proposed LTSE Rule 11.180(g) (Minimum Price Variation). This rule will be designated as "Reserved."

Amendments to LTSE Rule 11.220 Priority of Orders

The Exchange next proposes to conform the text of LTSE Rule 11.220 (Priority of Orders) to that of MEMX Exchange Rule 11.9 by deleting the current rule text in its entirety and adopting the text of MEMX Exchange Rule 11.9 (Priority of Orders) in its place. The purpose of this proposed change is to remove rule provisions which, although substantially similar in certain ways to MEMX Exchange Rule 11.9, were written for purposes of the VSM and not for the trading technology that will support the System post-replatforming. The Exchange submits that these changes, which conform with the corresponding MEMX Exchange rule, will contribute to more efficient implementation of the new trading platform.

As proposed, the new text of LTSE Rule 11.220 will be as follows:

In paragraph (a), Ranking, orders of Users shall be ranked and maintained in the LTSE Book based on the following priority: (1) price, in which the highest-priced order to buy (lowest-priced order to sell) shall have priority over all other orders to buy (sell) in all cases; and (2),

time. With respect to time, paragraph (2)(A) provides that, subject to the execution process described in LTSE Rule 11.230(a), where orders to buy (sell) are entered into the System at the same price, the order clearly established as the first entered into the System at such particular price shall have precedence at that price, up to the number of shares of stock specified in the order. Except as provided in subparagraphs (B) and (C) of LTSE Rule 11.230(a)(2), the System shall rank equally priced trading interest within the System in time priority in the following order: (i) the portion of a Limit Order with a Displayed instruction; (ii) Limit Orders with a Non-Displayed instruction; (iii) orders with a Primary Peg instruction; (iv) orders with a Midpoint Peg instruction; and (v) Reserve Quantity of Limit Orders.

Proposed LTSE Rule 11.230(a)(2)(B) covers orders priced at the Midpoint of the NBBO. Specifically, where orders to buy (sell) are priced at the midpoint of the NBBO, the order clearly established as the first priced at the midpoint of the NBBO within each sub-paragraph below shall have precedence at the mid-point of the NBBO, up to the number of shares of stock specified in the order. The System shall rank trading interest priced at the midpoint of the NBBO within the System in time priority in the following order: (i) Limit Orders to which the Display-Price Sliding instruction has been applied; (ii) Limit Orders with a Non-Displayed instruction; (iii) orders with a Primary Peg instruction; (iv) orders with a Midpoint Peg instruction; and (v) Reserve Quantity of Limit Orders.

LTSE Rule 11.220(a)(2)(C) will provide that, where buy (sell) orders are using instructions that cause them to be re-ranked by the System upon clearance of a Locking Quotation, the System shall re-rank and display such orders at the Locking Price in time priority in the following order: (i) Limit Orders to which the ISO instruction has been applied that also contain a TIF instruction of Day when such orders establish a new NBBO at the Locked Price; and (ii) Limit Orders to which the Display-Price Sliding instruction has been applied.

LTSE Rule 11.220(a)(2)(D) will provide that, for purposes of paragraphs (A) and (B) above, orders re-ranked subject to the Re-Pricing instruction to comply with Rule 201 of Regulation SHO under LTSE Rule 11.180(j)(2), maintain the same priority as Limit Orders at that price.

LTSE Rule 11.220(a)(3) addresses the impact of STP Modifiers and will

⁵¹ See MEMX Rule 11.6(g) (Minimum Price Variation).

provide that, pursuant to LTSE Rule 11.230(d), Users may direct that orders entered into the System not execute against orders entered under the same Unique Identifier. In such a case, the System will not permit such orders to execute against one another, regardless of priority ranking.

LTSE Rule 11.220(a)(4) will provide that, in the event an order has been canceled or replaced in accordance with LTSE Rule 11.230(e) below, such order only retains time priority if such modification involves a decrease in the size of the order, a change to Max Floor of an order with a Reserve Quantity, the sell long indicator, or Short Sale instruction. Any other modification to an order, including an increase in the size of the order and/or price change, will result in such order losing time priority as compared to other orders in the LTSE Book and the timestamp for such order being revised to reflect the time of the modification.

LTSE Rule 11.220(a)(5) will provide that, in the event that an order is executed against an incoming order in accordance with LTSE Rule 11.230 for less than its full size, the unexecuted size of the order shall retain its original time priority and be ranked in accordance with LTSE Rule 11.220 paragraphs (a)(1) and (a)(2), above.

LTSE Rule 11.220(a)(6) addresses replenishment from Reserve Quantity and will provide that the displayed quantity of a Limit Order shall have time priority as of the time of display. A new timestamp is created for the displayed portion and Reserve Quantity of the order each time it is replenished from the Reserve Quantity.

Next, in proposed LTSE Rule 11.220(b), Dissemination, the Exchange proposes in paragraph (b)(1) that the best-ranked order(s) to buy and the best-ranked order(s) to sell that are displayable in the LTSE Book and the aggregate displayed size of such orders associated with such prices shall be collected and made available to quotation vendors for dissemination pursuant to the requirements of Rule 602 of Regulation NMS.

In paragraph (b)(2), the Exchange proposes that, pursuant to Rule 602 of Regulation NMS, the Exchange will transmit for display to the appropriate securities information processor for each security: (A) the highest price to buy wherein the aggregate size of all displayed buy interest in the System greater than or equal to that price is one round lot or greater; (B) the aggregate size of all displayed buy interest in the System greater than or equal to the price in (A), rounded down to the nearest round lot; (C) the lowest price to sell

wherein the aggregate size of all displayed sell interest in the System less than or equal to that price is one round lot or greater; and (D) the aggregate size of all displayed sell interest in the System less than or equal to the price in (C), rounded down to the nearest round lot.

Amendments to LTSE Rule 11.230 Order Execution

The Exchange is proposing amendments to LTSE Rule 11.230 (Order Execution) to conform to MEMX Rule 11.10 (Order Execution).

The introduction to LTSE Rule 11.230 and (a) thereof is not proposed to change as it already tracks to MEMX Rule 11.10(a).

In paragraph (a)(1), which addresses compliance with Rule 201 of Regulation SHO, the Exchange is only proposing to update a rule reference contained in the text as the citation to LTSE Rule 11.190(g)(4) is no longer accurate due to the changes proposed in this filing. The Exchange is proposing to delete that reference and replace it with 11.190(a)(9). No other changes are proposed to this paragraph.

The Exchange is not proposing any changes to LTSE Rule 11.230(a)(2)(A) as that language tracks to the same rule text in MEMX Rule 11.10(a)(2) which addresses the Regular Market Session.

The Exchange is proposing to amend (a)(2)(B), Compliance with Reg NMS and Trade-Through Protection, Pre-Market Session and Post-Market Session, to conform to the same provision in MEMX Rule 11.10(a)(2). Such provision addresses executions during the Pre-Market Session or the Post-Market Session and states that for any execution to occur during these trading sessions, the price must be equal to or better than the highest bid or lowest offer in the LTSE Book or disseminated by the responsible single plan processor, unless the order is marked ISO or unless a Protected Bid is crossing a Protected Offer.

Notwithstanding the foregoing, in the event that a Protected Bid is crossing a Protected Offer, whether during or outside of Regular Trading Hours, unless the order is marked ISO, the Exchange will not execute any portion of a bid at a price more than the greater of 5 cents or 0.5 percent higher than the lowest Protected Offer or any portion of an offer that would execute at a price more than the greater of 5 cents or 0.5 percent lower than the highest Protected Bid. Upon instruction from a User, the Exchange will cancel any incoming order from such User in the event a Protected Bid is crossing a Protected Offer.

The Exchange proposes to delete paragraph (a)(2)(C), Crossed Markets, in its entirety because the substance of the current rule pertains to the Crossed Market Collar, which is functionality that will not be available in the new technology platform.

In LTSE Rule 11.230(a)(3), the Exchange addresses order execution under the National Market System Plan to Address Extraordinary Market Volatility (referred to as the "Limit Up-Limit Down" or "LULD Plan"), the Exchange proposes to delete the current text of the rule and add new text stating as follows: "[c]ompliance with the requirements of the LULD Plan. Except as provided in Section VI of the Plan, for any executions to occur during Regular Trading Hours, such executions must occur at a price that is greater than or equal to the Lower Price Band and less than or equal to the Upper Price Band, when such Price Bands are disseminated." The Exchange's procedures for handling, executing, repricing and displaying orders in connection with the Plan are further described in LTSE Rule 11.281(b)(1)(A)(i). The proposed new text conforms with MEMX Rule 11.10(a)(3).

LTSE Rule 11.230(a)(4) will remain unchanged as will subsections (A) and (B) therein. The Exchange is proposing to adopt new paragraphs (C) and (D) to this LTSE Rule 11.230(a)(4) which will be identical to MEMX Rule 11.10(C) and (D), respectively.

In proposed paragraph (C) the new text states that "[c]onsistent with LTSE Rules 11.180 and 11.190, based on User instructions, certain orders are permitted to post and rest on the LTSE Book at prices that lock contra-side liquidity, provided, however, that the System will never display a locked market. Subject to subparagraph (D) below, if an incoming order, pursuant to subparagraphs (A) or (B) above is on the same side of the market as an order displayed on the LTSE Book and upon entry would execute against contra-side interest at the same price as such displayed order, such incoming order will be canceled or posted to the LTSE Book and ranked in accordance with LTSE Rule 11.220."

In proposed paragraph (D), the new text states: "[f]or bids or offers equal to or greater than \$1.00 per share, in the event that an incoming order described in subparagraphs (A) or (B) above is a Market Order or is a Limit Order priced more aggressively than an order displayed on the LTSE Book, the Exchange will execute the incoming order at, in the case of an incoming sell order, one-half minimum price variation

less than the price of the displayed order, and, in the case of an incoming buy order, at one-half minimum price variation more than the price of the displayed order. For bids or offers under \$1.00 per share, this subparagraph is inapplicable.” The Exchange is proposing to adopt a new paragraph (a)(5) governing Short Sales in this LTSE Rule 11.230 which is identical to MEMX Rule 11.10(a)(5). The newly proposed text states: “Short Sales. All orders to sell short shall include a Short Sale instruction, and if applicable, a Short Exempt instruction when entered into the System. If an order includes a Short Exempt instruction, the Exchange shall execute, display and/or route an order without regard to any short sale price test restriction in effect under Regulation SHO. The Exchange relies on the inclusion of a Short Exempt instruction when handling such order, and thus, it is the entering Member’s responsibility, not the Exchange’s responsibility to comply with the requirements of Regulation SHO relating to including a Short Exempt instruction on an order.”

Paragraph (b) of this LTSE Rule 11.230 had been reserved and the Exchange is now adopting a paragraph addressing the display of automated quotations here, which is identical to MEMX Rule 11.10(b). In this new paragraph, the Exchange proposes to adopt the following rule text: “Display of Automated Quotations. The System will be operated as an “automated trading center” within the meaning of Regulation NMS, and in furtherance thereof, will display “automated quotations” within the meaning of Regulation NMS at all times except in the event that a systems malfunction renders the System incapable of displaying automated quotations, in which case the System will be disabled and will be unable to accept any orders. The Exchange shall promptly communicate to Users the unavailability of the System. All orders will be designated by the System as non-attributable and displayed (price and size) on the LTSE Book Feed on an anonymous basis by the System. This proposed Rule text conforms with MEMX Exchange Rule 11.10(b). The Exchange notes that certain of the rule text proposed in new paragraph (g) is contained in current LTSE Rule 11.240 (Trade Execution, Reporting, and Dissemination of Quotations), paragraph (c) and is being repositioned to proposed new LTSE Rule 11.230(g) for consistency.

Paragraph (c) of this Rule is reserved and the Exchange is now proposing to renumber current paragraph (d)

addressing Self-Help as (c). No other changes are being proposed to this paragraph.

Proposed new paragraph (d) addresses the self-trade prevention (“STP”) modifiers that will be available as features in the System after re-platforming and is identical to MEMX Rule 11.10(d). As proposed, any incoming order designated with an STP modifier will be prevented from executing against a resting opposite side order also designated with an STP modifier and originating from the same market participant identifier (“MPID”), Exchange Member identifier or STP Group identifier (any such identifier, a “Unique Identifier”). The STP modifier on the incoming order controls the interaction between two orders marked with STP modifiers. Users will be provided with options to select the STP modifier.

Subparagraph (d)(1), STP Cancel Newest (“CN”) will provide that an incoming order marked with the CN modifier will not execute against opposite side resting interest marked with any STP modifier originating from the same Unique Identifier. The incoming order marked with the CN modifier will be canceled back to the originating User(s). The resting order marked with an STP modifier will remain on the LTSE Order Book.

Newly proposed subparagraph (d)(2), STP Cancel Oldest (“CO”), provides that an incoming order marked with the CO modifier will not execute against opposite side resting interest marked with any STP modifier originating from the same Unique Identifier. The resting order marked with the STP modifier will be canceled back to the originating User(s). The incoming order marked with the CO modifier will remain on the LTSE Order Book.

Newly proposed subparagraph (d)(3), STP Decrement and Cancel (“DC”), provides that an incoming order marked with the DC modifier will not execute against opposite side resting interest marked with any STP modifier originating from the same Unique Identifier. If both orders are equivalent in size, both orders will be canceled back to the originating User(s). If the orders are not equivalent in size, the smaller order will be canceled back to the originating User(s) and the larger order will be decremented by the size of the smaller order, with the balance remaining on the LTSE Order Book.

Newly proposed subparagraph (d)(4), STP Cancel Both (“CB”), provides that an incoming order marked with the CB modifier will not execute against opposite side resting interest marked with any STP modifier originating from

the same Unique Identifier. The entire size of both orders will be canceled back to the originating User(s).

Finally, proposed subparagraph (d)(5), STP Cancel Smallest (“CS”), provides that an incoming order marked with the CS modifier will not execute against opposite side resting interest marked with any STP modifier originating from the same Unique Identifier. If both orders are equivalent in size, both orders will be canceled back to the originating User(s). If the orders are not equivalent in size, the smaller of the two orders will be canceled back to the originating User and the larger order will remain on the LTSE Order Book.

Proposed new LTSE Rule 11.230(e) addresses Cancel/Replace Messages and will conform to MEMX Rule 11.10(e) except that the Exchange will not adopt (e)(2) but will rather hold that paragraph as “Reserved.” as it addresses routed orders. As proposed, newly adopted (e) will provide that a User may cancel or replace an existing order entered by the User, subject to the limitations described in subparagraphs (e)(1) through (e)(4). In (e)(1), the proposed rule text states orders may only be canceled or replaced if the order has a TIF instruction other than IOC and FOK and if the order has not yet been executed in its entirety.

As stated above, subparagraph (e)(2) will be denoted as a “Reserved” section.

Proposed subparagraph (e)(3) will provide that, other than changing a Limit Order to a Market Order, only the price, the sell long indicator, Short Sale instruction, Max Floor of an order with a Reserve Quantity, and size of the order may be changed by a Replace Message. If a User desires to change any other terms of an existing order, the existing order must be canceled and a new order must be entered.

Proposed subparagraph (e)(4) will provide that, notwithstanding anything to the contrary in these LTSE Rules, no cancellation or replacement of an order will be effective until such message has been received and processed by the System.

Amendments to LTSE Rule 11.231 Regular Market Session Opening Process for Non-LTSE-Primary-Listed Securities

The Exchange proposes to delete, in its entirety, LTSE Rule 11.231, Regular Market Session Opening Process for Non-LTSE-Primary-Listed Securities and denote that rule as “Reserved.” The deletion of the current rule text is needed because the opening process to be utilized by the System post-replatforming will mirror the opening

process on the MEMX Exchange for all equity securities.

Amendments to LTSE Rule 11.240 Trade Execution, Reporting, and Dissemination of Quotations

The Exchange is proposing to amend LTSE Rule 11.240 Trade Execution, Reporting, and Dissemination of Quotations to conform to MEMX Rule 11.12 Trade Reporting. Accordingly, the Exchange is proposing to amend the title of the rule from “Trade Execution, Reporting, and Dissemination of Quotations” to “Trade Reporting” to match MEMX Rule 11.12. The Exchange is not proposing changes to subparagraphs (a) and (b) as that language is substantially identical to the MEMX Rule 11.12(a) and (b). The Exchange is proposing to delete paragraph (c) from this rule as dissemination of information is now addressed in newly proposed LTSE Rule 11.220(b). The Exchange is not proposing any changes to (d) of this rule.

Amendment to Rule 11.271. Trading Halts

The Exchange is proposing to delete LTSE Rule 11.271 and mark it as “Reserved” because the substance of the rule is being adopted as part of proposed changes to LTSE 11.281 (Limit Up-Limit Down Plan and Trading Halts on the Exchange), as discussed in more detail below.

Amendments to LTSE Rule 11.281. Limit Up-Limit Down Plan and Trading Halts on the Exchange

The Exchange is proposing to amend LTSE Rule 11.281, currently entitled “Limit Up-Limit Down Mechanism.” The rule will be re-titled to “Limit Up-Limit Down Plan and Trading Halts on the Exchange.” The current text of LTSE Rule 11.281 will be deleted in its entirety and will be replaced by rule text copying MEMX Exchange Rule 11.22.⁵² The proposed new rule text is described below.

New paragraph (a), entitled Definitions, will describe definitions that are the same as those in MEMX Exchange Rule 11.22.⁵³ These include definitions of Trust Shares; Index Fund Shares; Managed Fund Shares; Trust Issued Receipts; Extraordinary Market Activity; Operating Committee and Operating Halt as those terms are defined in the Nasdaq UTP Plan; “Post-Market Session” is defined in LTSE Rule 1.160(ee); “Pre-Market Session” is defined in LTSE Rule 1.160(dd); Primary Listing Market as defined in the Nasdaq UTP Plan; “Processor” or “SIP” defined as having the same meaning as the term “Processor” in the Nasdaq UTP Plan or in the Consolidated Tape Association Plan, as is applicable; Regulatory Halt has the same meaning as in the Nasdaq UTP Plan; Regular Trading Hours has the same meaning as in the Nasdaq UTP Plan; SIP Halt has the same meaning as in the Nasdaq UTP Plan; SIP Halt Resume Time has the same meaning as in the Nasdaq UTP Plan; and SIP Plan means the national market system plan governing the SIP.

Proposed LTSE Rule 11.281(b)(1)(A)(i)–(iv) includes four situations in which the Exchange must halt trading pursuant to a Regulatory Halt: under the Limit Up-Limit Down Plan; pursuant to Extraordinary Market Volatility (Market-Wide Circuit Breakers); when the Primary Listing Market declares a SIP halt, or when the Primary Listing Market declares a trading halt based on Extraordinary Market Activity, as defined in the Nasdaq UTP Plan. Although it has been approved by the Commission to operate a Primary Listing Market and to issue Regulatory Halts pursuant to LTSE Rule 11.280, the Exchange presently has only dual-listed stocks and is not the Primary Listing Market for any issuer; accordingly, it does not have the authority to issue Regulatory Halts with respect to such dual-listed securities.

Proposed paragraph (b)(1)(A)(i)(a) of LTSE Rule 11.281 contains definitions for purposes of the Limit Up-Limit Down Mechanism. The following definitions are being adopted: (i) LULD Plan; (ii) a statement that all capitalized terms not otherwise defined in this Rule shall have the meanings set forth in the LULD Plan or LTSE Rules, as applicable; (iii) a statement entitled “Exchange Participation in the Plan” and stating that the Exchange is a Participant in, and subject to the applicable requirements of, the LULD

Plan, which establishes procedures to address extraordinary volatility in NMS Stocks; provisions mandating Member Compliance and Exchange compliance with the Plan.

The Exchange will adopt (b)(1)(A)(i)(e) Re-pricing and Cancellation of Interest, which is identical to that contained in MEMX Exchange Rule 11.22(b)(1)(A)(i)(e). The following is being proposed, “[d]epending on a User’s instructions, the System shall re-price or cancel buy (sell) interest that is priced or could be executed above (below) the Upper (Lower) Price Band. When re-pricing resting orders because such orders are above (below) the Upper (Lower) Price Band, the Exchange will provide new timestamps to such orders. When re-priced to less-aggressive price levels such orders will have priority behind resting interest that was originally less aggressively priced but that was not re-priced, as such orders will retain their original timestamps.”

In proposed paragraph (b)(1)(A)(i)(e)(1), the Exchange addresses the handling of Market Orders and Orders with TIF, IOC or FOK and provides that the System will only execute Market Orders or orders with a TIF of IOC or FOK at or within the Price Bands. Market Orders will be handled in accordance with LTSE Rule 11.190. This amendment represents a change by adding the TIF of FOK instruction given that current paragraph (a)(2)(A) addresses only IOC orders.

Proposed new paragraph (b)(1)(A)(i)(e)(2)(A) and (B) will have new provisions that address displayed and non-displayed limit-priced interest. Current LTSE Rule 11.281(a)(5)(B) addresses re-pricing of Limit Orders but does not provide for treatment under the LULD Mechanism for non-displayed Limit Orders since all orders on LTSE are currently display-only. Specifically, the new rule text will state that displayed limit-priced interest will be canceled on entry or when resting if a User has entered instructions not to use the re-pricing process or a User has included a Reserve Quantity and such interest to buy (sell) is priced above (below) the Upper (Lower) Price Band. As proposed, if re-pricing is permitted based on a User’s instructions, displayable incoming limit-priced interest to buy (sell) that is priced above (below) the Upper (Lower) Price Band shall be re-priced to the Upper (Lower) Price Band. The System shall re-price resting, displayed limit-priced interest to buy (sell) to the Upper (Lower) Price Band if Price Bands move such that the price of resting, displayed limit-priced interest to buy (sell) would be above

⁵² The Exchange notes that MEMX Rule 11.22 was amended in July 2023 pursuant to Section 19(b)(3)(A)(iii) of the Act as a “non-controversial” rule proposal for resuming trading in equity securities in the event of regulatory or operational issues. (See Exchange Act Release No. 97824 (June 29, 2023); 88 FR 43159 (July 6, 2023) SR–MEMX–2023–11). The rule change was made to establish common criteria and procedures for halting and resuming trading in equity securities in the event of regulatory or operational issues. By adopting the text of MEMX Exchange Rule 11.22 in its entirety, the Exchange will be aligning Rule 11.281 with the rules of other exchanges designed to address halts due to regulatory or operational issues. See also, Amendments to NASDAQ Rule 4120, Exchange Act Release No. 95069 (June 8, 2022); 87 FR 36018 (June 14, 2022); SR–NASDAQ–2022–017).

⁵³ The Exchange notes that certain of the defined terms in the proposed amended Rule 11.281 are already defined in other sections of the LTSE rulebook and such rule citations are included where appropriate.

(below) the Upper (Lower) Price Band. If the Price Bands move again and the original limit price of displayed and re-priced interest is at or within the Price Bands and a User has opted into the Exchange's multiple price sliding process, as described in LTSE Rule 11.180(j), the System shall reprice such displayed limit interest to the most aggressive permissible price up to the order's limit price. All other displayed limit interest repriced pursuant to this paragraph (e) will remain at its new price unless the Price Bands move such that the price of resting limit-priced interest to buy (sell) would again be above (below) the Upper (Lower) Price Band.

In (B), the Exchange proposes that incoming limit-priced interest that is non-displayable will be canceled by the System if such interest to buy (sell) is priced above (below) the Upper (Lower) Price Band. Resting, non-displayed limit priced interest buy (sell) is priced above (below) the Upper (Lower) Price Band (*i.e.*, aggressively priced through the applicable Price band) or if such interest is priced below (above) the Lower (Upper) Price Band (*i.e.*, non-aggressively priced outside of the applicable Price Band).

Proposed paragraph (b)(1)(A)(i)(e)(3) provides that Pegged Orders to buy (sell) shall peg to the specified pegging price or the Upper (Lower) Price Band, whichever is lower (higher).

Proposed paragraph (b)(1)(A)(i)(e)(4) will be denoted as "Reserved" in the Exchange's rule. The corresponding section in MEMX Exchange Rule 11.21(b)(4) addresses the handling of routable orders under the LULD mechanism and is not relevant to LTSE because it does not intend to route orders to away trading centers.

Paragraph (b)(1)(A)(i)(e)(5), Sell Short Orders provides that, during a short sale price test restriction pursuant to Rule 201 of Regulation SHO, orders with a Short Sale instruction priced below the Lower Price Band shall be repriced to the higher of the Lower Price Band or the Permitted Price, as defined in LTSE Rule 11.280(e)(5). This rule text is substantially the same as in current LTSE Rule 11.281(a)(5)(E). The Exchange proposes to reposition the current text of LTSE Rule 11.281(5)(F) into new paragraph (b)(1)(A)(i)(e)(6) to govern Auction Orders. Auction Eligible Orders on the Auction Book are not price slid or canceled due to LULD price bands. This provision is specific to the Exchange's status as a listing exchange and there is no corresponding rule text in MEMX Exchange Rule 11.22.

In proposed LTSE Rule 11.281(b)(1)(A)(ii) through (b)(1)(A)(iv),

the Exchange describes the circumstances under which it will implement a trading halt: due to extraordinary market volatility/Market-Wide Circuit Breakers, as set forth in LTSE Rule 11.280; when the Primary Listing Market declares a SIP Halt or a trading halt based on Extraordinary Market Activity, as defined in the Nasdaq UTP Plan; and for any security traded on the Exchange when the Primary Listing Market declares a Regulatory Halt for any such security. The following shall apply when implementing Regulatory Halts initiated by the Primary Listing Market. In subparagraph (b)(1)(A)(iv)(a) (Start Time), the Exchange states that the start time of a Regulatory Halt is when the Primary Listing Market declares the halt, regardless of whether an issue with communications impacts the dissemination of the notice. All of these provisions correspond with the text of MEMX Exchange Rule 11.22(b)(1)(A)(ii) through (iv).

Proposed new paragraph (2), Resumption of Trading After a Regulatory Halt, conforms to MEMX Exchange Rule 11.22(b)(2)(A) and (B). Newly proposed subparagraph (A) will provide, with respect to a resumption of trading after a Regulatory Halt Other Than a SIP Halt that: (i) the Exchange may resume trading after the Exchange receives notification from the Primary Listing Market that the Regulatory Halt has been terminated. In subparagraph (B), with respect to a resumption of trading after a SIP Halt, the Exchange proposes that, for or securities subject to a SIP Halt initiated by another exchange that is the Primary Listing Market, during Regular Trading Hours, the Exchange may resume trading after trading has resumed on the Primary Listing Market or notice has been received from the Primary Listing Market that trading may resume. During Regular Trading Hours, if the Primary Listing Market does not open a security within the amount of time specified by the rules of the Primary Listing Market after the SIP Halt Resume Time, the Exchange may resume trading in that security. Outside Regular Trading Hours, the Exchange may resume trading immediately after the SIP Halt Resume Time. Proposed paragraph (3) corresponds to MEMX Rule 11.22(b)(3) and will provide that, on the occurrence of any Regulatory Halt pursuant to this LTSE Rule all outstanding orders in the System will be canceled and while a security is subject to a Regulatory Halt the Exchange will not accept orders. At the end of the Regulatory Halt the

Exchange shall re-open the security and again begin accepting orders.

In proposed LTSE Rule 11.281(c), the Exchange addresses trading halts in UTP Exchange Traded Product and provides that the Exchange may halt trading in UTP Exchange Traded Products on the Exchange and conforms to MEMX Exchange Rule 11.22(c).

Specifically, (A) in the Pre-Market Session, if a UTP Exchange Traded Product begins trading on the Exchange in the Pre-Market Session and subsequently a temporary interruption occurs in the calculation or wide dissemination of the Intraday Indicative Value ("IIV") or the value of the underlying index, as applicable, to such UTP Exchange Traded Product, by a major market data vendor, the Exchange may continue to trade the UTP Exchange Traded Product for the remainder of the Pre-Market Session.

In proposed subparagraph (B), which addresses Regular Trading Hours, the proposed rule provides that if a temporary interruption occurs during Regular Trading Hours in the calculation or wide dissemination of the applicable IIV or value of the underlying index by a major market data vendor and the Primary Listing Market halts trading in the UTP Exchange Traded Product, the Exchange, upon notification by the Primary Listing Market of such halt due to such temporary interruption, also shall immediately halt trading in the UTP Exchange Traded Product on the Exchange.

In proposed subparagraph (C), the Exchange addresses the Post-Market Session and Next Business Day's Pre-Market Session and provides that: (i) if the IIV or the value of the underlying index continues not to be calculated or widely available after the close of the Regular Trading Hours, the Exchange may trade the UTP Exchange Traded Product in the Post-Market Session only if the Primary Listing Market traded such securities until the close of its regular trading session without a halt; and (ii) if the IIV or the value of the underlying index continues not to be calculated or widely available as of the commencement of the Pre-Market Session on the next business day, the Exchange shall not commence trading of the UTP Exchange Traded Product in the Pre-Market Session that day. If an interruption in the calculation or wide dissemination of the IIV or the value of the underlying index continues, the Exchange may resume trading in the UTP Exchange Traded Product only if calculation and wide dissemination of the IIV or the value of the underlying index resumes or trading in the UTP

Exchange Traded Product resumes in the Primary Listing Market.

In proposed LTSE Rule 11.281(d), the Exchange addresses Operational Halts and permits the Exchange to declare an Operational Halt for any security trading on the Exchange if it is experiencing Extraordinary Market Activity on the Exchange or when otherwise necessary to maintain a fair and orderly market or in the public interest. The proposed amendments conform the rule text with that in MEMX Exchange Rule 11.22(d).

