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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2018–0291]

RIN 3150–AK23

American Society of Mechanical Engineers Code Cases and Update Frequency

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to incorporate by reference revisions of three regulatory guides to approve new, revised, and reaffirmed code cases published by the American Society of Mechanical Engineers. This action allows nuclear power plant licensees and applicants for construction permits, operating licenses, combined licenses, standard design certifications, standard design approvals, and manufacturing licenses to use the code cases listed in these regulatory guides as voluntary alternatives to engineering standards for the construction, inservice inspection, and inservice testing of nuclear power plant components. These engineering standards are set forth in the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and American Society of Mechanical Engineers Operation and Maintenance Code, which are currently incorporated by reference into the NRC's regulations. Further, this final rule announces the availability of a related regulatory guide, not incorporated by reference into the NRC's regulations, that lists code cases that the NRC has not approved for use. Finally, this rulemaking provides more flexibility to licensees by expanding the code of record interval from ten years to two consecutive inservice testing and inservice inspection intervals.

DATES: This final rule is effective on August 16, 2024. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of August 16, 2024. The incorporation by reference of certain other material listed in the rule was approved by the Director of the Federal Register as of April 4, 2022, and November 28, 2022.

ADDRESSES: Please refer to Docket ID NRC–2018–0291 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–2018–0291. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
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FOR FURTHER INFORMATION CONTACT: Tyler Hammock, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1381, email: *Tyler.Hammock@nrc.gov;* or Bruce Lin, Office of Nuclear Regulatory Research, telephone: 301–415–2446, *Bruce.Lin@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Executive Summary

A. Need for the Regulatory Action

This rulemaking incorporates by reference the latest revisions of three regulatory guides (RGs) into the NRC's regulations. The three RGs identify new, revised, and reaffirmed code cases published by the American Society of Mechanical Engineers (ASME) that the NRC has determined are acceptable for use as voluntary alternatives to compliance with certain provisions of the ASME *Boiler and Pressure Vessel Code* (BPV Code) and the ASME *Operation and Maintenance of Nuclear Power Plants, Division 1, OM Code: Section IST* (OM Code) currently incorporated by reference into the NRC's regulations.

This rulemaking also revises the current NRC requirement for nuclear power plant licensees to update the codes of record for their inservice examination and testing (IST) and inservice inspection (ISI) programs. Currently, licensees are required to update the code of record every 10 years. This rulemaking would revise the requirement so that licensees would update the code of record after completion of an ISI and IST interval, with a maximum of two consecutive ISI and IST intervals before licensees are required to update the code of record. This revision applies to licensees that are implementing the 2017 Edition, or later editions, of the ASME OM Code and the 2017 Edition, or later editions, of the ASME BPV Code, Section XI, as incorporated by reference into § 50.55a of title 10 of the *Code of Federal Regulations* (10 CFR) ''Codes and standards'' as the codes of record of their IST/ISI programs. This revision to the NRC's regulations implements Commission direction in staff requirements memorandum (SRM)

SRM–SECY–21–0029 (dated November 8, 2021) in response to SECY–21–0029, ''Rulemaking Plan on Revision of Inservice Testing and Inservice Inspection Program Update Frequencies Required in 10 CFR 50.55a,'' dated March 15, 2021.

Following completion of this code case rulemaking and the ASME 2021–2022 Code Editions rulemaking, the NRC plans to streamline approval of code cases that do not require conditions and are unlikely to receive significant and adverse public comments by using the direct final rule process. The code cases that either require conditions or are likely to receive significant and adverse comments will be combined with the Code Editions rulemakings, which will continue to follow the traditional proposed rule and comment rulemaking process.

B. Major Provisions

The NRC is incorporating by reference the following three RGs: RG 1.84, Design, Fabrication, and Materials Code Case Acceptability, ASME Section III, Revision 40; RG 1.147, Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1, Revision 21; and RG 1.192, Operation and Maintenance [OM] Code Case Acceptability, ASME OM Code, Revision 5. This action allows nuclear power plant licensees and applicants for construction permits, operating licenses, combined licenses, standard design certifications, standard design approvals, and manufacturing licenses to use the code cases listed in these revised RGs as voluntary alternatives to ASME engineering standards for the construction, inservice inspections, and inservice testing of nuclear power plant components. The NRC also notes the availability of RG 1.193, ''ASME Code Cases Not Approved for Use,'' Revision 8, which lists code cases that the NRC has not approved for generic use and would not be incorporated by reference into the NRC's regulations.

The NRC is revising the requirements in § 50.55a(f)(4) and (g)(4) to refer to the term ''code of record interval'' instead of ''120-month interval.'' This term, as well as others, is defined in new definitions in § 50.55a(y). Under the new rules, licensees may maintain the same code of record in their IST and ISI programs for two consecutive IST or ISI intervals. As a result of public comments on the proposed rule, the NRC made changes in the final rule to allow licensees to take advantage of this new flexibility provided their IST or ISI programs implement the 2017 Edition of the ASME OM Code or ASME BPV Code, Section XI, respectively. Also, as a result of public comments, the NRC revised the final rule to update the language of § 50.55a(f)(4)(iv) and (g)(4)(iv) to allow licensees to use a later edition of ASME OM Code and ASME BPV Code, Section XI, as incorporated by reference into § 50.55a, at the start of a new IST or ISI interval without submitting a request to the NRC for approval. As a result of these changes, licensees have the option to update their codes of record at the end of each ISI or IST interval or after two consecutive ISI or IST intervals.

C. Costs and Benefits

The NRC prepared a final regulatory analysis to determine the expected quantitative costs and benefits of this final rule, as well as qualitative factors to be considered in the NRC's rulemaking decision. The analysis concluded that this final rule would result in net savings to the industry and the NRC. As shown in table I, the estimated total net benefit relative to the regulatory baseline and the quantitative benefits would outweigh the costs by a range from approximately $45.6 million (7-percent net present value) to $56.2 million (3-percent net present value).

TABLE I—COST BENEFIT SUMMARY

Attribute	Total averted costs (costs)		
	Undiscounted	7% Net present value	3% Net present value
Industry Implementation	$0	$0	$0
Industry Operation	55,160,000	39,020,000	48,080,000
Total Industry Costs	*55,160,000*	*39,020,000*	*48,080,000*
NRC Implementation	0	0	0
NRC Operation	9,300,000	6,550,000	8,070,000
Total NRC Costs	*9,300,000*	*6,550,000*	*8,070,000*
Net	64,460,000	45,570,000	56,150,000

The final regulatory analysis also considered the following qualitative considerations: (1) flexibility and decreased uncertainty for licensees when making modifications or preparing to perform inservice inspection or inservice testing (while continuing to ensure safety); (2) consistency with the provisions of the National Technology Transfer and Advancement Act of 1995, which encourages Federal regulatory agencies to consider adopting voluntary consensus standards as an alternative to *de novo* agency development of standards affecting an industry; (3) consistency with the NRC's policy of evaluating the latest versions of consensus standards in terms of their suitability for endorsement by regulations and regulatory guides; and (4) consistency with the NRC's goal to harmonize with international standards to improve regulatory efficiency for both the NRC and international standards groups.

The final regulatory analysis concludes that this final rule should be adopted because it is justified when integrating the cost-beneficial quantitative results and the positive and supporting nonquantitative considerations in the decision. For more information, please see the final regulatory analysis as indicated in Section XVI, ''Availability of Documents.''

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I. Background

A. Incorporation by Reference of Three Regulatory Guides

The ASME develops and publishes the ASME BPV Code, which contains requirements for the design, construction, and inservice inspection of nuclear power plant components, and the ASME OM Code,[1] which contains requirements for preservice and inservice testing of nuclear power plant components. In response to BPV and OM Code user requests, the ASME develops code cases that provide voluntary alternatives to BPV and OM Code requirements under special circumstances.

The NRC approves the ASME BPV and OM Codes in § 50.55a, ''Codes and standards,'' through the process of incorporation by reference. As such, each provision of the ASME Codes incorporated by reference into and mandated by § 50.55a constitutes a legally binding NRC requirement imposed by rule. As noted previously, the ASME code cases, for the most part, represent alternative approaches for complying with provisions of the ASME BPV and OM Codes. Accordingly, the NRC periodically amends § 50.55a to incorporate by reference the NRC's RGs listing approved ASME code cases that may be used as voluntary alternatives to the BPV and OM Codes.[2]

This final rule is the latest in a series of rules that incorporate by reference new versions of several RGs that identify new, revised, and reaffirmed [3] ASME Code Cases that the NRC unconditionally or conditionally approves for use. In developing these RGs, the NRC reviews the ASME BPV and OM Code Cases, determines the acceptability of each code case, and publishes its findings in the RGs. The RGs are revised periodically as new code cases are published by the ASME. The NRC incorporates by reference the RGs listing acceptable and conditionally acceptable ASME Code Cases into § 50.55a. The NRC published a final rule dated March 3, 2022, that incorporated by reference into § 50.55a the previous versions of the RGs, which are RG 1.84, ''Design, Fabrication, and Materials Code Case Acceptability, ASME Section III,'' Revision 39; RG 1.147, ''Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,'' Revision 20; and RG 1.192, ''Operation and Maintenance Code Case Acceptability, ASME OM Code,'' Revision 4.

B. Revision to Code of Record Update Requirements

The NRC staff provided SECY–21–0029 to the Commission with a proposed rulemaking plan for revising the IST and ISI code of record update requirements in § 50.55a. The Commission issued SRM–SECY–21–0029, directing the staff to proceed with the proposed rulemaking plan. In SECY–22–0075, ''Staff Requirements-SECY–21–0029 Inservice Testing and Inservice Inspection Program Rulemakings Update,'' dated August 10, 2022, the staff described changes from the original plan in response to new information and changed circumstances that affected the implementation of SRM–SECY–21–0029. The changes described in SECY–22–0075 included combining the ASME code case and the IST and ISI code of record update rulemakings and also making conforming and clarifying changes. One such change was adding a definition section (§ 50.55a(y)) where ''code of record interval'' (the period of time between the code of record updates required by § 50.55a(f)(4) and (g)(4) for the IST and ISI programs, respectively) would be differentiated from both the ISI and IST intervals (the ASME interval described by the licensee's code of record).

In this final rulemaking, along with incorporating by reference three regulatory guides on ASME code cases, the NRC is including rule language that specifies that licensees may update their IST and ISI codes of record every two consecutive IST intervals or ISI intervals provided the licensee implements the 2017 Edition, or later edition or addenda, of ASME BPV Code and the 2017 Edition, or later edition, of the ASME OM Code, as incorporated by reference into § 50.55a, for their IST and ISI programs, respectively. With this revised requirement to update the code of record, the NRC does not intend that the code of record interval for an IST or ISI program would exceed 25 years, even if ASME extends the IST interval or the ISI interval beyond 12 years in the ASME OM Code or the ASME BPV Code, respectively. The 25-year maximum code of record interval would allow the same code of record to be used for two consecutive ISI or IST intervals, each up to 12 years, plus the one-time 1-year extension for IST and ISI programs as specified in the ASME OM Code and ASME BPV Code, respectively. Licensees implementing the 2017 Edition, or later edition, of ASME BPV Code, Section XI and the 2017 Edition, or later edition, of ASME OM Code may immediately utilize the extended code of record interval. The starting date for the 20- or 24-year code of record update interval begins on the date that the licensee had previously incorporated the 2017 Edition, or later edition, as its code of record for the IST or ISI program. Following completion of their current IST or ISI programs, these licensees may choose to maintain the same code of record for the successive IST or ISI interval or update the edition. Licensees choosing to update the editions at the start of a new IST or ISI interval may do so without NRC approval, per the new language in § 50.55a(f)(4)(iv) and (g)(4)(iv). Licensees seeking to use a later edition in the middle of an IST or ISI interval must still submit an exemption request for NRC review and approval.

In Revision 5 to RG 1.192, the NRC is conditionally accepting ASME OM Code Case OMN–31, ''Alternative to Allow Extension of ISTA–3120 Inservice Examination and Test Intervals From 10 Years to 12 Years,'' as a voluntary alternative to the 10-year interval specified in the ASME OM Code for applicants and licensees implementing the 2017 Edition of the ASME OM Code or later editions, as incorporated by reference in § 50.55a, as the code of record for their IST program. In Revision 21 to RG 1.147, the NRC is conditionally accepting ASME Code Case N–921, ''Alternative 12-yr Inspection Interval Duration, Section XI, Division 1,'' as a voluntary alternative to the 10-year interval specified in Section XI, IWA–2400 of the ASME BPV Code for applicants and licensees implementing the 2017 Edition of the ASME BPV Code or later editions, as incorporated by reference in § 50.55a, as the code of record for their ISI program.

[1] The editions and addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants have had different titles from initial issuance and are referred to as the ''OM Code'' collectively in this rule.

[2] See **Federal Register** final rule, ''Incorporation by Reference of ASME BPV and OM Code Cases'' (68 FR 40469; July 8, 2003).

[3] Code cases are categorized by the ASME as one of three types: new, revised, or reaffirmed. A new code case provides for a new alternative to a specific ASME Code provision or addresses a new need. The ASME defines a revised code case to be a revision (modification) to an existing code case to address, for example, technological advancements in examination techniques or to address NRC conditions imposed in one of the RGs that have been incorporated by reference into § 50.55a. The ASME defines ''reaffirmed'' as an OM Code Case that does not have any change to technical content but includes editorial changes.

As a result of public comments, the NRC added a new condition requiring that these code cases be implemented at the start of a new IST or ISI interval. Implementation of these code cases in the middle of an IST or ISI interval creates complications related to existing testing and examination schedules and alternatives that were approved assuming a 10-year IST or ISI interval. Licensees seeking to apply these code cases in the middle of an IST or ISI interval would need to obtain an exemption under § 50.12.

II. Discussion

A. Incorporation by Reference of Three Regulatory Guides

This final rule incorporates by reference the latest revisions of the NRC's RGs that list the ASME BPV and OM Code Cases that the NRC finds to be acceptable, or acceptable with NRC-specified conditions (''conditionally acceptable''). RG 1.84, Revision 40 supersedes the incorporation by reference of Revision 39; RG 1.147, Revision 21 supersedes the incorporation by reference of Revision 20; and RG 1.192, Revision 5 supersedes the incorporation by reference of Revision 4.

The ASME Code Cases that are the subject of this final rule are the new and revised Section III and Section XI Code Cases as listed in Supplements 2 through 7 to the 2019 Edition of the ASME BPV Code, Supplements 0 through 2 and selected code cases from Supplement 3 to the 2021 Edition of the ASME BPV Code, and the OM Code Cases listed in the 2022 Edition of the ASME OM Code. By letter dated December 22, 2021, ASME requested that the NRC consider including Code Cases N–663–1, N–885–1, and N–921 in this rulemaking. In response, the NRC included these three code cases within the scope of this rulemaking. The NRC is also including OMN–31 within the scope of this rulemaking to provide consistency between the ISI and IST programs.

- RG 1.84, Revision 40, includes new information reviewed by the NRC on the Section III Code Cases listed in Supplements 2 through 7 to the 2019 Edition, and Supplements 0 through 3 to the 2021 Edition of the ASME BPV Code.
- RG 1.147, Revision 21, includes information reviewed by the NRC on the Section XI Code Cases listed in Supplements 2 through 7 to the 2019 Edition, Supplements 0 through 2 to the 2021 Edition, and selected Code Cases from Supplement 3 to the 2021 Edition of the ASME BPV Code.
- RG 1.192, Revision 5, includes information reviewed by the NRC on OM Code Cases listed in the 2022 Edition of the OM Code and on the ASME Codes & Standards (C&S) Connect website.

The ASME publishes code cases that provide alternatives to existing code requirements that the ASME developed and approved. This final rule incorporates by reference the most recent revisions of RGs 1.84, 1.147, and 1.192, which allow nuclear power plant licensees, and applicants for combined licenses, standard design certifications, standard design approvals, and manufacturing licenses under the regulations that govern license certifications, to use the code cases listed in these RGs as suitable alternatives to the ASME BPV and OM Codes for the construction, inservice inspections, and inservice testing of nuclear power plant components. The ASME makes the issued OM Code Cases available on the OM Code website and provides an index listing the issued OM Code Cases and their applicability in each ASME OM Code edition. In contrast, the ASME publishes BPV Code Cases in a separate document and at a different time than the ASME BPV Code Editions. This final rule identifies the BPV Code Cases by the edition of the ASME BPV Code under which they were published by the ASME and the OM Code Cases by the most recent edition of the ASME OM Code to which they apply.

The following general guidance applies to the use of the ASME Code Cases approved in the latest versions of the RGs that are incorporated by reference into § 50.55a as part of this final rule. Specifically, the use of the code cases listed in the latest versions of RGs 1.84, 1.147, and 1.192 are acceptable with the specified conditions when implementing the editions and addenda of the ASME BPV and OM Codes incorporated by reference in § 50.55a.

The approval of a code case in these RGs constitutes acceptance of its technical position for applications that are not precluded by other requirements. The applicant or licensee is responsible for ensuring that use of the code case does not conflict with regulatory requirements or licensee commitments. The code cases listed in the RGs are acceptable for use within the limits specified in the code cases. If the RG states an NRC condition on the use of a code case, then the NRC condition supplements and does not supersede any condition(s) specified in the code case, unless otherwise stated in the NRC condition.

The ASME Code Cases may be revised for many reasons (*e.g.,* to incorporate operational examination and testing experience and to update material requirements based on research results). On occasion, an inaccuracy in an equation is discovered or an examination, as practiced, is found inadequate to detect a newly discovered degradation mechanism. Therefore, when an applicant or a licensee initially implements a code case, § 50.55a requires that the applicant or the licensee implement the most recent version of that code case, as listed in the RGs incorporated by reference. Code cases superseded by revision are no longer acceptable for new applications unless otherwise indicated.

Section III of the ASME BPV Code applies to new construction (*e.g.,* the edition and addenda to be used in the construction of a plant are selected based on the date of the construction permit and are not changed thereafter, except voluntarily by the applicant or the licensee). Section III may also be used for repair and replacement activities under the provisions of Section XI of the ASME BPV Code. Whether used for construction or later repair or replacement, when a code case is first implemented by a licensee, the applicant implements the latest edition incorporated by reference into § 50.55a. Thereafter, the applicant or licensee may continue to apply the version of the code case they originally implemented or they may apply the later version of the code case, including any NRC-specified conditions placed on its use.

Licensees that were using a code case prior to the effective date of its revision may continue to use the previous version until the next update to the code of record for the ISI or IST program, as applicable. This relieves licensees of the burden of having to update their ISI or IST program each time a code case is revised by the ASME and approved for use by the NRC. Code cases apply to specific editions and addenda, and code cases may be revised if they are no longer accurate or adequate, so licensees choosing to continue using a code case into a later code of record interval (*e.g.,* after updating the edition and addenda) for the ISI or IST program must implement the latest version incorporated by reference into § 50.55a and listed in the RGs.

The ASME may annul code cases that are no longer required, are determined to be inaccurate or inadequate, or have been incorporated into the BPV or OM Codes. A code case may be revised, for example, to incorporate user experience. The older or superseded version of the code case cannot be applied by the

licensee or applicant for a first use of that code case. If an applicant or a licensee applied a code case before it was listed as superseded or annulled, the applicant or the licensee may continue to use the code case until the applicant or the licensee updates its construction code of record (in the case of an applicant, updates its application) or until the licensee's code of record interval for the ISI or IST program expires, after which the continued use of the code case is prohibited unless NRC authorization is given under § 50.55a(z). If a code case is incorporated by reference into § 50.55a and later a revised version is issued by the ASME because experience has shown that the design analysis, construction method, examination method, or testing method is inadequate, the NRC will amend § 50.55a and the relevant RG to remove the approval of the superseded code case. Applicants and licensees should not begin to implement such superseded code cases in advance of the rulemaking.

B. ASME Code Cases Approved for Unconditional Use

The code cases discussed in table II are new, revised, or reaffirmed code cases in which the NRC is not imposing any conditions. The table identifies the regulatory guide listing the applicable code case that the NRC approves for use.

TABLE II—ACCEPTABLE CODE CASES

Boiler and Pressure Vessel Code Section III
(addressed in RG 1.84, Rev. 40, table 1)

Code case No.	Published with supplement	Title
N–351–1 ...	3 (2021 Edition)	Use of Standard Subsize Charpy V-Notch Impact Specimens, Section III, Division 1; Section III, Division 2; Section III, Division 3.
N–893	4 (2019 Edition)	Use of Alloy Steel Bar and Mechanical Tubing in Class 2 and 3 Patented Mechanical Joints and Fittings, Section III, Division 1.
N–900	3 (2019 Edition)	Alternative Rules for Level D Service Limits of Class 1, 2, and 3 Piping Systems, Section III, Division 1.
N–901	4 (2019 Edition)	Use of ASME SA–494 Grade M35–1 for Line Valve Bodies and Bonnets, and Bodies, Bonnets, and Yokes of Pressure Relief Valves for Class 2 and 3 Construction, Section III, Division 1.
N–902	5 (2019 Edition)	Thickness and Gradient Factors for Piping Fatigue Analyses, Section III, Division 1.
N–904	6 (2019 Edition)	Alternative Rules for Simplified Elastic–Plastic Analysis, Section III, Division 1.
N–905	6 (2019 Edition)	Alternate Design Fatigue Curves to Those Given in For Section III Appendices, Mandatory Appendix I, Figures I–9.1 and I–9.1M, Section III, Division 1.
N–908	7 (2019 Edition)	Use of Ferritic/Austenitic Wrought WPS32750/CRS32750 Fittings of Seamless or Welded Construction Conforming to SA–815, Class 3, Section III, Division 1.
N–910	7 (2019 Edition)	Use of 25Cr-7Ni-4Mo-N (Alloy UNS S32750 Austenitic/Ferritic Duplex Stainless Steel) Forgings, Plate, and Welded and Seamless Pipe and Tubing Conforming to SA–182, SA–240, SA–789, or SA–790, Section III, Division 1.
N–919	2 (2021 Edition)	Alternative Fatigue Evaluation Method to Consider Environmental Effects on Class 1 Components Section III, Division 1.
N–920	2 (2021 Edition)	Alternative Fatigue Design Curves for Ferritic Steels With Ultimate Tensile Strengths (UTS) ≤80 ksi (552 MPa) and Austenitic Steels, Section III, Division 1.

Boiler and Pressure Vessel Code Section XI
(addressed in RG 1.147, Rev. 21, table 1)

N–561–4 ...	0 (2021 Edition)	Alternative Requirements for Wall Thickness Restoration of Class 2 and High Energy Class 3 Carbon Steel Piping, Section XI, Division 1.
N–562–4 ...	0 (2021 Edition)	Alternative Requirements for Wall Thickness Restoration of Class 3 Moderate Energy Carbon Steel Piping, Section XI, Division 1.
N–597–5 ...	0 (2021 Edition)	Evaluation of Pipe Wall Thinning, Section XI, Division 1.
N–638–11	2 (2019 Edition)	Similar and Dissimilar Metal Welding Using Ambient Temperature Machine GTAW Temper Bead Technique, Section XI, Division 1.
N–661–5 ...	0 (2021 Edition)	Alternative Requirements for Wall Thickness Restoration of Class 2 and 3 Carbon Steel Piping for Raw Water Service Section XI, Division 1.
N–663–1 ...	3 (2021 Edition)	Alternative Requirements for Classes 1 and 2 Surface Examinations, Section XI, Division 1.
N–733–1 ...	6 (2019 Edition)	Mitigation of Flaws in NPS 3 (DN 80) and Smaller Nozzles and Nozzle Partial Penetration Welds in Vessels and Piping by Use of a Mechanical Connection Modification, Section XI, Division 1.
N–780–1 ...	1 (2021 Edition)	Alternative Requirements for Upgrade, Substitution, or Reconfiguration of Examination Equipment When Using Appendix VIII Qualified Ultrasonic Examination Systems, Section XI, Division 1.
N–786–4 ...	0 (2021 Edition)	Alternative Requirements for Sleeve Reinforcement of Class 2 and 3 Moderate Energy Carbon Steel Piping, Section XI, Division 1.
N–789–5 ...	1 (2021 Edition)	Alternative Requirements for Pad Reinforcement of Class 2 and 3 Moderate Energy Carbon Steel Piping for Raw Water Service, Section XI, Division 1.
N–809–1 ...	0 (2021 Edition)	Reference Fatigue Crack Growth Rate Curves for Austenitic Stainless Steels in Pressurized Reactor Water Environments, Section XI, Division 1.
N–853–1 ...	0 (2021 Edition)	PWR Class 1 Primary Piping Alloy 600 Full Penetration Branch Connection Weld Metal Buildup for Material Susceptible to Primary Water Stress Corrosion Cracking, Section XI, Division 1.
N–865–2 ...	0 (2021 Edition)	Alternative Requirements for Pad Reinforcement of Class 2 and 3 Atmospheric Storage Tanks, Section XI, Division 1.
N–877–1 ...	5 (2019 Edition)	Alternative Characterization Rules for Multiple Subsurface Radially Oriented Planar Flaws, Section XI, Division 1.
N–882–1 ...	0 (2021 Edition)	Alternative Requirements for Attaching Nonstructural Electrical Connections to Class 2 and 3 Components, Section XI, Division 1.

TABLE II—ACCEPTABLE CODE CASES—Continued

Boiler and Pressure Vessel Code Section III
(addressed in RG 1.84, Rev. 40, table 1)

Code case No.	Published with supplement	Title
N–885–1 ...	3 (2021 Edition)	Alternative Requirements for Table IWB–2500–1, Examination Category B–N–1, Interior of Reactor Vessel, Category B–N–2, Welded Core Support Structures and Interior Attachments to Reactor Vessels, Category BN–3, Removable Core Support Structures, Section XI, Division 1.
N–888	5 (2019 Edition)	Similar and Dissimilar Metal Welding Using Ambient Temperature SMAW or Machine GTAW Temper Bead Technique, Section XI, Division 1.
N–896	2 (2019 Edition)	Reference Crack Growth Rate Curves for Stress Corrosion Cracking of Low Alloy Steels in Boiling Water Reactor Environments, Section XI, Division 1.
N–911	0 (2021 Edition)	Purchase, Exchange, or Transfer of Material Between Nuclear Owners, Section XI, Division 1.
N–912	0 (2021 Edition)	Alternative Requirements for Qualification of Material Suppliers and Acceptance of Materials, Section XI, Division 1.
N–913	0 (2021 Edition)	Alternative Examination Requirements for Class 1 Pressure-Retaining Welds in Control Rod Drive Housings, Section XI, Division 1.
N–917	2 (2021 Edition)	Fatigue Crack Growth Rate Curves for Ferritic Steels in Boiling Water Reactor (BWR) Environments, Section XI, Division 1.

Operation and Maintenance Code
(addressed in RG 1.192, Rev. 5, table 1)

Code case	Most recent code edition[4]	Title
OMN–28 ...	2022 Edition	Alternative Valve Position Verification Approach to Satisfy ISTC–3700 for Valves Not Susceptible to Stem-Disk Separation.
OMN–29 ...	2022 Edition	Pump Condition Monitoring Program.
OMN–30 ...	2022 Edition	Alternative Valve Position Verification Approach to Satisfy ISTC–3700.