Upon the initiation of an Operational Halt by the Exchange all outstanding orders in the System will be canceled. The Exchange will notify the SIP if it has concerns about its ability to collect and transmit Quotation Information or Transaction Reports (as those terms are defined in the Nasdaq UTP Plan),⁵⁴ or if it has declared an Operational Halt or suspension of trading in one or more Eligible Securities (as that term is defined in the Nasdaq UTP Plan), pursuant to the procedures adopted by the Operating Committee. The Exchange notes that the authority of the Exchange to impose an Operational Halt is addressed in current LTSE Rule 11.282(a)(3), which is being amended, as discussed below, and in newly proposed LTSE Rule 11.281(d)(1). Proposed paragraphs (3)(A)–(C) address the resumption of trading after an Operational Halt and conform to MEMX Exchange Rule 11.22(d)(3). As proposed, the rule would give the Exchange the ability to determine that trading may resume in a fair and orderly manner and in accordance with its Rules. Any orders entered during an Operational Halt will not be accepted. Once the decision to terminate an Operational Halt has been reached, the Exchange will provide notice to market participants and to the SIP with respect to both the imposition of the Operational Halt and that the halt

has been lifted using such protocols and other emergency procedures as may be mutually agreed to between the Operating Committee and the Exchange. The proposed rule further provides that, if the SIP is unable to disseminate notice of an Operational Halt or the Exchange is not open for trading, the Exchange will take reasonable steps to provide notice of an Operational Halt, which shall include both the type and start time of the Operational Halt. Each Plan participant shall continuously monitor communication protocols established by the Operating Committee and the Processor during market hours to disseminate notice of an Operational Halt, and the failure of a Plan participant to do so will not prevent the Exchange from initiating an Operational Halt in accordance with the procedures specified in the rule.

Amendments to LTSE Rule 11.282. Regulatory Trading Halts

The Exchange is approved to conduct a listings business, including primary listings in which the Exchange would have all of the regulatory obligations attendant to that status, including initiating Trading Halts. The Exchange is proposing amendments to LTSE Rule 11.282 that conform the current text of the rule to the newly proposed changes to LTSE Rule 11.281, by adding a cross-reference to proposed LTSE Rule 11.281, reorganizing remaining text in the rule and deleting inapplicable provisions. Specifically, in paragraph (a)(1), the Exchange retains, with certain modifications, the current rule text providing that, in circumstances in which LTSE deems it necessary to protect investors and the public interest, it may halt trading on LTSE of an LTSE-Primary-Listed Security to permit the dissemination of material news, provided, however, that in the Pre-Market Session LTSE will halt trading for dissemination of news only at the request of an issuer, or where a trading halt has been imposed by another national securities exchange to permit the dissemination of material news. The proposed revisions delete a rule reference that will be obsolete in view of the conforming changes being made to LTSE Rule 11.282 and move the text up from (a)(2) to (a)(1) stating that the Exchange will halt Pre-Market Session at an issuer's request for the dissemination of material news, or if another national securities exchange has halted the same security.

Paragraphs (a)(2) and (a)(3) address a trading halt initiated by another exchange to permit the dissemination of material news or for operational issues impacting a security listed on that

exchange. The Exchange proposes to make (a)(2) a “Reserved” section since this text is being moved up to (a)(1) and to amend (a)(3) by deleting (A) and retaining the text of (B) since the latter involves an operational halt initiated with respect to a security listed on LTSE and such security is a derivative or component of a security listed on another exchange and such exchange initiates an operational trading halt. The Exchange is proposing to delete the text of paragraph (a)(6) and denote the section as “Reserved.”

In paragraph (b), procedure for initiating and terminating a Trading Halt, the exchange is proposing to retain the provisions of (b)(1) through (b)(5) since such sections pertain specifically to the Exchange's role as a primary listing exchange. Current Paragraph (b)(6) will be amended to delete the current text, which is substantially covered by the amendments to LTSE Rule 11.281 and will denote the section as “Reserved.”

Paragraphs (b)(7) through (b)(9) of LTSE Rule 11.282 will be retained in their current form since the provisions are directed to the Exchange's activity as a listing Exchange.

Proposed Changes to LTSE Rule 11.310. Locking or Crossing Quotations in NMS Stocks

The Exchange is proposing the following changes to LTSE Rule 11.310 to conform to MEMX Exchange Rule 11.10(f). In paragraph (b), Prohibition, a ministerial change will be made to update a reference to (c) to (d) to account for the addition of new paragraph (c). In (c), the Exchange proposes to move the current text of the rule to (d) and add provisions regarding manual quotations. Specifically, if a User displays a manual quotation that locks or crosses a quotation previously disseminated pursuant to an effective national market system plan, such User shall promptly either withdraw the manual quotation or route an ISO to execute against the full displayed size of the locked or crossed quotation. The current text of paragraph (c), Exceptions, will be designated as paragraph (d). Paragraphs (1) and (2) will only be changed to update capitalized terms that are newly defined herein. The Exchange proposes to add new rule paragraphs (3) and (4) to match MEMX Rule 11(f)(3)(3) and (4).

In newly proposed (d)(3), the Exchange proposes to add as an exception where the Locking Quotation or Crossing Quotation was an automated quotation, and the User displaying such automated quotation simultaneously routed an ISO to execute against the full

⁵⁴ On February 11, 2021, the Nasdaq UTP Plan participants filed Amendment 50 to the Plan, to revise provisions governing regulatory and operational halts. See Letter from Robert Brooks, Chairman, UTP Operating Committee, Nasdaq UTP Plan, to Vanessa Countryman, Secretary, Securities and Exchange Commission, dated February 11, 2021. The Nasdaq UTP Plan subsequently filed two partial amendments to the 50th Amendment, on March 31, 2021 and on April 7, 2021. The SEC approved the amendments on May 28, 2021. See Securities Exchange Act Release No. 34–92071 (May 28, 2021), 86 FR 29846 (June 3, 2021) (S7–24–89). The Amended Nasdaq UTP Plan includes provisions requiring participant self-regulatory organizations (“SROs”) to honor a Regulatory Halt declared by the Primary Listing Market. The provisions in the Nasdaq UTP Plan, and the plan for consolidation of data for non-Nasdaq-listed securities, the Consolidated Tape System and Consolidated Quotations System (collectively, the “CTA/CQS Plan”), include provisions similar to the changes proposed by the Exchange in its proposed amendments to Rule 11.281, as well as those in current MEMX Rule 11.22.

displayed size of any Protected Quotation that is a Locking Quotation or Crossing Quotation. In newly proposed (d)(4), the Exchange proposes to add as an exception where the Locking Quotation or Crossing Quotation was a manual quotation that locked or crossed another manual quotation, and the User displaying the locking or crossing manual quotation simultaneously routed an ISO to execute against the full displayed size of the locked or crossed manual quotation.

Amendments to LTSE Rule 11.320. Input of Accurate Information

The Exchange is proposing to amend LTSE Rule 11.320 to conform to MEMX Exchange Rule 11.5 (Input of Accurate Information). The Exchange is deleting the numbering of the paragraph as (a) since there are no other paragraphs in the rule, this reference is not necessary. As revised the rule will provide that “[m]embers of the Exchange shall input accurate information into the System, including, but not limited to, whether the Member acted in a Principal, Agent, or Riskless Principal capacity for each order entered. If such capacity is not inputted by the Member for each order it enters, the Member’s order will be rejected back by the Exchange.

Amendments to LTSE Rule 11.330. Data Products

The Exchange is proposing to amend LTSE Rule 11.330 to conform to MEMX Exchange Rule 13.8 (Data Products). Accordingly the Exchange is proposing to remove the following data product offerings: LTSE Web Platform, which is a data feed that offers aggregated top of book quotations for all orders resting on the Order Book, aggregated depth of book quotations for all orders resting on the Order Book at each price level, execution information (*i.e.*, last sale information) for executions on the Exchange; Historical Data, which offers historical top of book quotations and other information, and which is available on the Exchange’s public website; and DROP, which uncompressed data feed offers information regarding the equities trading activity of a specific Member, which will not be supported by the technology supporting the System subsequent to the re-platforming. The Exchange proposes to add the following data product offerings, which will be supported upon re-platforming: LTSE Member’s Order Information Record (“MEMOIR”) Depth, which data feed contains all displayed orders for listed securities trading on the Exchange, order executions, order cancellations, order modifications, order identification

numbers, and administrative messages; LTSE MEMOIR Top, which uncompressed data feed offers top of book quotations based on equity orders entered into the System; and LTSE MEMOIR Last Sale, which uncompressed data feed offers only execution information based on equity orders entered into the System. To further provide for an expanded suite of market data product offerings, the Exchange intends to offer LTSE MEMOIR Historical Data, which provides historical equities data.

Amendments to LTSE Rule 11.380. Risk Management

To conform the Exchange’s risk management rules with those of MEMX Exchange, the Exchange proposes to amend its LTSE Rule 11.380 to provide for expanded risk management capabilities for Members by deleting its current rule text in its entirety and replacing it with the risk setting offerings as set forth in the *Interpretations and Policies* section of MEMX Exchange Rule 11.10, except that it will be renumbered as rule text.

The Exchange is proposing to adopt (a), which states that it offers certain risk settings applicable to a User’s activities on the Exchange. The risk settings offered by the Exchange include: (1) controls related to the size of an order (including restrictions on the maximum notional value per order and maximum shares per order); (2) controls related to the price of an order (including percentage-based and dollar-based controls); (3) controls related to the order types or modifiers that can be utilized (including premarket, post-market, short sales and ISOs); (4) controls to restrict the types of securities transacted (including restricted securities and easy to borrow securities as well as restricting activity to test symbols only); (5) controls to prohibit duplicative orders; (6) controls to restrict the overall rate of orders; (7) controls related to the size of an order as compared to the average daily volume of the security (including the ability to specify the minimum average daily volume of the securities for which such controls will be activated); and (8) credit controls measuring both gross and net exposure that warn when approached and, when breached, prevent submission of either all new orders or Market Orders only.

In proposed (b)(1), the Exchange states that it offers risk functionality that permits Users to block new orders submitted, to cancel all open orders, or to both block new orders and cancel all open orders. Furthermore, the Exchange offers risk functionality that

automatically cancels a User’s orders to the extent the User loses its connection to the Exchange.

In proposed (b)(2), the Exchange states that it offers batch cancel functionality that permits a User to simultaneously cancel all or a subset of its orders in one or more symbols by requesting the Exchange to effect such cancellation. A User initiating such a request may also request that the Exchange block all or a subset of its new inbound orders in one or more symbols. The block will remain in effect until the User requests the Exchange remove the block.

Amendments to LTSE Rule 11.410. Use of Market Data Feeds

The Exchange proposes to amend LTSE Rule 11.410 to conform to MEMX Rule 13.4 (Usage of Data Feeds), except with regards to order routing, by amending (a) to add an introductory paragraph explaining that “[t]he Exchange uses the following data feeds for the handling and execution of orders, as well as for surveillance necessary to monitor compliance with applicable securities laws and Exchange rules.” The Exchange is then amending the chart included in (a) to show that the Exchange will utilize CQS/UQDF from all the other markets as its primary source of data and, at this time, there will be no secondary source of data.⁵⁵ This is identical to MEMX’s usage of data feeds, except that MEMX uses direct feeds from some exchanges, which LTSE will not. The Exchange is adopting newly proposed paragraph (b) to conform with the same paragraph in MEMX Rule 13.4 which states “The Exchange may adjust its calculation of the NBBO based on information about certain orders received by the Exchange.”⁵⁶ The Exchange is proposing to delete paragraphs (1) through (4) under current paragraph (a) and the entirety of current paragraphs (b), (c) and (d). The Exchange is proposing deletions of these paragraphs because the rule text was enacted specifically for the VSM as it operates today but will not be applicable post-replatforming.

2. Statutory Basis

LTSE believes that the proposed rule change is consistent with the provisions

⁵⁵ The Exchange is deleting references to CTS/UTDF in the chart as a source of market data as MEMX does not use it nor will LTSE upon replatforming.

⁵⁶ The Exchange is not adopting language addressing the use of information related to order and execution information from the routing of orders, as MEMX does, because the Exchange does not route orders to other markets.

of Section 6 of the Act,⁵⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁵⁸ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange submits that the proposed rule changes are designed to support the transition of the technology infrastructure System from its current platform to one that will significantly enhance the current System and provide market participants with more opportunities to trade on the Exchange while minimizing any disruptive effect to Members interacting with the current System. The Exchange is not proposing any new or novel rules; in fact, as noted in the Purpose section, above, the proposed changes conform certain of LTSE's trading rules with those of the MEMX Exchange to the extent necessary to accomplish the replatforming of LTSE in a timely and efficient manner, while minimizing the cost and effort required to accomplish the replatforming initiative. The Exchange further submits that its proposed new order types and order handling processes are used by MEMX Exchange and therefore do not present any significant challenges to their existing order handling processes.

Additionally, LTSE is proposing to adopt rules that conform with those of MEMX Exchange and the core functionality in the technology it is licensing. The Exchange believes such changes would remove impediments to and perfect the mechanism of a free and open market and a national market system because they will provide market participants with consistency of core functionality, including adopting some new order types and order handling rules, that are already used by MEMX Exchange.

Generally, LTSE believes that the proposed rules would support the transition of the technology supporting the Exchange's System from its current platform to one that will significantly enhance the System and provide market participants with more opportunities to trade on the Exchange while minimizing any disruptive effect to Members interacting with the current System. The Exchange is not proposing any new or novel rules. The proposed rule changes

relating to trading would therefore remove impediments to and perfect the mechanism of a free and open market and a national market system because they are based on the rules of other exchanges.

More specifically, the Exchange is proposing to adopt rules to conform System functionality with the core functionality in the technology it is licensing and with similar core functionality as MEMX Exchange. The Exchange believes such changes would remove impediments to and perfect the mechanism of a free and open market and a national market system because they will provide market participants with consistency of core functionality, including adopting some new order types and order handling rules, that are widely used throughout the securities industry. To this extent, the Exchange submits that the proposed changes also operate to promote just and equitable principles of trade and the public interest and the protection of investors by providing for a set of consistent trading rules that are based on rules of another national securities exchange that have already been approved by the Commission and have been operating within the national market system.

Further, the Exchange believes that the proposal does not permit unfair discrimination between issuers or to regulate by virtue of any authority conferred by the Act matters not related to the purposes of the Act or the administration of the Exchange. The instant rule proposals do not impact issuers, except to the extent that the replatformed System operating under new trading rules will allow the potential for greater opportunities for issuers' securities to trade on LTSE. The Exchange's regulatory authority over its Members will remain unchanged as a result of the proposed rule amendments.

Finally, the Exchange submits that the licensing of a technology platform from an unaffiliated third party currently in use by another registered national securities exchange⁵⁹ and operating pursuant to rules that have already been approved by the Commission, is the most efficient and effective option.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are designed to

facilitate the efficient transition of the System from the current VSM model to a trading model that will provide for new order types and order handling processes that are already commonly used by market participants across a range of trading venues. The fact that the System will operate using a technology platform provided by an affiliate of another national securities exchange will not place an unnecessary burden on competition because neither the LTSE nor the technology affiliate of another exchange will gain any advantage in terms of connectivity, speed or any other factor otherwise impacting the national market system. Each exchange will continue to function independently of the other and interact to the same extent and in the same manner as they do today.

The Exchange operates in a highly competitive environment and as noted in the Purpose section of this rule proposal, the VSM has not provided the Exchange with a System in which it can serve the needs of long-term investors while competing with other exchanges on a more level playing field. To achieve a greater competitive posture, the Exchange believes that its proposal to adopt rules that better align with the instance of the trading platform that it is licensing will be more efficient, require less development time and costs, and will offer market participants order types and order handling processes with which they are familiar. In addition, the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because it is only proposing to amend those trading rules necessary to assure a smooth transition of the System to the new technology platform, and will retain rules governing membership, member conduct, and listings, without changes. Given these factors, the Exchange does not believe that its proposed changes raise any substantial competitive issues and will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may

⁵⁷ *Id.*

⁵⁸ 15 U.S.C. 78f(b)(5).

⁵⁹ The Exchange is proposing to license technology from MEMX Technologies, which is currently being used by MEMX Exchange.

designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-LTSE-2024-03 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-LTSE-2024-03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or

subject to copyright protection. All submissions should refer to file number SR-LTSE-2024-03 and should be submitted on or before June 18, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-11580 Filed 5-24-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100188; File No. SR-NASDAQ-2024-016]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change To Increase Fees for Certain Market Data and Connectivity Products and To Maintain the Current Fees for Such Products if Members Meet a Minimum Average Daily Displayed Volume Threshold

May 21, 2024.

I. Introduction

On March 22, 2024, The Nasdaq Stock Market LLC ("Nasdaq" 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-NASDAQ-2024-016) to increase fees for certain market data and connectivity products and to maintain the current fees for such products if members meet a minimum average daily displayed volume threshold ("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 April 1, 2024.⁴ The Commission has received one comment letter on the proposed rule change.⁵ Pursuant to Section

19(b)(3)(C) of the Act,⁶ 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 reward firms that meet a minimum average daily displayed volume with lower fees for Non-Display Usage and the Exchange's 40Gb and 10Gb Ultra high-speed connection to the Exchange.⁷ The Exchange explains that Non-Display fees are currently assessed on a per-subscriber⁸ or per-firm basis.⁹ Monthly fees are \$375 per Subscriber for 1-39 subscribers; \$15,000 per firm for 40-99 subscribers; \$30,000 per firm for 100-249 subscribers; and \$75,000 per firm for 250 or more subscribers.¹⁰ Under the proposed rule change, a member firm that meets the minimum ADV threshold discussed below would continue to pay those fees.¹¹ The Exchange further states that firms that do not meet the minimum ADV threshold, however, as well as non-member firms, would pay the new monthly fees of \$500 per subscriber for 1-39 subscribers; \$20,000 per firm for 40-99 subscribers; \$40,000 per firm for 100-249 subscribers; and \$100,000 per firm for 250 or more subscribers.¹²

Countryman, Secretary, Commission, dated April 24, 2024 ("HMA Letter"). Comments received on the Proposal are available at <https://www.sec.gov/comments/sr-nasdaq-2024-016/srnasdaq2024016.htm>.

⁶ 15 U.S.C. 78s(b)(3)(C).

⁷ This proposed rule change was initially filed on March 6, 2024, as SR-Nasdaq-2024-011. On March 20, 2024, that filing was withdrawn and replaced with SR-Nasdaq-2024-015. On March 22, 2024, SR-Nasdaq-2024-015 was withdrawn and replaced with the instant filing due to a technical error. See Notice, 89 FR at 24070.

⁸ "Subscriber" is defined as a device or computer terminal or an automated service which is entitled to receive information. See Notice, 89 FR at 24070.

⁹ See Notice, 89 FR at 24070.

¹⁰ See *id.*

¹¹ See *id.*

¹² See *id.* (stating that Non-Display Usage is any method of accessing Nasdaq U.S. information that involves access or use by a machine or automated device without access or use of a display by a natural person and that examples of Non-Display Usage include, but are not limited to: Automated trading; Automated order/quote generation and/or order/quote pegging; Price referencing for use in algorithmic trading; Price referencing for use in smart order routing; Program trading and high frequency trading; Order verification; Automated surveillance programs; Risk management; Automatic order cancellation, or automatic error discovery; Clearing and settlement activities; Account maintenance (e.g., controlling margin for a customer account); and "Hot" disaster recovery). The Exchange also states that, although either top-

Continued

⁶⁰ 17 CFR 200.30-3(a)(12).

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. 99879 (April 5, 2024), 89 FR 24070 ("Notice").

⁵ See Letter from Tyler Gellach, President and CEO, Healthy Markets Association, to Vanessa

Nasdaq states that it offers customers the opportunity to co-locate their servers and equipment within the Nasdaq Data Center,¹³ allowing participants an opportunity to reduce latency and network complexity.¹⁴ Nasdaq offers a variety of connectivity options to fit a firm's specific networking needs, including the high-speed 40Gb and 10Gb Ultra networks.¹⁵ The Exchange further states that all of its colocation and connectivity options offer customers access to any or all Nasdaq exchanges through a single connection.¹⁶

Nasdaq currently charges members an ongoing monthly fee of \$21,100 for the 40Gb fiber connection and \$15,825 for the 10Gb Ultra connection to the Nasdaq exchanges.¹⁷ Under the proposed rule change, a firm that meets the minimum ADV threshold would continue to pay those fees.¹⁸ Member firms that do not meet the minimum ADV threshold discussed below, as well as non-member firms, would pay the new monthly fee of \$23,700 for the 40Gb fiber connection and \$17,800 for the 10Gb Ultra connection.¹⁹

The Proposal introduces the new term "Minimum ADV," which will mean the introduction by a member of at least one million shares of added executed displayed liquidity on average per trading day in all securities through one or more of the member's market participant identifiers ("MPIDs") on the Nasdaq Market Center.²⁰ Average daily volume is calculated as the total volume of shares executed for all added displayed orders in all securities during the trading month divided by the number of trading days in that month, averaged over the six-month period

of-book or depth-of-book data can be used for Non-Display Usage, the Proposal modifies fees for depth-of-book data only. See Notice, 89 FR at 24070 (citing Equity 7, Section 123 (Nasdaq Depth-of-Book data)).

¹³ See Notice, 89 FR at 24070 (citing Nasdaq Co-Location (CoLo) Services, available at <https://www.nasdaqtrader.com/trader.aspx?id=colo>; Stock Exchange Data Center & Trading, available at <https://www.nasdaq.com/solutions/nasdaq-co-location>).

¹⁴ See Notice, 89 FR at 24070.

¹⁵ See *id.*

¹⁶ See *id.* (citing Securities Exchange Act Release No. 84571 (November 9, 2018), 83 FR 57758 (November 16, 2018) (SR-Nasdaq-2018-086)). Nasdaq also states, as an example, that a firm that is a member of all six Nasdaq exchanges that purchases services in the Nasdaq Data Center such as a 40G fiber connection, cabinet space, cooling fans, and patch cables only purchases these products or services once to use them for all six Nasdaq exchanges. See Notice, 89 FR at 24070.

¹⁷ See Notice, 89 FR at 24070.

¹⁸ See *id.*

¹⁹ See *id.*

²⁰ See *id.*

preceding the billing month, or the date the firm became a member, whichever is shorter. New members will be deemed to meet the Minimum ADV for the first month of operation.²¹ Minimum ADV excludes sponsored access by a member on behalf of a third party.²² Nasdaq states that the Minimum ADV threshold was designed to be accessible to all members to promote wide engagement with the Exchange.²³

Nasdaq states that it does not expect any member to be disadvantaged by the Proposal. Nasdaq is a maker-taker platform and offers rebates to members that offer displayed liquidity.²⁴ With these rebates, Nasdaq states that no member should have any difficulty posting and executing sufficient displayed liquidity to meet the ADV threshold.²⁵ Nasdaq further states that the threshold is set at a level that Nasdaq believes any member—even smaller members—should be able to meet without significant effort.²⁶ Nasdaq states that, because the threshold applies to displayed liquidity only, the Proposal should not impact the Best Execution obligations of any member.²⁷ Nasdaq believes that, if all members were to meet this threshold, the Proposal would add an incremental 60–80 million shares to Nasdaq's accessible liquidity.²⁸ Nasdaq states that non-members that do not post displayed liquidity to the market would pay the higher fees because the non-members do not directly contribute order flow to the Exchange, but nevertheless benefit from that order flow through tighter spreads, better prices, and the other advantages of a more liquid platform.²⁹

III. Suspension of the Proposed Rule Change

Pursuant to Section 19(b)(3)(C) of the Act,³⁰ 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,³¹ 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. The Commission believes a temporary suspension of the proposed rule change 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 exchanges, like all trading venues, compete as platforms.³² All elements of the platform—trade executions, market data, connectivity, membership, and listings—operate in concert.³³ Trade executions increase the value of market data; market data functions as an advertisement for on-exchange trading; listings increase the value of trade executions and market data; and greater liquidity on the exchange enhances the value of ports and colocation services.³⁴ The Exchange states that the Proposal is designed to promote competition by providing an incentive for members to provide liquidity (therefore attracting investors and increasing the overall value of the platform) through charging lower fees for other platform services (*i.e.*, market data and connectivity).³⁵ The Exchange states that this will lead to more displayed liquidity on the Exchange, enhancing and enriching the market data distributed to the industry, which then increases the amount of interest in the platform.³⁶ The Exchange states that this will also enable it to offer investors a more robust, lower cost-trading experience through tighter spreads and more efficient trading, placing it in a better competitive position relative to other exchanges and trading venues.³⁷

³² See Notice, 89 FR at 24071.

³³ See *id.*

³⁴ See *id.* The Exchange also states that it attached to the filing with the Commission a data-based analysis demonstrating how platform competition works entitled "How Exchanges Compete: An Economic Analysis of Platform Competition" as Exhibit 3, explaining that exchanges are multi-sided platforms, whose value is dependent on attracting users to multiple sides of the platform. See *id.* The Exchange states that issuers need investors, and every trade requires two sides to trade, and to make its platform attractive to multiple constituencies, an exchange must consider inter-side externalities, meaning demand for one set of platform services depends on the demand for other services. See *id.*

³⁵ See Notice, 89 FR at 24071.

³⁶ See *id.*

³⁷ See *id.* The Exchange further states that, to the degree that the additional liquidity is moved from off-exchange venues to on-exchange platforms, overall market transparency will improve as well. See *id.*

²¹ See *id.* at 24070–1.

²² See *id.* at 24071.

²³ See *id.*

²⁴ See *id.*

²⁵ See *id.*

²⁶ See *id.*

²⁷ See *id.*

²⁸ See *id.*

²⁹ See *id.*

³⁰ 15 U.S.C. 78s(b)(3)(C).

³¹ 15 U.S.C. 78s(b)(1).

1. The Exchange Believes that Fees Produced in a Competitive Environment are an Equitable Allocation of Reasonable Dues, Fees, and Other Charges

The Exchange states that reliance on competitive solutions is fundamental to the Act.³⁸ The Exchange further states that significant competitive forces constrain fees, fee levels meet the Act's standard for the "equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using its facilities,"³⁹ unless there is a substantial countervailing basis to find that a fee does not meet some other requirement of the Act.⁴⁰ The Exchange states that evidence of platform competition demonstrates that each exchange product is sold in a competitive environment, and its fees will be an equitable allocation of reasonable dues, fees, and other charges, provided that nothing about the product or its fee structure impairs competition.⁴¹

The Exchange states that Congress directed the Commission to "rely on 'competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs and the national market system,'" ⁴² and, following this mandate, that the Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention to determine prices, products, and services in the securities markets.⁴³

The Exchange states that, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and recognized that regulation of the national market system "has been

remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁴⁴ The Exchange further states that, as a result, the Commission has long relied on competitive forces to determine whether a fee proposal is equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.⁴⁵ The Exchange states that, in 2008, the Commission explained that "[i]f competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior"⁴⁶ and in 2019, that the Commission Staff reaffirmed that "[i]f significant competitive forces constrain the fee at issue, fee levels will be presumed to be fair and reasonable"⁴⁷ The Exchange explains that, 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."⁴⁸ The Exchange states that, consistent with the Commission's longstanding focus on competition, Commission Staff have indicated that they would only look at factors outside of the competitive market if a "proposal lacks persuasive evidence that the proposed fee is constrained by significant competitive forces."⁴⁹

⁴⁴ See Notice, 89 FR at 24071 (citing Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

⁴⁵ See Notice, 89 FR at 24071.

⁴⁶ See Notice, 89 FR at 24071 (citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR—NYSEArca—2006–21)).

⁴⁷ See Notice, 89 FR at 24071 (citing Fee Guidance).

⁴⁸ See *id.*

⁴⁹ See *id.* The Exchange states that, in the Fee Guidance, the Staff indicated that "[w]hen reviewing rule filing proposals . . . [it] is mindful of recent opinions by the D.C. Circuit," including *Susquehanna International Group, LLP v. SEC*, 866 F.3d 442 (D.C. Cir. 2017). See Notice, 89 FR at 24072. However, the Exchange believes that the D.C. Circuit's decision in *Susquehanna* is irrelevant to the Commission's review of immediately effective SRO fee filings. See *id.* The Exchange states that *Susquehanna* involved the Commission's approval of a rule proposed under Section 19(b)(2) of the Act, not its evaluation of whether to temporarily suspend an SRO's immediately effective fee filing under Section 19(b)(3). See *id.* The Exchange believes that a comparison of Sections 19(b)(2) and 19(b)(3) of the Act makes clear that the Commission is not required to undertake the same independent review, and make the same findings and determinations, for Section 19(b)(3) filings that it must for Section 19(b)(2) filings and, Section 19(b)(2) requires the Commission to "find[] that [a] proposed rule change is consistent with the" Act before approving the rule. 15 U.S.C. 78s(b)(2)(C)(i). The Exchange states that Section 19(b)(3), by contrast, imbues the Commission with discretion, stating that it "may temporarily

2. The Exchange Believes That Nothing in the Act Requires an Examination of Fees in Isolation

The Exchange states that the Act mandates the "equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using its facilities,"⁵⁰ further stating that this provision refers generally to "reasonable dues, fees, and other charges" as a whole, not individual fees, and that nothing in the Act requires the individual examination of specific product fees in isolation.⁵¹ The Exchange states that evidence of platform competition is sufficient to show that the product operates in a competitive environment, provided that a proposed rule change does not in and of itself undermine competition.⁵² The Exchange finally states that a determination of whether a proposal permits unfair discrimination between customers, issuers, brokers, or dealers remains a separate product-specific inquiry.⁵³

3. The Exchange Believes That the Commission Has Recognized That Exchanges Are Subject to Significant Competitive Forces in the Market for Order Flow

The Exchange states that the fact that the market for order flow is competitive has long been recognized by the courts—citing specifically, the

suspend" an immediately effective rule filing where "it appears to the Commission that such action is necessary or appropriate." See *id.* The Exchange further states that, as the Supreme Court has explained, statutes stating that an agency "may"—but need not—take certain action are "written in the language of permission and discretion." See *id.* (citing *S. Ry. Co. v. Seaboard Allied Milling*, 442 U.S. 444, 455 (1979); see also *Crooker v. SEC*, 161 F.2d 944, 949 (1st Cir. 1947) (per curiam)). The Exchange believes that the "contrast" between Sections 19(b)(2) and 19(b)(3), the Commission itself has explained, "reflects the fundamental difference in the way Congress intended for different types of rules to be treated" and "[W]hile the Commission's authority to suspend a fee under Subsection (3)(C) is permissive, its duties under Subsection (2) are stated in mandatory terms. See Notice, 89 FR at 24072 (citing Brief of Respondent SEC, *NetCoalition v. SEC*, 715 F.3d 342–43 (D.C. Cir. 2013) (Nos. 10–1421 et al.))." Thus, the Exchange argues that neither *Susquehanna*, nor Section 19(b)(3) of the Act, requires the Commission to make independent findings that an immediately effective SRO fee filing such as this one is consistent with the Act and, the Exchange argues that to the degree that the *Susquehanna* decision is applicable to any Commission action, however, the court held that the Commission is required to "itself find or determine" that a proposal meets statutory requirements, explaining that the Commission is "obligated to make an independent review" of an SRO's proposal, and not rely solely on the work of the SRO. See Notice, 89 FR at 24072 (citing 866 F.3d at 446).

⁵⁰ See 15 U.S.C. 78f(b)(4).

⁵¹ See Notice, 89 FR at 24072.

⁵² See *id.*

⁵³ See *id.*

³⁸ See Notice, 89 FR at 24071.

³⁹ See 15 U.S.C. 78f(b)(4).

⁴⁰ See Notice, 89 FR at 24071 (citing U.S. Securities and Exchange Commission, "Staff Guidance on SRO Rule Filings Relating to Fees" (May 21, 2019), available at <https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees> ("Fee Guidance") ("If significant competitive forces constrain the fee at issue, fee levels will be presumed to be fair and reasonable, and the inquiry is whether there is a substantial countervailing basis to find that the fee terms nevertheless fail to meet an applicable requirement of the Exchange Act (e.g., that fees are equitably allocated, not unfairly discriminatory, and not an undue burden on competition).").

⁴¹ The Exchange states that nothing in the Act requires proof of product-by-product competition. See Notice, 89 FR at 24071.

⁴² See Notice, 89 FR at 24071 (citing *NetCoalition v. SEC*, 715 F.3d 342, 534–35 (D.C. Cir. 2013); H.R. Rep. No. 94–229 at 92 (1975) ("[I]t is the intent of the conferees that the national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed.")).

⁴³ See Notice, 89 FR at 24071.

NetCoalition v. Securities and Exchange Commission statement, “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers.’ ”⁵⁴

4. The Exchange Believes That All Exchange Products Are Subject to Competition—Not Just Those Directly Related to Order Flow

The Exchange states that competition is not limited to order flow and that data shows that the combination of explicit all-in costs to trade and other implicit costs has largely equalized the cost to trade across venues.⁵⁵ The Exchange states that this is a function of the fact that, if the all-in cost to the user of interacting with an exchange exceeds market price, customers can and do shift their purchases and trading activity to other exchanges, and therefore the exchange must adjust one or more of its fees to attract customers.⁵⁶

The Exchange states that this conclusion is particularly striking given that different exchanges engage in a variety of business models and offer an array of pricing options to appeal to different customer types; specifically, that the largest exchanges operate maker-taker platforms, offering rebates to attract trading liquidity, which allows

them to maintain actionable quotes with high liquidity and offer high-quality market data.⁵⁷ The Exchange further states that the negative price charged to liquidity providers through rebates is part of the platform because it serves to create features attractive to other participants, including oftentimes tight spreads, actionable and lit quotes, and more valuable market data.⁵⁸

The Exchange states that inverted venues, in contrast, have the opposite price structure—liquidity providers pay to add liquidity, while liquidity takers earn a rebate—these platforms offer less liquidity, but better queue priority, faster fills, and lower effective spreads for investors.⁵⁹ The Exchange states that there are a wide range of other pricing models and product offerings among the dozens of lit and unlit trading venues that compete in the marketplace in addition to these examples.⁶⁰ The Exchange further states that different strategies among exchanges also manifest in the pricing of other services, such as market data and connectivity.⁶¹ The Exchange states that some exchanges charge for such services, while others charge little or nothing (typically because the exchange is new or has little liquidity), just as some exchanges charge a fee per trade, while others pay rebates.⁶²

In assessing competition for exchange services, the Exchange explains that “we must consider not only explicit costs, such as fees for trading, market data, and connectivity, but also the *implicit* costs of trading on an exchange[.]”; and that “[t]he realized spread, or markout, captures the implicit cost to trade on a platform.”⁶³

The Exchange further states that considering both the explicit costs charged by exchanges for their various joint products and the implicit costs incurred by traders to trade on various exchanges, the data show that all-in trading costs across exchanges are largely equalized, regardless of different trading strategies offered by each platform for each individual service.⁶⁴

The Exchange states that platform competition has resulted in a competitive environment in the market for exchange services, in which trading platforms are constrained by other platforms’ offerings, taking into consideration the all-in cost of interacting with the platform.⁶⁵ The Exchange further states that this constraint is a natural consequence of competition and demonstrates that no exchange platform can charge excessive fees and expect to remain competitive, thereby constraining fees on all products sold as part of the platform.⁶⁶ The Exchange finally states that the existence of platform-level competition also explains why some consumers route orders to the exchange with the highest explicit trading costs even though other exchanges offer free or a net rebate for trading.⁶⁷

5. The Exchange Believes That Exchanges Compete at Both the Platform and Product Level

The Exchange states that its customers are differentiated in the value they place on the different products offered by exchanges and in their willingness to pay for those products.⁶⁸ The Exchange believes that this occurs both on a firm-wide and a transaction basis; for example, individual customers “multi-home” on various platforms, and are thus able to route different trades to different platforms to take advantage of favorable economics offered on a trade-to-trade basis.⁶⁹

that, as discussed in greater detail in its Exhibit 3, the venues with the highest explicit costs—typically inverted and fee-free venues—have the lowest implicit costs from markouts and vice versa. See *id.* The Exchange also states that higher positive markouts mean more spread capture, but those venues also tend to have the highest explicit costs, and provide the least liquidity, and positive externalities, to the market. See *id.*

⁵⁴ See Notice, 89 FR at 24073.

⁵⁵ See *id.*

⁵⁶ See *id.*

⁵⁷ The Exchange states that empirical evidence also shows that market data is more valuable from exchanges with more liquidity. According to the Exchange, many customers decide not to take data from smaller markets, even though they are free or much lower cost than larger markets. See Notice, 89 FR at 24073.

⁵⁸ See Notice, 89 FR at 24073.

⁵⁹ See *id.*

⁵⁴ See *NetCoalition*, 615 F.3d at 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)). See also Notice, 89 FR at 24072.

⁵⁵ The Exchange states that competition across platforms constrains platform fees and results in “all-in” costs becoming equal across platforms, but that the Staff Guidance on SRO Rule Filings Relating to Fees states that platform competition requires that the “overall return of the platform, rather than the return of any particular fees charged to a type of customer, . . . be used to assess the competitiveness of the platform’s market,” and that “[a]n SRO that wishes to rely on total platform theory must provide evidence demonstrating that competitive forces are sufficient to constrain the SRO’s aggregate return across the platform.” See Notice, 89 FR at 24072 (citing Fee Guidance Exchange’s emphasis). The Exchange states that it does not know, and cannot determine, whether returns (as opposed to fees) are equalized across platforms, because we do not have detailed cost information from other exchanges. See *id.* The Exchange believes that an analysis of returns, however, is unnecessary to show that competition constrains fees given that, platform competition can be demonstrated solely by examining costs to users. See *id.*

⁵⁶ See Notice, 89 FR at 24072.

⁵⁷ See *id.*

⁵⁸ See *id.*

⁵⁹ See *id.*

⁶⁰ See *id.*

⁶¹ See *id.*

⁶² See *id.*

⁶³ The Exchange states that the concept of markout was created by market makers trying to capture the spread while providing a two-sided (bid and offer) market. See Notice, 89 FR at 24072. The Exchange states that, for market makers, being filled on the bid or the offer can cause a loss if the fill changes market prices. See *id.* (stating as an example, a fill on a market maker’s bid just as the stock price falls results in a “virtual loss,” because the market maker has a long position with a new bid lower than the fill). The Exchange states that negative markouts can be beneficial. See Notice, 89 FR at 24072 (stating as an example, if an institutional investor is working a large buy order, negative markouts represent fills as the market falls, allowing later orders to be placed sooner, and likely at a better price, reducing the opportunity costs as well as explicit cost of building the position). The Exchange further states that data suggests that market participants employ sophisticated analytic tools to weigh the cost of immediate liquidity and lower opportunity costs against better spread capture (lower markouts) and explicit trading costs. See Notice, 89 FR at 24073. The Exchange states

The Exchange believes that exchanges compete by offering differentiated packages of pricing and products to attract different categories of customer, and that, as in any competitive market, consumers will “vote with their feet,” incentivizing platforms to supply an array of pricing and product offerings that suit diverse consumer needs far more effectively than a uniform, one-size-fits-some rigid product offering.⁷⁰ The Exchange further states that if an exchange’s pricing for a particular product gets out of line, such that its total return is boosted above competitive levels, market forces will discipline that approach because competing exchanges will quickly attract customer volume through more attractive all-in trading costs.⁷¹ In addition, the Exchange states that if a particular package of pricing and products is not attractive to a sufficient volume of customers in a particular category, those customers may elect not to purchase the service and that this is why exchanges compete at a product level, as well as based on all-in trading costs.⁷²

6. The Exchange Believes That Exchanges Compete With Off-Exchange Trading Platforms in Addition to Other Exchanges

The Exchange states that, as the SEC recently noted in its market infrastructure proposal,⁷³ the number of transactions completed on non-exchange venues has been growing, and allowing exchanges to compete as platforms will help exchanges compete against non-exchange venues, and, to the degree order flow is shifted from non-exchange to exchange venues, overall market transparency will improve.⁷⁴ The Exchange states that exchanges have a unique role to play in market transparency because they publish an array of pre- and post-trade data that non-exchange venues, almost entirely, do not. The Exchange further states that greater transparency benefits non-exchange venues by enabling them to provide more accurate pricing to their customers, and by helping such venues set their own prices, benchmark,

analyze the total cost of ownership, and assess their own trading strategies.

The Exchange states that allowing exchanges to compete effectively as platforms has other positive network effects: larger trading platforms offer lower average trading costs; and as trading platforms attract more liquidity, bid-ask spreads tighten, search costs fall (by limiting the number of venues that a customer needs to check to assess the market), and connection costs decrease, as customers have no need to connect to all venues.⁷⁵ The Exchange argues that the whole is therefore greater (in the sense that it is more efficient) than the sum of the parts.⁷⁶

The Exchange states that this is not to say that smaller established trading platforms do not have a role to play as they provide specialized services that cater to individual customer needs, but that these specialized services help the smaller exchanges grow by driving liquidity to their platforms, and, if they are successful, achieve the economies of scale that benefit the larger enterprises.⁷⁷ The Exchange states that, because the total costs of interacting with an exchange are roughly equal, smaller exchanges offset higher trading costs with lower connectivity, market data, or other fees.⁷⁸ The Exchange states that, while the mix of fees will change as exchanges grow, the all-in cost of interacting with the exchange remains roughly the same.⁷⁹ The Exchange finally states that acknowledging that exchanges compete as platforms and approving fees expeditiously on that basis will improve the ability of exchanges to compete against non-exchange venues, and, to the degree order flow is shifted to exchanges, both transparency and efficiency will improve.⁸⁰

7. The Exchange States That the Proposed Fees Are Equitable and Reasonable Because They Will Be Subject to Competition

The Exchange states that intent of the Proposal offering member firms an incentive to display liquidity through lower non-display and connectivity fees is to generate a “virtuous cycle,” in which the proposed fee structure will attract more liquidity to the Exchange, making it a more attractive trading venue, and thereby attracting more

liquidity.⁸¹ The Exchange states that incentive programs have been widely adopted by exchanges, and are reasonable, equitable, and non-discriminatory because they are open on an equal basis to similarly situated members and provide additional benefits or discounts that are reasonably related to the value to an exchange’s market quality and activity.⁸² The Exchange also states that the Proposal will contribute to market quality because it will help bring new order flow to the Exchange and greater displayed liquidity on the Exchange offers investors deeper, more liquid markets and execution opportunities.⁸³ The Exchange states that increased order flow benefits investors by deepening the Exchange’s liquidity pool, potentially providing greater execution incentives and opportunities, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency, and lowering spreads between bids and offers and thereby lowering investor costs.⁸⁴ The Exchange states that, to the degree that liquidity is attracted from dark venues, that liquidity also increases transparency for the market overall, providing investors with more information about market trends.⁸⁵ The Exchange finally states that the Proposal will help members that meet the Minimum ADV threshold maintain lower costs and will benefit them through the many positive externalities associated with a more liquid exchange.⁸⁶

The Exchange states that the competition among exchanges as trading

⁸¹ See *id.*

⁸² See *id.* (citing as examples Securities Exchange Act Release No. 92493 (July 26, 2021), 86 FR 41129 (July 30, 2021) (SR-ChoeEDGX-2021-034) (proposal to provide discount to new members that meet certain volume thresholds, noting that “relative volume-based incentives and discounts have been widely adopted by exchanges . . . and are reasonable, equitable and non-discriminatory because they are open on an equal basis to similarly situated members and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange’s market quality and (ii) associated higher levels of market activity . . .”) and Securities Exchange Act Release No. 53790 (May 11, 2006), 71 FR 28738 (May 17, 2006) (SR-Phlx-2006-04) (“The Commission recognizes that volume-based discounts of fees are not uncommon, and where the discount can be applied objectively, it is consistent with Rule 603. For the same reasons noted above, the Commission believes that the fee structure meets the standard in section 6(b)(4) of the Act in that the proposed rule change provides for the equitable allocation of reasonable dues, fees, and other charges among the Exchange’s members and issuers and other persons using its facilities.”)).

⁸³ See Notice, 89 FR at 24074.

⁸⁴ See *id.*

⁸⁵ See *id.*

⁸⁶ See *id.*

⁷⁰ See *id.*

⁷¹ See *id.*

⁷² See *id.*

⁷³ See *id.* (citing Regulation NMS: Minimum Pricing Increments, Access Fees, and Transparency of Better Price Orders, Securities Exchange Act Release No. 96494 (File No. S7-30-22)).

⁷⁴ See Notice, 89 FR at 24073 (stating that non-exchange venues rely on market data distributed by exchanges to set prices and greater transparency allows both exchange and non-exchange venues to operate more effectively and efficiently).

⁷⁵ In addition, the Exchange states that its experience shows that fewer customers connect with smaller trading venues than with larger venues. See Notice, 89 FR at 24073.

⁷⁶ See Notice, 89 FR at 24073.

⁷⁷ See *id.*

⁷⁸ See *id.*

⁷⁹ See *id.*

⁸⁰ See *id.*

platforms, as well as the competition between exchanges and alternative trading venues, constrain exchanges from charging excessive fees for any exchange products, including trading, listings, ports, and market data.⁸⁷ The Exchange also states that the fees that arise from the competition among trading platforms may be too low because they fail to reflect the benefits to the market as a whole of exchange products and services, allowing other venues to free-ride on these investments by the exchange platforms, increasing fragmentation and search costs.⁸⁸ The Exchange believes that, as long as total returns are constrained by competitive forces there is no regulatory basis to be concerned with pricing of particular elements offered on a platform and that regulatory constraints in this environment are likely to *reduce* consumer welfare by constraining certain exchanges from offering packages of pricing and products that would be attractive to certain sets of consumers, thus impeding competition with venues that are not subject to the same regulatory limitations and reducing the benefits of competition to customers.⁸⁹

8. The Exchange Believes That the Proposal Is Not Unfairly Discriminatory

The Exchange states that the Proposal is not unfairly discriminatory and that Non-Display Usage and the Exchange's 40Gb and 10Gb Ultra high-speed connections will be offered to all members and non-members on like terms.⁹⁰ The Exchanges states that it is also not unfair to charge more to firms that do not directly contribute order flow to the Exchange, but nevertheless benefit from that order flow through tighter spreads, better prices, and the other advantages of a more liquid platform.⁹¹ The Exchange also states that, specifically, the Proposal is not unfairly discriminatory with respect to either members or non-members.⁹² The Exchange states that, with respect to members, all members that meet the ADV threshold will be charged lower fees; and with respect to smaller members, Nasdaq offers rebates to members that offer displayed liquidity.⁹³ The Exchange states that, with these rebates, any member—even smaller members—should have the

ability to post sufficient displayed liquidity to meet the ADV threshold.⁹⁴

The Exchange states that the Proposal is not unfairly discriminatory with respect to non-member broker-dealers, which include brokers routing trades through members and off-exchange trading platforms that use exchange data to execute trades, because they have the option of becoming members to obtain lower fees under the Proposal, and because they realize the benefits of higher liquidity—including tighter spreads and better prices—and it is not unfair discrimination to charge a higher fee for that benefit.⁹⁵ The Exchange further states that the Proposal is not unfairly discriminatory with respect to non-member firms that are not broker-dealers, such as market data vendors and index providers, because they also benefit from the value that the additional liquidity generated by this Proposal will provide to the trading platform.⁹⁶ The Exchange states that, incentivizing higher levels of liquidity enhances and enriches the market data distributed to the industry, and increases the overall value of platform and that is not unfair for such parties to pay a higher fee to reflect the greater value of the platform.⁹⁷ The Exchange states that discounts for specific categories of market participants are well-established; examples include non-professional fees, broker-dealer enterprise licenses, and a media enterprise license.⁹⁸

B. Suspension

To date, the Commission has received one comment letter on the proposed rule change, and the letter opposes the proposed rule change.⁹⁹ The commenter states, among other concerns, that the Exchange mischaracterizes the Proposal as a discount instead of a fee increase on some participants, and does not include sufficient or meaningful data or justification to support the fee increase or the tying of costs from one product (market data) to another product (transactions).¹⁰⁰ The commenter also states that the Proposal is discriminatory, an undue burden on

competition, and inconsistent with a past Commission order disapproving a Nasdaq proposed rule change.¹⁰¹

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.¹⁰² 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."¹⁰³

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;¹⁰⁴ (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;¹⁰⁵ and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.¹⁰⁶

In temporarily suspending the Exchange's proposed rule change, the Commission intends to further consider whether the Proposal to increase market data and connectivity fees for participants who do not maintain the minimum average daily displayed volume threshold 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

⁸⁴ See *id.*

⁸⁵ See *id.*

⁸⁶ See *id.*

⁸⁷ See *id.*

⁸⁸ See also *id.* (citing as an example The Nasdaq Stock Market, Price List—U.S. Equities, available at <http://www.nasdaqtrader.com/Trader.aspx?id=DPUSData> (providing discounts for Non-Professional subscribers for Nasdaq TotalView and other market data products, enterprise licenses for broker-dealers for multiple market data products, and a digital media enterprise license for Nasdaq Basic)).

⁸⁹ See HMA Letter, *supra* n. 5.

⁹⁰ See *id.* at 4–5.

¹⁰¹ See *id.* at 5–8 (citing Securities Exchange Act Release No. 65362 (September 20, 2011), 76 FR 59466 (September 26, 2011) (SR–Nasdaq–2011–010) (Order Disapproving a Proposed Rule Change to Link Market Data Fees and Transaction Execution Fees)).

¹⁰² 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").

¹⁰³ See *id.*

¹⁰⁴ 15 U.S.C. 78f(b)(4).

¹⁰⁵ 15 U.S.C. 78f(b)(5).

¹⁰⁶ 15 U.S.C. 78f(b)(8).

⁸⁷ See *id.*

⁸⁸ See *id.*

⁸⁹ See *id.*

⁹⁰ See Notice, 89 FR at 24074.

⁹¹ See *id.*

⁹² See *id.*

⁹³ See *id.*

necessary or appropriate in furtherance of the purposes of the Act.¹⁰⁷

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.¹⁰⁸

IV. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change

In addition to temporarily suspending the Proposal, the Commission also hereby institutes proceedings pursuant to Sections 19(b)(3)(C)¹⁰⁹ and 19(b)(2)(B) of the Act¹¹⁰ 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,¹¹¹ 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";¹¹²
- 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";¹¹³ 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 necessary or appropriate in furtherance of the purposes of [the Act]."¹¹⁴

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 information to demonstrate that the Exchange is subject to significant competitive forces when setting the proposed market data and connectivity fees in order to justify that those fees are fair and reasonable. The Commission will also consider whether the Exchange has provided sufficient information to demonstrate that tying the proposed market data and connectivity fees to a minimum average daily display volume threshold is not an undue burden on competition or is not unfairly discriminatory.

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."¹¹⁵ 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,¹¹⁶ 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.¹¹⁷

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.¹¹⁸

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 18, 2024. Rebuttal comments should be submitted by July 2, 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.¹¹⁹

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 change.

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2024-016 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-NASDAQ-2024-016. 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

¹⁰⁷ See 15 U.S.C. 78f(b)(4), (5), and (8), respectively.

¹⁰⁸ For purposes of temporarily suspending the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁰⁹ 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.

¹¹⁰ 15 U.S.C. 78s(b)(2)(B).

¹¹¹ *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.*

¹¹² 15 U.S.C. 78f(b)(4).

¹¹³ 15 U.S.C. 78f(b)(5).

¹¹⁴ 15 U.S.C. 78f(b)(8).

¹¹⁵ 17 CFR 201.700(b)(3).

¹¹⁶ See *id.*

¹¹⁷ See *id.*

¹¹⁸ See 15 U.S.C. 78f(b)(4), (5), and (8).

¹¹⁹ 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).

post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2024–016 and should be submitted on or before June 18, 2024. Rebuttal comments should be submitted by July 2, 2024.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(3)(C) of the Act,¹²⁰ that File No. SR–NASDAQ–2024–016, 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.¹²¹

Sherry R. Haywood,
Assistant Secretary.
[FR Doc. 2024–11581 Filed 5–24–24; 8:45 am]
BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20276 and #20277;
HAWAII Disaster Number HI–20002]

Administrative Declaration of a
Disaster for the State of Hawaii

AGENCY: U.S. Small Business Administration.
ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Hawaii dated 05/21/2024.

Incident: Severe Storms, Flooding and Landslide.

Incident Period: 04/11/2024 through 04/12/2024.

DATES: Issued on 05/21/2024.
Physical Loan Application Deadline Date: 07/22/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 02/21/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator’s disaster declaration, 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: Kauai
Contiguous Counties: Hawaii: Hawaii, Honolulu, Kalawao, Maui.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
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
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 202766 and for economic injury is 202770.

The State which received an EIDL Declaration is Hawaii.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,
Administrator.
[FR Doc. 2024–11570 Filed 5–24–24; 8:45 am]
BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping
Requirements under OMB Review

AGENCY: Small Business Administration.
ACTION: 30-day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before June 27, 2024.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting “Small Business Administration”; “Currently Under Review,” then select the “Only Show ICR for Public Comment” checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at Curtis.Rich@sba.gov; (202) 205–7030, or from www.reginfo.gov/public/do/PRAMain

SUPPLEMENTARY INFORMATION: SBA Form 1149, Lenders Transcript of Account is completed by Lenders when requesting SBA to purchase the guaranty portion of a loan. At that time, Lenders are required to supply the Agency with a certified transcript of the loan account. SBA Form 1149 is a uniform and convenient means for lenders to report and certify loan accounts to purchase by SBA. The Agency uses the information to determine date of loan default and whether Lender disbursed and serviced the loan according to Loan Guaranty agreement.

¹²⁰ 15 U.S.C. 78s(b)(3)(C).
¹²¹ 17 CFR 200.30–3(a)(57).

SBA has determined that the current information does not adequately meet its needs at the time of guaranty purchase review since the form does not collect enough details about the type of loan payments. Accordingly, SBA changed the column titled “DEFERMENT” to “TYPE OF PAYMENT.”

SBA also plans to revise and clarify the instructions for the Form 1149 to ensure the lenders will be aware of the information to be reported. Lastly, the Form 1149 may undergo additional formatting changes to make it easier to address mandatory Federal government 508 accessibility compliance.

This non-substantive change will likely not have a significant impact on the burden. SBA is requesting a 3-year renewal.

Solicitation of Public Comments:

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control Number: 3245–0132.

Title: Lenders Transcript of Account.

Description of Respondents: SBA Lenders.

SBA Form Number: SBA Form 1149.

Estimated Number of Respondents: 15,000.

Estimated Annual Responses: 15,000.

Estimated Annual Hour Burden: 30,000.

Curtis Rich,

Agency Clearance Officer.

[FR Doc. 2024–11642 Filed 5–24–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20335 and #20336; NEW YORK Disaster Number NY–20009]

Administrative Declaration of a Disaster for the State of New York

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of New York dated 05/16/2024.

Incident: Severe Storms and Flash Flooding.

Incident Period: 07/09/2023 through 07/10/2023.

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: Ontario, Orange

Contiguous Counties:

New York: Dutchess, Livingston, Monroe, Putnam, Rockland, Seneca, Steuben, Sullivan, Ulster, Wayne, Westchester, Yates.
New Jersey: Sussex, Passaic.
Pennsylvania: Pike.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.000
Homeowners without Credit Available Elsewhere	2.500
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	2.375
Non-Profit Organizations without Credit Available Elsewhere	2.375
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.375

The number assigned to this disaster for physical damage is 203356 and for economic injury is 203360.

The States which received an EIDL Declaration are New Jersey, New York, Pennsylvania.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2024–11578 Filed 5–24–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12417]

Imposition of Nonproliferation Measures Against Foreign Persons, Including a Ban on U.S. Government Procurement

ACTION: Notice.

SUMMARY: A determination has been made that a number of foreign persons have engaged in activities that warrant the imposition of measures pursuant to the Iran, North Korea, and Syria Nonproliferation Act (INKSNA).

DATES: These measures are effective May 20, 2024.

FOR FURTHER INFORMATION CONTACT: On general issues: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647–4930. For U.S. Government procurement ban issues: Eric Moore, Office of the Procurement Executive, Department of State, Telephone: (703) 875–4079. Email: mooreen@state.gov.

SUPPLEMENTARY INFORMATION: The INKSNA provides for sanctions on foreign entities and individuals for the transfer to or acquisition from Iran since January 1, 1999; the transfer to or acquisition from Syria since January 1, 2005; or the transfer to or acquisition from the DPRK since January 1, 2006, of goods, services, or technology controlled under multilateral control lists (Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, Wassenaar Arrangement) or otherwise having the potential to make a material contribution to the development of weapons of mass destruction (WMD) or cruise or ballistic missile systems. The latter category includes: items of the same kind as those on multilateral lists but falling below the control list parameters when it is determined that such items have the potential of making a material contribution to WMD or cruise or ballistic missile systems; items on U.S. national control lists for WMD/missile reasons that are not on multilateral lists; and other items with

the potential of making such a material contribution when added through case-by-case decisions.

On May 20, 2024, the U.S. Government applied the measures authorized in Section 3 of the Iran, North Korea, and Syria Nonproliferation Act (Pub. L. 109–353) against the following foreign persons identified in the report submitted pursuant to Section 2(a) of the Act:

Aleksey Budnev (Russian individual);
Ch'oe Ch'o'l-min (a.k.a Choe Chol Min) (DPRK individual);
Han Dejian (PRC individual);
Shanghai Growth International Logistics Ltd and any successor, sub-unit, or subsidiary thereof;
Yidatong (Tianjin) Metal Materials Co., Ltd; and any successor, sub-unit, or subsidiary thereof.

Accordingly, pursuant to Section 3 of the Act, the following measures are imposed on these persons:

1. No department or agency of the U.S. Government may procure or enter into any contract for the procurement of any goods, technology, or services from these foreign persons, except to the extent that the Secretary of State otherwise may determine;

2. No department or agency of the U.S. Government may provide any assistance to these foreign persons, and these persons shall not be eligible to participate in any assistance program of the U.S. Government, except to the extent that the Secretary of State otherwise may determine;

3. No U.S. Government sales to these foreign persons of any item on the United States Munitions List are permitted, and all sales to these persons of any defense articles, defense services, or design and construction services under the Arms Export Control Act are terminated; and

4. No new individual licenses shall be granted for the transfer to these foreign persons of items the export of which is controlled under the Export Control Reform Act of 2018 or the Export Administration Regulations, and any existing such licenses are suspended.

These measures shall be implemented by the responsible departments and agencies of the U.S. Government and will remain in place for two years from the effective date, except to the extent that the Secretary of State may subsequently determine otherwise. These measures are independent of and in addition to any other sanctions imposed on such entities and/or

individuals by other Federal agencies under separate legal authorities.

Ann K. Ganzer,

Acting Assistant Secretary for International Security and Nonproliferation, Department of State.

[FR Doc. 2024–11588 Filed 5–24–24; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 12418]

Notice of Public Meeting in Preparation for International Maritime Organization TC 74 Meeting

The Department of State will conduct a public meeting at 10:00 a.m. on Tuesday, June 18, 2024, both in-person at Coast Guard Headquarters in Washington, DC, and via teleconference. The primary purpose of the meeting is to prepare for the 74th session of the International Maritime Organization's (IMO) Technical Cooperation Committee (TC 74) to be held at the IMO Headquarters in London, United Kingdom from Monday, June 24, to Friday, June 28, 2024.