C. ASME Code Cases Approved for Use With Conditions

The NRC has determined that certain code cases, as issued by the ASME, are generally acceptable for use, but that the alternative requirements specified in those code cases must be supplemented to provide an acceptable level of quality and safety. Accordingly, the NRC imposed conditions on the use of these code cases to modify, limit, or clarify their requirements. The conditions specify, for each applicable code case, the additional activities that must be performed, the limits on the activities specified in the code case, and/or the supplemental information needed to provide clarity. These ASME Code Cases, listed in table III, are included in table 2 of RG 1.84, RG 1.147, and RG 1.192. This section provides the NRC's evaluation of the code cases and the reasons for the NRC's conditions. Notations indicate the conditions duplicated from previous versions of the RG.

TABLE III—CONDITIONALLY ACCEPTABLE CODE CASES

Boiler and Pressure Vessel Code Section III
(addressed in RG 1.84, Rev. 40, table 2)

Code case No.	Published with supplement	Title
N–71–21 ...	0 (2021 Edition)	Additional Materials for Subsection NF, Class 1, 2, 3, and MC Supports Fabricated by Welding, Section III, Division 1.
N–570–3 ...	0 (2021 Edition)	Alternative Rules for Linear Piping and Linear Standard Supports for Classes 1, 2, 3, and MC, Section III, Division 1.

Boiler and Pressure Vessel Code Section XI
(addressed in RG 1.147, Rev. 21, table 2)

N–711–2 ...	6 (2019 Edition)	Alternative Examination Coverage Requirements for Examination Category B F, B J, C–F–1, C–F–2, and R–A Piping Welds, Section XI, Division 1.
N–716–3 ...	5 (2019 Edition)	Alternative Classification and Examination Requirements, Section XI, Division 1.
N–754–2 ...	0 (2021 Edition)	Optimized Structural Dissimilar Metal Weld Overlay for Mitigation of PWR Class 1 Items, Section XI, Division 1.
N–766–4 ...	0 (2021 Edition)	Nickel Alloy Reactor Coolant Inlay and Onlay for Mitigation of PWR Full Penetration Circumferential Nickel Alloy Dissimilar Metal Welds in Class 1 Items, Section XI, Division 1.
N–847–1 ...	0 (2021 Edition)	Partial Excavation and Deposition of Weld Metal for Mitigation of Class 1 Items, Section XI, Division 1.
N–880–1 ...	0 (2021 Edition)	Alternative to Procurement Requirements of IWA–4143 for Nonstandard Welded Fittings, Section XI, Division 1.

[4] Each code case or ASME Applicability Index List indicates the ASME OM Code editions and addenda to which the code case applies, except where a condition is specified in § 50.55a or RG 1.192 related to technical content or applicability. This table indicates the latest OM Code edition at the time of this rulemaking.

TABLE III—CONDITIONALLY ACCEPTABLE CODE CASES—Continued

Boiler and Pressure Vessel Code Section III
(addressed in RG 1.84, Rev. 40, table 2)

Code case No.	Published with supplement	Title
N–899	3 (2019 Edition)	Weld Residual Stress Distributions for Piping and Vessel Nozzle Butt Welds Fabricated With UNS N06082, UNS W86182, UNS N06052, or UNS W86152 Weld Filler Material, Section XI, Division 1.
N–906	7 (2019 Edition)	Flaw Evaluation Procedure for Cast Austenitic Stainless Steel Piping and Adjacent Fittings, Section XI, Division 1.
N–921	3 (2021 Edition)	Alternative 12-yr Inspection Interval Duration, Section XI, Division 1.

Operation and Maintenance Code
(addressed in RG 1.192, Rev. 5, table 2)

Code case No.	Most recent OM code edition [5]	Title
OMN–31 ...	2022 Edition	Alternative to Allow Extension of ISTA–3120 Inservice Examination and Test Intervals From 10 Years to 12 Years.

ASME BPV Code, Section III Code Cases (RG 1.84)

Code Case N–71–21 [Supplement 0, 2021 Edition]

Type: Revised
Title: Additional Materials for Subsection NF, Class 1, 2, 3, and MC Supports Fabricated by Welding, Section III, Division 1

The conditions on Code Case N–71–21 are the same as the conditions on N–71–20 that were approved by the NRC in Revision 39 of RG 1.84. When the ASME revised N–71, the code case was not modified in a way that would make it possible for the NRC to remove the conditions. Therefore, the condition is retained in Revision 40 of RG 1.84.

Code Case N–570–3 [Supplement 0, 2021 Edition]

Type: Revised
Title: Alternative Rules for Linear Piping and Linear Standard Supports for Classes 1, 2, 3, and MC, Section III, Division 1

Code Case N–570–3 updated references made to ANSI/AISC N690–1994 and ANSI/AISC N690–1994 (R2004) Supplement 2 with ANSI/AISC N690–18. A difference between ANSI/AISC N690–18 and ANSI/AISC N690–1994 (R2004) is that ANSI/AISC N690–18 allows the use of the Load and Resistance Factor Design (LRFD) method or the Allowable Strength Design (ASD) method, versus the allowable stress design method or plastic design method contained in the ANSI/AISC N690–1994 (R2004) edition. Code Case N–570–2 explicitly stated in paragraph 3.11, that the plastic design method in part 2 of ANSI/AISC N690–1994 (R2004) shall not be used. It is the NRC's understanding that the alternative requirements of Code Case N–570–3 for design are also intended to be limited to the design for strength using the ASD method of ANSI/AISC N690–18, which is similar to the allowable stress design method used in N–570–2; however, the code case does not include such explicit qualifiers regarding the use of ANSI/AISC N690–18. The alternative requirements for design in Code Case N–570–3 would be limited to the design for strength using the ASD method of ANSI/AISC N690–18. To provide clarity, the NRC is imposing a condition: ''This Code Case shall not be used with the Load and Resistance Factor Design method of ANSI/AISC N690–18.''

ASME BPV Code, Section XI Code Cases (RG 1.147)

Code Case N–711–2 [Supplement 6, 2019 Edition]

Type: Revised
Title: Alternative Examination Coverage Requirements for Examination Category B–F, B–J, C–F–1, C–F–2, and R–A Piping Welds, Section XI, Division 1

The condition on Code Case N–711–2 is identical to the condition on N–711–1 that was approved by the NRC in Revision 20 of RG 1.147. When the ASME revised N–711, the code case was not modified in a way that would make it possible for the NRC to remove the condition. Therefore, the condition is retained in Revision 21 of RG 1.147.

Code Case N–716–3 [Supplement 5, 2019 Edition]

Type: Revised
Title: Alternative Classification and Examination Requirements, Section XI, Division 1

Code Case N–716 provides rules for alternative classification and examination requirements for piping welds and components. Revision 3 to Code Case N–716 removes the provision for plants issued an operating license after January 1, 2012, to submit the application of this code case for regulatory approval. The NRC is cognizant of the ASME Code's desire to eliminate the provision for newly constructed plants to submit first time applications of N–716 to the NRC. ASME adopted a general policy to make ASME standards, including this code case, more generally applicable internationally. However, the NRC's opinion is that the new designs may introduce additional variables, which in the absence of substantial operating experience with these new plants, may introduce uncertainty on the applicability of this code case to the new plants. Hence, the NRC has determined there is a need to review the initial proposals for new plants for applications of N–716. The review would confirm the absence of new degradation mechanisms and evaluate any available operating experience, as well as any risk-related information for the new plants, prior to the initial application of the code case to new plants. Therefore, the NRC is imposing a condition that this code case is not approved for use by plants issued an

[5] Each code case or ASME Applicability Index List indicates the ASME OM Code editions and addenda to which the code case applies, except where a condition is specified in § 50.55a or RG 1.192 related to technical content or applicability. This table indicates the latest OM Code edition at the time of this rulemaking. Conditions specified for other OM Code Cases listed in Table 2 of RG 1.192 have not changed in this rulemaking other than updating to the latest OM Code edition.

operating license or combined license after January 1, 2012. However, plants issued an operating license or combined license after January 1, 2012, may submit an alternative to use this code case in accordance with § 50.55a(z) for review and approval prior to implementation.

Code Case N–754–2 [Supplement 0, 2021 Edition]

Type: Revised

Title: Optimized Structural Dissimilar Metal Weld Overlay for Mitigation of PWR Class 1 Items, Section XI, Division 1

The NRC is revising the conditions on N–754–1 to remove the reference to the NRC's safety evaluation for the topical report ''Materials Reliability Program (MRP): Technical Basis for Preemptive Weld Overlays for Alloy 82/182 Butt Welds in PWRs'' (MRP–169) and to clarify the examination requirements.

The first condition deals with the use of this code case on a pipe that implements NRC-approved leak-before-break (LBB) methodology. The application of the LBB concept to a pipe is that if a flaw develops in a pipe with certain favorable material properties, the pipe will most likely leak first before it fails catastrophically. The existing leakage detection system in the nuclear plant will detect the leakage and alert the operator. The operator would have sufficient time to shut down the plant safely to perform corrective actions. The NRC has approved LBB for certain Class 1 reactor coolant system piping in pressurized water reactor plants based on the plant-specific and piping-specific LBB analysis, which shows that the probability of the piping rupture is extremely low under conditions consistent with the design basis for the piping as required in General Design Criterion 4 of 10 CFR part 50, appendix A. The LBB methodology and analysis, including specific safety margins, are reviewed and approved via the license amendment process. The LBB implementation is documented in the plant final safety analysis report. When an optimized weld overlay is installed onto pipes that are approved for LBB, the licensee must verify that the safety margins specified in the original LBB analysis are still satisfied.

The second condition states that the preservice and inservice examinations of the overlaid pipe using this code case must be performed in accordance with § 50.55a(g)(6)(ii)(F). Paragraph 3(c) of N–754–2 states that ''In lieu of all other Preservice and Inservice inspection requirements, the examination requirements in accordance with N–770–2 (or later in accordance with [Paragraph] 5) shall be met. Alternately, the requirements of [subparagraphs] (1) through (3) below may be used to modify the provisions of N–770–2 (or later in accordance with [Paragraph] 5).'' As stated, if the inspection of the overlaid pipe performed in accordance with N–770–2 cannot be met or performed, alternatives of paragraphs 3(c)(1), 3(c)(2) and 3(c)(3) of N–754–2 could be used. The NRC identified the following issues regarding the statement in paragraph 3(c):

- Paragraphs 3(c)(2) and 3(c)(3) of N–754–2 are related to the design and analysis, not the inspection of the overlaid pipe. Therefore, it is not clear how these two paragraphs can be used to modify the inspection provisions of N–770–5.
- The inspection provisions of paragraph 3(c)(1) can be different from the provisions of Note 14, Preservice Inspection for Optimized Weld Overlays, and Note 18, Inservice Inspection of Optimized Weld Overlays, of table 1 of N–770. The NRC notes that 10 CFR 50.55a(g)(6)(ii)(F) mandates the use of N–770, as conditioned, for the examination requirements for optimized weld overlays in dissimilar metal butt welds. Therefore, for regulatory clarity regarding preservice and inservice inspection requirements, the condition is provided.
- Section 50.55a(g)(6)(ii)(F) mandates the implementation of N–770–5, rather than N–770–2.

Therefore, the NRC is imposing this condition to clarify the examination requirements in Paragraph 3 of N–754–2 and to ensure that N–770–5 is implemented as required by § 50.55a(g)(6)(ii)(F).

Code Case N–766–4 [Supplement 0, 2021 Edition]

Type: Revised

Title: Nickel Alloy Reactor Coolant Inlay and Onlay for Mitigation of PWR Full Penetration Circumferential Nickel Alloy Dissimilar Metal Welds in Class 1 Items, Section XI, Division 1

The conditions on Code Case N–766–4 are identical to the conditions on N–766–3 that were approved by the NRC in the previous revision of RG 1.147. When the ASME revised N–766, the code case was not modified in a way that would make it possible for the NRC to remove the conditions. Therefore, the conditions are retained in Revision 21 of RG 1.147.

Code Case N–847–1 [Supplement 0, 2021 Edition]

Type: Revised

Title: Partial Excavation and Deposition of Weld Metal for Mitigation of Class 1 Items, Section XI, Division 1

The conditions on Code Case N–847–1 are identical to the conditions on N–847 that were approved by the NRC in the previous revision of RG 1.147. When the ASME revised N–847, the code case was not modified in a way that would make it possible for the NRC to remove the conditions. Therefore, the conditions are retained in Revision 21 of RG 1.147.

Code Case N–880–1 [Supplement 0, 2021 Edition]

Type: Revised

Title: Alternative to Procurement Requirements of IWA–4143 for Nonstandard Welded Fittings, Section XI, Division 1

Code Case N–880–1 removes the size limitation in N–880 by eliminating the NPS 2 size limit. The NRC does not agree with removing the small size limitation (NPS 2 and under). The NRC is imposing a condition to continue to limit the scope of the code case to NPS 2 (DN 50) or smaller fittings because there is insufficient technical basis to expand the application to items larger than NPS 2 (DN 50). The only justification provided for this change was that it is an arbitrary limitation. However, the limitation to NPS 2 (DN 50) and under was based on the capacity of the reactor coolant makeup system being able to safely shutdown the plant if these fittings fail, and therefore, is not an arbitrary limitation.

Without a condition, approval of the code case would allow the use of these non-standard or specialized fittings in any Class 1, 2, and 3 systems, including the reactor coolant makeup system. Therefore, the failure of these fittings, which lack operating experience to demonstrate their reliability, could also affect the reactor coolant makeup system's ability to provide sufficient makeup capacity. Therefore, the NRC is imposing a new condition to limit the use of Code Case N–880–1 to NPS 2 (DN 50) or smaller fittings.

Conditions 2 and 3 are identical to the conditions on N–880 that were approved by the NRC in a previous revision of RG 1.147. When the ASME revised N–880, the code case was not modified in a way that would make it possible for the NRC to remove Conditions 2 and 3. Therefore, those conditions are retained in Revision 21 of RG 1.147.

Code Case N–899 [Supplement 3, 2019 Edition]

Type: New

Title: Weld Residual Stress Distributions for Piping and Vessel Nozzle Butt Welds Fabricated With UNS N06082, UNS W86182, UNS N06052, or UNS W86152 Weld Filler Material, Section XI, Division 1

Code Case N–899 provides an alternative method for calculating the values of weld residual stress as a function of distance through the wall thickness for dissimilar metal butt welds in the reactor coolant pressure boundary. The NRC notes that Code Case N–899 may be used in conjunction with methodologies similar to those in Section XI, Nonmandatory Appendix A, Article A–3000 to calculate the crack tip stress intensity factor, K_I, for inside surface connected flaws in piping or vessel nozzle butt welds fabricated with UNS N06082, UNS W86182, UNS N06052, or UNS W86152 weld filler material.

In many cases, plants do not have information on the actual repairs performed to Alloy 82/182 butt welds. However, operating experience and records indicate that repairs were common, including some welds being repaired multiple times. Weld repairs generally cause the weld residual stress to become more severe. Given the uncertainty in whether a weld repair exists or not, the NRC has generally found that it is appropriate to assume that a repair is present for the purposes of flaw evaluation. Therefore, consistent with the established NRC position for the weld residual stress distribution analysis for the subject welds of this code case, the inside surface repair residual stress distributions of Code Case N–899 are acceptable for use provided all known and documented repairs are bounded by the 50-percent through wall repair assumed in the case. Based on the above discussion, the NRC is imposing the condition that only the standard weld residual stress distributions with repairs in paragraphs –2331 and –2332 would be approved for use and only if they bound all known or documented repairs previously performed on the subject weld.

Similarly, the NRC also notes that when Paragraph –3000, ''Calculation of Residual Stress Using Finite Element Analysis,'' is applied as an option to use finite element analysis to calculate weld residual stress distributions, the weld residual stress analysis should incorporate a minimum of a 50 percent through-wall inside surface connected weld repair as part of the analysis. This is consistent with the NRC position on repairs and weld residual stress calculations stated above. If documentation of a repair is found or a previous repair is known, the weld residual stress analysis must be evaluated to determine if it is bounded by the 50-percent repair by modeling or flaw evaluation. The more conservative of either 50-percent repair assumption or the combination of all known previous repairs should be used in the development of the weld residual stress distribution. Therefore, the NRC is imposing the following condition: when developing a plant specific weld residual stress distribution, the finite element analysis calculation of the weld residual stress distribution must use the more bounding of either an assumed previous inside surface repair of 50 percent through-wall or the combination of all known or documented previous repairs.

Code Case N–906 [Supplement 7, 2019 Edition]

Type: New

Title: Flaw Evaluation Procedure for Cast Austenitic Stainless Steel Piping and Adjacent Fittings, Section XI, Division 1

Code Case N–906 provides a flaw evaluation procedure for cast austenitic stainless steel piping and fittings adjacent to girth welds as alternatives to the methods in Nonmandatory Appendix C, C–4210 and C–6330. Paragraph 1(b) of Code Case N–906 states that the provisions of this Case shall be applied to operating temperatures of 500 °F to 625 °F (260 °C to 330 °C). The paragraph also states that, if a thermal transient below this range of temperatures occurs at the flaw location, the appropriate toughness, J_i, at the minimum transient temperature shall be used along with the applied stresses at that minimum transient temperature. Accordingly, if a thermal transient occurs below the specified temperature range, the code case requires that the flaw evaluation use the fracture toughness and applied stresses at the minimum transient temperature.

However, the limiting fracture toughness and relevant applied stress for the flaw under the thermal transient may not be those at the minimum transient temperature. For example, Figure 32 of NUREG/CR–4513, Revision 2, ''Estimation of Fracture Toughness of Cast Stainless Steels during Thermal Aging in LWR Systems,'' shows that the fracture toughness of a cast austenitic stainless steel material at room temperature may be higher than that at an elevated temperature. Therefore, the NRC is imposing a condition to delete the reference to the minimum transient temperature that is associated with the appropriate fracture toughness and applied stresses for the flaw evaluation. The condition also clarifies that the flaw evaluation must use the fracture toughness and applied stresses that are limiting for the flaw.

Code Case N–921 [Supplement 3, 2021 Edition]

Type: New

Title: Alternative 12-Year Inspection Interval Duration, Section XI, Division 1

Code Case N–921 increases the inservice inspection interval defined in Section XI, IWA–2400 from 10 years to 12 years. Section XI, IWA–2400 requires that licensees have an inservice inspection program that includes, for example, inspection plans, inservice inspection interval dates, and identification of code cases to be applied during the interval. While IWA–2400 requires that licensees specify the edition or addenda of Section XI that will be applied during the interval, Section XI does not prescribe what constitutes an appropriate edition or addenda. In fact, IWA–2410 states that edition or addenda is ''as required by the regulatory authority having jurisdiction at the plant site.'' The regulation at § 50.55a(g)(4)(ii) determines which edition or addenda the licensee should apply to inservice inspection programs for a successive ISI interval. This regulation, along with the definitions in § 50.55a(y), assumes a 10-year inservice inspection interval, unless the licensee's code of record is the 2017 Edition of ASME BPV Section XI or later.

A licensee applying this code case is, therefore, required by § 50.55a(4)(g)(ii) to update the code of record every 10 years. The inservice inspection interval and the code of record update interval should be synchronized to promote order and predictability in licensee inservice inspection programs.

The proposed rule applied the flexibilities of this code case to licensees using the 2019 Edition of Section XI or later. However, in response to multiple commenters, the NRC performed an analysis between the 2019 Edition of Section XI and the 2017 Edition of Section XI and determined that no safety significant changes exist between the two editions. Because no safety significant changes were identified between the 2019 and 2017 editions, the NRC concluded that it would be appropriate to extend the flexibility to licensees on the 2017 Edition.

In response to a comment, the NRC is adding a requirement that licensees implement Code Case N–921 only at the beginning of an ISI interval. For licensees already using the 2017 Edition, or later, of Section XI,

implementation of Code Case N–921 must wait until the start of the next ISI interval. There are complications associated with extending the ISI interval mid-interval. For instance, licensees wanting to extend the ISI interval mid-interval would need to evaluate all NRC-approved alternatives to determine if they should be resubmitted, especially considering that NRC may have granted the alternative assuming a 10-year ISI interval. See Section II.F, ''Mid-Interval Discussion and Example,'' for a more detailed discussion of performing mid-interval updates. Further, Code Case N–921 specifies requirements in terms of three 4-year periods, so licensees would need to reconcile their inspection schedules accordingly. Therefore, this final rule specifies that Code Case N–921 can only be implemented following a routine update of the ISI program (*i.e.,* cannot be implemented mid-interval) and requires the licensee's ISI code of record to be the 2017 Edition, or later, of the BPV Code.

In response to a public comment, the NRC added a condition on Code Case N–921 to allow the exceptions described in Section XI, IWB–2411(a), IWC–2411(a), and IWD–2411(a). These provisions provide exceptions to the inspection period requirements of tables IWB–2411–1, IWC–2411–1, and IWD–2411–1, respectively. These exceptions, which are in the Code provisions applicable to this alternative, were left out of the code case. The NRC approved these exceptions in the original code provisions through incorporation by reference of ASME BPV Code Section XI, without conditions. Therefore, the NRC agreed with the commenter and added a condition that the same exceptions of IWB–2411(a), IWC–2411(a), and IWD–2411(a) should apply to table 1 of Code Case N–921.

In response to a public comment, the NRC added a condition on Code Case N–921 that the code case cannot be used to modify examination schedules for augmented inspections under § 50.55a(g)(6)(ii). Code Case N–921 only provides alternative to Section XI requirements, not NRC regulations. Licensees must continue implementing the augmented inspections as specified in § 50.55a(g)(6)(ii) and the associated code cases. The NRC staff intends to continue participating in ASME Code committee discussions on this matter. The NRC may revisit the relationship between Code Case N–921 and the augmented inspection program in a future rulemaking.

ASME Operation and Maintenance Code Cases (RG 1.192)

Code Case OMN–31 [2022 Edition]

Type: New

Title: Alternative to Allow Extension of ISTA–3120 Inservice Examination and Test Intervals From 10 Years to 12 Years

For the same reasons explained for Section XI Code Case N–921 above, including the response to public comments, the NRC is restricting the use of OMN–31 to licensees implementing the ASME OM Code, 2017 Edition, or later, as the code of record for the IST Program, as well as imposing a condition that licensees may only begin implementing Code Case OMN–31 at the beginning of an IST interval as specified in ASME OM Code, paragraph ISTA–3120. See Section II.F, ''Mid-Interval Discussion and Example,'' for a more detailed discussion of performing mid-interval updates.

As indicated in RG 1.192, this OM Code Case may be applied by licensees implementing the 2017 Edition, or later, of the ASME OM Code incorporated by reference in § 50.55a, as the code of record for the IST Program, contrary to the ASME OM Code Case Applicability Index, dated July 1, 2022. The NRC is also imposing a condition that licensees may only begin implementing Code Case OMN–31 at the beginning of an IST interval as specified in ASME OM Code, paragraph ISTA–3120.

Other OM Code Cases in Table 2 of Revision 5 to RG 1.192

No changes were made to the OM Code Cases listed in table 2 of the Revision 5 to RG 1.192 (except for new Code Case OMN–31, discussed previously) from the versions that were listed in OM Code Cases listed in table 2 of Revision 4 to RG 1.192. Therefore, the conditions on the OM Code Cases listed in table 2 of the Revision 5 to RG 1.192 (except for new Code Case OMN–31) are identical to the conditions on those OM Code Cases that were approved by the NRC in Revision 4 of RG 1.192. The OM Code Cases listed in table 2 of the Revision 5 to RG 1.192 were re-affirmed by the ASME for the 2022 Edition of the OM Code with no change to those OM Code Cases. Therefore, the conditions on the OM Code Cases in table 2 are retained in Revision 5 of RG 1.192.

D. ASME Code Cases Not Approved for Use (RG 1.193)

The ASME Code Cases that are currently issued by the ASME, but not approved for generic use by the NRC, are listed in RG 1.193, ''ASME Code Cases not Approved for Use.'' In addition to the ASME Code Cases that the NRC has found to be technically or programmatically unacceptable, RG 1.193 includes code cases on reactor designs for high-temperature gas-cooled reactors and liquid metal reactors, reactor designs not currently licensed by the NRC, and certain requirements in Section III, Division 2, for submerged spent fuel waste casks, that are not endorsed by the NRC. Regulatory Guide 1.193 complements RGs 1.84, 1.147, and 1.192. It should be noted that the NRC is not proposing to adopt any of the code cases listed in RG 1.193.

E. Revision to Code of Record Update Requirements

Nuclear power plant licensees maintain their IST and ISI programs, respectively, in accordance with the requirements of the ASME OM Code and ASME BPV Code, Section XI, as incorporated by reference in § 50.55a. The initial concept of a 10-year ISI interval first appeared in the 1970 Edition of the ASME BPV Code, Section XI, in paragraph IS–240. This 10-year interval (referred to as the ISI interval) is only related to ASME ISI requirements. There is a corresponding 10-year IST interval for the OM Code requirements.

Later, in a final rule published in February 1976 (41 FR 6256), the NRC revised § 50.55a to require IST code of record updates every 20 months and ISI code of record updates every 40 months. This requirement was (and still is) independent from the ISI and IST intervals defined by the respective codes. In the early years of the development of ISI and IST programmatic requirements, the NRC requirement to update the codes of record was not synchronized with the ASME concept of an IST or ISI interval. In January 1979 (44 FR 3719), the NRC proposed changes to § 50.55a to extend the 20- and 40-month update intervals to 120 months (10 years), to promote consistency with the 10-year interval in the ASME codes. The corresponding final rule was published in October 1979 (44 FR 57912).

Paragraph IWA–2420 of the 1989 Edition and later of ASME BPV Code, Section XI, requires that nuclear plant owners prepare inspection plans and schedules for each ISI interval. These plans should include a listing of all code cases to be applied during the ISI interval and alternatives authorized under § 50.55a(z). The revision to § 50.55a in this rulemaking does not alter those requirements. In defining the inspection program, paragraph IWA–2410 of ASME BPV Code, Section XI,

states, ''The Code Edition and Addenda for preservice inspection and for initial and successive inservice inspection intervals shall be as required by the regulatory authority having jurisdiction at the plant site.'' Therefore, while ASME BPV Code, Section XI, requires plant owners to declare which edition of Section XI will be applied during each ISI interval, the code does not specify what constitutes an appropriate edition of Section XI.

Similarly, Paragraph ISTA–3110, ''Test and Examination Plans,'' in the 2020 Edition of the ASME OM Code requires that nuclear plant owners prepare test plans for the preservice test period, initial IST intervals, and subsequent IST intervals. These plans should include a listing of all code cases to be applied during the IST interval, relief granted under § 50.55a(f), and alternatives authorized under § 50.55a(z). Paragraph ISTA–3110 requires in subparagraph (a) that each IST plan shall include ''the edition and addenda of this Section that apply to the required tests and examinations.'' Therefore, while the ASME OM Code requires nuclear power plant owners to declare which edition and addenda of the OM Code will be applied during each IST interval, the OM Code does not specify what constitutes an appropriate edition and addenda of the OM Code.

Therefore, neither ASME BPV Code, Section XI nor the OM Code specify which edition to use. Rather, the NRC's regulations in § 50.55a determine the appropriate edition and addenda of the ASME BPV Code, Section XI or OM Code to be applied in each ISI or IST interval, respectively. The changes to these code of record requirements in this rulemaking are focused on that aspect alone.