Members of the public may participate up to the capacity of the teleconference phone line, which can handle 500 participants or up to the seating capacity of the room if attending in-person. The meeting location will be the United States Coast Guard Headquarters, 5PS Conference Room, and the teleconference line will be provided to those who RSVP. To RSVP, participants should contact the meeting coordinator, LT Emily Rowan, by email at Emily.K.Rowan@uscg.mil. LT Rowan will provide access information for in-person and virtual attendance.

The agenda items to be considered at this meeting mirror those to be considered at TC 74, and include:

- Adoption of the agenda
- Work of other bodies and organizations
- Technical Cooperation Planning and Reporting: Annual Report for 2023
- Resource mobilization and partnerships:
- The 2030 Agenda for Sustainable Development
- The Capacity-Building Decade 2021–2030 Strategy
- Regional presence and coordination
- IMO Member State Audit Scheme
- Capacity-building: Strengthening the impact of women in the maritime sector
- Global maritime training institution
- Application of the Committee's method of work
- Work programme

—Election of Chair and Vice-Chair for 2025

—Any other business

—Consideration of the report of the Committee on its seventy-fourth session

Please note: The IMO may, on short notice, adjust the TC 74 agenda to accommodate the constraints associated with the virtual meeting format. Any changes to the agenda will be reported to those who RSVP.

Those who plan to participate may contact the meeting coordinator, LT Emily Rowan, by email at Emily.K.Rowan@uscg.mil, by phone at (202) 372–1376, or in writing at United States Coast Guard (CG–5PS), ATTN: LT Emily Rowan, 2703 Martin Luther King Jr. Ave. SE Stop 7509, Washington DC 20593–7509. Members of the public needing reasonable accommodation should advise LT Emily Rowan no later than June 4, 2024. Requests made after that date will be considered, but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: <https://www.dco.uscg.mil/IMO>.

(Authority: 22 U.S.C. 2656 and 5 U.S.C. 552)

Leslie W. Hunt,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2024–11652 Filed 5–24–24; 8:45 am]

BILLING CODE 4710–09–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2024–0007]

Request for Comments on Proposed Modifications and Machinery Exclusion Process in Four-Year Review of Actions Taken in the Section 301 Investigation: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Request for comments.

SUMMARY: In a notice published on September 8, 2022, USTR announced that the July 6, 2018 and August 23, 2018 actions, as modified, in the section 301 investigation of China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation did not terminate on their four-year anniversary dates and would continue. The notice also announced that the U.S. Trade Representative would conduct a review

of the actions. In connection with that review, and at the specific direction of the President, the U.S. Trade Representative is proposing modifications to the actions by adding or increasing *ad valorem* rates of duty, as directed by the President, for certain products of China in strategic sectors. In addition, the U.S. Trade Representative is proposing subheadings eligible for an exclusion process by which interested persons may request that particular machinery used in domestic manufacturing be temporarily excluded from these tariffs. The U.S. Trade Representative also is proposing to modify the actions by granting 19 temporary exclusions for certain solar manufacturing equipment. The products subject to these proposed modifications and the products being proposed for the exclusion process are set out in annexes to this notice. USTR is seeking public comments regarding the proposed modifications and exclusion process.

DATES: May 29, 2024, at 12:01 a.m. EDT: The public docket on the web portal at <https://comments.ustr.gov> will open for interested persons to submit comments.

June 28, 2024, at 11:59 p.m. EST: To be assured of consideration, submit written comments on the public docket by this date.

ADDRESSES: You must submit all comments through the online portal: <https://comments.ustr.gov>.

FOR FURTHER INFORMATION CONTACT: Philip Butler and Megan Grimball, Chairs of the Section 301 Committee, (202) 395-5725.

SUPPLEMENTARY INFORMATION:

A. Background

On August 24, 2017, the U.S. Trade Representative initiated an investigation into certain acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation under section 301 of the Trade Act of 1974, as amended (Trade Act) (19 U.S.C. 2411). See 82 FR 40213. In a notice published on April 6, 2018, the U.S. Trade Representative determined that acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation were unreasonable or discriminatory, and burdened or restricted U.S. commerce, and thus were actionable under section 301(b) of the Trade Act (19 U.S.C. 2411(b)). See 83 FR 14906.

Following a notice and comment process on the proposed action to be taken in the investigation, the U.S. Trade Representative took two actions under section 301 of the Trade Act: the

July 6, 2018 action, covering an approximate annual trade value of \$34 billion (List 1), and the August 23, 2018 action, covering an approximate annual trade value of \$16 billion (List 2). See 83 FR 28710 (July 6, 2018 action) and 83 FR 40823 (August 23, 2018 action). These actions subsequently were modified by imposing additional duties on supplemental lists of products, known as Lists 3 and 4, as well as by the temporary removal of duties on certain products through product exclusions.

On May 5, 2022, USTR announced that under section 307(c)(2) of the Trade Act (19 U.S.C. 2417(c)(2)), the July 6, 2018 and August 23, 2018 actions, as modified, were subject to possible termination on their respective four-year anniversary dates (*i.e.*, July 6, 2022, and August 23, 2022, respectively) and of the opportunity for representatives of domestic industries that benefit from the trade actions to request continuation of the actions during the last 60 days of such four-year periods. See 87 FR 26797.

On September 8, 2022, USTR announced that the July 6, 2018 and August 23, 2018 actions, as modified, would remain in effect because at least one representative of a domestic industry that benefits from each action submitted to the U.S. Trade Representative a request for continuation of the actions. See 87 FR 55073. The notice also announced that in accordance with section 307(c)(3) of the Trade Act (19 U.S.C. 2417(c)(3)), the U.S. Trade Representative would conduct a review of the July 6, 2018 and August 23, 2018 actions, as modified. See 87 FR 55073.

To aid in this review, on November 15, 2022, USTR opened a docket for interested persons to submit comments with respect to a number of considerations concerning the review. See 87 FR 62914. USTR received approximately 1,500 comments.

Pursuant to section 307(c)(3) of the Trade Act (19 U.S.C. 2417(c)(3)), and based on information obtained during the review, including the written submissions, USTR, in consultation with the Section 301 Committee, prepared a comprehensive report that included findings on the effectiveness of the July 6, 2018 and August 23, 2018 actions, as modified, in achieving the objectives of the investigation, other actions that could be taken, and the effects of such actions on the United States economy, including consumers. The report, *Four-Year Review of Actions Taken in the Section 301 Investigation: China's Acts, Policies, and Practices Related to Technology Transfer*,

Intellectual Property, and Innovation (the Report), was published on May 14, 2024, and is available on the USTR website at [https://ustr.gov/sites/default/files/05.14.2024%20Four%20Year%20Review%20of%20China%20Tech%20Transfer%20Section%20301%20\(Final\).pdf](https://ustr.gov/sites/default/files/05.14.2024%20Four%20Year%20Review%20of%20China%20Tech%20Transfer%20Section%20301%20(Final).pdf). The Report is incorporated into this notice by reference.

As detailed in the Report, the U.S. Trade Representative has found that:

- The section 301 actions have been effective in encouraging China to take steps toward eliminating some of its technology transfer-related acts, policies, and practices, and have reduced some of the exposure of U.S. persons and businesses to these technology transfer-related acts, policies, and practices.

- China has not eliminated many of its technology transfer-related acts, policies, and practices, which continue to impose a burden or restriction on U.S. commerce. Instead of pursuing fundamental reform, China has persisted, and even become more aggressive, particularly through cyber intrusions and cybertheft, in its attempts to acquire and absorb foreign technology, which further burden or restrict U.S. commerce.

- Economic analyses generally find that the duties have had small negative effects on U.S. aggregate economic welfare, positive impacts on U.S. production in the ten sectors most directly affected by the duties, and minimal impacts on economy-wide prices and employment.

- Economic analyses, including the principal U.S. Government analysis published by the U.S. International Trade Commission, generally find that the Section 301 tariffs have contributed to reducing U.S. imports of goods from China and increasing imports from alternate sources, including U.S. allies and partners, thereby potentially supporting U.S. supply chain diversification and resilience.

Based on these findings, the U.S. Trade Representative recommended to the President that section 301 tariffs on covered products be maintained. To further encourage China to eliminate the investigated acts, policies, and practices, the U.S. Trade Representative recommended enhancing the effectiveness of the tariff actions by adding or increasing section 301 tariffs on certain products in strategic sectors. The proposed modification includes products targeted by China for dominance, or are products in sectors where the United States has recently made significant investments.

Taking into consideration the U.S. Trade Representative's findings and recommendations, on May 14, 2024, the President issued a Memorandum that directed the U.S. Trade Representative to: "maintain, as appropriate and consistent with this memorandum, the *ad valorem* rates of duty and lists of products subject to the [actions] taken under the [s]ection 301 investigation" and "[t]o further encourage China to eliminate the acts, policies, and practices at issue, and to counteract the burden or restriction of these acts, policies, and practices, the Trade Representative shall modify the [actions taken in the investigation] to increase [s]ection 301 *ad valorem* rates of duty" for certain specified products of China. See <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/05/14/memorandum-on-actions-by-the-united-states-related-to-the-statutory-4-year-review-of-the-section-301-investigation-of-chinas-acts-policies-and-practices-related-to-technology-transfer-intellectual/>. The President's Memorandum specified categories of products for proposed tariff increases, tariff rates for those products, and year for tariff increases.

The President also directed the U.S. Trade Representative to establish a process by which interested persons may request that particular machinery used in domestic manufacturing classified within a subheading under Chapters 84 and 85 of the Harmonized Tariff Schedule of the United States (HTSUS) be temporarily excluded from section 301 tariffs, and that the U.S. Trade Representative prioritize, in particular, exclusions for certain solar manufacturing equipment.

B. Proposed Modifications to the Actions

Pursuant to sections 307(c) and 307(a)(1) of the Trade Act (19 U.S.C. 2417(c), (a)(1)), the U.S. Trade Representative may modify or terminate any action, subject to the specific direction, if any, of the President with respect to such action, that is being taken under Section 301 if the burden or restriction on United States commerce of the acts, policies, and practices that are the subject of such action has increased or decreased, or such action is being taken under section 301(b) and no longer is appropriate. Section 301(c)(3)(B) of the Trade Act (19 U.S.C. 2411(c)(3)(B)) authorizes the U.S. Trade Representative to take action against any goods or economic sector of the foreign country concerned regardless of whether or not such goods or economic sector are involved in the act, policy, or practice subject to

investigation. In accordance with sections 307(c) and 307(a)(1)(B) and (C) of the Trade Act (19 U.S.C. 2417(c), (a)(1)(B) and (C)), and in accordance with the specific direction of the President, the U.S. Trade Representative is proposing certain modifications to the actions.

Consistent with the President's direction to increase section 301 tariff rates on certain categories of products, included in Annex A to this notice are 382 HTSUS subheadings and 5 statistical reporting numbers of the HTSUS, with an approximate annual trade value of \$18 billion (2023). The President has directed that increases for certain products take effect in 2024, 2025, and 2026. The U.S. Trade Representative is proposing that increases in 2024 be effective August 1, 2024, and that increases in 2025 and 2026 be effective January 1 of the corresponding year.

In addition to the proposed modifications in Annex A, consistent with the President's direction, the U.S. Trade Representative is establishing an exclusion process by which interested persons may request that particular machinery used in domestic manufacturing and classified within certain subheadings under Chapters 84 and 85 of HTSUS be temporarily excluded from section 301 tariffs. The HTSUS subheadings eligible for consideration of temporary exclusion are set forth in Annex B to this notice. Procedures for requesting exclusions under this process will be published in a separate notice. Exclusions granted through this process will be effective through May 31, 2025.

Finally, to support domestic production and decrease reliance on China in a strategic sector, the U.S. Trade Representative is proposing 19 temporary exclusions for solar manufacturing equipment. The proposed temporary exclusions are set forth in Annex C to this notice. The proposed exclusions will be effective the date of this notice and through May 31, 2025.

C. Request for Public Comments

In accordance with section 307(a)(2) of the Trade Act (19 U.S.C. 2417(a)(2)), USTR invites comments from interested persons with respect to the proposed modifications. To be assured of consideration, you must submit written comments by June 28, 2024.

With respect to USTR's proposed modifications to Section 301 tariff rates on certain products from China listed in Annex A, interested persons are invited to comment on:

- The effectiveness of the proposed modification in obtaining the elimination of, or in counteracting, China's acts, policies, and practices related to technology transfer, intellectual property, and innovation.

- The effects of the proposed modification on the U.S. economy, including consumers.

- The scope of the product description to cover ship-to-shore cranes under subheading 8426.19.00 (transporter cranes, gantry cranes and bridge cranes).

- With respect to facemasks, medical gloves, syringes and needles, whether the tariff rates should be higher than the proposed rates.

- With respect to facemasks, whether additional statistical reporting codes under tariff subheading 6307.90.98 should be included.

- Whether the tariff subheadings identified for each product and sector adequately cover the products and sectors included in the President's direction to the U.S. Trade Representative.

With respect to the exclusion process, USTR seeks comments on whether the subheadings listed in Annex B should or should not be eligible for consideration in the machinery exclusion process and whether Annex B omits certain subheadings under Chapters 84 and 85 that cover machinery used in domestic manufacturing that should be included.

With respect to the proposed solar manufacturing machinery exclusions in Annex C, USTR requests comments on the scope of each exclusion, including any suggested amendments to the product description.

In order to facilitate preparation of comments prior to the May 29 opening of the web portal, USTR intends to post a copy of questions for the docket by May 24, 2024. The questions will be posted at <https://comments.ustr.gov>.

D. Procedures for Written Submissions

You must submit written comments using the appropriate docket on the portal at <https://comments.ustr.gov/>. To submit written comments, use the docket on the portal entitled *Request for Comments: Proposed Modifications to the Section 301 Actions and Proposed Exclusion Process*, docket number USTR-2024-0007.

You do not need to establish an account to submit comments. The first screen of the docket allows you to enter identification and contact information. Third party organizations such as law firms, trade associations, or customs brokers, should identify the full legal name of the organization they represent,

and identify the primary point of contact for the submission. Information fields are optional; however, your comment may not be considered if insufficient information is provided.

Fields with a gray Business Confidential Information (BCI) notation are for BCI that will not be made publicly available. Fields with a green (Public) notation will be viewable by the public.

After entering the identification and contact information, you can complete the remainder of the comment, or any portion of it by clicking 'Next.' You may upload documents at the end of the form and indicate whether USTR should

treat the documents as business confidential or public information.

Any page containing BCI must be clearly marked 'BUSINESS CONFIDENTIAL' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is BCI. If you request business confidential treatment, you must certify in writing that the information would not customarily be released to the public.

Parties uploading attachments containing BCI also must submit a public version of their comments. If these procedures are not sufficient to

protect BCI or otherwise protect business interests, please contact the USTR Section 301 support line at (202) 395-5725 to discuss whether alternative arrangements are possible.

USTR will post attachments uploaded to the docket for public inspection, except for properly designated BCI. You can view submissions on USTR's electronic portal at <https://comments.ustr.gov>.

Juan Millan,

Acting General Counsel, Office of the United States Trade Representative.

BILLING CODE 3290-F4-P

Annex A**Proposed Modifications to Section 301 Tariffs****Battery Parts (Non-lithium-ion Batteries)**

HTSUS Subheading	Product Description	Rate	Timing
8507.90.40	Parts of lead-acid storage batteries, including separators therefor	25%	2024

Electric Vehicles

HTSUS Subheading	Product Description	Rate	Timing
8702.40.31	Motor vehicles w/electric motor, to transport 16 or more persons, incl driver	100%	2024
8702.40.61	Motor vehicles w/electric motor, to transport 10 to 15 persons, incl driver	100%	2024
8702.90.31	Motor vehicles nesoi, to transport 16 or more persons, incl driver	100%	2024
8702.90.61	Motor vehicles nesoi, to transport 10 to 15 persons, incl driver	100%	2024
8703.60.00	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine & elec motor capable of charge by plug to external source	100%	2024
8703.70.00	Motor vehicles to transport persons, w/diesel engine & elec motor capable of charge by plug to external source	100%	2024
8703.80.00	Motor vehicles to transport persons, w/electric motor for propulsion	100%	2024
87039001	Motor vehicles to transport persons, nesoi	100%	2024

Facemasks

HTSUS Subheading	Product Description	Rate	Timing
6307.90.9845	N95 Respirators of Textiles	25%	2024
6307.90.9850	Respirators of Textiles, Other than N95	25%	2024
6307.90.9875	Face Masks of Textiles, Other than Disposable	25%	2024

Lithium-ion Electrical Vehicle Batteries

HTSUS Subheading	Product Description	Rate	Timing

8507.60.0010	Lithium-ion batteries of a kind used as the primary source of electrical power for electrically powered vehicles of subheadings 870340, 870350, 870360, 870370 or 870380	25%	2024

Lithium-ion Non-electrical Vehicle Batteries

HTSUS Subheading	Product Description	Rate	Timing
8507.60.0020	Lithium ion batteries: Other	25%	2026

Medical Gloves

HTSUS Subheading	Product Description	Rate	Timing
4015.12.10	Medical or surgical gloves of vulcanized rubber other than hard rubber	25%	2026

Natural Graphite

HTSUS Subheading	Product Description	Rate	Timing
2504.10.10	Natural graphite, crystalline flake (not including flake dust)	25%	2026
2504.10.50	Natural graphite in powder or flakes (other than crystalline flake)	25%	2026
2504.90.00	Natural graphite, other than in powder or in flakes	25%	2026

Other Critical Minerals

HTSUS Subheading	Product Description	Rate	Timing
2602.00.00	Manganese ores and concentrates including ferruginous manganese ores & concentrates with manganese content over 20% calculated on dry weight	25%	2024
2605.00.00	Cobalt ores and concentrates	25%	2024
2606.00.00	Aluminum ores and concentrates	25%	2024
2608.00.00	Zinc ores and concentrates	25%	2024
2610.00.00	Chromium ores and concentrates	25%	2024
2611.00.60	Tungsten concentrates	25%	2024
2825.90.30	Tungsten oxides	25%	2024
2841.80.00	Tungstates (wolframates)	25%	2024
2844.41.00	Tritium and its compounds, alloys, dispersions, ceramic products and mixtures thereof	25%	2024
2844.42.00	Actinium, californium, curium, einsteinium, gadolinium, polonium, radium, uranium & their compounds, alloys, dispersions, ceramic products & mixtures	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
2844.43.00	Other radioactive elements, isotopes, compounds, nesoi; alloys, dispersions, ceramic products and mixtures thereof	25%	2024
2844.44.00	Radioactive residues	25%	2024
2849.90.30	Tungsten carbide	25%	2024
7202.60.00	Ferronickel	25%	2024
7202.93.40	Ferroniobium containing by weight less than 0.02 percent of phosphorus or sulfur or less than 0.4 percent of silicon	25%	2024
7202.93.80	Ferroniobium, nesoi	25%	2024
7901.11.00	Zinc (o/than alloy), unwrought, containing o/99.99% by weight of zinc	25%	2024
7901.12.10	Zinc (o/than alloy), unwrought, casting-grade zinc, containing at least 97.5% but less than 99.99% by weight of zinc	25%	2024
7901.12.50	Zinc (o/than alloy), unwrought, o/than casting-grade zinc, containing at least 97.5% but less than 99.99% by wt. of zinc	25%	2024
7901.20.00	Zinc alloy, unwrought	25%	2024
8001.10.00	Tin (o/than alloy), unwrought	25%	2024
8001.20.00	Tin alloy, unwrought	25%	2024
8101.10.00	Tungsten, powders	25%	2024
8103.20.00	Tantalum, unwrought (including bars and rods obtained simply by sintering); tantalum powders	25%	2024
8112.21.00	Chromium, unwrought; chromium powders	25%	2024
8112.92.30	Indium, unwrought; indium powders	25%	2024

Permanent Magnets

HTSUS Subheading	Product Description	Rate	Timing
8505.11.00	Permanent magnets and articles intended to become permanent magnets after magnetization, of metal	25%	2026

Semiconductors

HTSUS Subheading	Product Description	Rate	Timing
8541.10.00	Diodes, other than photosensitive or light-emitting diodes	50%	2025
8541.21.00	Transistors, other than photosensitive transistors, with a dissipation rating of less than 1 W	50%	2025
8541.29.00	Transistors, other than photosensitive transistors, with a dissipation rating of 1 W or more	50%	2025

8541.30.00	Thyristors, diacs and triacs, other than photosensitive devices	50%	2025
8541.49.10	Other photosensitive semiconductor diodes, other than light-emitting	50%	2025
8541.49.70	Photosensitive transistors	50%	2025
8541.49.80	Photosensitive semiconductor devices nesoi, optical coupled isolators	50%	2025
8541.49.95	Other photosensitive semiconductor devices, other than diodes or transistors, nesoi	50%	2025
8541.51.00	Other semiconductor-based transducers, other than photosensitive transducers	50%	2025
8541.59.00	Other semiconductor devices, other than semiconductor-based transducers, other than photosensitive devices, nesoi	50%	2025
8541.90.00	Parts of diodes, transistors, similar semiconductor devices, photosensitive semiconductor devices, LED's and mounted piezoelectric crystals	50%	2025
8542.31.00	Electronic integrated circuits: processors and controllers	50%	2025
8542.32.00	Electronic integrated circuits: memories	50%	2025
8542.33.00	Electronic integrated circuits: amplifiers	50%	2025
8542.39.00	Electronic integrated circuits: other	50%	2025
8542.90.00	Parts of electronic integrated circuits and microassemblies	50%	2025

Ship-to-Shore Cranes

Proposed Product Description	Rate	Timing
Ship-to-shore gantry cranes, configured as a high- or low-profile steel superstructure and designed to unload intermodal containers from vessels with coupling devices for containers, including spreaders or twist-locks (classified in subheading 8426.19.00)	25%	2024

Solar Cells (whether or not assembled into modules)

HTSUS Subheading	Product Description	Rate	Timing
8541.42.00	Photovoltaic cells, not assembled in modules or made up into panels	50%	2024
8541.43.00	Photovoltaic cells assembled in modules or made up into panels	50%	2024

Steel and Aluminum Products

HTSUS Subheading	Product Description	Rate	Timing
7206.10.00	Iron and nonalloy steel ingots	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7206.90.00	Iron and nonalloy steel in primary forms (o/than ingots)	25%	2024
7207.11.00	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, w/rect. cross sect.(incl. sq.), w/width less than twice thickness	25%	2024
7207.12.00	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, w/rect. cross sect. (exclud. sq.), nesoi	25%	2024
7207.19.00	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, o/than w/rect. cross section	25%	2024
7207.20.00	Iron or nonalloy steel semifinished products, w/0.25% or more of carbon	25%	2024
7208.10.15	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/patterns in relief, in coils, pickled, not clad/plated/coated	25%	2024
7208.10.30	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled product, in coil, w/pattern in relief, w/thick 4.75mm+, not pickld, not clad/plated/coatd	25%	2024
7208.10.60	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled product, in coil, w/pattern in relief, w/thick <4.75mm, not pickld, not clad/plated/coatd	25%	2024
7208.25.30	Nonalloy hi-strength steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm+, pickled, not clad/plated/coated	25%	2024
7208.25.60	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.7mm or more, pickled, not clad/plated/coated	25%	2024
7208.26.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 3mm or mor but less 4.75mm, pickled, not clad/plated	25%	2024
7208.27.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick less than 3mm, pickled, not clad/plated/coated	25%	2024
7208.36.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick o/10mm, not pickled/clad/plated/coated	25%	2024
7208.37.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm or more & n/o 10mm, not pickled/clad/plated	25%	2024
7208.38.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 3mm or more & less 4.75mm, not pickld/clad/plated	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7208.39.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick less than 3mm, not pickled/clad/plated/coated	25%	2024
7208.40.30	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/pattern in relief, not coils, w/thick 4.75 or more, n/clad/plated/coated	25%	2024
7208.40.60	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/pattern in relief, not coils, w/thick < 4.75mm, not clad/plated/coated	25%	2024
7208.51.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, nesoi, not in coils, w/thick o/10mm, not clad/plated/coated	25%	2024
7208.52.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, neosi, not in coils, w/thick 4.75mm+ but n/o 10mm, not clad/plated/	25%	2024
7208.53.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, neosi, not in coils, w/thick 3mm+ but < 4.75mm, not clad/plated/coated	25%	2024
7208.54.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, neosi, not in coils, w/thick less than 3mm, not clad/plated/coated	25%	2024
7208.90.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, nesoi, not clad/plated/coated	25%	2024
7209.15.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 3mm+, not clad/plated/coated	25%	2024
7209.16.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick o/1mm but less than 3mm, not clad/plated/coated	25%	2024
7209.17.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 0.5mm or more but n/o 1mm, not clad/plated/coated	25%	2024
7209.18.15	Nonalloy hi-strength steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick less than 0.5mm, not clad/plated/coated	25%	2024
7209.18.25	Nonalloy steel(blackplate), width 600mm+, cold-rolled flat-rolled products, in coils, w/thick less than 0.361mm, not clad/plated/coated	25%	2024
7209.18.60	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 0.361mm+ but less 5mm, not clad/plated/coated	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7209.25.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick 3mm or more, not clad/plated/coated	25%	2024
7209.26.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick o/1mm but less than 3mm, not clad/plated/coated	25%	2024
7209.27.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick 0.5mm+ but n/o 1mm, not clad/plated/coated	25%	2024
7209.28.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick less than 0.5mm, not clad/plated/coated	25%	2024
7209.90.00	Iron/nonalloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, not clad/plated/coated, nesoi	25%	2024
7210.11.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with tin, w/thick. 0.5 mm or more	25%	2024
7210.12.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with tin, less than 0.5 mm thick	25%	2024
7210.20.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with lead, including terneplate	25%	2024
7210.30.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, electrolytically plated or coated with zinc	25%	2024
7210.41.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with zinc (other than electrolytically), corrugated	25%	2024
7210.49.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with zinc (other than electrolytically), not corrugated	25%	2024
7210.50.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with chromium oxides or with chromium and chromium oxides	25%	2024
7210.61.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with aluminum-zinc alloys	25%	2024
7210.69.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with aluminum o/than aluminum-zinc alloy	25%	2024
7210.70.30	Iron/nonalloy steel, width 600mm+, flat-rolled products, painted/varnished or coated w/plastic but not plated/coated or clad w/metal	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7210.70.60	Iron/nonalloy steel, width 600mm+, flat-rolled products, painted/varnished or coated w/plastic, nesoi	25%	2024
7210.90.10	Iron/nonalloy steel, width 600mm+, flat-rolled products, clad	25%	2024
7210.90.60	Iron/nonalloy steel, width 600mm+, flat-rolled products, electrolytically coated or plated with base metal, nesoi	25%	2024
7210.90.90	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated, nesoi	25%	2024
7211.13.00	Iron/nonalloy steel, width less th/600mm, hot-rolled flat-rolled universal mill plate, not clad/plated/coated	25%	2024
7211.14.00	Iron/nonalloy steel, width less th/600mm, hot-rolled flat-rolled products, nesoi, w/thick of 4.75mm or more, not clad/plated/coated	25%	2024
7211.19.15	Nonalloy hi-strength steel, width less th/300mm, hot-rolled flat-rolled products, not clad/plated/coated	25%	2024
7211.19.20	Iron/nonalloy steel, nesoi, width less th/300mm, hot-rolled flat-rolled products, w/thick o/1.25 mm but n/o 4.75 mm, n/clad/plated/coated	25%	2024
7211.19.30	Iron/nonalloy steel, nesoi, width less th/300mm, hot-rolled flat-rolled products, w/thick 1.25mm or less, not clad/plated/coated	25%	2024
7211.19.45	Nonalloy hi-strength steel, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, not clad/plated/coated	25%	2024
7211.19.60	Iron/nonalloy steel, nesoi, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, pickled, not clad/plated/coated	25%	2024
7211.19.75	Iron/nonalloy steel, nesoi, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, not pickled, not clad/plated/coated	25%	2024
7211.23.15	Nonalloy hi-strength steel, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/1.25mm, not clad/plated/coated	25%	2024
7211.23.20	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/1.25mm, not clad/plated/coated	25%	2024
7211.23.30	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25%	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
	carbon, w/thick o/0.25mm n/o 1.25mm, not clad/plated		
7211.23.45	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick n/o 0.25mm, not clad/plated/coated	25%	2024
7211.23.60	Iron/nonalloy steel, nesoi, width 300mm+ but less th/600mm, cold-rolled flat-rolled, <0.25% carbon, not clad/plated/coated	25%	2024
7211.29.20	Iron/nonalloy steel, width less th/300mm, cold-rolled flat-rolled, w/0.25% or more carbon, w/thick o/0.25mm, not clad/plated/coated	25%	2024
7211.29.45	Iron/nonalloy steel, width less th/300mm, cold-rolled flat-rolled, w/0.25% or more carbon, w/thick 0.25mm or less, not clad/plated/coated	25%	2024
7211.29.60	Iron/nonalloy steel, width 300mm+ but less th/600mm, cold-rolled flat-rolled, w/0.25% or more carbon, not clad/plated/coated	25%	2024
7211.90.00	Iron/nonalloy steel, width less th/600mm, flat-rolled further worked than cold-rolled, not clad, plated or coated	25%	2024
7212.10.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, plated or coated with tin	25%	2024
7212.20.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, electrolytically plated or coated with zinc	25%	2024
7212.30.10	Iron/nonalloy steel, width less th/300mm, flat-rolled products, plated/coated with zinc (other than electrolytically), w/thick o/0.25mm	25%	2024
7212.30.30	Iron/nonalloy steel, width less th/300mm, flat-rolled products, plated/coated w/zinc (other than electrolytically), w/thick 0.25mm or less	25%	2024
7212.30.50	Iron/nonalloy steel, width 300+ but less th/600mm, flat-rolled products, plated or coated with zinc (other than electrolytically)	25%	2024
7212.40.10	Iron/nonalloy steel, width less th/300mm, flat-rolled products, painted, varnished or coated w/plastic	25%	2024
7212.40.50	Iron/nonalloy steel, width 300+ but less th/600mm, flat-rolled products, painted, varnished or coated w/plastic	25%	2024
7212.50.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, plated or coated nesoi	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7212.60.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, clad	25%	2024
7213.10.00	Iron/nonalloy, concrete reinforcing bars and rods in irregularly wound coils, hot-rolled	25%	2024
7213.20.00	Free-cutting steel, bars and rods in irregularly wound coils, hot-rolled	25%	2024
7213.91.30	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, n/tempered/treated/partly mfd	25%	2024
7213.91.45	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, w/0.6%+ of carbon, nesoi	25%	2024
7213.91.60	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, w/less th/0.6% carbon, nesoi	25%	2024
7213.99.00	Iron/nonalloy steel, nesoi, hot-rolled bars & rods, w/cir. x-sect. diam 14+mm or non-circ. x-sect., in irregularly wound coils, nesoi	25%	2024
7214.20.00	Iron/nonalloy steel, concrete reinforcing bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, n/coils	25%	2024
7214.30.00	Free-cutting steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, n/coils, nesoi	25%	2024
7214.91.00	Iron/nonalloy steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, w/rectangular (o/than square) X-section	25%	2024
7214.99.00	Iron/nonalloy steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, w/non-rectangular X-sect, not in coils	25%	2024
7215.10.00	Free-cutting steel, bars and rods, not further worked than cold-formed or cold-finished, not in coils	25%	2024
7215.50.00	Iron/nonalloy steel nesoi, bars and rods, not further wkd. than cold-formed or cold-finished, not in coils	25%	2024
7215.90.10	Iron/nonalloy steel, bars and rods, not cold-formed, plated or coated with metal	25%	2024
7215.90.30	Iron/nonalloy steel, bars and rods, cold-formed, plated or coated with metal	25%	2024
7215.90.50	Iron/nonalloy steel, bars and rods, further worked than cold-formed or cold-finished, nesoi	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7216.10.00	Iron/nonalloy steel, U,I or H-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height under 80 mm	25%	2024
7216.21.00	Iron/nonalloy steel, L-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height under 80 mm	25%	2024
7216.22.00	Iron/nonalloy steel, T-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height under 80 mm	25%	2024
7216.31.00	Iron/nonalloy steel, U-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height of 80 mm or more	25%	2024
7216.32.00	Iron/nonalloy steel, I-sections (standard beams), not further worked than hot-rolled, hot-drawn or extruded, w/height 80 mm or more	25%	2024
7216.33.00	Iron/nonalloy steel, H-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height 80 mm or more	25%	2024
7216.40.00	Iron/nonalloy steel, L or T-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height 80 mm or more	25%	2024
7216.50.00	Iron/nonalloy steel, angles, shapes & sections nesoi, not further worked than hot-rolled, hot-drawn or extruded	25%	2024
7216.99.00	Iron/nonalloy steel, angles, shapes & sections nesoi, further wkd. than cold-formed or cold-finished and not from flat-rolled products	25%	2024
7217.10.10	Iron/nonalloy steel, flat wire, <0.25% carbon, not plated or coated, w/thick n/o 0.25 mm	25%	2024
7217.10.20	Iron/nonalloy steel, flat wire, <0.25% carbon, not plated or coated, w/thick o/0.25mm but n/o 1.25 mm	25%	2024
7217.10.30	Iron/nonalloy steel, flat wire, <0.25% carbon, not plated or coated, w/thick o/1.25 mm	25%	2024
7217.10.50	Iron/nonalloy steel, round wire, <0.25% carbon, not plated or coated, w/diameter of 1.5 mm or more	25%	2024
7217.10.60	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, not plated or coated	25%	2024
7217.10.70	Iron/nonalloy steel, flat wire, w/0.25% or more carbon, not plated or coated	25%	2024
7217.10.80	Iron/nonalloy steel, round wire, w/0.25% or more carbon, not plated or coated	25%	2024
7217.10.90	Iron/nonalloy steel, wire (other than flat or round), w/0.25% or more of carbon, not plated or coated	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7217.20.15	Iron/nonalloy steel, flat wire, plated or coated with zinc	25%	2024
7217.20.30	Iron/nonalloy steel, round wire, <0.25% carbon, plated or coated with zinc, w/diameter of 1.5 mm or more	25%	2024
7217.20.45	Iron/nonalloy steel, round wire, w/0.25% or more carbon and/or <1.5mm diam, plated or coated with zinc	25%	2024
7217.20.60	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, plated or coated with zinc	25%	2024
7217.20.75	Iron/nonalloy steel, wire (other than flat or round), w/0.25% or more of carbon, plated or coated with zinc	25%	2024
7217.30.15	Iron/nonalloy steel, flat wire, plated or coated with base metal other than zinc	25%	2024
7217.30.30	Iron/nonalloy steel, round wire, <0.25% carbon, plated or coated with base metal other than zinc, w/diam. of 1.5 mm or more	25%	2024
7217.30.60	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, plated or coated with base metal other than zinc	25%	2024
7217.30.75	Iron/nonalloy steel, wire (other than flat or round), w/0.25% or more of carbon, plated or coated with base metal other than zinc	25%	2024
7217.90.10	Iron/nonalloy steel, wire, coated with plastics	25%	2024
7217.90.50	Iron/nonalloy steel, wire, plated or coated with materials other than base metals or plastics	25%	2024
7218.10.00	Stainless steel, ingots and other primary forms	25%	2024
7218.91.00	Stainless steel, semifinished products of rectangular (other than square) cross-section	25%	2024
7218.99.00	Stainless steel, semifinished products, other than of rectangular (other than square) cross-section	25%	2024
7219.11.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thickness o/10 mm	25%	2024
7219.12.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. 4.75 mm or more but n/o 10 mm	25%	2024
7219.13.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. 3 mm or more but less than 4.75 mm	25%	2024
7219.14.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thickness less than 3 mm	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7219.21.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thickness o/10 mm	25%	2024
7219.22.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thick. 4.75 mm or more but n/o 10 mm	25%	2024
7219.23.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thick. 3 mm or more but less than 4.75 mm	25%	2024
7219.24.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thickness less than 3 mm	25%	2024
7219.31.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of 4.75 mm or more	25%	2024
7219.32.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of 3 mm or more but less than 4.75 mm	25%	2024
7219.33.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness o/1 mm but less than 3 mm	25%	2024
7219.34.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of 0.5 mm or more but n/o 1 mm	25%	2024
7219.35.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of less than 0.5 mm	25%	2024
7219.90.00	Stainless steel, width 600mm+, flat-rolled products, nesoi, further worked than cold-rolled	25%	2024
7220.12.10	Stainless steel, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, w/thickness of less than 4.75 mm	25%	2024
7220.12.50	Stainless steel, width less th/300mm, hot-rolled flat-rolled products, w/thickness of less than 4.75 mm	25%	2024
7220.20.10	Stainless steel, width 300+ but less th/600mm, cold-rolled flat-rolled products	25%	2024
7220.20.60	Stainless steel, width less th/300mm, cold-rolled flat-rolled products, w/thickness o/1.25 mm	25%	2024
7220.20.70	Stainless steel, width less th/300mm, cold-rolled flat-rolled products, w/ thickness of 0.25 mm but n/o 1.25 mm	25%	2024
7220.20.80	Stainless razor blade steel, width less th/300mm, cold-rolled flat-rolled, w/thickness n/o 0.25 mm	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7220.90.00	Stainless steel, width less th/600mm, flat-rolled products further worked than cold-rolled	25%	2024
7221.00.00	Stainless steel, bars and rods in irregularly wound coils, hot-rolled	25%	2024
7222.11.00	Stainless steel, bars and rods, hot-rolled, hot-drawn or extruded, of circular cross-section	25%	2024
7222.19.00	Stainless steel, bars and rods, hot-rolled, hot-drawn or extruded, other than of circular cross-section	25%	2024
7222.20.00	Stainless steel, bars and rods, not further worked than cold-formed or cold-finished, nesoi	25%	2024
7222.30.00	Stainless steel, bars and rods, further worked than cold-formed or cold-finished, nesoi	25%	2024
7222.40.30	Stainless steel, angles, shapes & sections, hot-rolled, not drilled/punched or otherwise advanced	25%	2024
7222.40.60	Stainless steel, angles, shapes & sections, other than hot-rolled and not drilled/punched or otherwise advanced	25%	2024
7223.00.10	Stainless steel, round wire	25%	2024
7223.00.50	Stainless steel, flat wire	25%	2024
7223.00.90	Stainless steel, wire (other than round or flat wire)	25%	2024
7224.10.00	Alloy (o/than stainless) steel, ingots and other primary forms	25%	2024
7224.90.00	Alloy (o/than stainless) steel, semifinished products	25%	2024
7225.11.00	Alloy silicon electrical steel (grain-oriented), width 600mm+, flat-rolled products	25%	2024
7225.19.00	Alloy silicon electrical steel (other than grain-oriented), width 600mm+, flat-rolled products	25%	2024
7225.30.11	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. of 4.75 mm or more	25%	2024
7225.30.30	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm+	25%	2024
7225.30.51	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. of less than 4.75 mm	25%	2024
7225.30.70	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled prod., in coils, w/thick less 4.75mm	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7225.40.11	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, n/coils, w/thick. of 4.75 mm or more	25%	2024
7225.40.30	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled products, n/coils, w/thick 4.75mm+	25%	2024
7225.40.51	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, n/coils, w/thick. of less than 4.75 mm	25%	2024
7225.40.70	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled prod., n/coils, w/thick less 4.75mm	25%	2024
7225.50.11	Alloy tool steel, width 600mm+, cold-rolled flat-rolled products	25%	2024
7225.50.60	Alloy steel (o/ than tool), width 600mm+, cold-rolled flat-rolled products, w/thickness 4.75 mm or more	25%	2024
7225.50.70	Alloy heat-resisting steel, width 600mm+, cold-rolled flat-rolled products, w/thickness less than 4.75 mm	25%	2024
7225.50.80	Alloy steel (o/th heat-resisting), width 600mm+, cold-rolled flat-rolled products, w/thickness less than 4.75 mm	25%	2024
7225.91.00	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, electrolytically plated or coated with zinc	25%	2024
7225.92.00	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, plated or coated with zinc (o/than electrolytically)	25%	2024
7225.99.00	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, nesoi	25%	2024
7226.11.10	Alloy silicon electrical steel (grain-oriented), width 300mm+ but less th/600mm, flat-rolled products	25%	2024
7226.11.90	Alloy silicon electrical steel (grain-oriented), width less th/300mm, flat-rolled products	25%	2024
7226.19.10	Alloy silicon electrical steel (o/than grain-oriented), width 300mm+ but less th/600mm, flat-rolled products	25%	2024
7226.19.90	Alloy silicon electrical steel (o/than grain-oriented), width less th/300mm, flat-rolled products	25%	2024
7226.20.00	Alloy high-speed steel, width less th/600mm, flat-rolled products of high-speed steel	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7226.91.05	Alloy chipper knife tool steel (o/than hi-speed), width less th/600mm, hot-rolled flat-rolled products	25%	2024
7226.91.15	Alloy tool steel (o/than hi-speed/chipper knife), width 300mm+ but less th/600mm, hot-rolled flat-rolled products	25%	2024
7226.91.25	Alloy tool steel (o/than hi-speed/chipper knife), width less th/300mm, hot-rolled flat-rolled products	25%	2024
7226.91.50	Alloy steel (o/than silicon elect./tool), width less th/600mm, hot-rolled flat-rolled products, w/thickness of 4.75 mm or more	25%	2024
7226.91.70	Alloy steel (o/than silicon elect./tool), width 300mm+ but less th/600mm, hot-rolled flat-rolled products, w/thickness less than 4.75 mm	25%	2024
7226.91.80	Alloy steel (o/than silicon elect./tool), width less th/300mm, hot-rolled flat-rolled products, w/thickness less than 4.75 mm	25%	2024
7226.92.10	Alloy tool steel (o/than hi-speed), width 300mm+ but less th/600mm, cold-rolled flat-rolled products	25%	2024
7226.92.30	Alloy tool steel (o/than hi-speed), width less th/300mm, cold-rolled flat-rolled products	25%	2024
7226.92.50	Alloy steel (o/than tool), width 300mm+ but less th/600mm, cold-rolled flat-rolled products	25%	2024
7226.92.70	Alloy steel (o/than tool), width less th/300mm, cold-rolled flat-rolled products, w/thickness n/o 0.25 mm	25%	2024
7226.92.80	Alloy steel (o/than tool), width less th/300mm, cold-rolled flat-rolled products, w/thickness o/0.25 mm	25%	2024
7226.99.01	Alloy steel, width less than 600mm, flat-rolled products further worked than cold-rolled, nesoi	25%	2024
7227.10.00	Alloy high-speed steel, bars and rods in irregularly wound coils, hmot-rolled	25%	2024
7227.20.00	Alloy silico-manganese steel, bars and rods in irregularly wound coils, hot-rolled	25%	2024
7227.90.10	Alloy tool steel (o/than hi-speed), bars & rods in irregular wound coils, hot-rolled, n/tempered, treated or partly manufactured	25%	2024
7227.90.20	Alloy tool steel (o/than hi-speed), bars and rods in irregularly wound coils, hot-rolled, nesoi	25%	2024
7227.90.60	Alloy steel (o/than hi-speed/silico-mang./tool) steel, bars and rods in irregularly wound coils, hot-rolled	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7228.20.10	Alloy silico-manganese steel, bars and rods, not cold-formed, o/than hot-rolled and in irregularly wound coils	25%	2024
7228.20.50	Alloy silico-manganese steel, bars and rods, cold formed, o/than hot-rolled and in irregularly wound coils	25%	2024
7228.30.40	Alloy chipper knife tool steel, bars and rods, not cold-formed & not further worked than hot-rolled, hot-drawn or extruded	25%	2024
7228.30.60	Alloy tool steel (o/than ball-bearing/chipper knife), bars and rods, not further worked than hot-rolled, hot-drawn or extruded	25%	2024
7228.30.80	Alloy steel (o/than hi-speed, silico-mang./tool), bars and rods, not further worked than hot-rolled, hot-drawn or extruded	25%	2024
7228.40.00	Alloy steel, bars and rods, not further worked than forged	25%	2024
7228.50.10	Alloy tool steel (o/than hi-speed), bars and rods, not further worked than cold-formed or cold-finished	25%	2024
7228.50.50	Alloy steel (o/than tool), bars and rods, not further worked than cold-formed or cold-finished	25%	2024
7228.60.10	Alloy tool steel (o/than hi-speed), bars and rods, further worked than hot-rolled, forged, cold-formed or cold-finished	25%	2024
7228.60.60	Alloy steel (o/than tool), bars and rods, further worked than hot-rolled, forged but not cold-formed	25%	2024
7228.60.80	Alloy steel (o/than tool), bars and rods, cold-formed	25%	2024
7228.70.30	Alloy steel, angles, shapes and sections, hot-rolled & not drilled/not punched and not otherwise advanced	25%	2024
7228.70.60	Alloy steel, angles, shapes and sections, o/than hot-rolled & not drilled/punched and not otherwise advanced	25%	2024
7229.20.00	Alloy silico-manganese steel, wire	25%	2024
7229.90.10	Alloy steel (o/than hi-speed/silico-mang.), flat wire	25%	2024
7229.90.50	Alloy steel (o/than hi-speed/silico-mang.), round wire	25%	2024
7229.90.90	Alloy steel (o/than hi-speed/silico-mang.), wire (o/than flat or round wire)	25%	2024
7301.10.00	Iron or steel sheet piling, whether or not drilled, punched or made from assembled elements	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7302.10.10	Iron or nonalloy steel, rails for railway or tramway tracks	25%	2024
7302.10.50	Alloy steel, rails for railway or tramway tracks	25%	2024
7302.40.00	Iron or steel, fish plates and sole plates for jointing or fixing rails	25%	2024
7302.90.10	Sleepers (cross-ties) for railway or tramway track construction of iron or steel	25%	2024
7302.90.90	Railway or tramway track construction material and other materials specialized for joining or fixing rails, of iron or steel, nesoi	25%	2024
7304.11.00	Stainless steel, seamless line pipe used for oil or gas pipelines	25%	2024
7304.19.10	Iron (o/than cast) or nonalloy steel, seamless line pipe used for oil and gas pipelines	25%	2024
7304.19.50	Alloy (other than stainless) steel, seamless line pipe used for oil or gas pipelines	25%	2024
7304.22.00	Stainless steel, seamless drill pipe, of a kind used in drilling for oil or gas	25%	2024
7304.23.30	Iron (o/than cast) or nonalloy steel, seamless drill pipe, of a kind used in drilling for oil or gas	25%	2024
7304.23.60	Alloy (other than stainless) steel, seamless drill pipe, of a kind used in drilling for oil or gas	25%	2024
7304.24.30	Stainless steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas	25%	2024
7304.24.40	Stainless steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas	25%	2024
7304.24.60	Stainless steel, seamless tubing, of a kind used in drilling for oil or gas	25%	2024
7304.29.10	Iron (o/than cast) or nonalloy steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas	25%	2024
7304.29.20	Iron (o/than cast) or nonalloy steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas	25%	2024
7304.29.31	Alloy (other than stainless) steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas	25%	2024
7304.29.41	Alloy (other than stainless) steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas	25%	2024
7304.29.50	Iron (o/than cast) or nonalloy, seamless tubing, of a kind used in drilling for oil or gas	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7304.29.61	Alloy (other than stainless) steel, seamless tubing, of a kind used in drilling for oil or gas	25%	2024
7304.31.30	Iron (o/than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, hollow bars w/circular cross section	25%	2024
7304.31.60	Iron (o/than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, tubes, pipes & hollow profiles, w/circular cross section, nesoi	25%	2024
7304.39.00	Iron (o/than cast) or nonalloy steel, seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow prof., w/circular cross sect., nesoi	25%	2024
7304.49.00	Stainless steel, seamless, not cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section	25%	2024
7304.51.10	Alloy steel (o/than stainless), seamless, cold-drawn/cold-rolled, tubes, pipes, etc., w/circ. cross sect., for mfr of ball/roller bearings	25%	2024
7304.51.50	Alloy steel (o/than stainless), seamless, cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section, nesoi	25%	2024
7304.59.10	Alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc. w/circ. cross sect., for mfr ball/roller bearings	25%	2024
7304.59.20	Alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc. w/circ. cross sect., for boilers, heaters, etc	25%	2024
7304.59.60	Heat-resisting alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc., w/circ. cross sect., nesoi	25%	2024
7304.59.80	Alloy steel (o/than heat-resist or stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes and hollow prof., w/circ. cross sect., nesoi	25%	2024
7304.90.10	Iron (o/than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness of 4 mm or more	25%	2024
7304.90.70	Alloy steel (o/than stainless), seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness less than 4 mm	25%	2024
7305.11.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. submerg. arc weld., used for oil/gas	25%	2024
7305.11.50	Alloy steel, seamed, circ. w/cross sect. & ext. diam o/406.4mm, line pipe, long. submerg. arc weld., used for oil/gas pipelines	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7305.12.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. welded nesoi, used for oil/gas	25%	2024
7305.12.50	Alloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. welded nesoi, used for oil/gas pipelines	25%	2024
7305.19.10	Iron or nonalloy steel, seamed, w/circ. cross sect.& ext. diam o/406.4mm, line pipe, not long. welded, used for oil/gas	25%	2024
7305.19.50	Alloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, not long. welded, used for oil/gas pipelines	25%	2024
7305.20.20	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, threaded/coupled, of kind for drilling for oil/gas	25%	2024
7305.20.40	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, n/threaded/coupled, of kind for drill. for oil/gas	25%	2024
7305.20.60	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, threaded/coupled, of kind for drilling for oil/gas	25%	2024
7305.20.80	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, n/threaded/coupled, of kind for drilling for oil/gas	25%	2024
7305.31.20	Steel, long. welded, w/circ. cross sect & ext. diam o/406.4mm, tapered pipes and tubes principally used as pts of illuminating arts.	25%	2024
7305.31.40	Iron or nonalloy steel, long. welded, w/circ. cross sect. & ext. diam. o/406.4mm, tubes and pipes, o/th used in oil/gas drill.etc	25%	2024
7305.31.60	Alloy steel, long. welded, w/circ. cross sect. & ext. diam. o/406.4mm, tubes and pipes, o/than used in oil/gas drill. or pipelines	25%	2024
7305.39.10	Iron or nonalloy steel, weld. o/than long. weld., w/circ. x-sect. & ext. diam. o/406.4mm, tubes and pipes, o/th used in oil/gas drill.etc	25%	2024
7305.39.50	Alloy steel, weld. o/than long. weld., w/circ. x-sect. & ext. diam. o/406.4mm, tubes and pipes, o/than used in oil/gas drill. or pipelines	25%	2024
7305.90.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, not welded, tubes and pipes, o/th used in oil/gas drill.etc	25%	2024
7305.90.50	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, not welded, tubes and pipes, o/than used in oil/gas drill. or pipelines	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7306.11.00	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil and gas pipelines	25%	2024
7306.19.10	Iron or nonalloy steel, seamed, w/ext. diam. 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil and gas pipelines	25%	2024
7306.19.51	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil an	25%	2024
7306.21.30	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind used in drilling for oil/gas	25%	2024
7306.21.40	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing of kind used in drilling for oil/gas	25%	2024
7306.21.80	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling for oil/gas	25%	2024
7306.29.10	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind used in drill. oil/gas	25%	2024
7306.29.20	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing kind used drill for oil/gas	25%	2024
7306.29.31	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind us	25%	2024
7306.29.41	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing of kind	25%	2024
7306.29.60	Iron or nonalloy steel, seamed, w/ext. diam. 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling for oil/gas	25%	2024
7306.29.81	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling	25%	2024
7306.30.10	Iron or nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. less than 1.65 mm	25%	2024
7306.30.30	Nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tapered pipes & tubes, w/wall thick. of 1.65 mm+, pts. of illum. arts.	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7306.30.50	Iron or nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, pipes, tubes & holl. prof., w/wall thick. of 1.65 mm or more	25%	2024
7306.40.10	Stainless steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. less than 1.65 mm	25%	2024
7306.40.50	Stainless steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. of 1.65 mm or more	25%	2024
7306.50.10	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow prof., w/wall thick. less th/1.65 mm	25%	2024
7306.50.30	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tapered pipes & tubes, w/wall thick. of 1.65 mm+, pts. illum	25%	2024
7306.50.50	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow prof., w/wall thick. of 1.65 mm+	25%	2024
7306.61.10	Iron or nonalloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more	25%	2024
7306.61.30	Alloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more	25%	2024
7306.61.50	Iron or nonalloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm	25%	2024
7306.61.70	Alloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm	25%	2024
7306.69.10	Iron or nonalloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more	25%	2024
7306.69.30	Alloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more	25%	2024
7306.69.70	Alloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm	25%	2024
7306.90.10	Iron or nonalloy steel, seamed o/welded, w/non-circ. x-sect. or circ. x-sect. w/ext. diam. 406.4mm or less, tubes, pipes & hollow profiles	25%	2024
7306.90.50	Alloy steel, seamed o/than welded, w/non-circ. x-sect or circ. x-sect w/ext. diam. 406.4mm or less, tubes, pipes and hollow profiles	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7601.10.30	Aluminum (o/than alloy), unwrought, in coils, w/uniform x-section throughout length & w/least cross-sectional dimension n/o 9.5 mm	25%	2024
7601.10.60	Aluminum (o/than alloy), unwrought nesoi	25%	2024
7601.20.30	Aluminum alloys, unwrought, in coils, w/uniform x-section throughout length & w/least cross-sectional dimension n/o 9.5 mm	25%	2024
7601.20.60	Aluminum alloys, w/25% or more by weight of silicon, unwrought nesoi	25%	2024
7601.20.90	Aluminum alloys nesoi, unwrought nesoi	25%	2024
7604.10.10	Aluminum (o/than alloy), profiles	25%	2024
7604.10.30	Aluminum (o/than alloy), bar and rods, with a round cross section	25%	2024
7604.10.50	Aluminum (o/than alloy), bar and rods, other than with a round cross section	25%	2024
7604.21.00	Aluminum alloy, hollow profiles	25%	2024
7604.29.10	Aluminum alloy, profiles (o/than hollow profiles)	25%	2024
7604.29.30	Aluminum alloy, bars and rods, having a round cross section	25%	2024
7604.29.50	Aluminum alloy, bars and rods, other than with a round cross section	25%	2024
7605.11.00	Aluminum (o/than alloy), wire, with a maximum cross-sectional dimension over 7 mm	25%	2024
7605.19.00	Aluminum (o/than alloy), wire, with a maximum cross-sectional dimension of 7 mm or less	25%	2024
7605.21.00	Aluminum alloy, wire, with a maximum cross-sectional dimension over 7 mm	25%	2024
7605.29.00	Aluminum alloy, wire, with a maximum cross-sectional dimension of 7 mm or less	25%	2024
7606.11.30	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), not clad	25%	2024
7606.11.60	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), clad	25%	2024
7606.12.30	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), not clad	25%	2024
7606.12.60	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), clad	25%	2024
7606.91.30	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), not clad	25%	2024

HTSUS Subheading	Product Description	Rate	Timing
7606.91.60	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), clad	25%	2024
7606.92.30	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), not clad	25%	2024
7606.92.60	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), clad	25%	2024
7607.11.30	Aluminum, foil, w/thickness n/o 0.01 mm, rolled but not further worked, not backed	25%	2024
7607.11.60	Aluminum, foil, w/thickness over 0.01 mm but n/o 0.15 mm, rolled but not further worked, not backed	25%	2024
7607.11.90	Aluminum, foil, w/thickness over 0.15 mm but n/o 0.2 mm, rolled but not further worked, not backed	25%	2024
7607.19.60	Aluminum, foil nesoi, w/thickness o/0.15mm but n/o 0.2 mm or 0.15mm or less & not cut to shape, not rolled, not backed, nesoi	25%	2024
7607.20.10	Aluminum, foil, w/thickness n/o 0.2 mm, backed, covered or decorated with a character, design, fancy effect or pattern	25%	2024
7608.10.00	Aluminum (o/than alloy), tubes and pipes	25%	2024
7608.20.00	Aluminum alloy, tubes and pipes	25%	2024
7609.00.00	Aluminum, fittings for tubes and pipes	25%	2024

Syringes and Needles

HTSUS Subheading	Product Description	Rate	Timing
9018.31.00	Syringes, with or without their needles; parts and accessories thereof	50%	2024
9018.32.00	Tubular metal needles and needles for sutures, used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof	50%	2024

Annex B

Proposed Lines for Machinery Exclusion Process

HTSUS Subheading	Product Description
8417.10.00	Furnaces and ovens for the roasting, melting or other heat treatment of ores, pyrites or of metals
8417.80.00	Industrial or laboratory furnaces and ovens nesoi (not elsewhere specified or included), including incinerators, nonelectric
8418.69.01	Refrigerating or freezing equipment nesoi

HTSUS Subheading	Product Description
8419.33.10	Lyophilization apparatus; freeze drying units; spray dryers, for agricultural products
8419.33.50	Lyophilization apparatus; freeze drying units; spray dryers, other than for agricultural products, nesoi
8419.34.00	Other dryers for agricultural products (other than lyophilization apparatus; freeze drying units; spray dryers)
8419.35.10	Dryers for wood
8419.35.50	Dryers for paper pulp, paper or paperboard
8419.39.02	Other dryers other than of a kind used for domestic purposes, nesoi (other than lyophilization apparatus; freeze drying units; spray dryers)
8419.40.00	Distilling or rectifying plant, not used for domestic purposes
8419.50.10	Brazen aluminum plate-fin heat exchangers
8419.50.50	Heat exchange units, nesoi
8419.60.10	Machinery for liquefying air or gas containing brazen aluminum plate-fin heat exchangers
8419.60.50	Machinery for liquefying air or gas, nesoi
8419.89.10	Machinery and equipment for the treatment of materials (by a process which changes temperatures), for making paper pulp, paper or paperboard
8419.89.60	Industrial machinery, plant or equip. for the treat. of mat., involving a change in temp., for molten-salt-cooled acrylic acid reactors
8419.89.95	Industrial machinery, plant or equipment for the treatment of materials, by process involving a change in temperature, nesoi
8420.10.10	Textile calendering or rolling machines
8420.10.20	Calendering or similar rolling machines for making paper pulp, paper or paperboard
8420.10.90	Calendering or other rolling machines, other than for metals or glass, nesoi
8420.91.10	Cylinders for textile calendering or rolling machines
8420.91.20	Cylinders for paper pulp, paper or paperboard calendering or rolling machines
8420.91.90	Cylinders for calendering and similar rolling machines, nesoi
8422.19.00	Dishwashing machines other than of the household type
8422.20.00	Machinery for cleaning or drying bottles or other containers
8422.30.11	Can-sealing machines
8422.30.91	Machinery for filling, closing, sealing, capsuling or labeling bottles, cans, boxes or other containers; machinery for aerating beverages; nesoi
8422.40.11	Machinery for packing or wrapping pipe tobacco, candy and cigarette packages; combination candy cutting and wrapping machines
8422.40.91	Packing or wrapping machinery, nesoi