The NRC does not intend the extension of the code of record interval to affect the orderly implementation of IST and ISI programs. Therefore, the final rule is designed to synchronize the requirements of ASME Codes and § 50.55a as much as possible. For licensees with codes of record prior to ASME BPV Code, Section XI, 2017 Edition, and OM Code, 2017 Edition, as incorporated by reference in § 50.55a, the final rule specifies that the code of record interval for the ISI and IST programs shall be the same as the ISI interval or IST interval. This is consistent with the current requirements. For licensees with codes of record of ASME BPV Code, Section XI, 2017 Edition, or later editions and addenda, and ASME OM Code, 2017 Edition, or later editions, as incorporated by reference in § 50.55a, the final rule specifies that the code of record interval for the ISI and IST programs is two consecutive ISI or IST intervals, respectively.

With this revised requirement to update the code of record, the NRC does not intend that the code of record interval for an IST or ISI program will exceed 25 years, even if ASME extends the IST interval or the ISI interval beyond 12 years in the ASME OM Code or the ASME BPV Code, respectively. The 25-year maximum code of record interval allows the same code of record to be used for two consecutive ISI or IST intervals, each up to 12 years, plus the one-time, 1-year extension for IST and ISI programs as specified in the ASME OM Code and ASME BPV Code, respectively. The Commission has not approved extending the code of record intervals beyond the 25-year maximum in this rulemaking. If future editions of the ASME OM Code or ASME BPV Code or future code cases extend the IST interval or ISI interval, respectively, beyond 12 years, the NRC would need to maintain the 25-year maximum code of record interval.

In response to public comments, the NRC does not intend for licensees with codes of record of ASME BPV Code, Section XI, 2017 Edition, or later editions and addenda, and ASME OM Code, 2017 Edition, or later editions, as incorporated by reference into § 50.55a, to be required to maintain the same code of record for the two consecutive ASME intervals. Accordingly, the NRC modified § 50.55a(f)(4)(iv) and (g)(4)(iv) to ensure that licensees and applicants maintain the ability to update their code of record at the end of each ASME interval without NRC approval. These licensees also may implement the extended code of record interval immediately when the rule becomes effective. The code of record interval for these licensees, per the definitions in § 50.55a(y), is two consecutive IST or ISI intervals (not 20 or 24 years). Therefore, these licensees may update their code of record either at the end of the current IST or ISI interval or at the end of the subsequent IST or ISI interval.

The concept of a 120-month interval is referenced repeatedly in § 50.55a. However, the current language is not consistent or well-defined. As such, the NRC provided clarifying language by introducing certain definitions in § 50.55a(y). The definitions include IST code of record, ISI code of record, code of record interval, IST interval, ISI program, IST program, and ISI interval. The NRC updated the language throughout § 50.55a to be consistent with the definitions.

The NRC requested feedback on the proposed definitions and if more definitions were warranted. In general, commenters supported the proposed definitions. One commenter recommended that the definition for code of record be two specific definitions (IST code of record and ISI code of record) and requested that the NRC determine where the snubber program should be discussed. As a response to these specific comments, the NRC is providing two definitions for code of record: IST code of record and ISI code of record. Also, the NRC modified the IST code of record definition to include the snubber program.

In the 2006 Addenda of the ASME BPV Code, Section XI, ASME moved the requirements for snubbers to Subsection ISTD, ''Preservice and Inservice Requirements for Dynamic Restraints (Snubbers) in Water-Cooled Reactor Nuclear Power Plants,'' of the OM Code. Inservice examination, testing, and service life monitoring of dynamic restraints (snubbers) must meet the inservice examination and testing requirements set forth in the applicable ASME OM Code or ASME BPV Code, Section XI, as specified in § 50.55a(b)(3)(v)(A) and (B). When using the 2006 Addenda or later of the ASME BPV Code, Section XI, the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) must meet the requirements set forth in the applicable ASME OM Code as specified in § 50.55a(b)(3)(v)(B). When using the 2005 Addenda or earlier edition or addenda of the ASME BPV Code, Section XI, ASME OM Code, 1995 Edition through latest edition and addenda may be used for the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers), in place of the requirements of the applicable ASME BPV Code, Section XI, as specified in § 50.55a(b)(3)(v). Nuclear power plant licensees are transitioning to the 2006 Addenda and later editions of the ASME OM Code at their next IST Code of Record update. Licensees are encouraged to discuss their plans regarding the snubber programs with their NRC project manager when preparing to implement IST programs with extended intervals.

With respect to relief from impractical IST requirements as requested in accordance with § 50.55a(f)(5)(iv), neither the rulemaking language regarding the code of record interval nor application of Code Cases OMN–31 or N–921 extend the approval timeframe for previously granted relief requests. At the end of the Inservice Examination and Test Interval, the licensee would

reassess whether the IST requirement continues to be impractical and submit an updated relief request as necessary. The NRC is implementing similar revisions for the ISI requirements in § 50.55a(g)(5)(iii) and (iv).

With respect to alternative requests in accordance with § 50.55a(z), the NRC will address the duration of each new authorized alternative in the safety evaluation, describing its review of the request consistent with the current procedures for evaluating alternative requests. Existing NRC-approved alternatives were likely authorized based on the IST or ISI interval. Neither the rulemaking language regarding the code of record interval nor application of Code Cases OMN–31 or N–921 extend the approval timeframe for existing alternatives. Licensees should refer to the NRC safety evaluation to determine the timeframe for which the alternative is authorized and resubmit the request in an appropriate timeframe to maintain compliance with IST and ISI requirements. Licensees may request future alternatives based upon the code of record interval.

In addition, the NRC updated references to the 10-year service period in appendix J to 10 CFR part 50 to be consistent with the definitions in § 50.55a(y), in which the NRC is allowing the ISI period to be extended to 12 years. The current rules for Type A tests under Option A (prescriptive requirements) explicitly reference the 10-year service period required in § 50.55a for inservice inspections. Consistent with the NRC's stated goal of maintaining consistency across all NRC rules regarding ISI and IST programs, the NRC is revising appendix J to directly reference the interval defined in 10 CFR 50.55a, to accommodate a 12-year ISI interval. For the reasons stated in SECY–22–0075, the NRC made this revision without changing the intent or basis for the Type A test requirement in appendix J.

Licensees are currently required to submit various documents, such as IST plans and schedules or Section XI flaw evaluations, to the NRC each IST or ISI interval. The language in this rulemaking regarding the code of record intervals does not alter those submittal requirements in any way. Therefore, licensees should carefully distinguish requirements that apply to the code of record interval from those that apply to the IST or ISI interval. For example, § 50.55a(f)(7) requires IST plans to be submitted within 90 days of their implementation for the applicable 120-month IST program interval. This rule would revise the terms used in paragraph (f)(7) for consistency with the new definitions, but submittal of IST plans would still be required within 90 days of their implementation for the applicable IST interval.

F. Mid-Interval Discussion and Example

The NRC recognizes that a licensee might consider updating its code of record for the ISI/IST program to a more recent Code edition (such as 2017 Edition or later) during an ISI/IST interval to take advantage of the allowance in the rule to double the code of record interval. Similarly, a licensee might consider implementing Code Case N–921 during an ISI interval or Code Case OMN–31 during an IST interval. The staff notes that complications may arise because of reconciling Section XI and OM Code requirements and requests that were granted or authorized for a 10-year ISI/IST interval relative to the edition previously specified in the licensee's ISI/IST program. The NRC will review mid-interval requests by licensees to update to a more recent edition of the ASME Code as the new code of record for the ISI/IST program per the existing process described in 10 CFR 50.55a(g)(4)(iv) or 50.55a(f)(4)(iv) and Regulatory Issue Summary 2004–12. Licensees making such requests should evaluate the impact of updating the code of record on their ISI/IST program, including the completed ISI/IST activities and planned ISI/IST activities. Licensees should review previously authorized alternatives under 10 CFR 50.55a(z) and determine if they need to be resubmitted because of the specific duration specified in the request and authorization. The licensee should also review any previously granted relief requests for their duration and the need for resubmittal, as applicable. If such reviews and approvals are completed, licensees may take advantage of the extended code of record interval afforded by the rule.

The staff notes that the code of record interval is defined as two consecutive ISI/IST Intervals (rather than 20 or 24 years). A licensee that updates the code of record during an ISI/IST interval would be able to maintain the same code of record for the remainder of the current ISI/IST interval and the entirety of the subsequent ISI/IST interval. At the end of the subsequent ISI/IST interval, however, the licensee must update its code of record, since two consecutive ISI/IST intervals have passed. For example, a licensee begins a new ISI/IST interval in January 2020. In 2025, the licensee requests to implement the 2017 edition of ASME BPV Code Section XI or OM Code under 10 CFR 50.55a(g)(4)(iv) or (f)(4)(iv). If the NRC approves the request, the ISI/IST interval would end in January 2030 (*i.e.,* 10 years from January 2020 when the ISI/IST interval began), while the code of record interval would extend to 2040. If the licensee chooses to implement Code Case N–921 or OMN–31 in January 2030, the ISI/IST interval and the code of record interval would extend to 2042.

Upon the effective date of this final rule, a licensee already implementing the 2017 Edition, or later edition, of the ASME Code for the ISI/IST program would continue with its ongoing 10-year ISI/IST interval with the 2017 Edition, or later edition, as the code of record for the ISI/IST program. At the end of the ongoing 10-year ISI/IST interval, the licensee would assess the ISI/IST program as required in the ASME Code, including the need to resubmit requests for alternatives or relief that expired at the end of the 10-year ISI/IST interval. At that time, the licensee could remain on the same Code edition as the code of record for the subsequent ISI/IST interval, and NRC approval would not be required to do so. At the end of that ISI/IST interval, the licensee would update its code of record to the latest Code edition incorporated by reference in 10 CFR 50.55a 18 months before the beginning date of the next ISI/IST interval and submit any alternative or relief requests for the next ISI/IST interval.

III. Opportunities for Public Participation

The proposed rule was published in the **Federal Register** on March 6, 2023 (88 FR 13717) for a 60-day comment period ending May 5, 2023. On May 3, 2023, the NRC published notification in the **Federal Register** (88 FR 27712) extending the public comment period by an additional 42 days to end on June 16, 2023. The NRC held a public meeting on March 20, 2023, and developed a public meeting summary (ML23083B303).

IV. Public Comment Analysis

The NRC published the proposed rule and noticed the draft regulatory guides for public comment in the **Federal Register**. The NRC received 13 comment submissions. A *comment submission* is a communication or document submitted to the NRC by an individual or entity, with one or more individual comments addressing a subject or issue. Private citizens provided two comment submissions, nuclear industry organizations provided seven comment submissions, business/trade associations provided three comment submissions, and one comment

submission was submitted anonymously.

The comment submissions generally addressed the code cases and their proposed conditions. Many of the comments objected to the proposed conditions for Code Case N–921 (five comments), Code Case OMN–31 (three comments), and the rule language associated with the code edition requirements for implementing the extended code of record intervals (four comments). The NRC received two comments objecting to the fact that the proposed rule language on the extended code of record interval did not allow for licensees and applicants to update their code of record following completion of a single IST or ISI interval without first receiving NRC approval. The NRC received one comment that was outside the scope of this rulemaking.

The public comment submittals are available from the Federal e-Rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2018–0291. The NRC prepared a summary and analysis of public comments received on the proposed rule and draft regulatory guides, which is available as indicated in Section XVI, ''Availability of Documents,'' of this document. Responses to the public comments, including a summary of how the final rule text or the regulatory guides changed as a result of the public comments, can be found in the public comment analysis.

For more information about the associated guidance documents, see Section XVI, ''Availability of Guidance,'' of this document.

V. Section-by-Section Analysis

This section describes the primary revisions made by this final rule; minor editorial and administrative corrections to correct spacing, administrative errors, and typos are not identified in this analysis.

The NRC revised the following paragraphs in § 50.55a as follows:

Paragraph (a)(3)(i)

This final rule revises the reference to ''NRC Regulatory Guide 1.84, Revision 39,'' by removing ''Revision 39'' and adding in its place ''Revision 40'' and changing the month and year for the document's revision date.

Paragraph (a)(3)(ii)

This final rule revises the reference to ''NRC Regulatory Guide 1.147, Revision 20'' by removing ''Revision 20'' and adding in its place ''Revision 21'' and changing the month and year for the document's revision date.

Paragraph (a)(3)(iii)

This final rule revises the reference to ''NRC Regulatory Guide 1.192, Revision 4'' by removing ''Revision 4'' and adding in its place ''Revision 5'' and changing the month and year for the document's revision date.

Paragraph (b)(5)(ii)

This final rule amends paragraph (b)(5)(ii) by replacing the text ''120-month interval'' with ''code of record interval'' and ''120-month ISI program intervals'' with the text ''code of record intervals.''

Paragraph (b)(5)(iii)

This final rule amends paragraph (b)(5)(iii) by replacing the text ''120-month interval'' with the text ''code of record interval.''

Paragraph (b)(6)(ii)

This final rule amends paragraph (b)(6)(ii) by replacing the text ''120-month interval'' and ''120-month ISI program intervals'' with the text ''code of record intervals.''

Paragraph (b)(6)(iii)

This final rule amends paragraph (b)(6)(iii) by replacing the text ''120-month interval'' with the text ''code of record interval.''

Paragraph (f)(4)(i)

This final rule revises the heading and text of paragraph (f)(4)(i) by replacing the text ''120-month'' with the text ''code of record.'' This final rule also inserts the text ''no more than'' to clarify that licensees may consider ASME OM Code editions incorporated by reference less than 18 months before the date of issuance of the operating license or before the date of initial fuel load.

Paragraph (f)(4)(ii)

This final rule revises the heading and text of paragraph (f)(4)(ii) by replacing the text ''120-month'' with the text ''code of record.'' This final rule also inserts the text ''no more than'' to clarify that licensees may consider ASME OM Code editions incorporated by reference less than 18 months before the start of the code of record interval.

Paragraph (f)(4)(iv)

This final rule revises paragraph (f)(4)(iv) by adding language describing when licensees may update their code of record without NRC approval.

Paragraph (f)(5)(iv)

This final rule amends paragraph (f)(5)(iv) by replacing the text ''120-month interval of operation'' with the text ''inservice examination and test interval.''

Paragraph (f)(7)

This final rule amends paragraph (f)(7) by replacing the text ''120-month IST program interval'' with the text ''inservice examination and test interval''.

Paragraph (g)(4) Introductory Text

This final rule amends paragraph (g)(4) introductory text by inserting the text ''BPV'' into the text ''ASME Code Class 1, Class 2, and Class 3'' to clarify the language.

Paragraph (g)(4)(i)

This final rule revises paragraph (g)(4)(i) to replace the text ''120-month interval'' with the text ''code of record interval,'' replace the text ''120-month inspection interval'' with the text ''code of record interval,'' replace the text ''120-month ISI interval'' with the text ''code of record interval,'' insert the text ''BPV'' into the text ''ASME Code incorporated by reference'' to clarify the language, and insert the text ''no more than'' to clarify that licensees may use ASME BPV Code, Section XI, editions incorporated by reference less than 18 months before the start of the code of record interval.

Paragraph (g)(4)(ii)

This final rule revises paragraph (g)(4)(ii) by replacing the text ''120-month intervals'' with ''code of record intervals,'' replacing the text ''120-month inspection interval'' with ''code of record interval,'' inserting the text ''BPV'' into the text ''ASME Code incorporated by reference'' to clarify the language, and inserting the text ''no more than'' to clarify that licensees may use ASME BPV Code, Section XI, editions incorporated by reference less than 18 months before the start of the code of record interval.

Paragraph (g)(4)(iv)

This final rule revises paragraph (g)(4)(iv) by adding language describing when licensees may update their code of record without NRC approval.

Paragraph (g)(5)(i)

This final rule amends the heading for paragraph (g)(5)(i) by replacing the text ''ISI Code editions and addenda'' with the text ''ISI code of record.''

Paragraph (g)(5)(ii)

This final rule amends paragraph (g)(5)(ii) by replacing the text ''period'' with the text ''code of record interval.''

Paragraph (g)(5)(iii)

This final rule amends paragraph (g)(5)(iii) by replacing the text ''120-month inspection interval'' with ''inservice inspection interval.''

Paragraph (g)(5)(iv)

This final rule amends paragraph (g)(5)(iv) by replacing the text ''120-month inspection interval'' with ''inservice inspection interval.''

Paragraph (y)

This final rule adds paragraph (y) to provide definitions of important terms used in § 50.55a: *code of record interval, inservice examination and test (IST) code of record, inservice examination and test (IST) interval, inservice examination and testing (IST) program, inservice inspection (ISI) code of record, inservice inspection (ISI) interval, and inservice inspection (ISI) program.*

Appendix J to 10 CFR Part 50

This final rule revises paragraph D.1.(a) in section III of option A to replace the text ''10-year service period'' with the text ''inservice inspection interval, as defined in 10 CFR 50.55a(y),'' and replace the text ''10-year plant'' with the text ''final plant''. This final rule also removes footnote 2 and redesignates footnote 3 as footnote 2.

VI. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this rule does not have a significant economic impact on a substantial number of small entities. This final rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

VII. Regulatory Analysis

The NRC has prepared a final regulatory analysis on this regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The regulatory analysis is available as indicated in the ''Availability of Documents'' section of this document.

VIII. Backfitting and Issue Finality

The provisions in this final rule allow licensees and applicants to voluntarily apply NRC-approved code cases, sometimes with NRC-specified conditions. The approved code cases are listed in three RGs that are incorporated by reference into § 50.55a. An applicant's or a licensee's voluntary application of an approved code case does not constitute backfitting because there is no imposition of a new requirement or new position.

Similarly, voluntary application of an approved code case by a 10 CFR part 52 applicant or licensee does not represent NRC imposition of a requirement or action and, therefore, is not inconsistent with any issue finality provision in 10 CFR part 52. For these reasons, the NRC finds that this final rule does not involve any provisions requiring the preparation of a backfit analysis or documentation demonstrating that one or more of the issue finality criteria in 10 CFR part 52 are met.

Code of Record Update Backfitting Considerations: Section XI of the ASME BPV Code and the ASME OM Code

The revisions to the code of record intervals of Section XI of the ASME BPV Code and the ASME OM Code are related to the ISI and IST programs of operating reactors. However, the Backfit Rule generally does not apply to incorporation by reference of later editions and addenda of the ASME BPV Code (Section XI) and OM Code. The NRC's longstanding regulatory practice has been to incorporate later versions of the ASME Codes into § 50.55a. Under the former § 50.55a, licensees were required to revise their ISI and IST programs every 120 months to the latest edition and addenda of Section XI of the ASME BPV Code and the ASME OM Code incorporated by reference into § 50.55a 18 months before the start of a new 120-month ISI and IST interval. Thus, when the NRC approves and requires the use of a later version of the Code for ISI and IST, it is implementing this longstanding regulatory practice and requirement. The NRC revised this requirement to allow licensees to update to the latest edition and addenda before the start of every other ISI and IST interval. The NRC also revised § 50.55a(f)(4)(iv) and (g)(4)(iv) to allow licensees to use a later edition of ASME BPV Code Section XI or ASME OM Code without submitting a request for NRC approval, provided that the licensee implements the later edition at the start of a new ISI or IST interval. These revisions, taken together, constitute a voluntary relaxation, and thus not a backfit, because licensees will continue to have the option to voluntarily update before the start of each ISI or IST interval under § 50.55a(f)(4)(iv) or (g)(4)(iv).

Conclusion

The NRC finds that the incorporation by reference into § 50.55a of the three RGs containing the latest NRC-approved code cases and the revision of § 50.55a to allow the extended code of record interval, does not constitute backfitting or represent an inconsistency with any issue finality provisions in 10 CFR part 52.

IX. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

X. Environmental Assessment and Final Finding of No Significant Environmental Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required.

The determination of this environmental assessment is that there will be no significant effect on the quality of the human environment from this action. The NRC did not receive public comments regarding any aspect of this environmental assessment.

As voluntary alternatives to the ASME Code, NRC-approved code cases provide an equivalent level of safety. The IST and ISI code of record update frequency is changing the update frequency of a program. Therefore, the probability or consequences of accidents is not changed. There also are no significant, non-radiological impacts associated with this action because no changes would be made affecting non-radiological plant effluents and because no changes would be made in activities that would adversely affect the environment. The determination of this environmental assessment is that there would be no significant offsite impact to the public from this action.

XI. Paperwork Reduction Act

This final rule contains new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collections of information were approved by the Office of Management and Budget, approval number 3150–0264.

The burden to the public for the information collection(s) is estimated to average 162 hours 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.

The information collection is being conducted to document the plans for a select number of newly licensed operating power reactors to implement Code Case N–716–3. Information will be used by the NRC to verify applicability of the code case to the new plants including absence of degradation mechanisms and evaluate with any available operating experience, as well as risk-related information for the new plants, prior to application of the Code Case. Responses to this collection of information are voluntary under § 50.55a(z).

You may submit comments on any aspect of the information collection(s), including suggestions for reducing the burden, by the following methods:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2018–0291.
- *Mail comments to:* FOIA, Library, and Information Collections Branch, Office of the Chief Information Officer, Mail Stop: T6–A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 or to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150–0011), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

X. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

XIII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or is otherwise impractical. In this final rule, the NRC is continuing to use the ASME BPV and OM Code Cases, which are ASME-approved voluntary alternatives to compliance with various provisions of the ASME BPV and OM Codes. As discussed in Section II.A. of this document, the NRC's approval of the ASME Code Cases is accomplished by amending the NRC's regulations to incorporate by reference the latest revisions of the following, which are the subject of this rulemaking, into § 50.55a: RG 1.84, Revision 40; RG 1.147, Revision 21; and RG 1.192, Revision 5. The RGs list the ASME Code Cases that the NRC has approved for use. The ASME Code Cases are national consensus standards as defined in the National Technology Transfer and Advancement Act of 1995 and OMB Circular A–119. The ASME Code Cases constitute voluntary consensus standards, in which all interested parties (including the NRC and licensees of nuclear power plants) participate.

NUREG–2228, ''Weld Residual Stress Finite Element Analysis Validation: Part II—Proposed Validation Procedure,'' published July 2020 (including errata issued on September 22, 2021), referenced in the amendatory text of this rule, was previously approved for incorporation by reference in § 50.55a. The ASME BPV Code, Section XI, and ASME OM Code, referenced in the amendatory text of this rule, were previously approved for incorporation by reference in § 50.55a.

XIV. Incorporation by Reference—Reasonable Availability to Interested Parties

The NRC is incorporating by reference three NRC RGs that list the ASME Code Cases that the NRC has approved as voluntary alternatives to certain provisions of NRC-required editions and addenda of the ASME BPV Code and the ASME OM Code. These regulatory guides are RG 1.84, Revision 40; RG 1.147, Revision 21; and RG 1.192, Revision 5.

The NRC is required by law to obtain approval for incorporation by reference from the Office of the Federal Register (OFR). The OFR's requirements for incorporation by reference are set forth in 1 CFR part 51. The discussion in this section complies with the requirement for rules as set forth in 1 CFR 51.5(b)(2).

The NRC considers ''interested parties'' to include all potential NRC stakeholders, not only the individuals and entities regulated or otherwise subject to the NRC's regulatory oversight. These NRC stakeholders are not a homogenous group, so the considerations for determining ''reasonable availability'' vary by class of interested parties. The NRC identified six classes of interested parties with regard to the material to be incorporated by reference in an NRC rule:

- Individuals and small entities regulated or otherwise subject to the NRC's regulatory oversight. This class includes applicants and potential applicants for licenses and other NRC regulatory approvals, and who are subject to the material to be incorporated by reference. In this context, ''small entities'' has the same meaning as set out in 10 CFR 2.810.
- Large entities otherwise subject to the NRC's regulatory oversight. This class includes applicants and potential applicants for licenses and other NRC regulatory approvals, and who are subject to the material to be incorporated by reference. In this context, a ''large entity'' is one that does not qualify as a ''small entity'' under § 2.810.
- Non-governmental organizations with institutional interests in the matters regulated by the NRC.
- Other Federal agencies, States, local governmental bodies (within the meaning of § 2.315(c)).
- Federally recognized and State-recognized Indian tribes.
- Members of the general public (*i.e.,* individual, unaffiliated members of the public who are not regulated or otherwise subject to the NRC's regulatory oversight) who need access to the materials that the NRC is incorporating by reference in order to participate in the rulemaking.

The three RGs that the NRC is incorporating by reference in this final rule are available without cost and can be read online or downloaded online. The three RGs can be viewed, by appointment, at the NRC Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.*

Because access to the three final RGs is available in various forms at no cost, the NRC determines that the three final RGs (RG 1.84, Revision 40; RG 1.147, Revision 21; and RG 1.192, Revision 5) are reasonably available to all interested parties.

TABLE IV—REGULATORY GUIDES TO BE INCORPORATED BY REFERENCE IN 10 CFR 50.55a

Document	Adams accession No./**Federal Register** citation
RG 1.84, Design, Fabrication, and Materials Code Case Acceptability, ASME Section III, Revision 40	ML23291A008
RG 1.147, Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1, Revision 21	ML23291A003
RG 1.192, Operation and Maintenance Code Case Acceptability, ASME OM Code, Revision 5	ML23291A006

XV. Availability of Guidance

The NRC is issuing revised guidance, RG 1.193, ''ASME Code Cases Not Approved for Use,'' Revision 8, for the implementation of the requirements in this final rule. The guidance is available as indicated in Section XVI, ''Availability of Documents,'' of this document. You may access information and comment submissions related to the guidance by searching on *https://www.regulations.gov* under Docket ID NRC–2018–0291.

The regulatory guide lists code cases that the NRC has not approved for generic use and will not be incorporated by reference into the NRC's regulations.