HTSUS Subheading	Product Description
8429.11.00	Self-propelled bulldozers and angledozer, for track laying
8429.19.00	Self-propelled bulldozers and angledozer other than track laying
8429.20.00	Self-propelled graders and levelers
8429.30.00	Self-propelled scrapers
8429.40.00	Self-propelled tamping machines and road rollers
8429.51.10	Self-propelled front-end shovel loaders, wheel-type
8429.51.50	Self-propelled front-end shovel loaders, other than wheel-type
8429.52.10	Self-propelled backhoes, shovels, clamshells and draglines with a 360 degree revolving superstructure
8429.52.50	Self-propelled machinery with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines
8429.59.10	Self-propelled backhoes, shovels, clamshells and draglines not with a 360 degree revolving superstructure
8429.59.50	Self-propelled machinery not with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines
8430.10.00	Pile-drivers and pile-extractors
8430.31.00	Self-propelled coal or rock cutters and tunneling machinery
8430.39.00	Coal or rock cutters and tunneling machinery, not self-propelled
8430.41.00	Self-propelled boring or sinking machinery
8430.49.40	Offshore oil and natural gas drilling and production platforms
8430.49.80	Boring or sinking machinery, not self-propelled, nesoi
8430.50.10	Self-propelled peat excavators
8430.50.50	Self-propelled machinery for working earth, minerals or ores, nesoi
8430.61.00	Tamping or compacting machinery, not self-propelled
8430.69.01	Machinery for working earth, minerals or ores, not self-propelled, nesoi
8432.10.00	Plows for soil preparation or cultivation
8432.21.00	Disc harrows for soil preparation or cultivation
8432.29.00	Harrows (other than disc), scarifiers, cultivators, weeders and hoes for soil preparation or cultivation
8432.31.00	No-till direct seeders, planters and transplanters
8432.39.00	Seeders, planters and transplanters, nesoi
8432.41.00	Manure spreaders
8432.42.00	Fertilizer distributors
8432.80.00	Agricultural, horticultural or forestry machinery for soil preparation or cultivation, nesoi; lawn or sports ground rollers
8433.30.00	Haymaking machinery other than mowers
8433.40.00	Straw or fodder balers, including pick-up balers

HTSUS Subheading	Product Description
8433.51.00	Combine harvester-threshers
8433.52.00	Threshing machinery other than combine harvester-threshers
8433.53.00	Root or tuber harvesting machines
8433.59.00	Harvesting machinery or threshing machinery, nesoi
8433.60.00	Machines for cleaning, sorting or grading eggs, fruit or other agricultural produce
8435.10.00	Presses, crushers and similar machinery used in the manufacture of wine, cider, fruit juices or similar beverages
8436.10.00	Machinery for preparing animal feeds
8436.21.00	Poultry incubators and brooders
8436.29.00	Poultry-keeping machinery
8436.80.00	Agricultural, horticultural, forestry or bee-keeping machinery, nesoi
8437.10.00	Machines for cleaning, sorting or grading seed, grain or dried leguminous vegetables
8437.80.00	Machinery used in the milling industry or for the working of cereals or dried leguminous vegetables, other than farm type machinery
8438.10.00	Bakery machinery and machinery for the manufacture of macaroni, spaghetti or similar products, nesoi
8438.20.00	Machinery for the manufacture of confectionery, cocoa or chocolate, nesoi
8438.30.00	Machinery for sugar manufacture, nesoi
8438.40.00	Brewery machinery, nesoi
8438.50.00	Machinery for the preparation of meat or poultry, nesoi
8438.60.00	Machinery for the preparation of fruits, nuts or vegetables, nesoi
8438.80.00	Machinery for the industrial preparation or manufacture of food or drink, nesoi
8439.10.00	Machinery for making pulp of fibrous cellulosic material
8439.20.00	Machinery for making paper or paperboard
8439.30.00	Machinery for finishing paper or paperboard
8441.10.00	Cutting machines of all kinds used for making up paper pulp, paper or paperboard
8441.20.00	Machines for making bags, sacks or envelopes of paper pulp, paper or paperboard
8441.30.00	Machines for making cartons, boxes, cases, tubes, drums or similar containers, other than by molding, of paper pulp, paper or paperboard
8441.40.00	Machines for molding articles in paper pulp, paper or paperboard
8441.80.00	Machinery for making up paper pulp, paper or paperboard, nesoi
8442.30.01	Machinery, apparatus and equipment of heading 8442
8442.50.10	Printing plates

HTSUS Subheading	Product Description
8442.50.90	Printing type, blocks, cylinders and other printing components; blocks, cylinders and lithographic stones, prepared for printing purposes
8444.00.00	Machines for extruding, drawing, texturing or cutting man-made textile materials
8445.11.00	Carding machines for preparing textile fibers
8445.12.00	Combing machines for preparing textile fibers
8445.13.00	Drawing or roving machines for preparing textile fibers
8445.19.00	Machines for preparing textile fibers, nesoi
8445.20.00	Textile spinning machines
8445.30.00	Textile doubling or twisting machines
8445.40.00	Textile winding (including weft-winding) or reeling machines
8445.90.00	Machinery for producing textile yarns nesoi; machines for preparing textile yarns for use on machines of heading 8446 or 8447
8446.10.00	Weaving machines (looms) for weaving fabrics of a width not exceeding 30 cm
8446.21.50	Shuttle type power looms for weaving fabrics of a width exceeding 30 cm, but not exceeding 4.9 m
8446.29.00	Weaving machines for weaving fabrics of a width exceeding 30 cm, shuttle type, nesoi
8446.30.10	Shuttleless type power looms, for weaving fabrics of a width exceeding 4.9 m, nesoi
8446.30.50	Shuttleless type weaving machines (looms), for weaving fabrics of a width exceeding 30 cm, nesoi
8447.11.10	Circular knitting machines with cylinder diameter not exceeding 165 mm, for knitting hosiery
8447.11.90	Circular knitting machines with cylinder diameter not exceeding 165 mm, other than for knitting hosiery
8447.12.10	Circular knitting machines with cylinder diameter exceeding 165 mm, for knitting hosiery
8447.12.90	Circular knitting machines with cylinder diameter exceeding 165 mm, other than for knitting hosiery
8447.20.20	V-bed flat knitting machines, power driven, over 50.8 mm in width
8447.20.30	V-bed flat knitting machines, nesoi
8447.20.40	Warp knitting machines
8447.20.60	Flat knitting machines, other than V-bed or warp; stitch-bonding machines
8447.90.10	Braiding and lace-braiding machines
8447.90.50	Embroidery machines
8447.90.90	Knitting machines other than circular or flat knitting; machines for making gimped yarn, tulle, trimmings or net; machines for tufting

HTSUS Subheading	Product Description
8448.11.00	Dobbies and Jacquards, card reducing, copying, punching or assembling machines for use with machines of heading 8444, 8445, 8446 or 8447
8448.19.00	Auxiliary machinery for machines of heading 8444, 8445, 8446 or 8447, nesoi
8448.31.00	Card clothing as parts and accessories of machines of heading 8445 or of their auxiliary machinery
8448.33.00	Spindles, spindle flyers, spinning rings and ring travellers of machines of heading 8445 or of their auxiliary machines
8448.42.00	Reeds for looms, healds and heald-frames of weaving machines (looms) or their auxiliary machinery
8448.51.10	Latch needles for knitting machines
8448.51.20	Spring-beard needles for knitting machines
8448.51.30	Needles for knitting machines other than latch needles or spring-beard needles
8448.51.50	Sinkers, needles and other articles used to form stitches, nesoi, for machines of heading 8447
8449.00.10	Finishing machinery for felt or nonwovens and parts thereof
8449.00.50	Machinery for making felt hats; blocks for making hats; parts thereof
8451.29.00	Drying machines for yarns, fabrics or made up textile articles, each of a dry linen capacity exceeding 10 kg
8451.30.00	Ironing machines and presses (including fusing presses) for textile fabrics or made up textile articles
8451.40.00	Washing, bleaching or dyeing machines for textile yarns, fabrics or made up textile articles
8451.50.00	Machines for reeling, unreeling, folding, cutting or pinking textile fabrics
8451.80.00	Machinery for the handling of textile yarns, fabrics or made up textile articles, nesoi
8452.21.10	Sewing machines specially designed to join footwear soles to uppers, automatic
8452.21.90	Sewing machines, automatic, nesoi
8452.29.10	Sewing machines, other than automatic, specially designed to join footwear soles to uppers
8452.29.90	Sewing machines, other than automatic, nesoi
8453.10.00	Machinery for preparing, tanning or working hides, skins or leather
8453.20.00	Machinery for making or repairing footwear
8453.80.00	Machinery, nesoi, for making or repairing articles of hides, skins or leather
8454.10.00	Converters of a kind used in metallurgy or in metal foundries
8454.20.00	Ingot molds and ladles, of a kind used in metallurgy or in metal foundries
8454.30.00	Casting machines, of a kind used in metallurgy or in metal foundries

HTSUS Subheading	Product Description
8455.10.00	Metal-rolling tube mills
8455.21.00	Metal-rolling mills, other than tube mills, hot or combination hot and cold
8455.22.00	Metal-rolling mills, other than tube mills, cold
8455.30.00	Rolls for metal-rolling mills
8456.11.10	Machine tools operated by laser, for working metal
8456.11.70	Machine tools operated by laser, of a kind used solely or principally for manufacture of printed circuits
8456.11.90	Machine tools operated by laser, nesoi
8456.12.10	Machine tools operated by light or photon beam processes, for working metal
8456.12.70	Machine tools operated by light or photon beam processes, of a kind used solely or principally for the manufacture of printed circuits
8456.12.90	Machine tools operated by light or photon beam processes, nesoi
8456.20.10	Machine tools operated by ultrasonic processes, for working metal
8456.20.50	Machine tools operated by ultrasonic processes, other than for working metal
8456.30.10	Machine tools operated by electro-discharge processes, for working metal
8456.30.50	Machine tools operated by electro-discharge processes, other than for working metal
8456.40.10	Machine tools operated by plasma arc process, for working metal
8456.40.90	Machine tools operated by plasma arc process, other than for working metal
8456.50.00	Water-jet cutting machines
8456.90.31	Machine tools operated by electro-chemical or ionic-beam processes, for working metal
8456.90.71	Machine tools operated by electro-chemical or ionic-beam processes, other than for working metal
8457.10.00	Machining centers for working metal
8457.20.00	Unit construction machines (single station), for working metal
8457.30.00	Multistation transfer machines for working metal
8458.11.00	Horizontal lathes (including turning centers) for removing metal, numerically controlled
8458.19.00	Horizontal lathes (including turning centers) for removing metal, other than numerically controlled
8458.91.10	Vertical turret lathes (including turning centers) for removing metal, numerically controlled
8458.91.50	Lathes (including turning centers), other than horizontal or vertical turret lathes, for removing metal, numerically controlled
8458.99.10	Vertical turret lathes (including turning centers) for removing metal, other than numerically controlled

HTSUS Subheading	Product Description
8458.99.50	Lathes (including turning centers), other than horizontal or vertical turret lathes, for removing metal, other than numerically controlled
8459.10.00	Way-type unit head machines for drilling, boring, milling, threading or tapping by removing metal, other than lathes of heading 8458
8459.21.00	Drilling machines, numerically controlled, nesoi
8459.29.00	Drilling machines, other than numerically controlled, nesoi
8459.31.00	Boring-milling machines, numerically controlled, nesoi
8459.39.00	Boring-milling machines, other than numerically controlled, nesoi
8459.41.00	Boring machines, numerically controlled, nesoi
8459.49.00	Boring machines, not numerically controlled, nesoi
8459.51.00	Milling machines, knee type, numerically controlled, nesoi
8459.59.00	Milling machines, knee type, other than numerically controlled, nesoi
8459.61.00	Milling machines, other than knee type, numerically controlled, nesoi
8459.69.00	Milling machines, other than knee type, other than numerically controlled, nesoi
8459.70.40	Other threading or tapping machines, numerically controlled
8459.70.80	Other threading or tapping machines nesoi
8460.12.00	Flat-surface grinding machines, numerically controlled
8460.19.01	Flat-surface grinding machines, not numerically controlled
8460.22.00	Centerless grinding machines, numerically controlled
8460.23.00	Other cylindrical grinding machines, numerically controlled
8460.24.00	Other grinding machines, numerically controlled
8460.29.01	Other grinding machines, other than numerically controlled
8460.31.00	Sharpening (tool or cutter grinding) machines for working metal or cermets, numerically controlled
8460.39.00	Sharpening (tool or cutter grinding) machines for working metal or cermets, other than numerically controlled
8460.40.40	Honing or lapping machines for working metal or cermets, numerically controlled
8460.40.80	Honing or lapping machines for working metal or cermets, other than numerically controlled
8460.90.40	Other machine tools for deburring, polishing or otherwise finishing metal or cermets, nesoi, numerically controlled
8460.90.80	Other machine tools for deburring, polishing or otherwise finishing metal or cermets, nesoi, other than numerically controlled
8461.20.40	Shaping or slotting machines for working by removing metal or cermets, numerically controlled
8461.20.80	Shaping or slotting machines for working by removing metal or cermets, other than numerically controlled

HTSUS Subheading	Product Description
8461.30.40	Broaching machines for working by removing metal or cermets, numerically controlled
8461.30.80	Broaching machines for working by removing metal or cermets, other than numerically controlled
8461.40.10	Gear cutting machines for working by removing metal or cermets
8461.40.50	Gear grinding or finishing machines for working by removing metal or cermets
8461.50.40	Sawing or cutting-off machines for working by removing metal or cermets, numerically controlled
8461.50.80	Sawing or cutting-off machines for working by removing metal or cermets, other than numerically controlled
8461.90.30	Machine-tools for working by removing metal or cermets, nesoi, numerically controlled
8461.90.60	Machine-tools for working by removing metal or cermets, nesoi, other than numerically controlled
8462.11.00	Hot forming machines for forging, die forging (including presses) and hot hammers, closed die forging machines
8462.19.00	Other hot forming machines for forging, die forging (including presses) and hot hammers (other than closed die forging machines), nesoi
8462.22.00	Profile forming machines
8462.23.00	Numerically controlled press brakes
8462.24.00	Numerically controlled panel benders
8462.25.00	Numerically controlled roll forming machines
8462.26.00	Other numerically controlled bending, folding, straightening or flattening machines (o/t press brakes, panel benders, roll forming machines)
8462.29.00	Other bending folding straightening or flattening machines (other than numerically controlled or profile forming machines), nesoi
8462.32.10	Numerically controlled sitting lines and cut-to-length lines
8462.32.50	Sitting lines and cut-to-length lines (other than numerically controlled), nesoi
8462.33.00	Numerically controlled shearing machines
8462.39.00	Shearing machines (other than numerically controlled), nesoi
8462.42.00	Numerically controlled punching, notching or nibbling machines (excluding presses) for flat products
8462.49.00	Other punching, notching or nibbling machines (excluding presses) for flat products, other than numerically controlled
8462.51.00	Numerically controlled machines for working tube, pipe, hollow section and bar (excluding presses)
8462.59.00	Other machines for working tube, pipe, hollow section and bar (excluding presses), other than numerically controlled
8462.61.40	Hydraulic presses, numerically controlled
8462.61.80	Hydraulic presses, not numerically controlled

HTSUS Subheading	Product Description
8462.62.40	Numerically controlled mechanical cold metal working presses
8462.62.50	Other mechanical cold metal working presses, other than numerically controlled
8462.63.40	Numerically controlled cold metal working servo-presses
8462.63.80	Other cold metal working servo-presses, other than numerically controlled
8462.69.40	Numerically controlled other cold metal working presses, nesoi
8462.69.80	Other cold metal working presses, other than numerically controlled, nesoi
8462.90.40	Other numerically controlled machines tools for working metal, nesoi
8462.90.80	Other machines tools for working metal, other than numerically controlled, nesoi
8463.10.00	Draw-benches for bars, tubes, profiles, wire or the like, for working metal or cermets, without removing material
8463.20.00	Thread rolling machines for working metal or cermets, without removing material
8463.30.00	Machines for working wire of metal or cermets, without removing material
8463.90.00	Machine tools for working metal or cermets, without removing material, nesoi
8464.10.01	Sawing machines for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass
8464.20.01	Grinding or polishing machines for working stone, ceramics, concrete, asbestos-cement or like mineral materials, or glass, nesoi
8464.90.01	Machine tools for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass, nesoi
8465.10.00	Machines for working certain hard materials which can carry out different types of machining operations w/o tool change between operations
8465.20.10	Machine centers for sawing, planing, milling, molding, grinding, sanding, polishing, drilling or mortising
8465.20.50	Machine centers for bending or assembling
8465.20.80	Machine centers, nesoi
8465.91.00	Sawing machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8465.92.00	Planing, milling or molding (by cutting) machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8465.93.00	Grinding, sanding or polishing machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8465.94.00	Bending or assembling machines for working wood, cork, bone hard rubber, hard plastics or similar hard materials
8465.95.00	Drilling or mortising machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials

HTSUS Subheading	Product Description
8465.96.00	Splitting, slicing or paring machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8465.99.02	Machine tools for working wood, cork, bone, hard rubber, hard plastics and similar hard materials, nesoi
8468.20.10	Gas-operated machinery, apparatus and appliances, hand-directed or -controlled, used for soldering, brazing, welding or tempering, nesoi
8468.20.50	Gas-operated machinery, apparatus and appliances, not hand-directed or -controlled, used for soldering, brazing, welding or tempering, nesoi
8468.80.10	Machinery and apparatus, hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated
8468.80.50	Machinery and apparatus other than hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated
8474.10.00	Sorting, screening, separating or washing machines for earth, stones, ores or other mineral substances in solid form
8474.20.00	Crushing or grinding machines for earth, stones, ores or other mineral substances
8474.31.00	Concrete or mortar mixers
8474.32.00	Machines for mixing mineral substances with bitumen
8474.39.00	Mixing or kneading machines for earth, stones, ores or other mineral substances, nesoi
8474.80.00	Machinery for agglomerating, shaping or molding solid mineral fuels, or other mineral products; machines for forming sand foundry molds
8475.10.00	Machines for assembling electric or electronic lamps, tubes or flashbulbs, in glass envelopes
8475.21.00	Machines for making glass optical fibers and preforms thereof
8475.29.00	Machines for manufacturing or hot working glass or glassware, nesoi
8477.10.30	Injection-molding machines for manufacturing shoes of rubber or plastics
8477.10.40	Injection-molding machines for use in the manufacture of video laser discs
8477.10.90	Injection-molding machines of a type used for working or manufacturing products from rubber or plastics, nesoi
8477.20.00	Extruders for working rubber or plastics or for the manufacture of products from these materials, nesoi
8477.30.00	Blow-molding machines for working rubber or plastics or for the manufacture of products from these materials
8477.40.01	Vacuum-molding and other thermoforming machines for working rubber or plastics or for manufacture of products from these materials, nesoi
8477.51.00	Machinery for molding or retreading pneumatic tires or for molding or otherwise forming inner tubes

HTSUS Subheading	Product Description
8477.59.01	Machinery for molding or otherwise forming rubber or plastics other than for molding or retreading pneumatic tires, nesoi
8477.80.01	Machinery for working rubber or plastics or for the manufacture of products from these materials, nesoi
8478.10.00	Machinery for preparing or making up tobacco, nesoi
8479.10.00	Machinery for public works, building or the like, nesoi
8479.20.00	Machinery for the extraction or preparation of animal or fixed vegetable fats or oils, nesoi
8479.30.00	Presses for making particle board or fiber building board of wood or other ligneous materials, and mach. for treat. wood or cork, nesoi
8479.40.00	Rope- or cable-making machines nesoi
8479.50.00	Industrial robots, nesoi
8479.81.00	Machines and mechanical appliances for treating metal, including electric wire coil-winders, nesoi
8479.82.00	Machines for mixing, kneading, crushing, grinding, screening, sifting, homogenizing, emulsifying or stirring, nesoi
8479.83.00	Cold isostatic presses, nesoi
8479.89.83	Machines for the manufacture of optical media
8479.89.92	Automated electronic component placement machines for making printed circuit assemblies
8479.89.95	Other machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84, nesoi
8486.10.00	Machines and apparatus for the manufacture of boules or wafers
8486.20.00	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits
8486.30.00	Machines and apparatus for the manufacture of flat panel displays
8486.40.00	Machines and apparatus for the manufacture of masks and reticles and for the assembly of electronic integrated circuits
8514.11.00	Hot isostatic presses
8514.19.00	Other resistance heated industrial or laboratory furnaces and ovens, other than hot isostatic presses
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food
8514.20.60	Industrial or laboratory microwave ovens, nesoi
8514.20.80	Industrial or laboratory furnaces and ovens (other than microwave) functioning by induction or dielectric loss
8514.31.10	Electron beam furnaces for making printed circuits or printed circuit assemblies
8514.31.90	Electron beam furnaces, other than for making printed circuits or printed circuit assemblies
8514.32.10	Plasma and vacuum arc furnaces for making printed circuits or printed circuit assemblies
8514.32.90	Plasma and vacuum arc furnaces, other than for making printed circuits or printed circuit assemblies

HTSUS Subheading	Product Description
8514.39.10	Other industrial furnaces and ovens for making printed circuits or printed circuit assemblies
8514.39.90	Other industrial or laboratory electric industrial or laboratory furnaces and ovens nesoi
8514.40.00	Industrial or laboratory induction or dielectric heating equipment nesoi
8515.11.00	Electric soldering irons and guns
8515.19.00	Electric brazing or soldering machines and apparatus, other than soldering irons and guns
8515.21.00	Electric machines and apparatus for resistance welding of metal, fully or partly automatic
8515.29.00	Electric machines and apparatus for resistance welding of metal, other than fully or partly automatic
8515.31.00	Electric machines and apparatus for arc (including plasma arc) welding of metals, fully or partly automatic
8515.39.00	Electric machines and apparatus for arc (including plasma arc) welding of metals, other than fully or partly automatic
8515.80.00	Electric welding apparatus nesoi, and electric machines and apparatus for hot spraying metals or sintered metal carbides
8543.30.20	Electrical machines and apparatus for electroplating, electrolysis, or electrophoresis for making printed circuits
8543.30.90	Other electrical machines and apparatus for electroplating, electrolysis, or electrophoresis
8543.70.20	Physical vapor deposition apparatus, nesoi
8543.70.60	Electrical machines and apparatus nesoi, designed for connection to telegraphic or telephonic apparatus, instruments or networks
8543.70.71	Electric luminescent lamps
8543.70.97	Plasma cleaner machines that remove organic contaminants from electron microscopy specimens and holders
8543.70.98	Other electrical machines and apparatus, having individual functions, nesoi

Annex C

Proposed Exclusions for Solar Manufacturing Equipment

Exclusion Product Description
[1] Silicon growth furnaces, including Czochralski crystal growth furnaces, designed for growing monocrystalline silicon ingots (boules) of a mass exceeding 700 kg, for use in solar wafer manufacturing (described in statistical reporting number 8486.10.0000).
[2] Band saws designed for cutting or slicing cylindrical monocrystalline silicon ingots (boules) of a mass exceeding 700 kg into square or rectangular ingots (boules), for use in solar wafer manufacturing (described in statistical reporting number 8486.10.0000).

Exclusion Product Description
[3] Machines designed to align and adhere monocrystalline silicon ingots (boules) of a mass exceeding 400 kg to plastic support boards on metal mounting plates to provide support during diamond wire sawing, for use in solar wafer manufacturing (described in statistical reporting number 8486.10.0000).
[4] Diamond wire saws designed for cutting or slicing silicon ingots (boules) of a mass exceeding 400 kg into solar wafers of a thickness not exceeding 200 micrometers (described in statistical reporting number 8486.10.0000).
[5] Wire guide roller machines, presented with diamond wire saws designed for slicing monocrystalline silicon ingots (boules) of a mass exceeding 400 kg into solar wafers of a thickness not exceeding 200 micrometers, all of the foregoing for use in solar wafer manufacturing (described in statistical reporting number 8486.10.0000).
[6] Coolant fluid recycling machines, presented with diamond wire saws designed for slicing monocrystalline silicon ingots (boules) of a mass exceeding 400 kg into solar wafers of a thickness not exceeding 200 micrometers, all of the foregoing for use in solar wafer manufacturing (described in statistical reporting number 8486.10.0000).
[7] Degumming machines designed to remove adhesives from solar wafers (described in statistical reporting number 8486.10.0000).
[8] Texturing and cleaning machines designed to repair, clean, and texture the solar wafer substrate, whether or not containing automation equipment for transferring solar wafers from one process station to the next, for use in solar wafer manufacturing (described in statistical reporting number 8486.20.0000).
[9] Thermal diffusion quartz-tube furnaces and boat loading machines, designed to diffuse dopant impurities into square or rectangular silicon wafers, for use in solar cell manufacturing (described in statistical reporting number 8486.20.0000).
[10] Plasma enhanced chemical vapor deposition machines designed to deposit amorphous or nanocrystalline layers on one or both surfaces of a solar wafer, whether or not containing automation equipment for transferring solar wafers from one process station to the next, for use in solar cell manufacturing (described in statistical reporting number 8486.20.0000).
[11] Physical vapor deposition (PVD) machines, designed to deposit a thin film of transparent conducting oxide on one or both surfaces of a solar wafer, whether or not containing automation equipment for transferring solar wafers from one process station to the next, for use in solar cell manufacturing (described in statistical reporting number 8486.20.0000).
[12] Screen printing line machines, including sintering furnaces for printing conducting contacts on both surfaces of a solar wafer, whether or not containing automation equipment for transferring solar wafers from one process station to the next, and whether or not containing equipment for solar cell testing, for use in solar cell manufacturing (described in statistical reporting number 8486.20.0000).
[13] Cell interconnection machines designed to electrically solder solar cells to each other to form a complete electrical circuit, for use in solar module manufacturing (described in statistical reporting number 8486.20.0000).
[14] Module encapsulant preparation machines designed for encapsulant cutting and placement, butyl dispensing equipment, and equipment for the transport of encapsulant materials, all the foregoing for use in solar module manufacturing (described in statistical reporting number 8486.20.0000).

Exclusion Product Description
[15] Machines designed to laminate an interconnected cell string and to attach junction boxes, all the foregoing for use in solar module manufacturing (described in statistical reporting number 8486.20.0000).
[16] Frame attachment machines designed for attaching metal frames to the perimeter or rear surface of solar modules (described in statistical reporting number 8486.20.0000).
[17] Machines designed for transporting polysilicon material to growth furnaces and machines designed for transporting monocrystalline ingots (boules) and wafers throughout the solar wafer manufacturing process, including machines for loading or unloading solar wafers during the diamond wire slicing process (described in statistical reporting number 8486.40.0030).
[18] Machines designed for lifting, handling, loading, or unloading of solar wafers of a thickness not exceeding 200 micrometers, for use in solar wafer manufacturing (described in statistical reporting number 8486.40.0030).
[19] Machines designed for lifting, handling, loading, or unloading in the assembly of solar modules (described in statistical reporting number 8486.40.0030).

[FR Doc. 2024–11634 Filed 5–24–24; 8:45 am]

BILLING CODE 3290–F4–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 2024–1497]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed] Approval of Information Collection: Certification of Repair Stations

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice and request for
comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves applying for a repair station certificate, requesting amendments to the certificate, developing required programs and manuals, and maintaining employee qualification and training records. Additionally, repair stations located outside of the United States must apply to renew their FAA air agency certificate every two years. The information to be collected will be used to ensure applicants and certificate holders of FAA-issued repair station certificates use appropriate facilities and equipment, have sufficient processes

and procedures, and use qualified personnel with appropriate training to perform maintenance, preventive maintenance, or alterations of aircraft, airframes, aircraft engines, propellers, appliances, or component parts.

DATES: Written comments should be submitted by July 29, 2024.

ADDRESSES: Please send written comments:

By Electronic Docket:
www.regulations.gov [Enter docket number into search field].

By email: Henry H. Trammel,
henry.trammel@faa.gov.

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.

FOR FURTHER INFORMATION CONTACT:

Henry H. Trammel by email at:
henry.trammel@faa.gov; phone: (202) 267–1675.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0682.
Title: Certification of Repair Stations,
Part 145 of Title 14 CFR.
Form Numbers: FAA Form 8310–3.
Type of Review: Renewal of an
information collection.

Background: Title 14 CFR, part 145, describes how to obtain a repair station certificate and contains the rules a certificated repair station must follow related to its performance of maintenance, preventive maintenance, or alterations of an aircraft, airframe, aircraft engine, propeller, appliance, or component part to which part 43 applies. The regulation requires repair station certificate holders and applicants to apply for a repair station certificate, including providing various application attachments, develop required programs and manuals, make certifications regarding hazardous materials training of employees, recommend repairman applicants employed by the repair station, and maintain employee qualification and training records. All certificate holders and applicants must develop a repair station manual, quality control manual, and training program, and request amendments to the certificate when necessary. Some certificate holders and applicants must develop a capability list, or a manual required by a bilateral agreement, or a hazardous materials training program. Repair stations located outside of the United States must apply to renew their FAA air agency certificate every two years. Additionally, the holder of an expired, surrendered, suspended, or revoked certificate must return it to the FAA. Requests for an initial certificate or a certificate amendment are made on FAA Form 8310–3, Application for Repair Station Certificate and/or Rating, and must be submitted to the responsible

Flight Standards Office along with all required application attachments.

Respondents: 5,000 applicants and holders of FAA-issued part 145 air agency certificates.

Frequency: On occasion, or every 2 years for renewal applicants.

Estimated Average Burden per Response: 100 Hours annually for Reporting, 40 Hours for Recordkeeping.

Estimated Total Annual Burden: 240,869 Hours.

Issued in Washington, DC, on May 22, 2024.

Henry H. Trammel,

Aviation Safety Inspector, Office of Safety Standards, Aircraft Maintenance Division, Repair Station Section.

[FR Doc. 2024–11731 Filed 5–24–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2024–0041]

Agency Information Collection Activities: Notice of Request for Reinstatement of a Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for reinstatement of a previously approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to reinstate an information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by June 27, 2024.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0041 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE,

Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Purdy, 202–366–6993, Office of Freight Management & Operations (HOFM–1), Office of Operations, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, Southeast, Washington, DC 20590. Office hours are from 7:30 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The comments and FHWA’s responses to the 60-day notice published on February 12, 2024, at [89 FR 9903] are below:

There were no comments received.

Title: USDOT Survey and Comparative Assessment of Truck Parking Facilities.

OMB Control: 2125–0638.

Background: US Department of Transportation (USDOT) is directed to complete a survey and comparative assessment of truck parking facilities in each State as required by Section 1401(c) of *Moving Ahead for Progress in the 21st Century* (MAP–21). MAP–21 Section 1401(c) required the survey in order to evaluate the capability of the States to provide adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation. Other work activities required under this section of MAP–21 were an assessment of the volume of commercial motor vehicle traffic in each State and the development of a system of metrics designed to measure the adequacy of commercial motor vehicle truck parking facilities in each state. A survey was conducted in 2014 and is available at: https://ops.fhwa.dot.gov/freight/infrastructure/truck_parking/jasons_law/truckparkingsurvey/index.htm. A second survey was conducted in 2019 and a presentation of the results is available at: https://ops.fhwa.dot.gov/Freight/infrastructure/truck_parking/coalition/2020/mtg/jasons_law_results.pdf. MAP–21 Section 1401(c)(3) called for periodic updates to the survey, which is the intent of the proposed updated survey. The results of this updated survey shall be made available on a publicly accessible Department of Transportation website and updated periodically USDOT seeks to continue to collect data to support updates to the survey.

Respondents: State Transportation and Enforcement Officials, Port Authorities, Private Sector Facility Owners/Operators, Trucking Company owners or their designee, and Truck Drivers. The target groups of respondents are individuals who are

responsible for providing or overseeing the operation of truck parking facilities and stakeholders that depend on such facilities to safely conduct their business. The target group identified in the legislation is “state commercial vehicle safety personnel;” the Federal Highway Administration (FHWA) has interpreted this term to include the Department of Transportation personnel in each State involved in commercial vehicle safety program activities and State enforcement agency personnel directly involved in enforcing highway safety laws and regulations and in highway incident and accident response. FHWA recognizes the importance of ports when discussing this topic; input from Port Authorities must be obtained to complete the public inventory. In addition, FHWA finds that the survey on the adequacy of truck parking opportunities is not limited to publicly owned facilities; input from private sector facility owners/operators must be obtained to adequately complete the required work provided in the federal legislation. FHWA also finds that input obtained from trucking company representatives (owners or their designees, especially those in logistics or who schedule drivers) and truck drivers, key stakeholders for truck parking facilities who are most likely to know where truck parking is needed, will be necessary to complete the survey requirements. As per MAP–21 Section 1401(c)(3), this survey will be conducted periodically to allow for required updates.

Types of Survey Questions: FHWA intends to survey Department of Transportation personnel in each State on the location, number of spaces, availability and demand for truck parking in their State, including at rest facilities, truck parking information systems, truck parking plans, as well as any impediments to providing adequate truck parking capacity (including but not limited to legislative, regulatory, or financial issues; zoning; public and private impacts; approval, and participation; availability of land; insurance requirements and other issues). FHWA intends to survey Port Authority personnel on number of spaces, availability, and demand for truck parking at their facility, truck parking information systems, reservation systems, as well as future plans for expansion or reduction of truck parking. FHWA intends to survey private truck stop operators in each State on the location, number of truck parking spaces, availability and demand they observe at their facilities. FHWA intends to survey public safety officials

in each State on their records and observations of truck parking use and patterns, including the location and frequency of trucks parked adjacent to roadways and on exit and entrance ramps to roadway facilities. FHWA intends to survey trucking companies and truck drivers regarding the location and frequency of insufficient truck parking and capacity at rest facilities, future truck parking needs and locations, availability of information on truck parking capacity, and other impediments to identification, access, and use of truck parking. Other questions may be included as needed as a result of input from the focus groups, stakeholder outreach or at FHWA's discretion, or as follow-up to the survey.

Frequency: Annually.

Estimated Average Burden per Response:

State Departments of Transportation = 52 (4 hours each) = 208 hours;

State Enforcement Personnel = 52 (1 hour each) = 52 hours;

Port Operators = 205 (1 hour each) = 205 hours;

Private Truck Stop Facility Owners/Operators = 524 (1 hour each) = 524 hours;

Truck Drivers and Industry Professionals = 12,456 (30 minutes each) = 6,228 hours;

Total Numbers of Respondents = 13,289 respondents

Total Burden Hours = 7,217 hours

Estimated Total Annual Burden Hours: Total estimated average annual burden is 7,217 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: May 22, 2024.

Jazmyne Lewis,
Information Collection Officer.

[FR Doc. 2024-11657 Filed 5-24-24; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2024-0042]

Agency Information Collection Activities: Notice of Request for Renewal of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for renewal of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for a renewal of a currently approved information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by June 27, 2024.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0042 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kenneth Petty, 202-366-6654, Office of Planning, Environment, and Realty, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, between 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: We published a **Federal Register** Notice with a 60-day public comment period on this information collection on March 7, 2024, at 89 FR 16611.

There were no comments received.

Title: Assessment of Transportation Agency Needs, Capabilities, and Capacity.

OMB Control: 2125-0655.

Background: The Federal Highway Administration (FHWA) is committed to advancing the transportation planning process working with States, Metropolitan Planning Organizations, Tribal governments, and transit operators as they make long- and short-range transportation improvement priorities in coordination with the traveling public, the business community, community groups, environmental organizations, and freight operators. Through this effort FHWA will update information on the current state of the practice, data, methods, and systems used by State, metropolitan, regional, local, and Tribal transportation planning entities to support their required planning process in accordance with Title 23 United States Code 134 and 135. This information will be used to develop and deliver existing and future Federal Highway Programs through successful partnerships, value-added stewardship, and risk-based oversight. This effort ensures FHWA's renewed focus on equity and organizational excellence, which translates into having a skilled workforce and support system positioned and equipped to deliver its mission.

Respondents: 50 State Transportation Departments, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands; Metropolitan Planning Organizations (MPO), Tribal Governments, and/or Regional Planning Organizations (RPO).

Frequency: Annually.

Estimated Average Burden per Response: Each State, MPO, Tribal Government, and RPO will be solicited to provide information up to two times per year. The annual number of burden hours (professional and clerical staff) per respondent to answer questions on the current state of the practice, data, methods, and systems used by state, metropolitan, regional, local, and tribal transportation planning entities to support their required planning process is estimated to be 3 (biannually $\times$ 1.5 hours).

Estimated Total Annual Burden Hours: The total estimated annual burden for all respondents is estimated to be 2,850 burden hours (3 burden hours per respondent times 950 respondents).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and

clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: May 21, 2024.
Jazmyne Lewis,
Information Collection Officer.
[FR Doc. 2024–11585 Filed 5–24–24; 8:45 am]
BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration
[Docket No. FRA–2024–0011]

Proposed Agency Information
Collection Activities; Comment
Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).
ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before July 29, 2024.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *regulations.gov* to the docket, Docket No. FRA–2024–0011. All comments received will be

posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0571) in any correspondence submitted. FRA will summarize comments received in a subsequent 30-day notice and include them in its information collection submission to OMB.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days’ notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that

Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Occupational Noise Exposure for Railroad Operating Employees.
OMB Control Number: 2130–0571.

Abstract: Title 49 CFR part 227 contains requirements for occupational noise exposure. FRA uses the collection of information to ensure that railroads covered by this rule establish and implement noise monitoring, hearing conservation, and audiometric testing programs to protect their employees against the harmful effects of excessive noise in the workplace.

Additionally, railroads must maintain testing and training records on noise and hearing conservation. Further, railroads must make exposure measurement records for specific locations available to regional or national labor representatives upon request.

In this 60-day notice, FRA has made minor adjustments to correct rounding from the previous submission, resulting in a decrease in burden of 6 hours. The estimated paperwork burden for this submission is 3,974 hours.

Type of Request: Extension without change (with changes in estimates) of a currently approved information collection.

Affected Public: Businesses (Railroads, railroads equipment manufacturers).

Form(s): N/A.
Respondent Universe: 531 railroads.
Frequency of Submission: On occasion.

REPORTING BURDEN

CFR section	Respondent universe ¹	Total annual responses	Average time per response	Total annual burden hours	Wage Rate ²	Total cost equivalent in U.S. dollars
		(A)	(B)	(C = A * B)	(E)	(D = C * E)
227.13—Waivers	531 railroads	0.30 petitions (1 petition over 3-year period.	1.00 hour	0.30 hours	\$85.93	\$25.78

¹ The total respondent universe is taken from the 2022 railroad classification data. The total of 531 represents all Class I, II and III (751) less the small

railroads such as tourist, steam, historic, and excursion (220).

² Throughout the tables in this document, the dollar equivalent cost is derived from the 2022

Surface Transportation Board Full Year Wage A & B data series using the appropriate employee group to calculate the average hourly rate that includes 75 percent overhead.

REPORTING BURDEN—Continued

CFR section	Respondent universe ¹	Total annual responses	Average time per response	Total annual burden hours	Wage Rate ²	Total cost equivalent in U.S. dollars
		(A)	(B)	(C = A * B)	(E)	(D = C * E)
227.103(a)–(f)—Noise monitoring program—development and implementation.	531 railroads	5.00 programs	30.00 hours	150.00	123.41	18,511.50
—(g) Reporting of monitoring results—notification of employee of monitoring.	531 railroads	5.00 lists	0.50 hours	2.50	85.93	214.83
227.107(a)—Hearing Conservation Program (HCP)—development of programs.	531 railroads	3.00 HCPs	31.00 hours	93.00	123.41	11,477.13
—Revised hearing conservation programs (HCPs).	531 railroads	3.00 HCPs	1.75 hours	5.25	85.93	451.13
227.109(e)—Audiometric testing program—baseline audiograms—New and existing employees.	76,244 employees	6,862.00 records of tests.	30 seconds	56.95	85.93	4,894.71
—(f) Periodic audiograms includes retests.	76,244 employees	25,415.00 records of tests.	30 seconds	210.94	85.93	18,126.07
—(g)(1)–(2) Evaluation of audiograms.	76,244 employees	2,330 ratings + 93 records of retests.	6 minutes + 30 seconds.	233.77	85.93	20,087.86
—(g)(3) Review of problem audiograms.	8,000 employees	45.00 documents	10.00 minutes	7.52	85.93	646.19
—(h)(1) Follow-up procedures—notifications.	8,000 employees	93.00 notices	5.00 minutes	7.72	85.93	663.38
—(h)(2)(i)–(ii) Fitting/training of employees: hearing protectors.	240 employees	240.00 documented training sessions.	5.00 minutes	19.92	85.93	1,711.73
—(h)(2)(iii) Referrals for clinical/otological exam.	240 employees	20.00 referrals	1.00 hour	20.00	85.93	1,718.60
—(h)(2)(iv) Notification to employee of need for otological examination.	240 employees	20.00 notices	5.00 minutes	1.66	85.93	142.64
—(h)(3) New audiometric interpretation.	240 employees	20.00 notices	5.00 minutes	1.66	85.93	142.64
227.111—Audiometric test requirements.	1,000 mobile vans	1,000.00 recalibration test records.	30 seconds	8.30	85.93	713.22
227.117 (a)—Hearing protection attenuation—evaluation.	531 railroads	50.00 evaluations	0.50 hours	25.00	85.93	2,148.25
—(d) Reevaluations of adequacy of hearing protection attenuation when employee noise exposure increases.	531 railroads	10.00 re-evaluations ..	0.50 hours	5.00	85.93	429.65
227.119—Hearing Conservation Training Program—development.	531 railroads	3.00 training program modifications.	1.00 hour	3.00	85.93	257.79
—Employee HCP training	531 railroads	26,000.00 records of training.	2.00 minutes	866.58	85.93	74,465.22
—Periodic training	531 railroads	6,862.00 records of training.	2.00 minutes	228.71	85.93	19,653.05
227.121(a)(1)(i)–(ii)—Record-keeping—availability of records upon request.	531 railroads	30 requests + 30 responses.	10 minutes + 15 minutes.	12.60	85.93	1,082.72
—(a)(1)(iv) Availability of exposure measurement records to regional or national labor representatives upon request.	531 railroads	150 requests + 150 responses.	21 minutes + 45 minutes.	165.00	85.93	14,178.45
—(a)(2)–(3) Electronic records—maintenance and transfer of records.	531 railroads	10.00 records	24.00 minutes	4.00	85.93	343.72
—(c) Audiometric test records	531 railroads	26,000.00 records	2.00 minutes	866.58	85.93	74,465.22
—(d) Positions and person designated records.	531 railroads	54,000.00 records	45 seconds	675.00	85.93	58,002.75
229.121(a)—Locomotive cab noise—performance standards for locomotives—records and certification.	3 equipment manufacturers.	610 records + 90 certifications.	5 minutes + 40 minutes.	110.93	85.93	9,532.21
—(b)(3) Maintenance of locomotives—Excessive noise reports.	514 railroads	3,000 reports + 3,000 records.	1 minute + 1 minute ...	100.00	85.93	8,593.00
—(b)(4) Recordkeeping—written or electronic records.	514 railroads	3,750.00 records	1.00 minutes	62.63	85.93	5,381.80
—(b)(4)(iii) Internal auditable monitoring systems—records.	514 railroads	22 systems + 2 systems.	36 mins + 8.25 hours	29.70	85.93	2,552.12
Appendix H(IV)—Static noise test protocols—records for retest.	500 locomotives	2.00 retest records	5.00 minutes	0.17	85.93	14.61
Total ³	531 railroads	159,925 responses	N/A	3,974 hours	N/A	350,627

Total Estimated Annual Responses: 159,925.

Total Estimated Annual Burden: 3,974 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$350,627.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,
Deputy Chief Counsel.

[FR Doc. 2024–11536 Filed 5–24–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2024–0010]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before July 29, 2024.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *regulations.gov* to the docket, Docket No. FRA–2024–0010. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0596) in any correspondence submitted. FRA will summarize comments received in a subsequent 30-day notice and include them in its information collection submission to OMB.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal statutes and regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Conductor Certification.

OMB Control Number: 2130–0596.

Abstract: FRA's conductor certification regulation (49 CFR part 242) requires railroads to have a formal program for certifying any person as a

conductor. As part of that program, railroads are required to have a process for determining competency to serve as a conductor through training, testing, and qualifying prospective conductors and existing conductors before issuing each person certification or recertification. The regulation is intended to ensure that only those persons who meet minimum Federal safety standards serve as conductors.

FRA collects information to ensure that railroads and their employees fully comply with all the requirements of part 242, including a conductor certification/recertification program, fitness requirements, initial and periodic testing, and territorial qualifications.

In this 60-day notice, FRA made adjustments that decreased the previously approved burden hours from 49,761 hours to 46,858 hours. The decrease in burden is a result of the reduced amount of time per response for § 242.115(e) certification review for prior alcohol/drug conduct. The average time was reduced from 10 minutes to 5 minutes, providing a more accurate analysis of the time needed to complete the review.

Additionally, upon a detailed review of part 242, FRA made several adjustments to its estimated paperwork burdens in this ICR extension.¹ FRA determined that fewer employees were changing employers, therefore reducing the number of prior safety records being reviewed. FRA also found that the associated burdens related to substance abuse and medical conditions have decreased as fewer employees have medical conditions that require further evaluation or positive drug and alcohol tests. As a result of these decreased burdens, the number of certification denials due to medical conditions and substance abuse has also decreased.

Type of Request: Extension without change (with changes in estimates) of a currently approved information collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 784 railroads.

Frequency of Submission: On occasion.

¹ The public can view all estimate adjustments to FRA's active ICRs in the Supporting Statements published at <https://www.reginfo.gov/public/>. The Supporting Statement for this ICR will be available after the 30-day **Federal Register** notice is published in *reginfo.gov*.

³ Totals may not add up due to rounding.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate (E)	Total cost equivalent U.S. dollars (D = C * E)
242.9—Waivers—Petitions	784 railroads	1 waiver petition	3.00 hours	3.00	85.93	257.79
242.103(b)–(c)(2)—Approval of design of individual railroad programs by FRA—Certification programs for new railroads.	784 new railroads	3 new conductor certification programs.	8.00 hours	24.00	123.41	2,961.84
—(c)(1) Conductor certification submission—Copies to rail labor organizations (RLOs).	784 railroads	6 certification program submission copies.	15.00 minutes	1.50	85.93	128.90
—(c)(2) Affirmative statements that copies of submissions were sent to RLOs.	784 railroads	6 affirmative statements.	15.00 minutes	1.50	85.93	128.90
—(d) RLOs submit comments on RR programs.	784 railroads	6 certified comments	4.00 hours	24.00	85.93	2,062.32
—(g) Non-conforming program revised and resubmitted to FRA.	784 railroads	15 revised programs	3.00 hours	45.00	85.93	3,866.85
—(h)(2) Resubmitted certification programs still not conforming and then resubmitted.	784 railroads	3 resubmitted certification programs.	2.00 hours	6.00	85.93	515.58
—(i)(1)–(2) Certification programs materially modified after initial FRA approval.	784 railroads	96 certificate program material modifications.	2.00 hours	192.00	85.93	16,498.56
—(i)(3) Materially modified programs disapproved by FRA and then revised.	784 railroads	20 modified certification programs.	2.00 hours	40.00	85.93	3,437.20
—Revised programs disapproved and then re-submitted.	<i>The estimated paperwork burden for this requirement is included under § 242.103(i)(3).</i>					
242.107(c)—Types of service—emergency training for reclassification to different type of certification.	35 railroads	400 records of trainings.	2.00 minutes	13.00	63.07	840.72
242.109—Determinations by RRs before certification or recertification and the opportunity for candidates to comment on their prior safety conduct record.	784 railroads	300 records + 300 comments.	30 minutes + 10 minutes.	225	85.93	19,334.25
242.111(b)—Prior Safety Conduct as Motor Vehicle Operator—Eligibility determinations.	784 railroads	16,200 eligibility determinations.	10.00 minutes	2,700.00	85.93	232,011.00
—(c) Initial certification for 60 days	784 railroads	150 initial certifications.	10.00 minutes	25.00	85.93	2,148.25
—(d) Recertification for 60 days	784 railroads	125 re-certifications	10.00 minutes	21.00	85.93	1,804.53
—(f) Driver info not provided and request for waiver by persons/railroad.	<i>FRA anticipates that there will be zero waiver requests during this three-year collection period.</i>					
—(h) Request to obtain driver's license information from licensing agency.	41,000 conductors ...	16,200 written requests.	15.00 minutes	4,050.00	63.07	255,433.50
—(j) Requests for additional information from driver licensing agency.	<i>The estimated paperwork burden for this requirement is included under § 242.111(h).</i>					
—(k) Notification to RR by persons of never having a license.	41,000 conductors ...	10 notices	10.00 minutes	2.00	63.07	126.14
—(l) Report of Motor Vehicle Incidents	41,000 conductors ...	400 self-reporting	10.00 minutes	68	63.07	4,288.76
—(m)–(n) Evaluation of driving record	41,000 conductors ...	16,200.00 motor vehicle record evaluations.	5.00 minutes	1,350.00	63.07	85,144.50
—(o)(1) DAC referral by RR after report of driving drug/alcohol incident.	784 railroads	200 DAC referrals ...	5.00 minutes	16.00	123.41	1,974.56
—(o)(2) DAC requests person supply records of prior counseling or treatment and the person must provide the records requested.	784 railroads	20 DAC requests	30.00 minutes	10.00	123.41	1,234.10
—(o)(3) Condition certifications based upon participation in aftercare or follow-up testing recommended by DAC.	784 railroads	40 conditional certification recommendations.	4.00 hours	160.00	123.41	19,745.60
242.113—Prior safety conduct as employee of a different railroad.	<i>The estimated paperwork burden for this requirement is included above in § 242.109.</i>					
242.115(b)—Determination that person meets eligibility requirements.	41,000 conductors ...	16,200 determinations.	2.00 minutes	540.00	63.07	34,057.80
—(c) Written documents from DAC that person is not affected by a substance abuse disorder.	41,000 conductors ...	250 filed documents	30.00 minutes	125.00	123.41	15,426.25

REPORTING BURDEN—Continued

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate (E)	Total cost equivalent U.S. dollars (D = C * E)
—(d)(3) RR treats self-referral for substance abuse counseling by employee as confidential except with respect to ineligibility for certification.	784 railroads	30 self-referrals	5.00 minutes	2.5	123.41	308.53
—(e) Certification reviews for occurrence/documentation of prior alcohol/drug conduct by persons/conductors.	784 railroads	16,200 certification reviews.	5.00 minutes	1,350.00	123.41	166,603.50
—(e)(3)(i) Written determination that person not currently certified is ineligible and the conditions for the ineligibility period.	784 railroads	75 written determinations.	1.00 hour	75.00	123.41	9,255.75
—(e)(3)(ii) Notification to current conductor that recertification has been denied or certification has been revoked and the conditions for the ineligibility period.	784 railroads	75 notifications	30.00 minutes	37.50	85.93	3,222.38
—(e)(4) Persons/conductors waiving investigation/de-certifications.	41,000 conductors ...	150 waived investigations.	10.00 minutes	25.50	63.07	1,608.29
242.117(b)—Vision and hearing acuity—Determination vision standards met.	784 railroads	16,200 records	2.00 minutes	540.00	123.41	66,641.40
—(b) Determination hearing standards met.	784 railroads	16,200 records	2.00 minutes	540.00	123.41	66,641.40
—Additional gap hearing tests	<i>The estimated paperwork burden for this requirement is included under § 242.117(b).</i>					
—(c)(1) Medical examiner certificate that person has been examined/ passed test.	784 railroads	16,200 file medical examiners.	10.00 minutes	2,700.00	123.41	333,207.00
—(c)(2)(i) Document standards can be met with conditions attached.	784 railroads	25 written documents.	30.00 minutes	12.50	123.41	1,542.63
—(c)(2)(ii) Document standards cannot be met even with conditions attached.	784 railroads	25 written documents.	30.00 minutes	12.50	123.41	1,542.63
—(e) Notation person needs corrective device (glasses or hearing aid, or both).	784 railroads	5,000 certificate notifications.	10.00 minutes	833.33	123.41	102,841.26
—(j) Person not meeting hearing or vision thresholds requests further medical evaluation for new determination.	784 railroads	50 requests + 50 determination.	30 minutes + 10 minutes.	² 33.50	63.07 123.41	2,625.73
—(j) Consultations by medical examiners with railroad officer and issue of conditional certification.	784 railroads	15 consults + 15 certifications.	30 minutes + 10 minutes.	³ 10.05	123.41 85.93	1,144.69
—(k) Notification by certified conductor of deterioration of vision/hearing.	784 railroads	20 notifications	10.00 minutes	3.00	63.07	189.21
242.119(a)—Training—New railroads—Training program.	3 new railroads	3 training programs	3.00 hours	9.00	123.41	1,110.69
—(a) Modification to training program	783 railroads	75 programs	30.00 minutes	38.00	85.93	3,265.34
—(c) Written documentation showing each person completed training for certification or recertification.	783 railroads	50 written documents.	30.00 minutes	25.00	85.93	2,148.25
—(d)(5) Modified training programs due to new laws, regulations, orders, technologies, procedures, or equipment.	784 railroads	24 modified training programs.	2.00 hours	48.00	85.93	4,124.64
—(f) Employee consultation with qualified supervisory employee if given written test to demonstrate knowledge of physical characteristics of any assigned territory.	784 railroads	1,000 consultations	15.00 minutes	250.00	63.07	15,767.50
—(i) Familiarization training for conductor of acquiring railroad from selling company/railroad prior to commencement of new operation.	784 railroads	20 training records ..	15.00 minutes	5.00	63.07	315.35
—(l) RR continuous education/training of conductors.	784 railroads	16,200 training records.	15.00 minutes	4,050.00	63.07	255,433.50
242.121(a)—(f)—Knowledge testing—Determining eligibility.	784 railroads	16,200 examination records.	15.00 minutes	4,050.00	63.07	255,433.50
—(g) Retests/re-examinations	784 railroads	1,000 retests or re-examination records.	15.00 minutes	250.00	63.07	15,767.50
242.123(a)—(e)—Monitoring operational Performance.	784 railroads	16,200 operational compliance test records.	10.00 minutes	2,700.00	85.93	232,011.00

REPORTING BURDEN—Continued

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate (E)	Total cost equivalent U.S. dollars (D = C * E)
—(f) Return to service that requires unannounced compliance test/record.	784 railroads	1,000 unannounced compliance test records.	10.00 minutes	167	85.93	14,350.31
242.125—Determination made by railroad relying on another railroad's certification.	784 railroads	100 determinations ..	30.00 minutes	50.00	63.07	3,153.50
242.127—Reliance on qualification requirements of other countries.	784 railroads	20 determinations	30.00 minutes	10.00	63.07	630.70
242.203(b)—Retaining information supporting determination—Records.	784 railroads	16,200 record retentions.	15.00 minutes	4,050.00	85.93	348,016.50
—(c) Amended electronic records	784 railroads	20 amended records	30.00 minutes	10.00	85.93	859.30
242.205—Identification of certified persons and recordkeeping. List of certified persons.	784 railroads	784 lists	5.00 minutes	63.00	85.93	5,413.59
242.209(a)—Maintenance of Certificates—Request to display certificate.	784 railroads	2,000 displayed certificates.	2.00 minutes	67.00	63.07	4,225.69
—(b) Notification by conductors that RR request to serve exceeds certification.	784 railroads	1,000 notifications ...	10.00 minutes	167	63.07	10,532.69
242.211—Replacement of certificates	784 railroads	500 temporary replacement certificates.	5.00 minutes	42.00	85.93	3,609.06
242.213(e)—Multiple certificates—Notification to engineer that no conductor is on train.	35 railroads	5 locomotive engineer notifications.	10.00 minutes	1.00 hour	85.93	85.93
—(f) Notification of denial of certification by individuals holding certifications from more than one railroad.	784 railroads	10 notifications	10.00 minutes	2.00	63.07	126.14
242.215(a)—Railroad oversight responsibilities—Review and analysis of administration of certification program.	53 railroads	53 reviews and analyses.	40.00 hours	2,120.00	85.93	182,171.60
—(d)—(i) Upon FRA's request, railroad provides a report of findings and conclusions.	784 railroads	53 reports	4.00 hours	212.00	85.93	18,217.16
242.301(a)—Determinations—Territorial qualification and joint operations.	320 railroads	1,000 determinations	15.00 minutes	250.00	63.07	15,767.50
—(b) Notification by persons who do not meet territorial qualification.	320 railroads	300 notifications	10.00 minutes	50.00	63.07	3,153.50
242.401(a)—Denial of certification—Notification to candidate of information that forms basis for denying certification and candidate response.	784 railroads	80 notices + 40 responses.	1 hour + 1 hour	4 120.00	123.41 63.07	12,395.60
—(c) Written notification of denial of certification.	784 railroads	40 notifications	1.00 hour	40.00	85.93	3,437.20
242.403—Criteria for revoking certification—Review of compliance conduct.	784 railroads	1,000 certification reviews.	15.00 minutes	250.00	63.07	15,767.50
242.407(a)—Process for revoking certification—Revocation for violations of section 242.115(e) and 242.403(e).	784 railroads	1,000 revoked certifications.	8.00 hours	8,000.00	123.41	987,280.00
—(b)(1) and (2) Immediate suspension of certificate.	784 railroads	1,000 suspended certification letters.	1.00 hour	1,000.00	85.93	85,930.00
—(b)(7) Hearing record	784 railroads	1,000 records	5.00 minutes	250.00	85.93	21,482.50
—(c) Written decisions by railroad official.	784 railroads	1,000 written decisions.	2.00 hours	2,000.00	123.41	246,820.00
—(c) Service of written decision on employee by RR + RR service proof.	784 railroads	1,000 served written decisions + 1,000 service proofs.	10 minutes + 5 minutes.	250.00	85.93	21,482.50
—(f) Written waiver of right to hearing	41,000 conductors ...	700 written waivers	10.00 minutes	117.00	63.07	7,379.19
—(g) Revocation of certification based on information that another railroad has done so.	784 railroads	15 revoked certifications.	10.00 minutes	3.00	123.41	370.23
—(j) Placing relevant information in record prior to suspending certification/convening hearing.	784 railroads	100 updated records	1.00 hour	100.00	85.93	8,593.00
Totals ⁵	784 railroads	220,123 responses ..	N/A	46,858	.....	4,281,590

Total Estimated Annual Responses:
220,123.

² Breakdown of total burden hours is 25 hours × \$63.07 = \$1,576.75, and 8.5 hours × 123.41 = \$1,048.98 for a total of 33.50 hours and \$2,625.73 total cost equivalent.