XVI. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

TABLE V—AVAILABILITY OF DOCUMENTS

Document	Adams accession No./**Federal Register** citation
RG 1.84, Design, Fabrication, and Materials Code Case Acceptability, ASME Section III, Revision 40, dated March, 2024.	ML23291A008
RG 1.147, Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1, Revision 21, dated March, 2024	ML23291A003
RG 1.192, Operation and Maintenance Code Case Acceptability, ASME OM Code, Revision 5, dated March, 2024	ML23291A006
RG 1.193, ASME Code Cases Not Approved for Use, Revision 8, dated March, 2024	ML23291A007
Rulemaking—Proposed Rule—Draft Regulatory Analysis for American Society of Mechanical Engineers Code Cases, RG 1.84, Rev. 40; RG 1.147, Rev. 21; RG 1.192 Rev. 5; RG 1.193, Rev. 8, dated January 2023.	ML22243A006
Final Rule: Final Regulatory Analysis, American Society of Mechanical Engineers Code Cases RG 1.84 Rev 40, RG 1.147 Rev 21, RG 1.192 Rev 5, and Revision of Inservice Inspection and Inservice Testing Code of Record Frequency Update dated March, 2024.	ML23291A333
Final Rule: NRC Responses to Public Comments, American Society of Mechanical Engineers Code Cases RG 1.84 Rev 40, RG 1.147 Rev 21, RG 1.192 Rev 5, and Revision of Inservice Inspection and Inservice Testing Code of Record Frequency Update, dated March, 2024.	ML23291A328
Rulemaking—Proposed Rule—**Federal Register** Notice—American Society of Mechanical Engineers Code Cases and Update Frequency, RG 1.84, Rev. 40; RG 1.147, Rev. 21; RG 1.192 Rev 5, dated February 2023.	ML22243A005
Proposed Rule—American Society of Mechanical Engineers Code Cases and Update Frequency, RG 1.84, Rev. 40; RG 1.147, Rev. 21; RG 1.192, Rev 5, dated March 6, 2023.	88 FR 13717
SRM–SECY–21–0029, ''Rulemaking Plan on Relaxation of Inservice Testing and Inservice Inspection Program Update Frequencies Required in 10 CFR 50.55a,'' dated November 8, 2021.	ML21312A490
SECY–21–0029, ''Rulemaking Plan on Relaxation of Inservice Testing and Inservice Inspection Program Update Frequencies Required in 10 CFR 50.55a,'' dated March 15, 2021.	ML20273A286
SECY–22–0075, ''Staff Requirements–SECY–21–0029 Inservice Testing and Inservice Inspection Program Rulemakings Update [NRC–2018–0291/3150–AK23],'' dated August 10, 2022.	ML22124A178
Regulatory Issue Summary 2004–12, ''Clarification on Use of Later Editions and Addenda to the ASME OM Code and Section XI,'' dated July 28, 2004.	ML042090436
Public Meeting Summary for Proposed Rule: ASME Code Cases 40–21–5 and Update Frequency, dated March 20, 2023.	ML23083B303
Rulemaking—Proposed Rule—OMB Supporting Statement for American Society of Mechanical Engineers Code Cases, RG 1.84, Rev. 40; RG 1.147, Rev. 21; RG 1.192 Rev. 5; RG 1.193, Rev. 8, dated February 2023.	ML22243A007
Rulemaking—Final Rule—OMB Supporting Statement for American Society of Mechanical Engineers Code Cases, RG 1.84, Rev. 40; RG 1.147, Rev. 21; RG 1.192 Rev. 5; RG 1.193, Rev. 8, dated December 2023.	ML23291A341
ASME OM Code Case Applicability Index, dated July 1, 2022	ML22279A967
ASME Letter to NRC, ''ASME Request for Including Specific Code Cases in Draft Revision 21 of Regulatory Guide 1.147,'' dated December 22, 2021.	ML22046A112
NUREG–2228, ''Weld Residual Stress Finite Element Analysis Validation: Part II–Proposed Validation Procedure,'' dated July 2020.	ML20212L592
Final Rule—''Codes and Standards for Nuclear Power Plants and Technical Information,'' February 12, 1976	41 FR 6256
Proposed Rule—''Domestic Licensing of Production and Utilization Facilities Codes and Standards for Nuclear Powerplants,'' January 18, 1979.	44 FR 3719
Final Rule—''Domestic Licensing of Production and Utilization Facilities; Codes and Standards for Nuclear Powerplants,'' October 9, 1979.	44 FR 57912
Codes and Standards for Nuclear Power Plants; Subsection IWE and Subsection IWL, August 8, 1996	61 FR 41303
Proposed Rule—Industry Codes and Standards; Amended Requirements, September 22, 1999	64 FR 51370
Final Rule—Industry Codes and Standards; Amended Requirements, September 26, 2002	67 FR 60520
Final Rule—''Incorporation by Reference of ASME BPV and OM Code Cases,'' July 8, 2003	68 FR 40469
Final Rule—''Approval of American Society of Mechanical Engineers Code Cases,'' March 3, 2022	87 FR 11934
Final Rule—''American Society of Mechanical Engineers 2019–2020 Code Editions Incorporation by Reference,'' October 27, 2022.	87 FR 65128

List of Subjects in 10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is amending 10 CFR part 50 as follows:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

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

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, Pub. L. 96–295, 94 Stat. 783.

■ 2. In § 50.55a:
■ a. Revise the introductory text of paragraph (a);
■ b. Revise and republish paragraph (a)(3):
■ c. Revise paragraphs (b)(5) and (6);
■ d. Revise paragraphs (f)(4)(i) and (ii), and (f)(4)(iv);
■ e. In paragraph (f)(5)(iv), remove the text ''120-month interval of operation'', wherever it appears, and add, in its place, the text ''inservice examination and test interval'';
■ f. In paragraph (f)(7), remove the text ''120-month IST Program interval'', and add, in its place, the text ''inservice examination and test interval'';
■ g. Revise paragraphs (g)(4) and (5); and
■ h. Add paragraph (y).

The revisions and additions read as follows:

§ 50.55a Codes and standards.

(a) *Documents approved for incorporation by reference.* The material listed in this paragraph (a) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Nuclear Regulatory Commission (NRC) and at the National Archives and Records Administration (NARA). Contact the NRC at NRC Technical Library, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.* For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.* The material may be obtained from the following sources in this paragraph (a).

* * * * *

(3) U.S. Nuclear Regulatory Commission (NRC): Public Document Room, 11555 Rockville Pike, Rockville, Maryland 20852; telephone: 1–800–397–4209; email: *pdr.resource@nrc.gov; https://www.nrc.gov/reading-rm/doc-collections/reg-guides/.* The use of code cases listed in the NRC regulatory guides in paragraphs (a)(3)(i) through (iii) of this section is acceptable with the specified conditions in those guides when implementing the editions and addenda of the ASME BPV Code and ASME OM Code incorporated by reference in paragraph (a)(1) of this section. The NRC report in paragraph (a)(3)(iv) of this section is acceptable as specified in the conditions when implementing code cases listed in the NRC regulatory guides in paragraphs (a)(3)(i) through (iii) of this section.

(i) *NRC Regulatory Guide 1.84, Revision 40.* NRC Regulatory Guide 1.84, Revision 40, ''Design, Fabrication, and Materials Code Case Acceptability, ASME Section III,'' issued March 2024, with the requirements in paragraph (b)(4) of this section.

(ii) *NRC Regulatory Guide 1.147, Revision 21.* NRC Regulatory Guide 1.147, Revision 21, ''Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,'' issued March 2024, which lists ASME Code Cases that the NRC has approved in accordance with the requirements in paragraph (b)(5) of this section.

(iii) *NRC Regulatory Guide 1.192, Revision 5.* NRC Regulatory Guide 1.192, Revision 5, ''Operation and Maintenance Code Case Acceptability, ASME OM Code,'' issued March 2024, which lists ASME Code Cases that the NRC has approved in accordance with the requirements in paragraph (b)(6) of this section.

(iv) *NUREG–2228.* NUREG–2228, ''Weld Residual Stress Finite Element Analysis Validation: Part II—Proposed Validation Procedure,'' published July 2020 (including Errata September 22, 2021), which is referenced in RG 1.147, Revision 21.

* * * * *

(b) * * *

(5) *Conditions on inservice inspection Code Cases.* Licensees may apply the ASME BPV Code Cases listed in NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section, without prior NRC approval, subject to the following:

(i) *ISI Code Case condition: Applying Code Cases.* When a licensee initially applies a listed Code Case, the licensee must apply the most recent version of that Code Case incorporated by reference in paragraph (a) of this section.

(ii) *ISI Code Case condition: Applying different revisions of Code Cases.* If a licensee has previously applied a Code Case and a later version of the Code Case is incorporated by reference in paragraph (a) of this section, the licensee may continue to apply, to the end of the current code of record interval, the previous version of the Code Case, as authorized, or may apply the later version of the Code Case, including any NRC-specified conditions placed on its use. Licensees who choose to continue use of the Code Case during subsequent code of record intervals will be required to implement the latest version incorporated by reference into this section as listed in tables 1 and 2 of NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section.

(iii) *ISI Code Case condition: Applying annulled Code Cases.* Application of an annulled Code Case is prohibited unless a licensee previously applied the listed Code Case prior to it being listed as annulled in NRC Regulatory Guide 1.147. If a licensee has applied a listed Code Case that is later listed as annulled in NRC Regulatory Guide 1.147, the licensee may continue to apply the Code Case to the end of the current code of record interval.

(6) *Conditions on ASME OM Code Cases.* Licensees may apply the ASME OM Code Cases listed in NRC Regulatory Guide 1.192, as incorporated by reference in paragraph (a)(3)(iii) of this section, without prior NRC approval, subject to the following:

(i) *OM Code Case condition: Applying Code Cases.* When a licensee initially applies a listed Code Case, the licensee must apply the most recent version of that Code Case incorporated by reference in paragraph (a) of this section.

(ii) *OM Code Case condition: Applying different revisions of Code*

Cases. If a licensee has previously applied a Code Case and a later version of the Code Case is incorporated by reference in paragraph (a) of this section, the licensee may continue to apply, to the end of the current code of record interval, the previous version of the Code Case, as authorized, or may apply the later version of the Code Case, including any NRC-specified conditions placed on its use. Licensees who choose to continue use of the Code Case during subsequent code of record intervals will be required to implement the latest version incorporated by reference into this section as listed in tables 1 and 2 of NRC Regulatory Guide 1.192, as incorporated by reference in paragraph (a)(3)(iii) of this section.

(iii) *OM Code Case condition: Applying annulled Code Cases.* Application of an annulled Code Case is prohibited unless a licensee previously applied the listed Code Case prior to it being listed as annulled in NRC Regulatory Guide 1.192. If a licensee has applied a listed Code Case that is later listed as annulled in NRC Regulatory Guide 1.192, the licensee may continue to apply the Code Case to the end of the current code of record interval.

* * * * *

(f) * * *

(4) * * *

(i) *Applicable IST Code: Initial code of record interval.* Inservice tests to verify operational readiness of pumps and valves, whose function is required for safety, conducted during the initial code of record interval must comply with the requirements in the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section on the date no more than 18 months before the date of issuance of the operating license under this part, or no more than 18 months before the date scheduled for initial loading of fuel under a combined license under part 52 of this chapter (or the optional ASME OM Code Cases listed in NRC Regulatory Guide 1.192, as incorporated by reference in paragraph (a)(3)(iii) of this section, subject to the conditions listed in paragraph (b) of this section).

(ii) *Applicable IST Code: Successive code of record intervals.* Inservice examination of components and system pressure tests conducted during successive code of record intervals must comply with the requirements of the latest edition and addenda of the ASME BPV Code incorporated by reference in paragraph (a) of this section no more than 18 months before the start of the code of record interval (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147, when using ASME BPV Code, Section XI, or NRC Regulatory Guide 1.192, when using the ASME OM Code, as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section), subject to the conditions listed in paragraph (b) of this section. However, a licensee whose inservice inspection interval commences during the 12 through 18-month period after June 3, 2020, may delay the update of their Appendix VIII program by up to 18 months after June 3, 2020. Alternatively, licensees may, at any time in their code of record interval, elect to use the Appendix VIII in the latest edition and addenda of the ASME BPV Code incorporated by reference in paragraph (a) of this section, subject to any applicable conditions listed in paragraph (b) of this section. Licensees using this option must also use the same edition and addenda of Appendix I, Subarticle I–3200, as Appendix VIII, including any applicable conditions listed in paragraph (b) of this section.

* * * * *

(iv) *Applicable IST Code: Use of later Code editions and addenda.* Inservice tests of pumps and valves may meet the requirements set forth in subsequent editions and addenda that are incorporated by reference in paragraph (a)(1)(iv) of this section, subject to the conditions listed in paragraph (b) of this section, and subject to NRC approval. Portions of editions or addenda may be used, provided that all related requirements of the respective editions or addenda are met. NRC approval is not required when updating the IST code of record before the start of an IST interval in which the updated IST code of record will be used and when using the latest edition incorporated by reference in (a)(1)(iv) of this section in its entirety, subject to the conditions listed in paragraph (b) of this section (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147 or NRC Regulatory Guide 1.192 as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively).

* * * * *

(g) * * *

(4) *Inservice inspection standards requirement for operating plants.* Throughout the service life of a boiling or pressurized water-cooled nuclear power facility, components (including supports) that are classified as ASME BPVC Code Class 1, Class 2, and Class 3 must meet the requirements, except design and access provisions and preservice examination requirements, set forth in Section XI of editions and addenda of the ASME BPV Code that become effective subsequent to editions specified in paragraphs (g)(2) and (3) of this section and that are incorporated by reference in paragraph (a)(1)(ii) or (iv) of this section for snubber examination and testing of this section, to the extent practical within the limitations of design, geometry, and materials of construction of the components. Components that are classified as Class MC pressure retaining components and their integral attachments, and components that are classified as Class CC pressure retaining components and their integral attachments, must meet the requirements, except design and access provisions and preservice examination requirements, set forth in Section XI of the ASME BPV Code and addenda that are incorporated by reference in paragraph (a)(1)(ii) of this section subject to the condition listed in paragraph (b)(2)(vi) of this section and the conditions listed in paragraphs (b)(2)(viii) and (ix) of this section, to the extent practical within the limitation of design, geometry, and materials of construction of the components. When using the 2006 Addenda or later of the ASME BPV Code, Section XI, the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) must meet the requirements set forth in the applicable ASME OM Code as specified in paragraph (b)(3)(v)(B) of this section. When using the 2005 Addenda or earlier edition or addenda of the ASME BPV Code, Section XI, the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) must meet the requirements set forth in either the applicable ASME OM Code or ASME BPV Code, Section XI as specified in paragraph (b)(3)(v) of this section.

(i) *Applicable ISI Code: Initial code of record interval.* Inservice examination of components and system pressure tests conducted during the initial code of record interval must comply with the requirements in the latest edition and addenda of the ASME BPV Code incorporated by reference in paragraph (a) of this section on the date no more than 18 months before the date of issuance of the operating license under this part, or no more than 18 months before the date scheduled for initial loading of fuel under a combined license under part 52 of this chapter (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147, when using ASME BPV Code, Section XI, or NRC Regulatory Guide 1.192, when using the ASME OM Code, as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively), subject to the conditions

listed in paragraph (b) of this section. Licensees may, at any time in their code of record interval, elect to use the Appendix VIII in the latest edition and addenda of the ASME BPV Code incorporated by reference in paragraph (a) of this section, subject to any applicable conditions listed in paragraph (b) of this section. Licensees using this option must also use the same edition and addenda of Appendix I, Subarticle I–3200, as Appendix VIII, including any applicable conditions listed in paragraph (b) of this section.

(ii) *Applicable ISI Code: Successive code of record intervals.* Inservice examination of components and system pressure tests conducted during successive code of record intervals must comply with the requirements of the latest edition and addenda of the ASME BPV Code incorporated by reference in paragraph (a) of this section no more than 18 months before the start of the code of record interval (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147, when using ASME BPV Code, Section XI, or NRC Regulatory Guide 1.192, when using the ASME OM Code, as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section), subject to the conditions listed in paragraph (b) of this section. However, a licensee whose inservice inspection interval commences during the 12 through 18-month period after June 3, 2020, may delay the update of their Appendix VIII program by up to 18 months after June 3, 2020. Alternatively, licensees may, at any time in their code of record interval, elect to use the Appendix VIII in the latest edition and addenda of the ASME BPV Code incorporated by reference in paragraph (a) of this section, subject to any applicable conditions listed in paragraph (b) of this section. Licensees using this option must also use the same edition and addenda of Appendix I, Subarticle I–3200, as Appendix VIII, including any applicable conditions listed in paragraph (b) of this section.

(iii) *Applicable ISI Code: Optional surface examination requirement.* When applying editions and addenda prior to the 2003 Addenda of Section XI of the ASME BPV Code, licensees may, but are not required to, perform the surface examinations of high-pressure safety injection systems specified in Table IWB–2500–1, Examination Category B–J, Item Numbers B9.20, B9.21, and B9.22.

(iv) *Applicable ISI Code: Use of subsequent Code editions and addenda.* Inservice examination of components and system pressure tests may meet the requirements set forth in subsequent editions and addenda that are incorporated by reference in paragraph (a) of this section, subject to the conditions listed in paragraph (b) of this section, and subject to Commission approval. Portions of editions or addenda may be used, provided that all related requirements of the respective editions or addenda are met. NRC approval is not required when updating the ISI code of record before the start of an ISI interval in which the updated ISI code of record will be used and when using the latest edition incorporated by reference in (a)(1)(iv) of this section in its entirety, subject to the conditions listed in paragraph (b) of this section (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147 or NRC Regulatory Guide 1.192 as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively).

(v) *Applicable ISI Code: Metal and concrete containments.* For a boiling or pressurized water-cooled nuclear power facility whose construction permit under this part or combined license under part 52 of this chapter was issued after January 1, 1956, the following are required:

(A) *Metal and concrete containments: First provision.* Metal containment pressure retaining components and their integral attachments must meet the inservice inspection, repair, and replacement requirements applicable to components that are classified as ASME Code Class MC;

(B) *Metal and concrete containments: Second provision.* Metallic shell and penetration liners that are pressure retaining components and their integral attachments in concrete containments must meet the inservice inspection, repair, and replacement requirements applicable to components that are classified as ASME Code Class MC; and

(C) *Metal and concrete containments: Third provision.* Concrete containment pressure retaining components and their integral attachments, and the post-tensioning systems of concrete containments, must meet the inservice inspections, repair, and replacement requirements applicable to components that are classified as ASME Code Class CC.

(5) *Requirements for updating ISI programs*—(i) *ISI program update: Applicable ISI code of record.* The inservice inspection program for a boiling or pressurized water-cooled nuclear power facility must be revised by the licensee, as necessary, to meet the requirements of paragraph (g)(4) of this section.

(ii) *ISI program update: Conflicting ISI Code requirements with technical specifications.* If a revised inservice inspection program for a facility conflicts with the technical specifications for the facility, the licensee must apply to the Commission for amendment of the technical specifications to conform the technical specifications to the revised program. The licensee must submit this application, as specified in § 50.4, at least six months before the start of the code of record intervalduring which the provisions become applicable, as determined by paragraph (g)(4) of this section.

(iii) *ISI program update: Notification of impractical ISI Code requirements.* If the licensee has determined that conformance with a Code requirement is impractical for its facility the licensee must notify the NRC and submit, as specified in § 50.4, information to support the determinations. Determinations of impracticality in accordance with this section must be based on the demonstrated limitations experienced when attempting to comply with the Code requirements during the inservice inspection interval for which the request is being submitted. Requests for relief made in accordance with this section must be submitted to the NRC no later than 12 months after the expiration of the initial or subsequent inservice inspection interval for which relief is sought.

(iv) *ISI program update: Schedule for completing impracticality determinations.* Where the licensee determines that an examination required by Code edition or addenda is impractical, the basis for this determination must be submitted for NRC review and approval not later than 12 months after the expiration of the initial or subsequent inservice inspection interval for which relief is sought.

* * * * *

(y) *Definitions.* As used in this section:

Code of record interval means the period of time between the code of record updates required by paragraphs (f)(4) and (g)(4) of this section for the inservice examination and test programs and inservice inspection programs, respectively.

(1) For licensees with codes of record prior to ASME BPV Code, Section XI, 2017 Edition, and OM Code, 2017 Edition, as incorporated by reference in paragraph (a) of this section, the code of record interval is the same as the inservice inspection interval or inservice examination and test interval.

(2) For licensees with codes of record of ASME BPV Code, Section XI, 2017 Edition and OM Code, 2017 Edition, or later, as incorporated by reference in

paragraph (a) of this section, the code of record interval is two consecutive inservice inspection or inservice examination and test intervals.

Inservice examination and test (IST) code of record means the specific edition(s) and addenda of the ASME OM Code required by (f)(4)(i) or (ii) of this section, subject to the conditions listed in paragraph (b) of this section, and applicable NRC endorsed code cases, for inservice test to verify operational readiness of pumps, valves, and dynamic restraints, whose function is required for safety.

Inservice examination and test (IST) interval means the inservice examination and test interval described by the licensee's code of record (paragraph ISTA–3120 of the ASME OM Code, 2001 Edition through 2009 Edition, or paragraph ISTA–3120 of the ASME OM Code, 2012 Edition and later).

Inservice examination and testing (IST) program means the requirements for preservice and inservice examination and testing of pumps, valves, and dynamic restraints within the scope of this section to assess their operational readiness in nuclear power plants, including but not limited to:

(1) The requirements specified in the ASME OM Code, as incorporated by reference in this section, such as for test or examination, responsibilities, methods, intervals, parameters to be measured and evaluated, criteria for evaluating the results, corrective action, personnel qualification, and recordkeeping.

(2) Relief requested under paragraph (f)(5)(iii) of this section and granted under paragraph (f)(6)(i) of this section.

(3) Augmented IST requirements as applied by the Commission under paragraph (f)(6)(ii) of this section.

(4) Alternatives authorized under paragraph (z) of this section.

Inservice inspection (ISI) code of record means the specific edition(s) and addenda of the ASME BPV Code, Section XI, required by paragraphs (g)(4)(i) or (ii) of this section, subject to the conditions listed in paragraph (b) of this section, and applicable NRC endorsed code cases, for the inservice examination of components and system pressure tests.

Inservice inspection (ISI) interval means the inservice inspection interval described in Article IWA–2432 of ASME BPV Code, Section XI, 1989 Edition with 1991 Addenda through the 2008 Addenda, or Article IWA–2431 of ASME BPV Code, Section XI, 2009 Addenda and later.

Inservice inspection (ISI) program means the set of all administrative and technical requirements pertaining to periodic examination of nuclear components, as specified in ASME BPV Code, Section XI, and this section, including but not limited to:

(1) The requirements of IWA–2400 of ASME BPV Code, Section XI, 1991 Addenda and later.

(2) Relief requested under paragraph (g)(5)(iii) of this section and granted under paragraph (g)(6)(i) of this section.

(3) The augmented inspection program described in paragraph (g)(6)(ii) of this section.

(4) Alternatives authorized under paragraph (z) of this section.

* * * * *

■ 3. In appendix J to part 50, in section III of option A:

■ a. Remove footnote 2;

■ b. Redesignate footnote 3 as new footnote 2; and

■ c. Revise paragraph D.1.(a).

The revision reads as follows:

Appendix J to Part 50—Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors

* * * * *

Option A—Prescriptive Requirements

* * * * *

III. * * *

D. * * * 1. * * *

(a) After the preoperational leakage rate tests, a set of three Type A tests shall be performed, at approximately equal intervals during each inservice inspection interval, as defined in § 50.55a(y). The third test of each set shall be conducted when the plant is shut down for the final plant inservice inspections of the inservice inspection interval.

* * * * *

Dated: July 5, 2024.

Nuclear Regulatory Commission.

Andrea Veil,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2024–15288 Filed 7–16–24; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–0756; Project Identifier MCAI–2023–00549–T; Amendment 39–22769; AD 2024–12–05]

RIN 2120–AA64

Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021–25–12 and AD 2022–11–11, which applied to certain De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. AD 2021–25–12 required repetitive lubrications of the trailing arm of the nose landing gear (NLG). AD 2021–25–12 also required revising the existing maintenance or inspection program to include new and revised airworthiness limitations. AD 2022–11–11 required a modification to the NLG shock strut assembly. This AD continues to require the actions specified in AD 2021–25–12 and AD 2022–11–11 and requires replacement of the pivot pin and tow fitting assembly with a new, improved pivot pin and tow fitting assembly and prohibits the installation of affected parts. This AD was prompted by a determination that the pivot pin and tow fitting assembly of the NLG must be replaced. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 21, 2024.

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

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of July 8, 2022 (87 FR 33627, June 3, 2022).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of January 5, 2022 (86 FR 72174, December 21, 2021).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–0756; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

• For De Havilland material identified in this AD, contact De Havilland Aircraft of Canada Limited, Dash 8 Series Customer Response Centre, 5800 Explorer Drive, Mississauga, Ontario, L4W 5K9, Canada; telephone North America (toll-free): 855–310–1013, Direct: 647–277–5820;

email *thd@dehavilland.com;* website *dehavilland.com.*

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–0756.

FOR FURTHER INFORMATION CONTACT: Deep Gaurav, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021–25–12, Amendment 39–21856 (86 FR 72174, December 21, 2021) (AD 2021–25–12); and AD 2022–11–11, Amendment 39–22061 (87 FR 33627, June 3, 2022) (AD 2022–11–11). AD 2021–25–12 and AD 2022–11–11 applied to certain DeHavilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. AD 2021–25–12 required repetitive lubrications of the trailing arm of the NLG. AD 2021–25–12 also required revising the existing maintenance or inspection program to include new and revised airworthiness limitations (life limits for certain bolts). AD 2022–11–11 required modification to the NLG shock strut assembly. The FAA issued AD 2021–25–12 and AD 2022–11–11 to address failure of the pivot pin retention bolt, which could result in a loss of directional control or loss of an NLG tire during takeoff or landing, which could lead to runway excursions.

The NPRM published in the **Federal Register** on March 22, 2024 (89 FR 20367). The NPRM was prompted by AD CF–2023–22, dated March 30, 2023 (Transport Canada AD CF–2023–22) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. Transport Canada AD CF–2023–22 superseded Transport Canada AD CF–2009–29R4, October 1, 2021 (Transport Canada AD CF–2009–29R4). The MCAI states that it requires the removal of pivot pin part number (P/N) 47127–1 or P/N 47127–3 and tow fitting assembly P/N 47160–1, and their replacement with pivot pin P/N 47127–5 and tow fitting assembly P/N 47160–3, as terminating action to the requirements of Transport Canada AD CF–2009–29R4. The pivot pin P/N 47127–5 is now attached directly to the new tow fitting lug and no longer requires the use of a retention bolt. Transport Canada AD CF–2023–22 also prohibits the installation of certain parts.

In the NPRM, the FAA proposed to continue to require the actions specified in AD 2021–25–12 and AD 2022–11–11 and to require replacement of the pivot pin and tow fitting assembly with a new, improved pivot pin and tow fitting assembly and prohibit the installation of affected parts. In the NPRM, the FAA also proposed to remove airplanes from the applicability of AD 2021–25–12 and AD 2022–11–11. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–0756.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed De Havilland Aircraft of Canada Limited Service Bulletin 84–32–173, dated November 15, 2022, including Collins Aerospace Service Bulletin 47100–32–153, dated November 10, 2022. This material specifies procedures for replacing the pivot pin retention mechanism and tow fitting assembly with a new, improved pivot pin and tow fitting assembly, which consists of removing pivot pin linkage components and replacing pivot pin P/N 47127–1 or P/N 47127–3 and tow fitting assembly P/N 47160–1 with pivot pin P/N 47127–5 and tow fitting assembly P/N 47160–3.

This AD also requires De Havilland Aircraft of Canada Limited Service Bulletin 84–32–161, Revision B, dated March 31, 2021, including UTC Aerospace Systems Service Bulletin 47100–32–145, Revision 3, dated March 26, 2021, which the Director of the Federal Register approved for incorporation by reference as of July 8, 2022 (87 FR 33627, June 3, 2022).

This AD also requires De Havilland Aircraft of Canada Limited Service Bulletin 84–32–167, dated August 12, 2021; and De Havilland Aircraft of Canada Limited Temporary Revision ALI–0223, dated October 15, 2020, which the Director of the Federal Register approved for incorporation by reference as of January 5, 2022 (86 FR 72174, December 21, 2021).