³ Breakdown of total burden hours is 7.5 hours × \$123.41 = \$925.57, and 2.55 hours × 85.93 = \$219.12 for a total of 10.05 hours and \$1,144.69 total cost equivalent.

⁴ Breakdown of total burden hours is 80 hours × \$123.41 = \$9,872.80, and 40 hours × 63.07 = \$2,522.80 for a total of 120 hours and \$12,395.60 total cost equivalent.

Total Estimated Annual Burden:
47,858 hours.

Total Estimated Annual Burden Hour
Dollar Cost Equivalent: \$4,344,660.

⁵ Totals may not add up due to rounding.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,
Deputy Chief Counsel.

[FR Doc. 2024–11539 Filed 5–24–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2024–0009]

Proposed Agency Information
Collection Activities; Comment
Request

AGENCY: Federal Railroad
Administration (FRA), Department of
Transportation (DOT).

ACTION: Notice of information collection;
request for comment.

SUMMARY: Under the Paperwork
Reduction Act of 1995 (PRA) and its
implementing regulations, FRA seeks
approval of the Information Collection
Request (ICR) summarized below.
Before submitting this ICR to the Office
of Management and Budget (OMB) for
approval, FRA is soliciting public
comment on specific aspects of the
activities identified in the ICR.

DATES: Interested persons are invited to
submit comments on or before July 29,
2024.

ADDRESSES: Written comments and
recommendations for the proposed ICR
should be submitted on [regulations.gov](https://www.regulations.gov)
to the docket, Docket No. FRA–2024–
0009. All comments received will be
posted without change to the docket,
including any personal information
provided. Please refer to the assigned
OMB control number (2130–0590) in
any correspondence submitted. FRA
will summarize comments received in a
subsequent 30-day notice and include
them in its information collection
submission to OMB.

FOR FURTHER INFORMATION CONTACT: Ms.
Arlette Mussington, Information
Collection Clearance Officer, at email:
arlette.mussington@dot.gov or
telephone: (571) 609–1285 or Ms.
Joanne Swafford, Information Collection
Clearance Officer, at email:
joanne.swafford@dot.gov or telephone:
(757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA,
44 U.S.C. 3501–3520, and its
implementing regulations, 5 CFR part
1320, require Federal agencies to
provide 60 days’ notice to the public to
allow comment on information
collection activities before seeking OMB
approval of the activities. *See* 44 U.S.C.
3506, 3507; 5 CFR 1320.8 through
1320.12. Specifically, FRA invites
interested parties to comment on the
following ICR regarding: (1) whether the
information collection activities are
necessary for FRA to properly execute
its functions, including whether the
activities will have practical utility; (2)
the accuracy of FRA’s estimates of the
burden of the information collection
activities, including the validity of the
methodology and assumptions used to
determine the estimates; (3) ways for
FRA to enhance the quality, utility, and
clarity of the information being
collected; and (4) ways for FRA to
minimize the burden of information
collection activities on the public,
including the use of automated
collection techniques or other forms of
information technology. *See* 44 U.S.C.
3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public
comment may reduce the administrative
and paperwork burdens associated with
the collection of information that
Federal regulations mandate. In
summary, comments received will
advance three objectives: (1) reduce
reporting burdens; (2) organize
information collection requirements in a
“user-friendly” format to improve the
use of such information; and (3)
accurately assess the resources
expended to retrieve and produce
information requested. *See* 44 U.S.C.
3501.

The summary below describes the ICR
that FRA will submit for OMB clearance
as the PRA requires:

Title: Federal Railroad Administration
Alleged Violation and Inquiry Form.

OMB Control Number: 2130–0590.

Abstract: The FRA Alleged Violation
and Inquiry Form is a response to
section 307(b) of the Rail Safety
Improvement Act of 2008, which
requires FRA to “provide a mechanism
for the public to submit written reports
of potential violations of Federal
railroad safety and hazardous materials
transportation laws, regulations, and
orders to the Federal Railroad
Administration.” The FRA Alleged
Violation and Inquiry Form allows the
public to submit alleged violations,
complaints, or inquiries directly to FRA.

The form allows FRA to collect
information necessary to investigate the
alleged violation, complaint, or inquiry,
and to follow up with the submitting
party. FRA may share the information
collected with partnering States under
its State Safety Participation Program
and with law enforcement agencies.

In this 60-day notice FRA has made
adjustments that increase the overall
burden from 70 to 120 hours. The
increase in burden hours is a result of
an increase in the estimated number of
responses for the three-year information
collection period. After a thorough
review, FRA has estimated that
responses will increase from 600 to
1000.

FRA will use the information
collected under the form to identify
problem areas and take necessary action
to prevent potential accidents of the
type indicated by the information
submitted from occurring.

Type of Request: Extension without
change (with changes in estimates) of a
currently approved information
collection.

Affected Public: Public.

Form(s): FRA F 6180.151.

Respondent Universe: Public.

Frequency of Submission: On
occasion.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total cost equivalent in U.S. dollars ¹
		(A)	(B)	(C = A * B)	(D = C * wage rates)
FRA Alleged Violation and Inquiry Form FRA F 6180.151.	Public	1000 forms	7 minutes	120	\$5,173

¹ Source: U.S. Department of Labor, Bureau of
Labor Statistics (BLS) Employer Cost for Employee
Compensation—December 2023. Hourly wage rate

used is \$30.33 plus overhead of 30%. Total
burdened wage rate is \$43.11.

² Total may not add up due to rounding.

REPORTING BURDEN—Continued

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Total cost equivalent in U.S. dollars ¹ (D = C * wage rates)
Total ²		1000 forms	N/A	120	\$5,173

Total Estimated Annual Responses: 1000.

Total Estimated Annual Burden: 120 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$5,173.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,
Deputy Chief Counsel.

[FR Doc. 2024–11535 Filed 5–24–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Registration of Mortgage Loan Originators

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the revision to its information collection titled, “Registration of Mortgage Loan Originators.”

DATES: Comments must be received by July 29, 2024.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.

- *Mail:* Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0243, 400 7th Street, SW, Suite 3E–218, Washington, DC 20219.

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

- *Fax:* (571) 293–4835.

Instructions: You must include “OCC” as the agency name and “1557–0243” 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.

Following the close of this notice’s 60-day comment period, the OCC will publish a second notice with a 30-day comment period. 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 method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to www.reginfo.gov. Hover over the “Information Collection Review” tab and click on “Information Collection Review” from the drop-down menu. From the “Currently under Review” drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching OMB control number “1557–0243” or “Registration of Mortgage Loan Originators.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the

Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street, SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally 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, the OCC is publishing notice of the renewal/revision of this collection.

Title: Registration of Mortgage Loan Originators.

OMB Control No.: 1557–0243.

Description: The Secure and Fair Enforcement for Mortgage Licensing Act (the S.A.F.E. Act or Act)¹ requires an employee of a Federally-regulated bank, savings association, credit union, or farm credit institution and their subsidiaries (collectively, institutions) who engages in the business of a residential mortgage loan originator (MLO) and does not qualify for the *de minimis* exception to register with the Nationwide Mortgage Licensing System and Registry (Registry) and obtain a unique identifier. Further, the S.A.F.E. Act provides that institutions must require their employees who act as MLOs to comply with the Act’s registration requirements and obtain a

¹ The S.A.F.E. Act was enacted as part of the Housing and Economic Recovery Act of 2008, Pub. L. 110–289, Division A, Title V, sections 1501–1517, 122 Stat. 2654, 2810–2824 (July 30, 2008), codified at 12 U.S.C. 5101–5116.

unique identifier. Institutions must also adopt and follow written policies and procedures to ensure compliance with these requirements.

Among other things, the Registry is intended to aggregate and improve the flow of information to and between regulators; provide increased accountability and tracking of mortgage loan originators; enhance consumer protections; reduce fraud in the residential mortgage loan origination process; and provide consumers with easily accessible information at no charge regarding the employment history of, and the publicly adjudicated disciplinary and enforcement actions against, MLOs.

Along with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Farm Credit Administration, the OCC issued a final rule implementing the S.A.F.E. Act.² The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Pub. Law 111–203, later provided for the transfer of this rule to the Consumer Financial Protection Bureau (CFPB), and the CFPB republished this rule as 12 CFR part 1007.³ However, the OCC retains enforcement authority for national banks, Federal savings associations, and Federal branches and agencies of foreign banks with total assets of \$10 billion or less.⁴

MLO Reporting Requirements

Except in situations where the de minimis exception applies, 12 CFR 1007.103 requires an employee of an institution who acts as an MLO to register with the Registry, obtain a unique identifier, and maintain and update such registration. This section also requires institutions to require their MLO employees to comply with these requirements. Section 1007.103(d) sets forth the categories of information that an institution must require each MLO employee to submit to the Registry or submit on the employee's behalf. This section also requires each MLO employee to submit to the Registry an attestation as to the correctness of the information submitted and an authorization for the Registry and the employing institution to obtain certain additional information related to the employee.

MLO Disclosure Requirement

Section 1007(b) requires MLOs to provide their unique identifier to a consumer upon request, before acting as an MLO, and through the originator's initial written communication with a consumer, if any, whether on paper or electronically.

Financial Institution Reporting Requirements

Section 1007.103(e) specifies the institution-related and employee information an institution must submit to the Registry in connection with the initial registration of one or more MLOs and annually thereafter. The institution also must update this information within 30 days of the date that this information becomes inaccurate. Employees of the institution who submit information to the Registry on behalf of the institution must verify their identity and attest that they have the authority to enter data on behalf of the institution, that the information submitted is correct, and that the covered financial institution will keep the required information current and will file accurate supplementary information on a timely basis. *Financial Institution Disclosure Requirements*

Section 1007.105(a) requires the institution to make the unique identifiers of its MLO employees available to consumers in a manner and method practicable to the institution.

Financial Institution Recordkeeping Requirements

Section 1007.104 requires that an institution that employs one or more MLOs to adopt and follow written policies and procedures to, at a minimum, address certain specified areas related to MLO registration. These policies must be appropriate to the nature, size, and complexity of the institution's mortgage lending activities and that apply only to those employees acting within the scope of their employment at the institution.

Type of Review: Regular.

Affected Public: Individuals; Businesses or other for-profit.

Estimated Frequency of Response: On occasion.

Estimated Number of Responses: 90,574.

Estimated Total Annual Burden: 40,671 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper

performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2024–11633 Filed 5–24–24; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Procedures To Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act of 2003

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, "Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transactions Act of 2003." DATES: Comments must be received by July 29, 2024.

ADDRESSES: Commenters are encouraged to submit comments by email, if

² 75 FR 44656 (July 28, 2010), as corrected in 75 FR 51623 (Aug. 23, 2010).

³ 76 FR 78487 (Dec. 19, 2011).

⁴ See section 1025 of the Dodd-Frank Act, codified at 12 U.S.C. 5515.

possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.

- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0238, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

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

- *Fax:* (571) 293-4835.

Instructions: You must include "OCC" as the agency name and "1557-0238" 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.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. 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 method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to www.reginfo.gov. Hover over the "Information Collection Review" tab and click on "Information Collection Review" from the drop-down menu. From the "Currently under Review" drop-down menu, select "Department of Treasury" and then click "submit." This information collection can be located by searching OMB control number "1557-0238" or "Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transactions Act of 2003." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merriitt, Clearance Officer,

(202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally 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, the OCC is publishing notice of the renewal/revision of this collection.

Title: Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transactions Act of 2003.

OMB Control No.: 1557-0238.

Type of Review: Regular.

Description: Pursuant to section 312 of the FACT Act, the OCC issued guidelines for use by furnishers regarding the accuracy and integrity of the information about consumers that they furnish to consumer reporting agencies and prescribed regulations that require furnishers to establish reasonable policies and procedures for implementing the guidelines. Section 312 also required the issuance of regulations identifying the circumstances under which a furnisher must reinvestigate disputes about the accuracy of information contained in a consumer report based on a direct request from a consumer.

Pursuant to 12 CFR 1022.42(a), furnishers are required to establish and implement reasonable written policies and procedures regarding the accuracy and integrity of consumer information that they provide to a consumer reporting agency (CRA).

Pursuant to 12 CFR 1022.43(a), a furnisher is required to conduct a reasonable investigation of a dispute initiated directly by a consumer in certain circumstances. Furnishers are required to have procedures to ensure that disputes received directly from

consumers are handled in a substantially similar manner to those complaints received through CRAs.

Pursuant to 12 CFR 1022.43(f)(2), the statutory requirement is incorporated that a furnisher must notify a consumer by mail or other means (if authorized by the consumer) not later than five business days after making a determination that a dispute is frivolous or irrelevant. Pursuant to 12 CFR 1022.43(f)(3) the statute's content requirements are incorporated for the notices.

Affected Public: Businesses or other for-profit.

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 1,032.

Estimated Total Annual Burden: 185,603 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2024-11571 Filed 5-24-24; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Requesting Comments on the Intake/Interview & Quality Review Sheets

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce

paperwork and respondent burden, invites the 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. The IRS is soliciting comments concerning Form 13614–C series and Form 13614–NR, Intake/Interview & Quality Review Sheet.

DATES: Written comments should be received on or before July 29, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include OMB Control Number 1545–1964 or form number 13614–C and form 13614–NR in the Subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Sara Covington, (202) 317–5744, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at sara.l.covington@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Intake/Interview & Quality Review Sheet.

OMB Number: 1545–1964.

Form Numbers: 13614–C, 13614–C (AR), 13614–C (BN), 13614–C (BR), 13614–C (DE), 13614–C (FA), 13614–C (FR), 13614–C (GUJ), 13614–C (HT), 13614–C (IT) 13614–C (JA), 13614–C (KM), 13614–C (KO), 13614–C (LP), 13614–C (PA), 13614–C (PL), 13614–C (PT), 13614–C (RU), 13614–C (SO), 13614–C (SP), 13614–C (TL), 13614–C (UR), 13614–C (VIE), 13614–C (ZH–S) 13614–C (ZH–T), and 13614–NR.

Abstract: The Form 13614–C series and Form 13614–NR contains a standardized list of required intake questions to guide volunteers in the Tax Counseling for the Elderly (TCE) and Volunteer Income Tax Assistance (VITA) programs in asking taxpayers basic questions about themselves. The form provides the volunteer with structured and consistent information to accurately prepare the taxpayer’s return.

Current Actions: Form 13614–C and Form 13614–NR was redesigned and updated to meet OMB request on Race/Ethnicity. Changes to the burden estimates are due to the most current filing data.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Form 13614–C:

Estimated Number of Responses: 2,561,781.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 426,964.

Form 13614–NR:

Estimated Number of Responses: 15,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 2,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Approved: May 22, 2024.

Sara L Covington,
IRS Tax Analyst.

[FR Doc. 2024–11603 Filed 5–24–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. ch. 10, that the Advisory Committee on Disability Compensation (hereinafter the Committee) will hold virtual meeting sessions on Monday, June 24, 2024, through Wednesday, June 26, 2024. The meeting sessions will begin, and end as follows:

Date	Time
Monday, June 24, 2024.	10:00 a.m. to 1:30 p.m. Eastern Standard Time (EST).
Tuesday, June 25, 2024.	10:00 a.m. to 1:30 p.m. Eastern Standard Time (EST).
Wednesday, June 26, 2024.	10:00 a.m. to 1:30 p.m. Eastern Standard Time (EST).

The meeting sessions are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities (VASRD). The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the VASRD, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation in the future.

On Monday, June 24, 2024, through Wednesday, June 26, 2024, the agenda will include overview presentations, updates from various staffs on new and ongoing VA initiatives and priorities, and a review and discussions of the 2022 Biennial Report.

In addition, on Wednesday, June 26, 2024, the public comment period will be open for 30-minutes from 11:00 a.m. to 11:30 a.m. EST. The public can also submit one-page summaries of their written statements for the Committee’s review. Public comments may be received no later than June 14, 2024, for inclusion in the official meeting record. Please send these comments to Jadine Piper of the Veterans Benefits Administration, Compensation Service, at 21C_ACDC.VBACO@va.gov.

Members of the public who wish to obtain a copy of the agenda should

contact Jadine Piper at 21C.ACDC.VBACO@va.gov, and provide their name, professional affiliation, email address and phone number. The call-in number (United States, Chicago) for those who would like to attend the meeting is: 872-701-0185; phone conference ID: 170 422 972#. Members of the public may also access the meeting by pasting the following URL into a web browser: <https://bit.ly/4aTik69>.

Dated: May 21, 2024.

Jelessa M. Burney,
Federal Advisory Committee Management Officer.

[FR Doc. 2024-11541 Filed 5-24-24; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch.10, that a meeting of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board will be held July 9, 2024, via Webex. The meeting will be held between 3 p.m. and 5 p.m. EDT. The meeting will be closed to the public from 3:30-5 p.m. EDT for scientific review and the discussion, examination, and reference

to the research applications. Discussions will involve reference to staff and consultant critiques of research proposals. Discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. As provided by Public Law 92-463 subsection 10(d), as amended by Public Law 94-409, closing the committee meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

The objective of the Board is to provide for the fair and equitable selection of the most meritorious research projects for support by VA research funds and to offer advice for research program officials on program priorities and policies. The ultimate objective of the Board is to ensure the high quality and mission relevance of VA's legislatively mandated Biomedical Laboratory and Clinical Science Research and Development programs.

Board members advise the Directors of the Biomedical Laboratory and Clinical Sciences Research Services and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human subjects of Biomedical Laboratory and Clinical Sciences Research and Development proposals. The Board does not consider grants, contracts, or other forms of extramural research.

Members of the public may attend the open portion of the meeting. To attend the open portion of the meeting (3-3:30 p.m. EDT), the public may join by dialing the phone number 1-404-397-1596 and entering the meeting number (access code): 2820 097 2881. Public comments accepted during the open portion of the meeting and Public stakeholders who want to speak to the committee will be afforded 3 minutes during the public comment period. These stakeholders must notify the DFO of their intention to speak to the Committee.

Written public comments must be sent to Michael R. Burgio, Ph.D., Designated Federal Officer, Advisory Committee Management Office, 811 Vermont Avenue NW, Room 4342A, Washington, DC 20006, or to Michael.Burgio@va.gov at least five days before the meeting. The written public comments will be shared with the board members. The public may not attend the closed portion of the meeting as disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals (Public Law 92-463 subsection 10(d), as amended by Public Law 94-409, closing the committee meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

Dated: May 21, 2024.

LaTonya L. Small,
Federal Advisory Committee Management Officer.

[FR Doc. 2024-11549 Filed 5-24-24; 8:45 am]

BILLING CODE 8320-01-P

Reader Aids

Federal Register

Vol. 89, No. 103

Tuesday, May 28, 2024

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202-741-6000
Laws	741-6000
Presidential Documents	
Executive orders and proclamations	741-6000
The United States Government Manual	741-6000
Other Services	
Electronic and on-line services (voice)	741-6020
Privacy Act Compilation	741-6050

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: www.govinfo.gov.

Federal Register information and research tools, including Public Inspection List and electronic text are located at: www.federalregister.gov.

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, MAY

34945-35684	1
35685-36650	2
36651-37058	3
37059-37964	6
37965-38836	7
38837-39530	8
39531-40358	9
40359-41286	10
41287-41880	13
41881-42328	14
42329-42766	15
42767-43304	16
43305-43732	17
43733-44544	20
44545-44900	21
44901-45556	22
45557-45748	23
45749-46014	24
46015-46308	28

CFR PARTS AFFECTED DURING MAY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR	No. 2024-04 of May 8, 2024	46015
XVI		34953
3 CFR		
Proclamations:		
10585		44907
10733		34945
10734		34949
10735		36651
10736		36655
10737		36657
10738		36659
10739		36661
10740		36663
10741		36665
10742		36667
10743		36669
10744		37059
10745		39531
10746		40361
10747		41287
10748		41289
10749		41291
10750		41293
10751		41295
10752		41297
10753		41881
10754		42329
10755		42333
10756		42335
10757		42339
10758		44545
10759		44901
10760		44903
10761		44905
10762		44907
10763		44909
10764		45749
Administrative Orders:		
Memorandums:		
Memorandum of April		
24, 2024		40359
Memorandum of May		
10, 2024		46017
Memorandum of May		
14, 2024		44541
Notices:		
Notice of May 8,		
2024		40353
Notice of May 8,		
2024		40355
Notice of May 8,		
2024		40357
Notice of May 14,		
2024		43765
Notice of May 20,		
2024		44899
Orders:		
Order of May 13,		
2024		43300
Presidential		
Determinations:		
5 CFR		
890		37061
2635		43686
Proposed Rules:		
532		36720
890		45782
2641		46036
6 CFR		
Proposed Rules:		
26		37141
7 CFR		
354		38596
958		45751
981		37965
985		45557
1430		39539
1710		45563
1717		45563
1719		34955, 41299
1721		45563
1726		45563
1730		45563
1738		34955
1739		34955
1774		34955
1775		34955
1780		34959
1940		34959
3570		34955
4274		34955
4279		34955
4280		34955
4288		34955
Proposed Rules:		
271		44928
273		44928
8 CFR		
Proposed Rules:		
208		41347
9 CFR		
11		39194
71		39540
77		39540
78		39540
86		39540
10 CFR		
73		42767
429		37778, 43986
430		37778, 37987
431		43986, 44052, 44464
433		35384
435		35384
Ch. III		37079
900		35312

1008.....43733
1021.....41300, 45563
Proposed Rules:
72.....41901
73.....41901
430.....38762
431.....43770

11 CFR

4.....35685

12 CFR

229.....43737
1293.....42768
1610.....37091

Proposed Rules:

Ch. VII.....45602

13 CFR

120.....35688

Proposed Rules:

124.....42816
127.....42816
128.....42816

14 CFR

21.....45944
25.....39566, 42341, 42788,
44911, 44913
29.....37969
34.....37971
39.....34961, 34982, 34986,
34988, 35690, 35693, 35695,
35698, 35701, 37109, 37111,
41301, 41304, 42792, 44547,
44914, 44917, 45564, 45754,
45758
71.....41306, 41307, 42343,
42344, 42345, 42347, 42349,
42351, 42352, 42795, 42797,
43305, 43739, 45566, 45567,
45760, 46019
93.....43309
97.....41883, 41884, 45762,
45764

Proposed Rules:

25.....38004
29.....44928
39.....35015, 37142, 37144,
38841, 38846, 41361, 41365,
41903, 41906, 41908, 42397,
42820, 43336, 43339, 43342,
43344, 43792, 43794,
44568, 44930, 44933, 45610,
45612, 45800
71.....35018, 35019, 35021,
35022, 35024, 35025, 35027,
42399, 42401, 42824, 42826,
42828, 43347, 45615, 46038,
46041
129.....44935
382.....38852

15 CFR

326.....37972, 42354
705.....43740
734.....40369
738.....38837, 40369
740.....40369
744.....41886

16 CFR

910.....38342
912.....38342

17 CFR

23.....34991, 45569

37.....34991
Proposed Rules:
275.....44571

18 CFR**Proposed Rules:**

2.....37147
38.....37147

19 CFR

12.....44921

20 CFR

655.....38838

21 CFR

112.....37448
510.....42354
516.....42361
520.....42354
522.....42354
524.....42354
529.....42354
558.....42354
809.....37286
886.....43743

Proposed Rules:

73.....43349
80.....46042
201.....44944
500.....44944
501.....44944
510.....44944
514.....44944
516.....44944
809.....37158
1308.....44597

22 CFR

50.....41308
51.....41308
71.....41308
303.....40372

Proposed Rules:

126.....35028

23 CFR

490.....37113
1300.....37113

24 CFR

5.....38224, 46020
8.....38224, 46020
42.....38224, 46020
50.....38224, 46020
91.....38224, 46020
92.....38224, 46020
93.....38224, 46020
247.....38224, 46020
290.....38224, 46020
882.....38224, 46020
888.....38224
891.....38224, 46020
903.....38224, 46020
906.....46020
908.....38224
943.....38224, 46020
945.....38224, 46020
960.....38224, 46020
972.....38224, 46020
982.....38224, 46020
983.....38224, 46020
985.....38224, 46020
1000.....38224, 46020

26 CFR

1.....37706

26.....37116
300.....42362
301.....37116, 37706
602.....37116

Proposed Rules:

1.....39440, 42404, 43349
301.....43349

27 CFR

9.....42363

28 CFR

106.....36671, 36673, 36675

29 CFR

1602.....46021
1910.....44144
2520.....43636
2550.....43636, 43675
2578.....43636

30 CFR

285.....42602
585.....42602

31 CFR

501.....40372
560.....43311
591.....35703

Proposed Rules:

1.....41912
100.....36721
1032.....44571

32 CFR

45.....40378
199.....45765
310.....37127
1665.....35004

Proposed Rules:

310.....42408
776.....36723

33 CFR

100.....35006, 35705, 35708,
37130, 40382, 41311, 43314,
43747
117.....37974, 46021
147.....35709, 37130, 41895,
42799, 44550
165.....35712, 35714, 36671,
37134, 38839, 40384, 42806,
43316, 43318, 44550, 44551,
44552, 44922, 45595, 45596,
45598, 45767, 45768

Proposed Rules:

100.....41368, 41914
110.....38853, 38854
117.....43797
165.....35767, 38854, 38857,
39576, 40437, 43350, 44622,
44945, 45803, 46043

34 CFR

75.....42806
Ch. II.....41498

Proposed Rules:

Ch. VI.....43352

36 CFR

7.....43319
219.....37135
1225.....35007

Proposed Rules:

7.....44947

37 CFR

1.....36677

Proposed Rules:

1.....40439

38 CFR

17.....45599
38.....40386
51.....45599
80.....41312

39 CFR

111.....35716, 42367

Proposed Rules:

3050.....44951, 46046

40 CFR

9.....38950
52.....36679, 37137, 41319,
41321, 42808, 42810, 42812
60.....39304, 39798, 42932
61.....45770
63.....38508, 39304, 41647,
42932, 45770
98.....42062
131.....35717
141.....45980
142.....45980
174.....43328
180.....40391, 40396, 42382,
42387
228.....36681
257.....38950
268.....35008
281.....42390
282.....42390, 43322
302.....39124
372.....35748, 43331
423.....40198
702.....37028
751.....39254
1500.....35442
1501.....35442
1502.....35442
1503.....35442
1504.....35442
1505.....35442
1506.....35442
1507.....35442
1508.....35442

Proposed Rules:

51.....36870
52.....36729, 36870, 42410,
42820, 43357, 43359, 45616,
46049
124.....42832
180.....36737, 44954
260.....42832
264.....42832
265.....42832
270.....42832
271.....42832
281.....42413
282.....42413, 43363

41 CFR

300–3.....37975
302–6.....37975
302–7.....37975

42 CFR

71.....41726
410.....41324
414.....41324
430.....41002

431.....	40542	84.....	37522, 40066	1602.....	37061	1554.....	35580
435.....	39392	92.....	37522	1609.....	37061	1570.....	35580
438.....	37522, 40542, 40876,	147.....	37522	Proposed Rules:		1572.....	35580
	41002	152.....	39392	40.....	36738, 42413	Proposed Rules:	
440.....	37522	155.....	37522, 39392	49 CFR		107.....	45806
441.....	40542	156.....	37522	24.....	36908	385.....	36742
442.....	40876	1324.....	39488	80.....	45772	571.....	45813
447.....	40542	1356.....	40400	171.....	39570, 41331	50 CFR	
457.....	37522, 39392, 41002	2520.....	46024	172.....	39570, 41331	17.....	36982, 43748
460.....	37522	2521.....	46024	173.....	39570, 41331	25.....	41336
483.....	40876	2522.....	46024	175.....	39570, 41331	92.....	35010
600.....	39392	46 CFR		176.....	39570, 41331	217.....	45292
Proposed Rules:		541.....	39561, 41895, 45772	178.....	39570, 41331	300.....	40417
412.....	35934	47 CFR		180.....	39570, 41331	622.....	35011, 40419, 41896,
413.....	35934	8.....	45404	245.....	44766		42815
431.....	35934	20.....	45404	246.....	44830	635.....	37139, 45776, 45779
482.....	35934	73.....	36705, 36718	260.....	45772	648.....	35755, 41899, 44924
485.....	35934	Proposed Rules:		571.....	39686	660.....	35012, 44553, 46035
495.....	35934	5.....	46052	595.....	39686	665.....	37984, 37985
512.....	35934, 43518	10.....	41558	596.....	39686	679.....	35013, 39575
43 CFR		25.....	46052	1145.....	38646	Proposed Rules:	
1600.....	40308	73.....	41371	1500.....	35580	20.....	41522
2360.....	38712	76.....	38007	1503.....	35580	216.....	35769
2800.....	35634, 41331	97.....	46052	1515.....	35580	223.....	41917, 45815
2860.....	41331	48 CFR		1540.....	35580	224.....	45815
2880.....	41331	1.....	41895	1542.....	35580	622.....	42413
2920.....	41331	715.....	44553	1544.....	35580	648.....	43364, 45621
6100.....	40308	727.....	37948, 40417	1546.....	35580	665.....	45623
45 CFR		742.....	37948, 40417	1548.....	35580	679.....	40449
75.....	36684	752.....	37948, 40417, 44553	1549.....	35580		
80.....	37522			1550.....	35580		
				1552.....	35580		

LIST OF PUBLIC LAWS Note: No public bills which have become law were received by the Office of the Federal Register for inclusion	in today's List of Public Laws. Last List May 20, 2024	Public Laws Electronic Notification Service (PENS) PENS is a free email notification service of newly	enacted public laws. To subscribe, go to https://portalguard.gsa.gov/__layouts/PG/register.aspx. Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. PENS cannot respond to specific inquiries sent to this address.