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

Costs of Compliance

The FAA estimates that this AD will affect 41 airplanes of U.S. registry.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2021–25–12 *	1 work-hour × $85 per hour = $85	Negligible	$85	$3,485
Retained actions from AD 2022–11–11	4 work-hours × $85 per hour = $340	$8	348	14,268
New actions	4 work-hours × $85 per hour = $340	25,804	26,144	1,071,904

* Table does not include estimated costs for revising the maintenance or inspection program.

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the FAA recognizes that this number may vary from operator to operator. In the past, the FAA has

estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	$8	$178

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–25–12, Amendment 39–21856 (86 FR 72174, December 21, 2021); and AD 2022–11–11, Amendment 39–22061 (87 FR 33627, June 3, 2022); and

■ b. Adding the following new AD:

2024–12–05 De Havilland Aircraft of Canada (Type Certificate Previously Held by Bombardier, Inc.): Amendment 39–22769; Docket No. FAA–2024–0756; Project Identifier MCAI–2023–00549–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 21, 2024.

(b) Affected ADs

This AD replaces AD 2021–25–12, Amendment 39–21856 (86 FR 72174, December 21, 2021) (AD 2021–25–12); and AD 2022–11–11, Amendment 39–22061 (87 FR 33627, June 3, 2022) (AD 2022–11–11).

(c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited (Type Certificate previously held by Bombardier, Inc.) Model DHC–8–401 and –402 airplanes, certificated in any category, having serial numbers 4001, and 4003 through 4633 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by reports of a certain bolt at the pivot pin link being found missing or having stress corrosion cracking and a determination that the pivot pin and tow fitting assembly of the nose landing gear (NLG) must be replaced. The FAA is issuing this AD to address failure of the pivot pin retention bolt. The unsafe condition, if not addressed, could result in a loss of directional control or loss of an NLG tire during takeoff or landing, which could lead to runway excursions.

(f) Compliance

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

(g) Retained Maintenance or Inspection Program Revision, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2021–25–12, with no changes. For airplanes with pivot pin retention bolt part number (P/N) NAS6204–14D installed on the NLG assembly: Within 30 days after January 5, 2022 (the effective date of AD 2021–25–12), or within 30 days after installation of pivot pin retention bolt part number P/N NAS6204–14D, whichever occurs later, revise the existing maintenance or inspection program, as applicable, to incorporate the information for Structures Safe Life Task 32–21–01–701 and Task 32–21–01–702, as specified in De Havilland Aircraft of Canada Limited Temporary Revision ALI–0223, dated October 15, 2020. The initial compliance time for doing the tasks is at the applicable time specified in De Havilland Aircraft of Canada Limited Temporary Revision ALI–0223, dated October 15, 2020, or within 30 days after January 5, 2022, whichever occurs later; except, if replacement of bolt P/N NAS6204–14D was performed before January 5, 2022, as specified in De Havilland Aircraft of Canada Service Bulletin 84–32–161, the initial compliance time for Task 32–21–01–702 (bolt P/N NAS6204–14D replacement) is within 3 months after January 5, 2022, or within 800 flight cycles after performing the replacement, whichever occurs later.

(h) Retained No Alternative Actions or Intervals, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2021–25–12, with no changes. After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* replacements) or intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (n)(1) of this AD.

(i) Retained Repetitive Lubrications, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2021–25–12, with no changes. For airplanes with pivot pin retention bolt P/N NAS6204–14D installed on the NLG assembly: Within 30 days or 400 flight cycles, whichever occurs first after January 5, 2022 (the effective date of AD 2021–25–12), and thereafter at intervals not exceeding 400 flight cycles, lubricate the trailing arm of the NLG, including doing a general visual inspection of the NLG pivot pin mechanism for discrepancies (*i.e.,* bolt P/N NAS602–14D is missing or has damage (*e.g.,* stress corrosion or stress corrosion cracking)) and, as applicable, replacing the bolt before further flight, in accordance with paragraph 3.B. of the Accomplishment Instructions of De Havilland Aircraft of Canada Limited Service Bulletin 84–32–167, dated August 12, 2021.

(j) Retained Modification, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2022–11–11, with no changes. For any airplane having an NLG shock strut assembly, P/N 47100–XX (where XX represents any number), that has special bolt P/N 47205–1 or 47205–3: Within 1,600 flight cycles or 9 months after July 8, 2022 (the effective date of AD 2022–11–11), whichever occurs first, modify the NLG shock strut assembly, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of De Havilland Aircraft of Canada Limited Service Bulletin 84–32–161, Revision B, dated March 31, 2021, including UTC Aerospace Systems Service Bulletin 47100–32–145, Revision 3, dated March 26, 2021.

Note 1 to paragraph (j): After installing pivot pin retention bolt part number NAS6204–14D, paragraphs (g), (h), and (i) of this AD apply to pivot pin retention bolt part number NAS6204–14D.

(k) New Replacement

Within 8,000 flight hours or 48 months, whichever occurs first, after the effective date of this AD, remove pivot pin linkage components and replace pivot pin P/N 47127–1 or P/N 47127–3 and tow fitting assembly P/N 47160–1 with pivot pin P/N 47127–5 and tow fitting assembly P/N 47160–3, in accordance with Section 3.B. of the Accomplishment Instructions of De Havilland Aircraft of Canada Limited Service Bulletin 84–32–173, dated November 15, 2022, including Collins Aerospace Service Bulletin 47100–32–153, dated November 10, 2022. Accomplishing the replacement required by this paragraph terminates the requirements of paragraphs (g), (h), (i), and (j) of this AD.

(l) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (j) of this AD, if those actions were performed before July 8, 2022 (the effective date of AD 2022–11–11), using De Havilland Aircraft of Canada Limited Service Bulletin 84–32–161, dated April 7, 2020, including UTC Aerospace Systems Service Bulletin 47100–32–145, dated April 3, 2020; or De Havilland Aircraft of Canada Limited Service Bulletin 84–32–161, Revision A, dated January 27, 2021, including UTC Aerospace Systems Service Bulletin 47100–32–145, Revision 2, dated January 4, 2021.

(m) Parts Installation Prohibition

As of the effective date of this AD, no person may install pivot pin P/N 47127–1 or P/N 47127–3 as a replacement part for pivot pin P/N 47127–5 on De Havilland Aircraft of Canada Limited Model DHC–8–401 and DHC–8–402 airplanes.

(n) Additional AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (o)(2) of this AD. Information may be emailed to: *9-AVS-NYACO-COS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(o) Additional Information

(1) For more information about this AD, contact Deep Gaurav, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 518–228–7300; email *9-avs-nyaco-cos@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the address specified in paragraph (p)(6) of this AD.

(p) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on August 21, 2024.

(i) De Havilland Aircraft of Canada Limited Service Bulletin 84–32–173, dated November 15, 2022, including Collins Aerospace Service Bulletin 47100–32–153, dated November 10, 2022.

Note 2 to paragraph (p)(3)(i): De Havilland issued De Havilland Aircraft of Canada Limited Service Bulletin 84–32–173, dated November 15, 2022, with Collins Aerospace Service Bulletin 47100–32–153, dated November 10, 2022, attached as one ''merged'' file for the convenience of affected operators.

(ii) [Reserved]

(4) The following material was approved for IBR on July 8, 2022 (87 FR 33627, June 3, 2022).

(i) De Havilland Aircraft of Canada Limited Service Bulletin 84–32–161, Revision B, dated March 31, 2021, including UTC Aerospace Systems Service Bulletin 47100–32–145, Revision 3, dated March 26, 2021.

Note 3 to paragraph (p)(4)(i): De Havilland issued De Havilland Service Bulletin 84–32–161, Revision B, dated March 31, 2021, with UTC Aerospace Systems Service Bulletin 47100–32–145, Revision 3, dated March 26, 2021, attached as one ''merged'' file for the convenience of affected operators.

(ii) [Reserved]

(5) The following material was approved for IBR on January 5, 2022 (86 FR 72174, December 21, 2021).

(i) De Havilland Aircraft of Canada Limited Service Bulletin 84–32–167, dated August 12, 2021.

(ii) De Havilland Aircraft of Canada Limited Temporary Revision ALI–0223, dated October 15, 2020.

(6) For De Havilland material identified in this AD, contact De Havilland Aircraft of Canada Limited, Dash 8 Series Customer Response Centre, 5800 Explorer Drive, Mississauga, Ontario, L4W 5K9, Canada; telephone North America (toll-free): 855–310–1013, Direct: 647–277–5820; email *thd@dehavilland.com;* website *dehavilland.com.*

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

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

Issued on July 10, 2024.

James D. Foltz,

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

[FR Doc. 2024–15656 Filed 7–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1885; Project Identifier MCAI–2022–01484–T; Amendment 39–22770; AD 2024–12–06]

RIN 2120–AA64

Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. This AD was prompted by reports of moisture in the wing-to-fuselage joint, between the mating front spar and rear spar frame segments. This AD requires a visual inspection of the fuselage front and rear spar frames, an ultrasonic test if applicable, other specified actions, and repair if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 21, 2024.

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

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1885; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For De Havilland Aircraft material incorporated by reference in this AD, contact De Havilland Aircraft of Canada Limited, Dash 8 Series Customer Response Centre, 5800 Explorer Drive, Mississauga, Ontario, L4W 5K9, Canada; telephone 855–310–1013 or 647–277–5820; email *thd@dehavilland.com;* website *dehavilland.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2023–1885.

FOR FURTHER INFORMATION CONTACT: Deep Gaurav, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *deep.gaurav@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. The NPRM published in the **Federal Register** on September 25, 2023 (88 FR 65635). The NPRM was prompted by AD CF–2022–63, dated November 17, 2022, issued by Transport Canada, which is the aviation authority for Canada (referred to after this as the MCAI). The MCAI states several reports of moisture have been found in the wing-to-fuselage joint, between the mating front spar and rear spar frame segments. This condition, if not corrected, could lead to corrosion and structural degradation of the wing-to-fuselage joint and possible wing separation from the airplane.

In the NPRM, the FAA proposed to require a visual inspection of the fuselage front and rear spar frames, an ultrasonic test if applicable, other specified actions, and repair if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–1885.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from De Havilland. The following presents the comment received on the NPRM and the FAA's response.

Request To Update the Service Information

De Havilland stated that to allow some operators to accomplish the AD, an update is necessary to the work instructions in De Havilland Aircraft of Canada Limited Service Bulletin 84–53–81, Revision A, dated August 23, 2022. The service bulletin is in the process of being revised to allow operators an alternative means of accessing the front spar joint via the forward fairing rib on certain airplanes.

To allow operators to use later revisions of the referenced document (issued after publication of the AD), either the FAA must revise the AD to reference specific later revisions, or operators may request approval to use later revisions as an alternative method of compliance with this AD under the provisions of paragraph (i)(1) of this AD.

In light of the critical nature of the identified unsafe condition (*i.e.,* corrosion and structural degradation of the wing-to-fuselage joint), the FAA does not consider it warranted to delay the issuance of this final rule until the revised service information is published. The FAA has not changed this AD in this regard.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed De Havilland Aircraft of Canada Limited Service Bulletin 84–53–81, Revision A, dated August 23, 2022. This material specifies procedures for a general visual inspection of the fuselage front and rear spar frames (including around the frame bolts) for signs of moisture (*i.e.,* stains and streaks). If signs of moisture ingress are noted in the affected structure because of this inspection, then an ultrasonic test and other specified actions will be required, which includes installing a sealant plug, refinishing the frame edge sealing, and removing the existing frame recess sealant between the frame and struts in the cabin.

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

Costs of Compliance

The FAA estimates that this AD affects 41 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
16 work-hours × $85 per hour = $1,360	$3,134	$4,494	$184,254

The FAA has received no definitive data on which to base the cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–12–06 De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.): Amendment 39–22770; Docket No. FAA–2023–1885; Project Identifier MCAI–2022–01484–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 21, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Model DHC–8–401 and –402 airplanes, certificated in any category, having serial numbers 4001 and 4003 through 4624 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of moisture in the wing-to-fuselage joint, between the mating front spar and rear spar frame segments. The FAA is issuing this AD to address potential corrosion and structural degradation of the wing-to-fuselage joint. The unsafe condition, if not addressed, could result in wing separation from the airplane.

(f) Compliance

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

(g) Inspection and Corrective Action

At the applicable compliance times specified in paragraph (g)(1) or (2) of this AD, in accordance with Section 3.B., of the Accomplishment Instructions of De Havilland Aircraft of Canada Service Bulletin 84–53–81, Revision A, dated August 23, 2022, complete a general visual inspection of the fuselage spar frames and around the frame bolts for signs of moisture ingress (*i.e.,* stains and streaks), accomplish other specified actions, and if necessary, perform an ultrasonic test. Do all applicable ultrasonic tests before further flight. If, during any ultrasonic test, any corrosion or structural degradation is found, before further flight, repair using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or De Havilland Aircraft of Canada Limited's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(1) For airplanes that, as of the effective date of this AD, have accumulated less than 32,000 total flight cycles: before accumulating 40,000 total flight cycles.

(2) For airplanes that, as of the effective date of this AD, have accumulated 32,000 or more total flight cycles: within 8,000 flight hours or 48 months, whichever occurs first after the effective date of this AD.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using De Havilland Aircraft of Canada Limited Service Bulletin 84–53–81, dated May 27, 2022.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager, International Validation Branch, mail it to the address identified in paragraph (j) of this AD or email to *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(j) Additional Information

For more information about this AD, contact Deep Gaurav, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *deep.gaurav@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) De Havilland Aircraft of Canada Limited Service Bulletin 84–53–81, Revision A, dated August 23, 2022.

(ii) [Reserved]

(3) For De Havilland Aircraft material incorporated by reference in this AD, contact De Havilland Aircraft of Canada Limited, Dash 8 Series Customer Response Centre, 5800 Explorer Drive, Mississauga, Ontario, L4W 5K9, Canada; telephone 855–310–1013 or 647–277–5820; email *thd@dehavilland.com;* website *dehavilland.com.*

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

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

Issued on July 10, 2024.

James D. Foltz,

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

[FR Doc. 2024–15657 Filed 7–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0254]

RIN 1625–AA87

Security Zones; 2024 Republican National Convention; Lake Michigan, Milwaukee Harbor, Kinnickinnic River, Menomonee River and Milwaukee River, Milwaukee, WI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary security zones and a safety zone for navigable waters within Lake Michigan, Milwaukee Harbor, Kinnickinnic River, Menomonee River, and Milwaukee River during the 2024 Republican National Convention. These actions are necessary to protect convention delegates, official parties, dignitaries, the public and surrounding waterways from terrorist acts, sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Sector Lake Michigan or designated representative.

DATES: This rule is effective from 8 a.m. on July 13, 2024, to 3 a.m. on July 19, 2024. All Security Zones will be enforced as needed with actual notice.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0254 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Chief Petty Officer Aaron Sunstrom, Sector Lake Michigan Waterways Management Division, U.S. Coast Guard; telephone 770–527–3964, email *Aaron.R.Sunstrom@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule due to it being impracticable and contrary to the public interest. Due to the sensitive security issues related to the Republican National Convention, providing a public notice and comment period would be contrary to the security zone's intended objective of protecting VIPs and the public because we cannot share the sensitive security information details prior to the rule being published.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date by first publishing an NPRM and holding a comment period would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of the Republican National Convention and accompanying high-ranking government officials.

III. Legal Authority and Need for Rule

The Coast Guard may issue security zone regulations under authority in 46 U.S.C. 70051 and 70124. The Captain of the Port, Sector Lake Michigan has determined that these temporary security zones are necessary to provide for the security of the Republican National Convention and the accompanying high-ranking government officials, and to protect against sabotage or terrorist attacks to human life, vessels, mariners, and waterfront venues at or near this event.

Additionally, the Coast Guard believes that, given the nature of the First Amendment activity expected and likely type of vessels used by individuals desiring to express their First Amendment rights—namely kayaks and other small vessels—a safety zone designating a voluntary First Amendment Area is necessary to ensure the safety of those vessels and persons who chose to express their views safely and without interference from, or interfering with, other maritime traffic.

IV. Discussion of the Rule

The Republican National Convention will take place in Milwaukee, WI from July 13, 2024, until July 19, 2024. The Secretary of the Department of Homeland Security has designated the 2024 Republican National Convention as a National Special Security Event (NSSE). NSSE's are significant events, which, due to their political, economic, social, or religious significance, may render them particularly attractive targets of terrorism or other criminal activity. The Federal government provides support, assistance, and resources to state and local governments to ensure public safety and security during NSSE's.

During this NSSE many high-ranking government officials will be arriving in Milwaukee, WI. The Coast Guard is establishing several security zones and a safety zone in portions of Lake Michigan, Milwaukee Harbor, Kinnickinnic River, Menomonee River, and Milwaukee River in Milwaukee, WI. Voluntary First Amendment Safety Zone 1 includes all waters of Lake Michigan within Milwaukee Harbor north of Discovery World. The area is enclosed by a line connecting the following points: starting at 43 02.62′ N, 087 52.83′ W, then west to 43 02.62′ N, 087 53.21′ W, then southwest to 43

02.55′ N, 087 53.70′ W, then south to 43 02.40′ N, 087 53.76′ W, then southeast to 43 02.35′ N, 087 52.91′ W, then northeast to origin. This zone will be enforced intermittently as necessary for the entire duration of the event.

Security Zone 2 includes all waters of the Milwaukee River between the Cherry Street Bridge and the Michigan Street Bridge. This zone will be enforced intermittently as necessary for the entire duration of the event as well as continuously from 8:00 a.m. on July 14, 2024, through 3:00 a.m. on July 19, 2024.

- No commercial or recreational vessel traffic will be permitted.
- Road bridges on the Milwaukee River between Cherry Street and Michigan Street will remain in the down position.
- Privately-owned vessels that are docked at the registered owners' places of domicile within the maritime security zone on the Milwaukee River between Cherry Street and Michigan Street may transit the river so long as their vessels do not require the raising of road bridges. Prior to departure from the dock and re-entry into the maritime security zone, the vessel owner must contact the USCG on channel 16 to request an escort.
  - If a privately-owned vessel that is docked within the maritime security zone departs the maritime security zone, it will be subject to screening prior to re-entry into the maritime security zone.
- All vessels docked within the maritime security zone may remain stationary. Pedestrian screening is not required to access stationary boats within the maritime security zone.

Security Zone 3 includes all waters of the Milwaukee River between the North Humboldt Avenue Bridge and the Cherry Street Bridge. This zone will be enforced intermittently as necessary for the entire duration of the event.

Security Zone 4 includes all waters of the Milwaukee River from the confluence with the Menomonee River at 43 01.92′ N, 087 54.66′ W then north to the Michigan Street Bridge. This zone will be enforced intermittently as necessary for the entire duration of the event.

Security Zone 5 includes all waters of the Milwaukee River from the confluence with the Kinnickinnic River at 43 01.50′ N, 087 54.18′ W, then northwest to confluence with Menomonee River at 43 01.92′ N, 087 54.66′ W. This zone will be enforced intermittently as necessary for the entire duration of the event.

Security Zone 6 includes all waters of the Milwaukee River in the vicinity of the Daniel W. Hoan Bridge. The area is enclosed by a line connecting the following points: starting at 43 01.542′ N, 087 54.127′ W, then east to 43 01.554′ N, 087 53.757′ W, then south to 43 01.511′ N, 087 53.689′ W, then west to 43 01.443′ N 087 54.111′ W, then north to origin. This zone will be enforced intermittently as necessary for the entire duration of the event as well as continuously from 3:00 p.m. on July 14, 2024, through 11:59 p.m. on July 14, 2024. Vessels greater than or equal to 65 feet are prohibited from entry into, transiting, or anchoring within this security zone unless authorized by the Captain of the Port Lake Michigan or a designated representative. Vessels less than or equal to 64 feet may transit through this security zone but are prohibited from anchoring or loitering; the Captain of the Port Lake Michigan or a designated representative reserves the right to prohibit vessels less than or equal to 64 feet from transiting the security zone as operations dictate.

Security Zone 7 includes all waters of the Menomonee River from the confluence with the Milwaukee River at 43 01.92′ N, 087 54.66′ W, then west to include the following: the Menomonee River to the North Emmber Lane Bridge at 43 01.98′ N, 087 55.74′ W; the entire South Menomonee Canal ending at 43 01.68′ N, 087 55.74′ W; and the entire Burnham Canal ending at 43 01.56′ N, 087 55.86′ W. This zone will be enforced intermittently as necessary for the entire duration of the event.

Security Zone 8 includes all waters of Lake Michigan within Milwaukee Harbor, including the Lakeshore State Park Inlet and Discovery World Lagoon; the area is enclosed by a line connecting the following points: Starting at 43 02.276′ N, 087 53.705′ W, then northeast to 43 02.311′ N, 087 53.319′ W, then south to 43 01.601′ N, 087 53.323′ W, then west to 43 01.560′ N, 087 53.717′ W, then north to origin. This zone will be enforced intermittently as necessary for the entire duration of the event as well as continuously from 8:00 a.m. on July 13, 2024, through 11:59 p.m. on July 14, 2024.

Security Zone 9 includes all waters of Lake Michigan within Milwaukee Harbor enclosed by a line connecting the following points: Starting at 43 01.74′ N, 087 53.07′ W, then southwest to 43 01.56′ N, 087 53.76′ W, then southwest to 43 01.23′ N, 087 53.86′ W, then southeast to 43 00.02′ N, 087 53.28′ W, then northeast to 43 00.49′ N, 087 52.58′ W, then northwest to origin. This zone will be enforced intermittently as necessary for the entire duration of the event.

Security Zone 10 includes all waters of the Kinnickinnic River from the confluence with the Milwaukee River at 43 01.50′ N, 087 54.18′ W then south to the West Becher Street Bridge.

The security zones and accompanying security measures have been specifically developed to protect convention delegates, official parties, dignitaries, the public and surrounding waterways from terrorist acts, sabotage or other subversive acts, accidents, or other causes of a similar nature. No vessel or person will be permitted to enter the security zones unless specifically authorized by the Captain of the Port Sector Lake Michigan or designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time of year of the security zone and safety zone. The zones will impact a small, designated area and will be enforced only during the event and event-related activities. The security zones and safety zone will be in a location where commercial vessel traffic is expected to be minimal during enforcement; commercial vessel traffic will be authorized to transit the security zones to the extent compatible with public safety and security. Persons and vessels will be able to operate in the surrounding area adjacent to the security zones and safety zone during the enforcement period and will be able to enter within the security zones if authorized by the Captain of the Port Lake Michigan or a designated representative. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 identifying the continuously and intermittently security zone locations, maritime restrictions, and enforcement dates.

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 rule will not have a significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves three security zones which will be enforced for a span of several days between July 13, 2024, through July 19, 2024, that will prohibit entry within certain waters of the Milwaukee River and Milwaukee Harbor. It is categorically excluded from further review under paragraph L60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0254 to read as follows:

§ 165.T09–0254 Security Zones; 2024 Republican National Convention; Lake Michigan and Milwaukee River, Milwaukee, WI

(a) *Location.* The following areas are security zones or safety zones:

(1) *Voluntary First Amendment Safety Zone 1:* includes all waters of Lake Michigan within Milwaukee Harbor north of Discovery World. The area is enclosed by a line connecting the following points: starting at 43 02.62′ N, 087 52.83′ W, then west to 43 02.62′ N, 087 53.21′ W, then southwest to 43 02.55′ N, 087 53.70′ W, then south to 43 02.40′ N, 087 53.76′ W, then southeast to 43 02.35′ N, 087 52.91′ W, then northeast to origin.

(2) *Security Zone 2:* includes all waters of the Milwaukee River between the Cherry Street Bridge and the Michigan Street Bridge.

(i) No commercial or recreational vessel traffic will be permitted on the Milwaukee River between Cherry St. and Michigan St.

(ii) Road bridges on the Milwaukee River between Cherry St. and Michigan St. will remain in the down position.

(iii) Privately-owned vessels that are docked at the registered owners' places of domicile within the maritime security zone on the Milwaukee River between Cherry Street and Michigan Street may transit the river so long as their vessels do not require the raising of road bridges. Prior to departure from the dock and re-entry into the maritime security zone, the vessel owner must contact the USCG on channel 16 to request an escort.

(iv) If a privately-owned vessel that is docked within the maritime security zone departs the maritime security zone, it will be subject to screening prior to re-entry into the maritime security zone.

(v) All vessels docked within the maritime security zone may remain stationary. Pedestrian screening is not required to access stationary boats within the maritime security zone.

(3) *Security Zone 3:* includes all waters of the Milwaukee River between the North Humboldt Avenue Bridge and the Cherry Street Bridge.

(4) *Security Zone 4:* includes all waters of the Milwaukee River from the confluence with the Menomonee River at 43 01.92′ N, 087 54.66′ W then north to the Michigan Street Bridge.

(5) *Security Zone 5:* includes all waters of the Milwaukee River from the confluence with the Kinnickinnic River at 43 01.50′ N, 087 54.18′ W, then northwest to confluence with Menomonee River at 43 01.92′ N, 087 54.66′ W.

(6) *Security Zone 6:* includes all waters of the Milwaukee River in the vicinity of the Daniel W. Hoan Bridge. The area is enclosed by a line connecting the following points: starting at 43 01.542′ N, 087 54.127′ W, then east to 43 01.554′ N, 087 53.757′ W, then south to 43 01.511′ N, 087 53.689′ W, then west to 43 01.443′ N 087 54.111′ W, then north to origin. Vessels greater than or equal to 65 feet are prohibited from entry into, transiting, or anchoring within this security zone unless authorized by the Captain of the Port Lake Michigan or a designated representative. Vessels less than or equal to 64 feet may transit through this security zone but are prohibited from anchoring or loitering; the Captain of the Port Lake Michigan or a designated representative reserves the right to prohibit vessels less than or equal to 64 feet from transiting the security zone as operations dictate.

(7) *Security Zone 7:* includes all waters of the Menomonee River from the confluence with the Milwaukee River at 43 01.92′ N, 087 54.66′ W, then west to include the following: The Menomonee River to the North Emmber Lane Bridge at 43 01.98′ N, 087 55.74′ W; The entire South Menomonee Canal ending at 43 01.68′ N, 087 55.74′ W; and the entire Burnham Canal ending at 43 01.56′ N, 087 55.86′ W.

(8) *Security Zone 8:* includes all waters of Lake Michigan within Milwaukee Harbor including the Lakeshore State Park Inlet and Discovery World Lagoon. The area is enclosed by a line connecting the following points: Starting at 43 02.276′ N, 087 53.705′ W, then northeast to 43 02.311′ N, 087 53.319′ W, then south to 43 01.601′ N, 087 53.323′ W, then west to 43 01.560′ N, 087 53.717′ W, then north to origin.

(9) *Security Zone 9:* includes all waters of Lake Michigan within Milwaukee Harbor. The area is enclosed by a line connecting the following points: Starting at 43 01.74′ N, 087 53.07′ W, then southwest to 43 01.56′ N, 087 53.76′ W, then southwest to 43 01.23′ N, 087 53.86′ W, then southeast to 43 00.02′ N, 087 53.28′ W, then northeast to 43 00.49′ N, 087 52.58′ W, then northwest to origin.

(10) *Security Zone 10:* includes all waters of the Kinnickinnic River from the confluence with the Milwaukee River at 43 01.50′ N, 087 54.18′ W then south to the West Becher Street Bridge.

(b) *Enforcement period.* This rule is effective from 8:00 a.m. on July 13, 2024, to 3:00 a.m. on July 19, 2024. The Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 identifying the continuously and intermittently security zone locations, maritime restrictions, and enforcement dates.

(1) Voluntary First Amendment Safety Zone 1 will be enforced intermittently, as necessary from 8 a.m. on July 13, 2024, to 1 a.m. on July 19, 2024.

(2) Security Zone 2 through 10 will be enforced intermittently, as necessary from 8 a.m. on July 13, 2024, to 1 a.m. on July 19, 2024.

(3) Security Zone 2 will be enforced continuously from 8 a.m. on July 14, 2024, through 3 a.m. on July 19, 2024.

(4) Security Zone 6 will be enforced continuously from 3 p.m. on July 14, 2024, through 11:59 p.m. on July 14, 2024.

(5) Security Zone 8 will be enforced continuously from 8 a.m. on July 13, 2024, through 11:59 p.m. on July 14, 2024.

(c) *Regulations.* (1) In accordance with the general regulations in section § 165.33, entry into, transiting, or anchoring within the security zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port Lake Michigan (COTP) or a designated representative.

(2) The security zones are closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) The ''designated representative'' of the COTP is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on his or her behalf.

(4) Persons and vessel operators desiring to enter or operate within the security zones must contact the COTP or an on-scene representative to obtain permission to do so. The COTP or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate within the security zones must comply with all directions given to them by the COTP or an on-scene representative.

Dated: July 9, 2024.

Joseph B. Parker,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2024–15561 Filed 7–12–24; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 38

RIN 2900–AR37

Reconsideration of Prior Interment and Memorialization Decisions

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its regulations to implement the statute authorizing VA to reconsider a prior decision to inter or honor the memory of a person in a VA national cemetery. As of December 20, 2013, VA was authorized to reconsider a prior decision to inter or memorialize an individual who was convicted of a Federal or State capital crime or a Federal or State crime that caused the individual to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act. In addition, VA was authorized to reconsider a prior decision to inter or memorialize an individual who committed a Federal or State capital crime but was not convicted of such crime because that individual was not available for trial due to death or flight to avoid prosecution. As of January 5, 2023, VA was authorized to reconsider a prior decision to inter or memorialize an individual who committed a Federal or State crime that would cause the person to be a tier III sex offender but was not convicted of such crime because that individual was not available for trial due to death or flight to avoid prosecution. This rulemaking implements review criteria and procedures for reconsideration of prior interment or memorialization decisions within VA regulations.

DATES: This rule is effective August 16, 2024.

FOR FURTHER INFORMATION CONTACT: Artis Parker, Executive Director, Office

of Field Programs, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420. Telephone: (314) 416–6304 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On February 27, 2023, VA published a proposed rule in the **Federal Register** (88 FR 12296) that would implement review criteria and procedures for reconsideration of prior interment or memorialization decisions. The public comment period ended on April 28, 2023, and VA received 3 comments in response to the proposed rule. VA will make no changes to the rulemaking based on the comments received on the proposed rule.

However, VA is making changes to the regulatory text to conform to new statutory authority. Specifically, VA revises paragraphs (c) and (d) in 38 CFR 38.622 to reflect changes to 38 U.S.C. 2411 made by section 6 of Public Law 117–355. The update in the statute, along with the corresponding changes in the regulatory text, allows VA to reconsider interment or memorialization of an individual who committed a Federal or State crime that would cause the person to be a tier III sex offender but was not convicted of such crime due to death or flight to avoid prosecution. We are revising the heading of proposed § 38.622(c) from ''Avoidance of Capital Crime Conviction Due to Death or Flight'' to ''Avoidance of Conviction Due to Death or Flight'' and revising proposed paragraphs (c)(1), (c)(2), (d)(2), and (d)(2)(iii) to include a person who committed or may have committed (depending on the paragraph) ''a Federal or State crime that would cause the person to be a tier III sex offender under 38 U.S.C. 2411(b)(5)''. These revisions are a logical outgrowth of the proposed rule and do not change the procedure for reconsideration cases set out in the proposed rule. Rather, the revisions merely incorporate Congress's amendments to the statute in adding the additional class of cases subject to reconsideration. Therefore, an additional opportunity for notice and public comment before promulgating this final rule is not necessary. *See Veterans Justice Grp.* v. *Sec'y of Veterans Affs.,* 818 F.3d 1336, 1343–45 (Fed. Cir. 2016) (holding that additional notice and opportunity for comment were not required where modifications contained in a final rule were a logical outgrowth of the proposed rule).

Additionally, VA is revising the regulatory text to clarify the proper regulations governing appeals to the Board of Veterans' Appeals and to emphasize the restrictions for appeal under the statute. In § 38.622(d)(1) and (d)(2)(iii), we change references to 38 CFR 19.25 (which governs decisions issued prior to February 19, 2019), see Veterans Appeals Improvement and Modernization Act of 2017 (AMA), Public Law 115–55, to 38 CFR 20.200 (which governs post-AMA decisions). Similarly, in § 38.622(d)(3), we change the reference to part 19, which governs the legacy appeals system, to part 20, which governs post-AMA appeals. As of the date of publication of this final rule, all pending reconsideration cases involve reconsideration decisions made after February 19, 2019, the effective date of the AMA. Therefore, VA expects that the Board of Veterans' Appeals will adjudicate any appeals of reconsiderations under the AMA regulations, rather than the legacy appeals regulations.

VA revises proposed paragraph (d)(3) to clarify the unique restrictions on appeals imposed by 38 U.S.C. 2411(d)(3). Specifically, VA adds language to emphasize that the notice of disagreement must be filed within 60 days from the date of the notice of decision and that the only available method of appeal from a notice of decision issued by the Under Secretary for Memorial Affairs is through review by the Board of Veterans' Appeals. The clear language of sec. 2411(d)(3)(A) imposes the 60-day deadline ''[n]otwithstanding any other provision of law.'' VA is removing language in proposed § 38.622(d)(1) and (d)(2)(iii) regarding the 60-day deadline, as that information now appears in paragraph (d)(3). Additionally, sec. 2411(d)(3) only allows appeals through the filing of a notice of disagreement to initiate review by the Board of Veterans' Appeals ''in accordance with the provisions of chapter 71.'' The language of sec. 2411(d)(3) predates the 2017 enactment of the AMA, which generally expanded the range of appeal options for VA benefit decisions. However, Congress has not amended the restrictive language of sec. 2411(d)(3), which only allows individuals to appeal to the Board of Veterans' Appeals by filing a notice of disagreement.

Regarding the comments received in response to the proposed rule, one commenter mentioned supporting reconsideration of interment or memorialization if proven beyond a reasonable doubt that an individual committed a Federal or State capital crime or committed a Federal or State crime that would have caused the person to be a tier III sex offender, whether the individual was convicted or not. As stated in the proposed rule, application of the reconsideration authority to bar benefits is based on 38 U.S.C. 2411(d) and (e). Under 38 U.S.C. 2411(d)(2)(A)(i), if there is evidence of a final conviction, then the bar to burial and memorial benefits would apply. When reconsidering whether to apply the bar to benefits in cases where the decedent committed a Federal or State capital crime or a Federal or State crime that would cause the person to be a tier III sex offender but was not convicted of such crime due to death or flight, VA has no authority to apply a standard other than the ''clear and convincing evidence'' standard, as is required under § 2411(d)(2)(A)(ii). VA will make no changes based on this comment.

The same commenter also expressed support for the intent of the proposed rule to preserve the legacy of veterans and their families by reconsidering interment or memorialization of an individual who committed a Federal or State capital crime or committed a Federal or State crime that would have caused the person to be a tier III sex offender but was not convicted of such crime due to death or flight to avoid prosecution. VA appreciates the commenter's support and feedback but will make no changes to the regulatory text based on this comment.

Another commenter expressed concerns regarding whether families would be able to afford the cost burden of disinterment and whether the cost would cause undue harm. The commenter suggested an alternative approach for VA to pay costs associated with the reinterment of remains unless the next of kin makes their own arrangements for disposition at their expense. As explained in the proposed rule, VA will provide notice to families about a proposed disinterment or removal of a headstone or marker, prior to taking such actions. The notice provides two options. While not required to do so, a family may choose to claim their loved one's remains and determine the final resting place and manner in which to memorialize their loved one at the family's expense. If a decedent's family does not make arrangements to take possession of the remains, VA will arrange for the disinterment at the Government's expense. VA will determine a suitable cemetery for the disposition of the decedent's remains and will make all necessary arrangements to disinter, transport, reinter, and mark the decedent's grave with a non-Government headstone or marker. VA will notify the decedent's family once these steps are completed. Because VA will provide an option that alleviates families of the financial burden

associated with disinterment or removal of a headstone or marker, VA will make no changes based on the commenter's expressed concerns.

Finally, VA addresses a comment that contended the Sex Offender Registration and Notification Act (SORNA) is unconstitutional and violates Article III of the United States Constitution, because the requirement to register as a sex offender constitutes a reopening of final judgments entered before the enactment of the SORNA. VA respectfully disagrees with the commenter because the reconsideration authority under sec. 2411 only affects VA's prior adjudication of an interment or memorialization claim and is not a reopening of the decedent's criminal case, as the commenter suggests. As explained in the proposed rule, sec. 2411 requires VA to consider a court's final conviction for Federal or State sex offenses and if that results in VA's finding that the individual meets the criteria to be categorized as a tier III sex offender under the SORNA, we must impose the bar to interment or memorialization in a national cemetery. The reconsideration authority is predicated on this analysis, which only draws on information about a person's criminal convictions but does not impose further criminal penalties. The bar to benefits under sec. 2411 is not a criminal penalty because it only affects a person's ability to receive otherwise entitled benefits based on qualifying military service. Further, we clarify that the reconsideration authority applies to individuals interred or memorialized after December 20, 2013, see Public Law 113–65, sec. 2, and is unrelated to the enactment of the SORNA in 2006. We considered this commenter's analysis but will make no changes to the rulemaking.

We make some clarifying revisions to § 38.622(b)(1) and (b)(2) by revising the proposed reference to ''a Federal or State tier III sex offense'' to more accurately refer to ''a Federal or State crime causing the person to be a tier III sex offender''. We similarly revise § 38.622(d)(1) by changing the reference to ''a tier III sexual offense'' to ''a Federal or State crime that would cause the person to be a tier III sex offender under 38 U.S.C. 2411(b)(5)''. As discussed above, VA is not making any changes to the rulemaking based on the comments received on the proposed rule but is making some changes to implement recent statutory amendments.

Executive Orders 12866, 13563 and 14094

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Orders 12866 and 13563. The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov*.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612, because the number of claims and the amounts involved are expected to be small. This final rule will directly affect the individuals and establishments that may be involved with the transfer of remains process (*e.g.,* next of kin or personal representative of the decedent and funeral homes). However, based on the anticipated aggregate number of cases involving disinterment or removal of memorialization headstones or markers, this final rule will not impact a substantial number of small entities. Since the 2013 enactment of the reconsideration authority in 38 U.S.C. 2411, VA has only reviewed 7 reconsideration decisions in total. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of sections 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 38

Administrative practice and procedure, Cemeteries, Claims, Crime, Grants programs—veterans, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved and signed this document on July 3, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 38 as set forth below:

PART 38—NATIONAL CEMETERIES OF THE DEPARTMENT OF VETERANS AFFAIRS

■ 1. The authority citation for part 38 continues to read as follows:

Authority: 38 U.S.C. 107, 501, 512, 2306, 2400, 2402, 2403, 2404, 2407, 2408, 2411, 7105.

■ 2. Add § 38.622 to read as follows:

§ 38.622 Reconsideration of prior interment and memorialization decisions.

(a) *General.* (1) The Under Secretary for Memorial Affairs (USMA) is the appropriate Federal official who may reconsider a prior decision to inter the remains or honor the memory of a person in a national cemetery.

(2) This section sets out the evaluative criteria and procedures for VA to reconsider prior interment and memorialization decisions for decedents

who are subsequently found to have committed or to have been convicted of certain criminal acts that would prohibit them from receiving benefits to which they are otherwise entitled.

(b) *Capital Crime or Sex Offense Conviction.* (1) Upon written notification from the United States Attorney General or an appropriate State official that a person interred or memorialized in a national cemetery after December 20, 2013, was convicted of a Federal or State capital crime and whose conviction meets the requirements of 38 U.S.C. 2411(b)(1) or (2), respectively, or was convicted of a Federal or State crime causing the person to be a tier III sex offender and meets the requirements of 38 U.S.C. 2411(b)(4), the USMA may, upon reconsideration, decide to disinter the remains or remove the memorial headstone or marker of such person from the cemetery.

(2) If VA has not initially received notification referred to in paragraph (b)(1) of this section, but a cemetery director has reason to believe that a person interred or memorialized in a national cemetery after December 20, 2013, may have been convicted of a Federal or State capital crime meeting the requirements of 38 U.S.C. 2411(b)(1) or (2), respectively, or may have been convicted of a Federal or State crime causing the person to be a tier III sex offender and meets the requirements of 38 U.S.C. 2411(b)(4), the cemetery director will initiate an inquiry to the United States Attorney General or appropriate State official for confirmation and provide the results of such inquiry to the USMA in cases where a conviction is confirmed, which will initiate a reconsideration. The USMA will render a decision on disinterment or memorial headstone or marker removal after reviewing the results of the inquiry submitted by the cemetery director.

(c) *Avoidance of Conviction Due to Death or Flight.* (1) If a cemetery director has reason to believe that a person interred or memorialized in a national cemetery after December 20, 2013, may have committed a Federal or State capital crime or may have committed a Federal or State crime that would cause the person to be a tier III sex offender under 38 U.S.C. 2411(b)(5), but avoided conviction of such crime by reason of unavailability for trial due to death or flight to avoid prosecution, the cemetery director will initiate an official inquiry seeking information from Federal, State, or local law enforcement officials, or other sources of potentially relevant information.

(2) If, after conducting the inquiry, the cemetery director determines that there appears to be clear and convincing evidence that the decedent committed a Federal or State capital crime or committed a Federal or State crime that would cause the person to be a tier III sex offender under 38 U.S.C. 2411(b)(5), for which the decedent was not convicted because the decedent was unavailable for trial due to death or flight to avoid prosecution, the cemetery director will provide this information to the USMA who will decide whether to reconsider the prior decision to inter or memorialize the decedent. If the USMA decides to reconsider the prior interment or memorialization decision, the USMA will provide notice of procedural options and follow the procedures in paragraph (d)(2).

(d) *VA Notice of Decision.* (1) For cases involving a conviction of a Federal or State capital crime or conviction of a Federal or State crime that would cause the person to be a tier III sex offender under 38 U.S.C. 2411(b)(5), where the USMA decides to disinter or remove a memorial headstone or marker, NCA will provide written notice of that decision to the decedent's next of kin or personal representative. The written notice of decision will be in accordance with 38 U.S.C. 5104 and will include a notice of appellate rights in accordance with 38 CFR 20.200.

(2) In cases in which a cemetery director has reason to believe that a person interred or memorialized in a national cemetery after December 20, 2013, may have committed a Federal or State capital crime, as described in 38 U.S.C. 2411(f)(1) and (2), or may have committed a Federal or State crime that would cause the person to be a tier III sex offender under U.S.C. 2411(b)(5), but avoided conviction of such crime by reason of unavailability for trial due to death or flight to avoid prosecution, should the USMA decide to reconsider the prior interment or memorialization, prior to rendering written notice of final decision, VA will follow the following process:

(i) NCA will provide a notice of procedural options, which will inform the decedent's next of kin or personal representative that VA is reconsidering the prior interment or memorialization of the decedent and that they may, within 15 days of receipt of notice: request a hearing on the matter; submit a written statement, with or without supporting documentation, for inclusion in the record; or waive a hearing and submission of a written statement.

(ii) If a hearing is requested, the District Executive Director will conduct the hearing. The purpose of the hearing is to permit the personal representative of the deceased to present evidence concerning whether the deceased committed a crime that would render the deceased ineligible for interment or memorialization in a national cemetery. Testimony at the hearing will be presented under oath, and the personal representative will have the right to representation by counsel and the right to call witnesses. The VA official conducting the hearing will have the authority to administer oaths. The hearing will be conducted in an informal manner and court rules of evidence will not apply. The hearing will be recorded on audiotape and, unless the personal representative waives transcription, a transcript of the hearing will be produced and included in the record.

(iii) Following a hearing or the timely submission of a written statement, or in the event a hearing is waived or no hearing is requested and no written statement is submitted within the time specified, the USMA will decide whether there is clear and convincing evidence that the decedent committed a Federal or State capital crime or a Federal or State crime that would cause the person to be a tier III sex offender under 38 U.S.C. 2411(b)(5), for which the decedent was not convicted due to the decedent's unavailability for trial due to death or flight to avoid prosecution. If the USMA decides that clear and convincing evidence does not exist, the USMA will notify the next of kin or personal representative that the decedent may remain interred or that the decedent's memorial headstone or marker may remain in the national cemetery. If the USMA decides that clear and convincing evidence exists, the USMA will provide written notice of the decision to disinter the decedent or remove the decedent's memorial headstone or marker. The written notice of decision will be in accordance with 38 U.S.C. 5104 and will include a notice of appellate rights in accordance with 38 CFR 20.200.

(3) Notwithstanding any other provision of this chapter, a notice of disagreement with the decision of the USMA must be filed within 60 days from the date of the notice of decision, and the only method of appeal from a notice of decision issued under this section is through review by the Board of Veterans' Appeals. Action following receipt of a notice of disagreement with reversal of an interment or memorialization decision under this section will be in accordance with 38 CFR part 20.

(e) *Disinterment or removal of memorialization.* A decision to disinter

the remains or remove a memorial headstone or marker becomes final either by failure of the next of kin or personal representative to appeal the decision or by final disposition of the appeal. In such cases, the cemetery director shall take the following actions:

(1) In the case of disinterment, the cemetery director will contact the next of kin or personal representative to coordinate the transfer of remains from the national cemetery to another location. The next of kin or personal representative will have 30 days to respond to the cemetery director.

(i) If the next of kin or personal representative responds to the notice within the 30-day period, the cemetery director will coordinate a date and time for the disinterment and release of the decedent's remains to the next of kin or personal representative for transport from the national cemetery to a place determined by the next of kin or personal representative. The cemetery director will perform the disinterment. The next of kin or personal representative will bear responsibility and cost for transportation of the remains from the cemetery, including compliance with applicable state laws concerning the disinterment and transport of remains from the national cemetery, and any costs associated with the subsequent disposition of remains.

(ii) If the next of kin or personal representative does not respond to the notice within the 30-day period, indicates refusal to accept the decedent's remains, or fails to appear, the cemetery director will determine a suitable cemetery for the disposition of the decedent's remains and, at government expense, will make all necessary arrangements to disinter, transport, reinter, and mark the grave of the decedent with a non-government headstone or marker within a reasonable time frame. The non-government headstone or marker will include the decedent's name, date of birth, and date of death. The cemetery director will then notify the next of kin or personal representative of the date and time on which the disinterment was performed and the new location of the decedent's remains.

(2) In the case of a memorial headstone or marker, the cemetery director will remove the headstone or marker from the cemetery and notify the next of kin or personal representative of the date on which this action was taken.

(Authority: 38 U.S.C. 512, 2411)

[FR Doc. 2024–15532 Filed 7–16–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 414

[CMS–5541–N]

Medicare Program; Alternative Payment Model (APM) Incentive Payment Advisory for Clinicians—Request for Current Billing Information for Qualifying APM Participants

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

ACTION: Payment advisory.

SUMMARY: This advisory is to alert certain clinicians who are Qualifying APM participants (QPs) and have earned an Alternative Payment Model (APM) Incentive Payment that CMS does not have the current information needed to disburse the payment. This advisory provides information to QPs on how to update their Medicare billing information so that CMS can disburse APM Incentive Payments.

DATES: July 17, 2024.

FOR FURTHER INFORMATION CONTACT: Tanya Dorm, (410) 786–2216.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare Quality Payment Program, an eligible clinician who participates in an Advanced Alternative Payment Model (APM) and meets or exceeds the applicable payment amount or patient count thresholds for a performance period is a Qualifying APM Participant (QP) for that year. For payment years 2020 through 2026, which respectively correspond to the QP Performance Periods for 2018 through 2023, an eligible clinician who attains QP status for a year earns a lump sum APM Incentive Payment that is paid in the payment year. For payment years 2020 through 2024, the amount of the APM Incentive Payment is equal to 5 percent of the estimated aggregate paid amounts for covered professional services furnished by the QP during the calendar year immediately preceding the payment year.

II. Provisions of the Advisory

The Centers for Medicare & Medicaid Services (CMS) has identified those eligible clinicians who attained QP status in the 2022 performance period and earned a 5 percent APM Incentive Payment for the 2024 payment year based on aggregate paid amounts for the covered professional services they furnished in the CY 2023 base period.

When CMS processed the 2024 APM Incentive Payments, CMS was unable to identify a Taxpayer Identification Number (TIN) or TINs associated with some QPs, and was therefore unable to disburse the payment. To successfully issue the APM Incentive Payment for the 2024 payment year, CMS is requesting assistance identifying current Medicare billing information for these QPs in accordance with 42 CFR 414.1450(c)(8).

CMS has compiled a list of QPs for whom we were unable to identify any associated TIN to which we can make the APM Incentive Payment. These QPs, and any others who anticipated receiving an APM Incentive Payment but have not, should follow the instructions to provide CMS with updated Medicare billing information at the following web address: *https://qpp-cm-prod-content.s3.amazonaws.com/uploads/2924/2024-QP-Notice-for-APM-Incentive-Payment.zip.*

If you have any questions concerning submission of information through the QPP website, please contact the Quality Payment Program Help Desk at 1–866–288–8292.

All information must be received by September 1, 2024. After that date, any claim to an APM Incentive Payment for the 2024 payment period based on an eligible clinician's QP status for the 2022 QP Performance Period will be forfeited. To facilitate payment, please include all required documentation as specified in the previous link. If CMS is still unable to process the APM Incentive Payment based on the Medicare billing information received in response to this advisory, the submitter will not be notified.

CMS will hold all timely submitted information and process the remaining 2024 APM Incentive Payments simultaneously as soon as possible after the deadline. It may take up to 3 months to complete the validation and verification process before these APM Incentive Payments are disbursed.

III. Collection of Information Requirements

This advisory is intended to alert certain QPs that CMS is requesting assistance identifying current Medicare billing information so that we can disburse APM Incentive Payments. This request for follow-up information is exempt from the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) as specified under implementing regulation 5 CFR 1320.3(h)(9) with regard to the clarification of responses.

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

Chyana Woodyard,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024–15644 Filed 7–16–24; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket Nos. 06–160, 18–314, 20–330, 22–273; FCC 19–93, FCC 20–159, FCC 22–63, DA 24–271; FR ID 231569]

Amendments to Rules for Direct Broadcast Satellite, Satellite Services, and 17 GHz; Updates to Forms 312 and 312–R for the International Communications Filing System; Corrections to 17 GHz Report and Order

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date and correcting amendments.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collections associated with the rules adopted in three rulemakings and with updates to the Form 312, including Schedules A, B, and S, and Form 312–R. Specifically, rules were adopted in: a Report and Order, FCC 19–93, in IB Docket No. 06–160 (*DBS Licensing Report and Order*); a Report and Order, FCC 20–159, in IB Docket No. 18–314 (*Satellite Services Report and Order*); and a Report and Order, FCC 22–63, in IB Docket Nos. 20–330 and 22–273, (*17 GHz Report and Order*). Each of those orders stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules which were delayed indefinitely. The FCC is announcing the effective date of those rules. In addition, this document is also correcting non-substantive typographical errors in the *17 GHz Report and Order*. Finally, this document also announces the updates to FCC Form 312, including Schedules A, B, and S, and FCC Form 312–R.

DATES: The following are effective August 16, 2024:

(1) The amendment to 47 CFR 25.136(h), published at 86 FR 11880 on March 1, 2021;

(2) The amendments to 47 CFR 25.108(c)(5) and (c)(6), 25.114(a)(3), and 25.140(b)(6), published at 86 FR 49484 on September 3, 2021;

(3) The amendments to 47 CFR 25.114(d)(7), (d)(15), and (d)(18), 25.115(e), (g) and (k), 25.117(d)(2)(v), 25.140(a)(2) and (a)(3), (b), and (d), 25.203 and 25.264, published at 87 FR 72388 on November 25, 2022;

(4) The corrections to §§ 24.140 and 25.264;

(5) The revisions to Form 312 (including Schedules A, B, and C) and Form 312R, published at 88 FR 21424.

FOR FURTHER INFORMATION CONTACT: Scott Mackoul, Space Bureau, at (202) 418–7498 or *Scott.Mackoul@fcc.gov*. For information regarding the PRA information collection requirements contained in the PRA, contact Cathy Williams, Office of Managing Director, at (202) 418–2918 or *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION: This document announces that, on May 29, 2024, OMB approved the information collection requirements in 47 CFR 25.108(c)(5) through(c)(6), 25.114(a)(3), and 25.140(b)(6), as modified in the *DBS Licensing Report and Order* (86 FR 49484, September 3, 2021); 47 CFR 25.136(h), as modified in the *Satellite Services Report and Order* (86 FR 11880, March 1, 2021); and 47 CFR 25.114(d)(7), (d)(15), and (d)(18), 25.115(e), (g) and (k), 25.117(d)(2)(v), 25.140(a)(2) and (3), (b), and (d), 25.203 and 25.264 as modified in the *17 GHz Report and Order* (87 FR 72388, November 25, 2022). The *DBS Licensing Report and Order,* the *Satellite Services Report and Order,* and the *17 GHz Report and Order,* stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules. This notice announces the effective date of those rules. The other rule amendments adopted in the three orders which did not require OMB approval became effective as identified in their respective **Federal Register** publications.

This document also summarizes an order adopted by the Commission's Space Bureau and Managing Director, released on March 19, 2024, that amends the final rules in the *17 GHz Report and Order,* in order to correct non-substantive typographical errors. The full text of the *17 GHz Correction Order* is available at *https://docs.fcc.gov/public/attachments/DA-24-271A1.pdf*.

Additionally, this document announces that, on May 29, 2024, OMB approved revisions to the Form 312, including Schedules A, B, and S, and Form 312–R, that stemmed from an update to the International Communications Filing System (ICFS), which is the Commission's filing system for earth station and space station applications filed pursuant to part 25 of the Commission's rules.

If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, *Cathy.Williams@fcc.gov,* regarding OMB Control Number 3060–0678. Please include the applicable OMB Control Number(s) in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov*.

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 and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on May 29, 2024, for the information collection requirements contained in 47 CFR 25.108(c)(5) through (c)(6), 25.114(a)(3), and 25.140(b)(6); 47 CFR 25.136(h); and 47 CFR 25.114(d)(7), (d)(15), (d)(18), 25.115(e), (g) and (k), 25.117(d)(2)(v), 25.140(a)(2) through (a)(3), (b), and (d), 25.203 and 25.264. Also, as required by the Paperwork Reduction Act of 1995, the Commission is notifying the public that it received final OMB approval on May 29, 2024, for the information collection requirements contained in the revised Form 312, including Schedules A, B, and S, and the revised Form 312–R.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number for the information collection requirements in these rules is 3060–0678.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0678.

OMB Approval Date: May 29, 2024.

OMB Expiration Date: May 31, 2027.

Title: Part 25 of the Federal Communications Commission's Rules Governing the Licensing of, and Spectrum Usage By, Commercial Earth Stations and Space Stations.

Form Number: FCC Form 312 (including Schedules A, B, and S) and FCC Form 312–R

Type of Review: Revision of an existing collection.

Respondents: Business or other for-profit, not-for-profit institutions.

Number of Respondents and Responses: 3,515 respondents and 3,567 responses.

Estimated Time per Response: 0.5–80 hours.

Frequency of Response: On occasion reporting requirement, one time and annual reporting requirements; third-party disclosure requirement; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 157, 301, 303, 307, 308, 309, and 310.

Total Annual Burden: 27,176.

Annual Cost Burden: $3,923,887.

Needs and Uses: The Commission will use the information collected under this revised information collection effect the policies adopted in three rulemakings and the updates to the Form 312, including Schedules A, B, and S, and Form 312–R that stemmed from an update to the Commission's filing system for earth station and space station applications filed pursuant to part 25 of the Commission's rules.

On September 27, 2019, the Commission released *DBS Licensing Report and Order,* which adopted a new licensing process for space stations in the Direct Broadcast Satellite Service (DBS). This new process allows applicants for DBS space station licenses to take advantage of a licensing process that parallels the Commission's streamlined part 25 satellite licensing rules for geostationary orbit (GSO) space stations in the fixed-satellite service (FSS). The Commission limited the regulatory burdens borne by applicants, while promoting new opportunities for efficient use of orbital spacing and spectrum by DBS licensees. The Commission's action supports and encourages the increasing innovation in the DBS sector and helps to preserve U.S. leadership in space-based services and operations. This information collection will provide the Commission and the public with necessary information about this area of satellite operations, and serves the public interest by streamlining the collection of information and allowing the Commission to authorize DBS space stations under the new process established in the *DBS Licensing Report and Order.* Specifically, the *DBS Licensing Report and Order* contains the following new or modified information collection requirements: space station applications for GSO space stations operating in the frequencies of the International Telecommunication Union (ITU) Appendices 30 and 30A (incorporated by reference, see 47 CFR 25.108) must include a statement that the proposed operation will take into account the applicable requirements of these Appendices of the ITU Radio Regulations and a demonstration that it is compatible with other U.S. ITU filings under Appendices 30 and 30A or, for any affected filings, a letter signed by the affected operator indicating that it consents to the new application.

On November 19, 2020, the Commission released *Satellite Services Report and Order,* which streamlined the Commission's rules governing satellite services by creating an optional framework for authorizing both the blanket-licensed earth stations and space stations of a satellite system through a unified license. The *Satellite Services Report and Order* also permitted earth station applicants to certify compliance with relevant satellite licenses in lieu of providing duplicative or unnecessary technical demonstrations, aligned the build-out requirements for earth stations and space stations, and eliminated unnecessary reporting rules. These changes reduce regulatory burdens, simplify the Commission's licensing of satellite systems, and provide additional operational flexibility. The *Satellite Services Report and Order* affected two information collections: OMB Control Numbers 3060–1215 and 3060–0678. The Commission received OMB approval for changes under OMB Control No. 3060–1215 on August 26, 2021, as reported in 86 FR 52102.

On August 3, 2022, the Commission released the *17 GHz Report and Order* which amended the Commission's rules to permit geostationary satellite orbit (GSO) space stations to use the 17.3–17.7 GHz band in the fixed-satellite service (FSS) in the space-to-Earth direction on a co-primary basis with incumbent services and permit limited GSO FSS (space-to-Earth) use of the 17.7–17.8 GHz band on an unprotected basis with respect to fixed service operations. Specifically, the *17 GHz Report and Order* contains the following new or modified information collection requirements:

- Certification of frequency coordination with the operator of the co-frequency space station or submission of an interference analysis demonstrating the compatibility of the proposed system with the co-frequency space station;
- Information as to earth station antenna characteristics to ensure that antennas are properly aimed and configured and that their signals are not likely to interfere with other systems; and
- Information pertaining to implementation of interference detection and mitigation plans to prevent and resolve interference issues.

This information collection will provide the Commission and the public with necessary information about this area of satellite operations and work to prevent interference, and serves the public interest by streamlining the collection of information and allowing the Commission to authorize operations contemplated in the *17 GHz Report and Order*.

On March 19, 2024, the Commission's Space Bureau and Managing Director released an Order, DA 24–271 (*17 GHz Correction Order*), which amended the final rules in Appendix A of the *17 GHz Report and Order,* in order to correct typographical errors in the final rules and to conform them with the publishing conventions of the **Federal Register**. The amendments are non-substantive and do not change any regulatory obligations. This determination is guided by the fact that the text of the *17 GHz Report and Order* makes clear that the errors that remained in the text of the final rules were unintentional and typographical in nature. For example, one error was stating ''17.3–18.8 GHz'' instead of ''17.3–17.8 GHz'' when the rest of the text made clear that the correct text was ''17.3–17.8 GHz.'' Furthermore, the text of the final rules as published in the **Federal Register** was corrected to conform with the publishing conventions of the **Federal Register**. The Space Bureau and Managing Director found that notice and comment procedures are unnecessary under the ''good cause'' exception of the Administrative Procedure Act (APA) because the changes in the final rules in Appendix A of the *17 GHz Report and Order* as released by the Commission adopted in the *17 GHz Correction Order*

merely correct typographical errors, align the final rules in Appendix A of the *17 GHz Report and Order* as released by the Commission with the text of the final rules as published in the **Federal Register**, or conform the *17 GHz Report and Order* as released by the Commission with the publishing conventions of the **Federal Register**. Consequently, the Space Bureau and Managing Director found notice and comment procedures are unnecessary for this action as the actions in the *17 GHz Correction Order* constitute routine ''clean-up'' matters that entail no substantive decisions of any consequence or significance to industry or the general public.

Finally, the Commission recently updated ICFS—which was formerly named the International Bureau Filing System, see 88 FR 21424—which resulted in modifications to the Form 312, including Schedules A, B, and S, and Form 312–R. Applicants will be required to submit Form 312 (including Schedules A, B, and S) and Form 312–R through the updated, integrated web-based program. The updated version of Form 312 (including Schedules A, B, and S) and Form 312–R will include several minor changes to the information collection designed to provide clarity to applicants and Commission staff, reduce errors, and make overall improvements to the applicants' experience in completing the forms, including adding several questions designed to better convey the overall information being requested in the form.

List of Subjects in 47 CFR Part 25

Administrative practice and procedure, Earth stations, Satellites.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 25 as follows:

PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

§§ 25.140 and 25.264 [Amended]

■ 2. Amend §§ 25.140(a)(3)(iii)(B) and 25.264(a)(6) by removing ''17.3–18.8 GHz'' and adding, in its place, ''17.3–17.8 GHz.''

■ 3. In § 25.264 amend paragraphs (b)(2)(ii), (b)(3), and (e) introductory text by removing ''−117 dBW/m2/100 kHz'' and adding, in their place, ''−117 dBW/m²/100 kHz'' in each instance where it appears.

[FR Doc. 2024–15465 Filed 7–16–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919–0193]

RTID 0648–XE051

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Harpoon Category Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS is transferring 10.8 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the Reserve category to the Harpoon category. With this transfer, the adjusted Harpoon category quota for the 2024 fishing season is 70 mt. The 2024 Harpoon category fishery is open until November 15, 2024, or until the Harpoon category quota is reached, whichever comes first. This action is intended to provide further harvest opportunities for Harpoon category fishermen, based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic Tunas Harpoon category (commercial) permitted vessels.

DATES: Effective July 15, 2024, through November 15, 2024.

FOR FURTHER INFORMATION CONTACT: Becky Curtis, *becky.curtis@noaa.gov,* 301–427–8503, Larry Redd, Jr., *larry.redd@noaa.gov,* 301–427–8503, and Ann Williamson, *ann.williamson@noaa.gov,* 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Transfer From the Reserve Category to the Harpoon Category

As described in § 635.27(a), the baseline quotas for the Harpoon and Reserve categories are 59.2 mt and 38.2 mt, respectively. The 2024 Harpoon category fishery opened June 1, and is open through November 15, 2024, or until the Harpoon category quota is reached, whichever comes first. Effective June 1, 2024, NMFS adjusted the daily retention limit for the Harpoon category from the default of no more than 10 large medium and giant BFT to no more than 5 large medium or giant BFT (89 FR 45779). In this action, NMFS is transferring 10.8 mt from the Reserve category to the Harpoon category. This transfer results in 70 mt (59.2 mt + 10.8 mt = 70 mt) being available for the Harpoon category through November 15, 2024, or until the Harpoon category quota is reached, whichever comes first. This transfer also results in 27.4 mt (38.2 mt − 10.8 mt = 27.4 mt) being available in the Reserve category through the remainder of the 2024 fishing year.

Under § 635.27(a)(8), NMFS has the authority to transfer quota among fishing categories or subcategories after considering the determination criteria provided under § 635.27(a)(7). NMFS has considered all of the relevant determination criteria and their applicability to this inseason quota transfer. These criteria include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(7)(i)), biological samples collected from BFT landed by Harpoon category fishermen and provided by BFT dealers continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the Harpoon

category would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS considered the catches of the Harpoon category quota to date and the likelihood of closure of the Harpoon category if no adjustment is made (§ 635.27(a)(7)(ii)), as well as daily landing trends and the availability of BFT on fishing grounds (§ 635.27(a)(7)(ix)). To date, preliminary landings data indicate that the Harpoon category has landed approximately 42.4 mt. Without a quota transfer at this time, NMFS would likely need to close the Harpoon category fishery and participants would have to stop BFT fishing activities despite commercial-sized BFT remaining available in the areas where Harpoon category permitted vessels operate. A quota transfer of 10.8 mt would provide limited additional opportunities to harvest the U.S. BFT quota while avoiding exceeding it.

Regarding the projected ability of the vessels fishing under the Harpoon category to harvest the additional amount of BFT quota transferred before the end of the fishing year (§ 635.27(a)(7)(iii)), NMFS considered Harpoon category landings over the last several years and landings to date this year. Landings are highly variable and depend on access to commercial-sized BFT and fishing conditions, among other factors. Nevertheless, NMFS anticipates that the Harpoon category could harvest the transferred 10.8 mt prior to the end of the Harpoon category season, subject to weather conditions and BFT availability. NMFS may transfer unused Harpoon category quota to other quota categories, inseason, based on consideration of the determination criteria, as NMFS did in late 2022 (87 FR 73504, November 30, 2022). Thus, this quota transfer would allow Harpoon category fishermen to take advantage of the availability of BFT on the fishing grounds and provide a reasonable opportunity to harvest the available U.S. BFT quota.

NMFS also considered the estimated amounts by which quotas for other gear categories of the fishery might be exceeded (§ 635.27(a)(7)(iv)) and the ability to account for all 2024 landings and dead discards (§ 635.27(a)(7)(xi)). In the last several years, total U.S. BFT landings have been below the available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. NMFS anticipates having sufficient quota to account for landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations.

NMFS also considered the effects of the adjustment on BFT rebuilding and overfishing, and the effects of the transfer on accomplishing the objectives of the FMP (§ 635.27(a)(7)(v) and (vi)). This transfer would be consistent with established quotas and subquotas, which are implemented consistent with ICCAT recommendations (established in Recommendation 22–10), ATCA, and the objectives of the 2006 Consolidated HMS FMP and amendments. In establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status such as rebuilding and avoiding overfishing, and effects on the stock. This quota transfer is in line with the established management measures and stock status determinations. It is also important that NMFS limit landings to the quota both to adhere to the FMP quota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.,* fish caught at each age) that was assumed in the latest stock assessment, and this quota transfer is consistent with those objectives. Another principal consideration is the objective of providing opportunities to harvest the available Harpoon category quota without exceeding the annual quota. This consideration is based on the objectives of the 2006 Consolidated HMS FMP and its amendments, including achieving optimum yield on a continuing basis and allowing all permit categories a reasonable opportunity to harvest available BFT quota allocations (related to § 635.27(a)(7)(x)).

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Per § 635.5(b)(2)(i)(A), dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustments, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, Harpoon category vessel owners are required per § 635.5(a)(4) to report their own catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing *https://hmspermits.noaa.gov* or by using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access *https://www.hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1885(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and opportunity to provide comment on this action, as notice and comment would be impracticable and contrary to the public interest for the following reasons. Specifically, the regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason adjustments and quota transfers to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing prior notice and opportunity for public comment on this quota transfer to the Harpoon category for the remainder of 2024 is impracticable and contrary to the public interest as the Harpoon category fishery is currently underway. Based on Harpoon category catch rates, a delay in this action would likely result in closure of the Harpoon fishery when the baseline quota is met, with attendant administrative costs and costs to the fishery. NMFS could not have proposed this action earlier, as it needed to consider updated landings data in deciding whether to transfer a portion of the Reserve category quota to the Harpoon category quota. A delay in implementing this quota transfer would preclude the fishery from harvesting BFT that are currently available on the fishing grounds and that might otherwise become unavailable during a delay. This action does not raise conservation and management concerns and would support effective management of the BFT fishery. Transferring quota from the Reserve category to the Harpoon category does not affect the overall ICCAT-allocated U.S. BFT quota, and available data show

the adjustment would have a minimal risk of exceeding the overall quota. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA finds that pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effective date.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: July 12, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024–15745 Filed 7–15–24; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 240711–0189]

RIN 0648–BM96

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Skate Complex; Framework Adjustment 12

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

ACTION: Final rule.

SUMMARY: This action implements approved measures for Framework Adjustment 12 to the Northeast Skate Complex Fishery Management Plan (Northeast Skate Complex FMP), which was developed by the New England Fishery Management Council (Council). This action specifies skate catch limits for fishing years 2024 and 2025, increases seasonal trip limits for the wing fishery, removes possession restrictions for barndoor skate in the wing fishery, and removes possession restrictions for smooth skate in both the wing and bait fisheries. This action is necessary to establish skate specifications consistent with the most recent scientific information. The intent of this action is to establish appropriate catch limits for the skate fishery, while providing additional operational flexibility to fishery participants.

DATES: Effective on July 17, 2024.

ADDRESSES: The Council prepared an environmental assessment (EA) for Northeast Skate Complex Framework Adjustment 12 that describes the action and other considered alternatives. The EA provides an analysis of the biological, economic, and social impacts of the preferred measures and other considered alternatives; a Regulatory Impact Review; and an economic analysis. Copies of Framework 12, including the EA and other supporting documents are available upon request from Dr. Cate O'Keefe, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950 and accessible via the internet in documents available at: *https://www.nefmc.org/library/skate-framework-12.*

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Policy Analyst, (978) 281–9184.

SUPPLEMENTARY INFORMATION:

Background

The Council manages a complex of seven skate species (*i.e.,* barndoor, clearnose, little, rosette, smooth, thorny, and winter) off the New England and mid-Atlantic coasts through the Northeast Skate Complex FMP. Skates are harvested and managed through two different targeted fisheries: (1) food (*i.e.,* the wing fishery); and (2) bait in other fisheries (*i.e.,* the bait fishery). The Northeast Skate Complex FMP requires that annual catch and possession limits for the skate fishery be reviewed annually and specified through the specifications process for up to two fishing years at a time, with the second year subject to review and change during the specifications process. The specifications for fishing year 2023 (revised March 17, 2022, 87 FR 15146) have remained in effect through a rollover provision in the regulations but are now superseded through the implementation of this final rule.

In the fall of 2023, the Northeast Skate Complex FMP underwent a level-3 management track assessment that re-estimated commercial fishery catch data, updated survey biomass indices, added recreational catch to total catch, and updated reference points. The assessment also included projections of total fishery catch of skates for 2024 and 2025. The Council took final action on this framework at its December 2023 meeting in Newport, RI.

NMFS published a proposed rule for this action (89 FR 45621, May 23, 2024) that discussed the proposed measures in detail and included proposed implementing regulations deemed necessary by the Council. Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Skate Fishery Management Plan regulations, NMFS may approve, disapprove, or partially approve measures that the Council proposes, based on consistency with the Magnuson-Stevens Act and other applicable law.

NMFS is partially approving Framework 12 and disapproving the Council's recommendation to remove barndoor skate possession restrictions for the bait skate fishery due to new discard information that needs further evaluation and consideration. Additional background information regarding the development of these specifications was provided in the proposed rule and is not repeated here.

Approved Measures

Framework 12 sets management measures and specifications for the skate fishery for the 2024 fishing year and projected specifications for the 2025 fishing year. The measures in this action decrease the annual catch limit to 32,155 metric tons (mt) (from 37,236 mt in 2023) and the overall total allowable landings to 15,718 mt (from 21,142 mt in 2023). Table 1 summarizes the 2024–2025 specifications. Specifications for fishing year 2025 are projected to be the same as those for 2024. Framework 12 specifications result in a 26-percent decrease in both the bait and wing fisheries' total allowable landings. Although quotas are decreasing, they remain higher than landings in the bait and wing fisheries for at least the last three years; therefore, NMFS does not expect the quotas to be restrictive to the fishery or to result in reductions in overall revenue. The Council will review the projected 2025 specifications to determine if any changes need to be made prior to the 2025 fishing year. NMFS will publish a notice prior to the 2025 fishing year to confirm these limits as projected or publish a proposed rule for any necessary changes.

TABLE 1—2024–2025 SKATE FISHERY SPECIFICATIONS

[In metric tons]

	2024–25
Acceptable Biological Catch (ABC) and Annual Catch Limit (ACL)	32,155
Annual Catch Target (ACT) (90% of ACL)	28,940
Overall Fishery Total Allowable Landings (TAL)	15,718
Wing TAL (66.5% of Overall TAL)	10,453
Wing Season 1 TAL (57% of Wing TAL)	5,958
Wing Season 2 TAL	4,495
Bait TAL (33.5% of Overall TAL)	5,266
Bait Season 1 TAL (30.8% of Bait TAL)	1,622
Bait Season 2 TAL (37.1% of Bait TAL)	1,954
Bait Season 3 TAL	1,690

This action also increases the seasonal skate wing per-trip possession limits when fishing on a day-at-sea (DAS) by 1,000 pounds (lb) (453.6 kilograms (kg)). The wing fishery possession limit in Season 1 (May 1–August 31) increases from 3,000 lb to 4,000 lb (1,360.8 kg to 1,814.4 kg), and the Season 2 (September 1–April 30) wing fishery possession limit increases from 5,000 lb to 6,000 lb (2,268 kg to 2,721.6 kg). This action also increases the incidental skate wing possession limits by 25 percent. For trips fishing on a Northeast multispecies B–DAS, the possession limit increases from 220 lb to 275 lb (99.8 kg to 124.7 kg), and for trips not fishing on a DAS, the possession limit increases from 500 lb to 625 lb (226.8 kg to 283.5 kg). The intent behind increased possession limits is to reduce operational discards in the fishery and provide better economic flexibility and opportunity to vessels. This trip limit increase is not expected to result in overages or increased effort because the Regional Administrator has the authority to reduce the possession limits to an incidental catch limit level when 85 percent of the quota is projected to be landed.

This action further reintegrates barndoor skate into the skate complex by removing the barndoor skate possession restrictions for the wing fishery. The possession restriction limited possession of barndoor skates to 25 percent, by weight, of the trip limit when fishing under a DAS and prohibited possession of barndoor skate for vessels fishing under a multispecies B–DAS or not on a DAS in the wing fishery. The possession limit was implemented to prevent high grading of catch in the wing fishery, which primarily lands winter and barndoor skates. NMFS declared barndoor skate rebuilt in 2016. There is not a known price difference between barndoor and winter skate, and the removal of the barndoor possession restriction in the wing fishery is not expected to result in high grading.

Additionally, this action fully re-integrates smooth skates into the skate complex by removing smooth skate possession restrictions for both the wing and bait fisheries. NMFS declared smooth skates rebuilt in 2018. Accordingly, the need to manage smooth skates as an individual stock is no longer warranted. Smooth skate will be managed as a component of the skate complex, as intended when the Northeast Skate Complex FMP was developed.

Disapproved Measures

After the publication of the proposed rule and receipt of the final EA, an error in the data regarding barndoor skate discards was identified. As a result, discard data for the bait fishery no longer supports a decision to approve the removal of the barndoor skate possession restriction in the bait fishery at this time. The bait fishery is allowed to land skates with maximum fish size of 23 inches (58.42 cm), which is well under the size at which barndoor skates are considered sexually mature (107.9 cm and 116.3 cm for males and females, respectively). Data included in the EA indicated that barndoor skates were discarded on only 0.7-percent of observed trips from 2018 to 2022, and none of the discards were below 23 inches (58.42 cm). At the time, this suggested that removing the prohibition on retaining barndoor skates in the bait fishery would have negligible impacts on the barndoor skate resource. The corrected data indicate that the amount of barndoor skate discarded on trips under Skate Bait Letters of Authorization was higher than the amount described in the EA and considered by the Council when recommending the removal of the barndoor skate possession restriction for both the bait and wing fisheries.

The corrected data indicate that barndoor skate was discarded on approximately 33.6 percent of observed bait trips and approximately 68.7 percent of those discards were below the maximum size. Juvenile barndoor skate mortality could increase if these discards are converted to landings due to removing the bait fishery's barndoor skate possession restriction. Therefore, allowing barndoor skates under 23 inches (58.42 cm) to be landed in the bait fishery would increase mortality of juvenile barndoor skate if these discards are converted to landings. Given the potential increase in juvenile barndoor skate mortality, additional analysis is required before determining whether the removal of the barndoor skate possession restriction is supported for the bait fishery. Based on this, the removal of the barndoor skate possession restriction for the bait fishery is disapproved. As a result, the current regulations at 50 CFR 648.14(v)(2)(ii) and § 648.322(g)(2) that prohibit possession of barndoor skate when fishing under a Skate Bait Letter of Authorization remain in effect, but will be updated to reflect the approved measure removing the barndoor skate possession restrictions for the wing fishery.

The Council will be notified of the decision to disapprove the removal of the barndoor skate possession restriction for the bait fishery, consistent with regulations at § 648.321(a)(5). The Council may reconsider this measure in a future action following a review of the corrected discard data and the potential impacts on juvenile barndoor skates. If the Council reconsiders this measure, the public will have additional opportunities to comment on the potential for removing the restriction on retaining barndoor skate in the bait fishery through the Council and rulemaking processes.

Comments and Responses

The public comment period for the proposed rule ended on June 24, 2024, and two comments were received from

the public. No changes to the final rule are necessary as a result of those comments. One of the comments focused on wind development and whales, is not germane to this action, and is not addressed further.

NMFS received one comment from an industry participant in favor of increased possession limits and more dynamic management with possession limits updated throughout the year. No changes were made to the final rule as a result of this comment because the final rule includes increased possession limits for the wing fishery and the possession limits and other management measures are reviewed annually to allow consideration of the most recent information and ensure decisions are made with the best scientific information available. Information on the skate stocks and fishery performance is updated annually to include the most recent landings and annual survey data.

Changes From the Proposed Rule

This final rule includes one change and two corrections from the proposed rule. The proposed rule would have authorized landing juveniles barndoor skates in the bait fishery; however, for the reasons explained above (see Disapproved Measures), we are disapproving that proposed measure.

Although the correct 2024–2025 TAL of 15,718 mt was provided in table 1 in the proposed rule, the text description included the TAL as 15,178 mt. This final rule corrects the text description of the TAL. The proposed rule also described the number of regulated entities as businesses that owned federally permitted skate vessels with skate landings in 2022. However, all vessels with a Federal skate permit are regulated under the Northeast Skate Complex FMP, regardless of skate landings. This increases the number of regulated entities from 149 businesses owning 244 vessels to 1,332 businesses owning 1,980 vessels. Of these, 154 are for-hire businesses and 11 are classified as large entities per the Small Business Administration guidelines. The economic analysis in the final EA has been updated to reflect this correction. The change to the number of regulated entities does not change the economic impact overall or on small businesses or the certification of the rule under the Regulatory Flexibility Act.

Classification

Pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that, with the exception of the barndoor skate possession restriction disapproved pursuant to section 304(b)(1)(B), this rule is consistent with the Northeast Skate Complex FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

There is a need to implement these measures in a timely manner to ensure that these updated specifications and possession restrictions are in place as soon after the start of the 2024 skate fishing year as possible. In addition, this action relieves restrictions pursuant to 5 U.S.C. 553(d)(1) by (1) increasing the per-trip possession limits for the wing fishery by 1,000 lb (453.6 kilograms (kg) when fishing on a DAS and by 25-percent when fishing on a multispecies B–DAS or not fishing on a DAS and (2) removing possession restrictions for two stocks (*i.e.,* barndoor and smooth skate) for the wing fishery and one stock (*i.e.,* smooth skate) for the bait fishery. Barndoor skate possession, which was limited to 25 percent, by weight, of the trip limit when fishing under a DAS and prohibited when fishing under a multispecies B–DAS or not on a DAS in the wing fishery, would be allowed on all wing trips. Possession of smooth skate, which was previously prohibited in the Gulf of Maine Regulated Mesh Area, would be allowed on all skate trips. Fishermen would continue to be restricted to the lower possession limits in the wing fishery, restricted to the lower barndoor possession limits on a DAS wing trip and prohibited from possessing barndoor and smooth skate on certain trips, as described above, if the 30-day delay were in place. Therefore, the exception under 5 U.S.C. 553(d)(1) applies to this action.

There is also a sufficient showing under the authority contained in 5 U.S.C. 553(d)(3), to waive the 30-day delay in effective date of this action for good cause. The 2024 fishing year began on May 1, 2024, and the 2023 specifications have remained in place through a rollover provision in the regulations. This action establishes the final 2024 and projected 2025 specifications (*i.e.,* annual catch limits), increases possession limits in the wing fishery, and removes barndoor skate possession restrictions for the wing fishery and smooth skate possession restrictions for the wing and bait fisheries. A delay in effectiveness would be contrary to the public interest as the updated specifications reflect the best available science, and the increased possession limits and removal of barndoor skate possession restriction for the wing fishery and smooth skate possession restriction for the wing and bait fisheries are intended to give greater flexibility to industry participants and to convert discards to landings. NMFS could not have promulgated this rule sooner due to a necessary revision to the economic analysis to ensure communication of the best available data within data confidentiality requirements.

Furthermore, requiring a 30-day delay before the final rule becomes effective does not provide any benefit to the regulated parties, as no additional time is required to come into compliance with this rule. Unlike actions that require an adjustment period, skate fishing vessels will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this final rule simply means adhering to the new catch limits and increased possession limits and restrictions for the fishing year. For these reasons, a 30-day delay in effectiveness would be contrary to the public interest. As a result, NMFS is waiving the requirement, consistent with 5 U.S.C. 553(d)(1) and (d)(3).

This rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification, and the initial certification remains unchanged. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

This final rule does not duplicate, conflict, or overlap with any existing Federal rules.

This action does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 11, 2024.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, revise paragraph (v)(2) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(v) * * *

(2) *All Federal permit holders.* It is unlawful for any owner or operator of a vessel holding a valid Federal permit to do any of the following:

(i) Retain, possess, or land thorny skates taken in or from the EEZ portion of the skate management unit specified at § 648.2.

(ii) Retain, possess, or land barndoor skates taken in or from the EEZ portion of the skate management unit when fishing under a bait letter of authorization as described in § 648.322(c).

(iii) [Reserved]

* * * * *

■ 3. In § 648.322, revise paragraphs (b)(1) through (4), and paragraph (g), to read as follows:

§ 648.322 Skate allocation, possession, and landing provisions.

* * * * *

(b) Skate wing possession and landing limits—(1) *Vessels fishing under an Atlantic sea scallop, NE multispecies, or monkfish DAS.* (i) A vessel or operator of a vessel that has been issued a valid Federal skate permit under this part, and fishes under an Atlantic sea scallop, NE multispecies, or monkfish DAS as specified at §§ 648.53, 648.82, and 648.92, respectively, unless otherwise exempted under § 648.80 or paragraph (c) of this section, may fish for, possess, and/or land up to the allowable trip limits specified as follows: Up to 4,000 lb (1,814 kg) of skate wings (9,080 lb (4,119 kg) whole weight) per trip in Season 1 (May 1 through August 31), and 6,000 lb (2,722 kg) of skate wings (13,620 lb (6,178kg) whole weight) per trip in Season 2 (September 1 through April 30), or any prorated combination of the allowable landing forms defined at paragraph (b)(5) of this section.

(ii) [Reserved]

(2) *NE multispecies Category B DAS.* A vessel fishing on a declared NE multispecies Category B DAS described under § 648.85(b), is limited to no more than 275 lb (125 kg) of skate wings (624 lb (283 kg) whole weight) per trip, or any prorated combination of the allowable landing forms defined at paragraph (b)(5) of this section. These vessels may not possess or land any prohibited skate species (see § 648.14(v)(2) and paragraph (g) of this section).

(3) *In-season adjustment of skate wing possession limits.* The Regional Administrator has the authority, through a notice in the **Federal Register** consistent with the Administrative Procedure Act, to reduce the skate wing possession limit to 500 lb (227 kg) of skate wings, 1,135 lb (515 kg) whole weight, or any prorated combination of the allowable landing forms defined at paragraph (b)(5) of this section for the remainder of the applicable quota season. The in-season adjustment of skate wing possession limits will be implemented under the following circumstances:

(i) When 85 percent of the Season 1 skate wing quota is projected to be landed between May 1 and August 17, the Regional Administrator shall reduce the skate wing possession limit to the incidental level described in paragraph (b)(3) of this section.

(ii) When 85 percent of the Season 1 skate wing quota is projected to be landed between August 18 and August 31, the Regional Administrator may reduce the skate wing possession limit to the incidental level described in paragraph (b)(3) of this section.

(iii) When 85 percent of the annual skate wing fishery TAL is projected to be landed in Season 2, the Regional Administrator may reduce the skate wing possession limit to the incidental level described in paragraph (b)(3) of this section, unless such a reduction would be expected to prevent attainment of the annual TAL.

(4) *Incidental possession limit for vessels not under a DAS.* A vessel issued a Federal skate permit that is not fishing under an Atlantic sea scallop, NE multispecies, or monkfish DAS as specified at §§ 648.53, 648.82, and 648.92, respectively, or is a limited access multispecies vessel participating in an approved sector described under § 648.87 but not fishing on one of the DAS specified at § 648.53, § 648.82, or § 648.92, may retain up to 625 lb (283 kg) of skate wings or 1419 lb (644 kg) of whole skate, or any prorated combination of the allowable landing forms defined at paragraph (b)(5) of this section. These vessels may not possess or land any prohibited skate species (see § 648.14(v)(2) and paragraph (g) of this section).

* * * * *

(g) Prohibitions on possession of skates. A vessel fishing in the EEZ portion of the Skate Management Unit may not:

(1) Retain, possess, or land thorny skates taken in or from the EEZ portion of the Skate Management Unit.

(2) Retain, possess, or land barndoor skates taken in or from the EEZ portion of the Skate Management Unit when fishing under a bait letter of authorization as described in paragraph (c) of this section.

[FR Doc. 2024–15720 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 89, No. 137
Wednesday, July 17, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2024–0121]

Draft Regulatory Guide: Acceptable ASME Section XI Inservice Inspection Code Cases

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft Regulatory Guide (DG), DG–3058. This DG is a proposed new Regulatory Guide (RG) 3.78 and provides applicants and licensees with methods that the NRC staff considers acceptable for specific or general independent spent fuel storage installation (ISFSI) licensees and certificate of compliance (CoC) holders to comply with NRC regulations for inservice inspection of confinement boundary components and aging management activities associated with the renewals of ISFSIs, general licensees, and CoC holders for spent fuel storage systems.

DATES: Submit comments by August 16, 2024. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0121. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Darrell Dunn, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–7079; email: *Darrell.Dunn@nrc.gov,* or Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301–415–2493; email: *Harriet.Karagiannis@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0121 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–2024–0121.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.*
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2024–0121 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The DG, entitled ''Acceptable ASME Section XI Inservice Inspection Code Cases for 10 CFR part 72,'' is temporarily identified by its task number, DG–3058 (ADAMS Accession No. ML24093A010).

This DG–3058 is a proposed Revision 0 to a new RG 3.78 and provides the NRC staff and the industry with guidance using codes and standards for inservice inspection of confinement boundary components and aging management activities associated with the renewals of ISFSIs, general licensees, and CoC holders for spent fuel storage systems. This DG is endorsing the American Society of

Mechanical Engineers (ASME) Code Case N–860, ''Inspection Requirements and Evaluation Standards for Spent Nuclear Fuel Storage and Transportation Containment Systems Section XI, Division 1; Section XI, Division 2,'' dated July 6, 2020.

The staff is also issuing for public comment a draft regulatory analysis (ADAMS Accession No. ML24093A012). The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

As noted in the **Federal Register** on December 9, 2022 (87 FR 75671), this document is being published in the ''Proposed Rules'' section of the **Federal Register** to comply with publication requirements under chapter I of title 1 of the *Code of Federal Regulations* (CFR).

III. Backfitting, Forward Fitting, and Issue Finality

Issuance of this DG would not constitute backfitting as defined in 10 CFR 72.62, ''Backfitting,'' and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests'' (ADAMS Accession No. ML18093B087). That is, licensees would not be required to comply with the positions set forth in this proposed regulatory guide.

IV. Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC's public website at *https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html.* Suggestions will be considered in future updates and enhancements to the ''Regulatory Guide'' series.

Dated: July 10, 2024.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2024–15553 Filed 7–16–24; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1888; Project Identifier MCAI–2024–00190–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model Airbus A350–941 and A350–1041 airplanes. This proposed AD was prompted by a determination that the lower attachment studs on the aft galley complex may be installed incorrectly due to a missing instruction in the maintenance procedure task. This proposed AD would require a one-time inspection of the lower attachment studs on the aft galley complex, and depending on findings, accomplishment of applicable corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 3, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1888; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2024–1888.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Dat Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–1888; Project Identifier MCAI–2024–00190–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI

as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dat Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0073, dated March 18, 2024 (EASA AD 2024–0073) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model Airbus A350–941 and A350–1041 airplanes. The MCAI states that the maintenance procedure task of the galley lower attachment stud installation did not provide the required maximum distance between the top of the threaded sleeve and the top of the threaded stud, which could lead to a wrong installation of the lower attachment stud having part number (P/N) XP14–070–007800, P/N XP14–070–019100, P/N XP14–070–005400, P/N XP14–070–008400, and P/N XP14–070–001100 on the aft galley complex. The MCAI also states that the affected parts are the lower attachment stud having P/N XP14–070–007800, P/N XP14–070–019100, P/N XP14–070–005400, P/N XP14–070–008400, and P/N XP14–070–001100 for which the as previously described incomplete maintenance procedure task has been accomplished after the airplane date of manufacture and before January 2024; and the lower attachment stud P/N XP14–070–019100 which has been installed after the airplane date of manufacture, and before January 2024, in accordance with the instructions of Airbus Alert Operators Transmission A25P023–22, Revision 01, dated September 27, 2022.

The FAA is proposing this AD to address a possible wrong installation for the lower attachment stud having part number (P/N) XP14–070–007800, P/N XP14–070–019100, P/N XP14–070–005400, P/N XP14–070–008400, and P/N XP14–070–001100 on the aft galley complex. This condition, if not detected and corrected, could lead to galley module detachment, with possible consequent injury to cabin crew and passengers, and reduced evacuation capacity from the airplane in case of an emergency.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1888.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0073 specifies a one-time installation inspection of the lower attachment stud having P/N XP14–070–007800, P/N XP14–070–019100, P/N XP14–070–005400, P/N XP14–070–008400, and P/N XP14–070–001100 on the aft galley complex; and depending on findings (the distance between the top of the threaded sleeves and the top of the threaded studs exceeds specified limits), accomplishment of applicable corrective actions (tightening the applicable threaded studs).

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

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024–0073 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0073 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0073 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0073 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0073. Material required by EASA AD 2024–0073 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1888 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 32 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 3 work-hours × $85 per hour = $255	$0	Up to $255	Up to $8,160.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85 per stud adjustment	$10	$95

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2024–1888; Project Identifier MCAI–2024–00190–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 3, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model Airbus A350–941 and A350–1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2024–0073, dated March 18, 2024 (EASA AD 2024–0073).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that the lower attachment studs on aft galley complex may be installed incorrectly due to a missing instruction in the maintenance procedure task. The FAA is issuing this AD to address a possible wrong installation for the lower attachment stud having part number (P/N) XP14–070–007800, P/N XP14–070–019100, P/N XP14–070–005400, P/N XP14–070–008400, and P/N XP14–070–001100 on the aft galley complex. This condition, if not detected and corrected, could lead to galley module detachment, with possible consequent injury to cabin crew and passengers, and reduced evacuation capacity from the airplane in case of an emergency.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0073.

(h) Exceptions to EASA AD 2024–0073

(1) Where EASA AD 2024–0073 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0073.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material referenced in EASA AD 2024–0073 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Dat Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0073, dated March 18, 2024.

(ii) [Reserved]

(3) For EASA AD 2024–0073 identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on July 9, 2024.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2024–15378 Filed 7–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1886; Project Identifier AD–2023–01018–R]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Robinson Helicopter Company (Robinson Helicopter) Model R22 Beta, R22 Mariner, R44, and R44 II helicopters with a certain governor controller installed. This proposed AD was prompted by reports of engine governor failure, which was a result of water intrusion inside of the governor controller. This proposed AD would require removing certain governor controllers from service and installing a part eligible for installation. This proposed AD would also prohibit installing certain governor controllers on any helicopter. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 3, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1886; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Robinson Helicopter service information, contact Robinson Helicopter Company, Technical Support Department, 2901 Airport Drive, Torrance, CA 90505; phone (310) 539–0508; fax (310) 539–5198; email *ts1@robinsonheli.com;* or at *robinsonheli.com.*
- You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Other Related Service Information: For Robinson service information identified in this NPRM, contact Robinson Helicopter Company at its contact information under *Material Incorporated by Reference* above.

FOR FURTHER INFORMATION CONTACT: Eric Moreland, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627–5364; email: *eric.r.moreland@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–1886; Project Identifier AD–2023–01018–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Eric Moreland, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627–5364; email: *eric.r.moreland@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received three reports of governor controller failures involving Robinson Helicopter Model R22 Beta and R44 II helicopters. These failures resulted in three underspeed or overspeed events, and two of these events resulted in hard landings which caused significant damage to the helicopters. Each of these separate incidents occurred after significant rainfall where the helicopter was exposed to those weather conditions. Prior to these governor controller failures, several operators notified Robinson Helicopter of a malfunction of the governor controller. Subsequent investigation revealed evidence of water

spotting inside of these governor controllers. Testing involving the application of water to the electronics of a governor controller confirmed that these conditions result in this malfunction. As a result of this investigation, it has been determined that the root cause for these malfunctions is water intrusion in the circuit board of the governor controller. In light of this, Robinson Helicopter issued service bulletins which specify exchanging the existing governor controller with a governor which provides additional moisture protection. Since the affected parts may also be installed on Robinson Helicopter Model R22 Mariner and R44 helicopters, those model helicopters are also affected by the unsafe condition. The affected parts cannot be installed on Robinson Helicopter Model R22 and R22 Alpha helicopters, so those model helicopters are not affected by the unsafe condition. The unsafe condition, if not addressed, could result in loss of engine speed governing such as an engine overspeed or underspeed condition, and subsequent unexpected loss of power during critical phases of flight and landing.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Robinson Helicopter R22 Service Bulletin SB–121 and Robinson Helicopter R44 Service Bulletin SB–114, each dated June 28, 2023 (SB–121 and SB–114). This service information specifies procedures for removing governor controller part number (P/N) D270–1, Revision A thru E, and replacing it with governor controller P/N D270–1, Revision F (or subsequent).

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

Other Related Service Information

The FAA also reviewed Robinson R22 and R44 Engine Monitoring Unit (EMU) Technician's PC Software Guide, dated Oct 9, 2020. This service information provides information to program the new EMU ID for the governor controller.

Proposed AD Requirements in This NPRM

This proposed AD would require removing any governor controller P/N D270–1, Revision A thru E inclusive, from service and installing a governor controller P/N D270–1, Revision F or later approved revision. This proposed AD would also prohibit installing governor controller P/N D270–1, Revision A through E inclusive, on any helicopter.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 140 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Replacing the governor controller would take approximately 2 work-hours and parts would cost approximately $1,800 for an estimated cost of $1,970 per helicopter and $275,800 for the U.S. fleet.

Differences Between This Proposed AD and the Service Information

The service information applies to Robinson Helicopter Model R22-series and R44-series helicopters with a certain P/N D270–1 governor controllers installed and also identifies which serial-numbered helicopters the affected parts were factory installed on, whereas this proposed AD would apply to all Robinson Helicopter Model R22 Beta, R22 Mariner, R44, and R44 II helicopters with a certain P/N D270–1 governor controllers installed. This proposed AD would require accomplishing certain actions specified in SB–121 or SB–114, as applicable to your helicopter model, except the procedures in paragraph 4. of SB–121 and SB–114 must be accomplished by persons authorized under 14 CFR 43.3., instead of ''an appropriately rated person.''

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Robinson Helicopter Company: Docket No. FAA–2024–1886; Project Identifier AD–2023–01018–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 3, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Robinson Helicopter Company Model R22 Beta, R22 Mariner, R44, and R44 II helicopters, certificated in any category, with a governor controller part number (P/N) D270–1, Revision A through E inclusive, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code: 2700, Flight Control System.

(e) Unsafe Condition

This AD was prompted by reports of engine governor failures caused by water intrusion. The FAA is issuing this AD to prevent engine governor failures. The unsafe condition, if not addressed, could result in loss of engine speed governing such as an engine overspeed or underspeed condition, and subsequent unexpected loss of power during critical phases of flight and landing.

(f) Compliance

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

(g) Required Actions

(1) Within 90 days after the effective date of this AD, remove the governor controller from service and install a governor controller P/N D270–1, Revision F or later approved revision by following the Compliance Procedure, paragraphs 2. though 5., of Robinson Helicopter Company R22 Service Bulletin SB–121 or R44 Service Bulletin SB–114, each dated June 28, 2023 (SB–121 or SB–114), as applicable to your helicopter model, except the procedures in paragraph 4. of SB–121 and SB–114 must be accomplished by persons authorized under 14 CFR 43.3.

(2) As of the effective date of this AD, do not install any governor controller P/N D270–1, Revision A through E inclusive, on any helicopter.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, West Certification Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the West Certification Branch, send it to the attention of the person identified in paragraph (i) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-REQUESTS@faa.gov.*

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

(i) Additional Information

For more information about this AD, contact Eric Moreland, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627–5364; email: *eric.r.moreland@faa.gov.*

(j) Material Incorporated by Reference

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

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

(i) Robinson Helicopter Company R22 Service Bulletin SB–121, dated June 28, 2023.

(ii) Robinson Helicopter Company R44 Service Bulletin SB–114, dated June 28, 2023.

(3) For Robinson Helicopter Company service information, contact Robinson Helicopter Company, Technical Support Department, 2901 Airport Drive, Torrance, CA 90505; phone (310) 539–0508; fax (310) 539–5198; email *ts1@robinsonheli.com;* or at *robinsonheli.com.*

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

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

Issued on July 10, 2024.

James D. Foltz,

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

[FR Doc. 2024–15707 Filed 7–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1890; Project Identifier MCAI–2024–00087–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2022–24–05, which applies to all Airbus SAS Model A318, A319, A320, and A321 series airplanes. AD 2022–24–05 requires repetitive inspections of certain galleys for corrosion of trolley retainer aluminum blocks and delamination of the upper panel of the trolley compartment, and applicable corrective action. Since the FAA issued AD 2022–24–05, the list of affected galleys has been revised, and a modification has been developed to restore the design integrity of the affected galleys. This proposed AD would continue to require the actions in AD 2022–24–05, provide optional terminating action for the repetitive inspections, revise the list of affected parts, and prohibit the installation of affected parts under certain conditions, as specified in a European Union Aviation Safety Agency (EASA). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 3, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1890; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2024–1890.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 817–222–5102; email: *Timothy.P.Dowling@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–1890; Project Identifier

MCAI–2024–00087–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 817–222–5102; email: *Timothy.P.Dowling@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2022–24–05, Amendment 39–22245 (87 FR 74291, December 5, 2022) (AD 2022–24–05), for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. AD 2022–24–05 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2021–0183R1, dated September 20, 2021, to correct an unsafe condition.

AD 2022–24–05 requires repetitive inspections of certain galleys for corrosion of trolley retainer aluminum blocks and delamination of the upper panel of the trolley compartment, and applicable corrective actions. The FAA issued AD 2022–24–05 to address damage that could affect the galley's capability to hold the trolley under emergency landing loads, which could lead to trolley detachment, possibly resulting in blocking of an escape path during an emergency exit.

Actions Since AD 2022–24–05 Was Issued

Since the FAA issued AD 2022–24–05, EASA superseded EASA AD 2021–0183R1, dated September 20, 2021, and issued EASA AD 2024–0038, dated February 5, 2024 (EASA AD 2024–0038) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A318, A319, A320, and A321 series airplanes. EASA AD 2024–0038 states that the list of affected galleys has been revised, and Airbus and the galley manufacturer have developed a modification to restore the design integrity of the affected galleys.

The FAA is proposing this AD to detect and correct damage that could affect the galley's capability to hold the trolley under emergency landing loads, which could lead to trolley detachment, possibly resulting in blocking of an escape path during an emergency exit.

The FAA is proposing this AD to address the unsafe condition on these products. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1890.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2022–24–05, this proposed AD would retain all of the requirements of AD 2022–24–05. Those requirements are referenced in EASA AD 2024–0038, which, in turn, is referenced in paragraph (g) of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0038 includes the following provisions:

- Procedures for repetitive general visual inspections of certain galleys for discrepancies including corrosion of trolley retainer aluminum blocks and delamination of upper panel of trolley compartment;
- Corrective actions including repeating the inspection at an earlier interval, repairing the trolley compartment upper panel, and limiting the trolley weight;
- Procedures for modifying the affected galleys as optional terminating action for the repetitive inspections;
- A revised the list of affected galleys; and
- Prohibition of the installation of affected parts unless the parts are inspected and corrected.

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

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024–0038 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0038 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0038 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0038 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required

actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0038. Material required by EASA AD 2024–0038 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1890 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,425 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2022-24-05	2 work-hours × $85 per hour = $170 per hour	$0	$170	$242,250

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
Up to 40 work-hours × $85 per hour = $3,400	(*)	Up to $3,400.*

* The FAA has received no definitive data on which to base the cost estimates for the parts associated with the modification specified in this proposed AD.

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$0	$85

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2022–24–05, Amendment 39–22245 (87 FR 74291, December 5, 2022); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2024–1890; Project Identifier MCAI–2024–00087–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 3, 2024.

(b) Affected ADs

This AD replaces AD 2022–24–05, Amendment 39–22245 (87 FR 74291, December 5, 2022) (AD 2022–24–05).

(c) Applicability

This AD applies to all Airbus SAS Model airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that damage (including delamination of work deck and corroded and cracked retainer blocks) was found during inspection of certain galleys. The FAA is issuing this AD to address damage that could affect the galley's capability to hold the trolley under emergency landing loads, which could lead to trolley detachment, possibly resulting in blocking of an escape path during an emergency exit.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0038, dated February 5, 2024 (EASA AD 2024–0038).

(h) Exceptions to EASA AD 2024–0038

(1) Where EASA AD 2024–0038 refers to ''18 August 2021 [the effective date of the EASA AD 2021–0183 at original issue],'' this AD requires using January 9, 2023 (the effective date of AD 2022–24–05).

(2) Where EASA AD 2024–0038 refers to its effective date, this AD requires using the effective date of this AD.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0038.

(4) Where EASA AD 2024–0038 does not specify corrective action after a post-repair inspection that has findings of damage, this AD requires obtaining repair instructions before further flight from the FAA, EASA, or Airbus SAS's EASA Design Organization Approval (DOA), and accomplishing those actions accordingly. Any approval by the DOA must include the DOA-authorized signature.

(i) No Reporting Requirement

Although material referenced in EASA AD 2024–0038 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (k) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(3) *Required for Compliance (RC):* Except as required by paragraph (j)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 817–222–5102; email: *Timothy.P.Dowling@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0038, dated February 5, 2024.

(ii) [Reserved]

(3) For EASA AD 2024–0038, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on July 10, 2024.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2024–15461 Filed 7–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1889; Project Identifier MCAI–2024–00134–T]

RIN 2120–AA64

Airworthiness Directives; Deutsche Aircraft GmbH (Type Certificate Previously Held by 328 Support Services GmbH; AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Deutsche Aircraft GmbH Model 328–100 and 328–300 airplanes. This proposed AD was prompted by reports of a broken attachment eyebolt in a Collins Aerospace JB6 Commuter Class passenger seat. This proposed AD would require a one-time detailed inspection of each affected part, and applicable corrective actions, and would also limit the installation of affected parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 3, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1889; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu.* You may find this material on the EASA website *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2024–1889.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email *todd.thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–1889; Project Identifier MCAI–2024–00134–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email *todd.thompson@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0051, dated February 23, 2024 (EASA AD 2024–0051) (also referred to as the MCAI), to correct an unsafe condition for all Deutsche Aircraft GmbH Model 328–100 and 328–300 airplanes. The MCAI states there have been reports of a broken attachment eyebolt in a Collins Aerospace JB6 Commuter Class passenger seat. The eyebolt is the connection between the reclining mechanism and the seat structure and connects the seat belt to the seat structure. Broken attachment eyebolts, if not detected and corrected, could prevent the correct operation of the safety belts, possibly resulting in injuries to seat occupants.

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

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1889.

Related Material Under 1 CFR Part 51

EASA AD 2024–0051 specifies a one-time detailed inspection of affected eyebolt and spreader for correct installation and discrepancies (*i.e.,* cracks, traces of aluminum flakes or remainders of ripped-out threads in the tip threads, and damaged thread runs), and applicable corrective actions (obtaining and following repair instructions and replacing the affected parts). EASA AD 2024–0051 also specifies an affected part may be installed provided, before installation, that part passed an inspection (no damage detected).

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

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024–0051 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0051 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0051 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0051 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0051. Service information required by EASA AD 2024–0051 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1889 after the FAA final rule is published.

Interim Action

The FAA considers that this proposed AD would be an interim action. The FAA anticipates that further AD action will follow.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 30 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
12 work-hours × $85 per hour = $1,020	$0	$1,020	$30,600

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
0 work-hour × $85 per hour = $0	$1,126	$1,126

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Deutsche Aircraft GmbH (Type Certificate Previously Held by 328 Support Services GmbH; AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH): Docket No. FAA–2024–1889; Project Identifier MCAI–2024–00134–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 3, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Deutsche Aircraft GmbH Model 328–100 and 328–300 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of a broken attachment eyebolt in a Collins Aerospace JB6 Commuter Class passenger seat. The FAA is issuing this AD to address broken attachment eyebolts. The unsafe condition, if not addressed, could prevent the correct operation of the safety belts, possibly resulting in injuries to seat occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0051, dated February 23, 2024 (EASA AD 2024–0051).

(h) Exceptions to EASA AD 2024–0051

(1) Where EASA AD 2024–0051 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2024–0051 specifies ''if any discrepancy is detected, before next flight, contact Deutsche Aircraft GmbH and Collins Aerospace for approved instructions and accomplish those instructions accordingly,'' this AD requires replacing that text with ''if any discrepancy is detected, the discrepancy must be repaired before further flight using a method approved by the Manager, International Validation

Branch, FAA; or EASA; or Deutsche Aircraft GmbH's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.''

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0051.

(i) No Reporting or Return of Parts Requirement

Although the service information referenced in EASA AD 2024–0051 specifies to submit certain information and send removed parts to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (k) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Deutsche Aircraft GmbH's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Additional Information

For more information about this AD, contact Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email *todd.thompson@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0051, dated February 23, 2024.

(ii) [Reserved]

(3) For EASA AD 2024–0051, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu.* You may find this EASA AD on the EASA website *ad.easa.europa.eu.*

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

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

Issued on July 10, 2024.

James D. Foltz,

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

[FR Doc. 2024–15658 Filed 7–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 883

[Docket No. FR–6378–P–01]

RIN 2502–AJ68

Updated Terminology for State Housing Agency Housing Assistance Payments Contracts

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: The U.S. Department of Housing and Urban Development is proposing to revise HUD's regulations for Housing Assistance Payments contracts that were initially issued and administered by a State Housing Finance Agency. The proposed rule would clarify the meaning of the terms ''HFA (Housing Finance Agency)'' and ''State Agency (Agency)'' when HUD either assumes contract administration responsibilities or assigns the contract administration responsibilities to a Performance-Based Contract Administrator. The proposed rule would also clarify how reserve accounts may be transferred following assumption of contract administration duties by a new party. These regulatory changes would conform with longstanding HUD policy and practice.

DATES: Comments are due by September 16, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Electronic Submission of Comments. Comments may be submitted electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that website to submit comments electronically.

2. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above.

Public Inspection of Public Comments. HUD will make all properly submitted comments and communications available for public inspection and copying during regular business hours at the above address. Due to security measures at the HUD Headquarters building, you must schedule an appointment in advance to review the public comments by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Larson, Director, Office of Asset Management Portfolio Oversight, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone number 202–402–3823 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Section 8 Project-Based Rental Assistance Program

The Section 8 Project-Based Rental Assistance (Section 8 PBRA) program was enacted as part of the Housing and Community Development Act of 1974,[1] which amended the United States Housing Act of 1937.[2] Under the Section 8 PBRA program, either HUD or a public housing agency (PHA) acting pursuant to an annual contributions contract (ACC) with HUD provides rental assistance payments via a Housing Assistance Payments (HAP) Contract to project owners who, in turn, rent units covered by the HAP Contract to families who meet program eligibility rules. Either HUD or a PHA acting pursuant to an ACC serves as the contract administrator, which is responsible for performing multiple functions, from maintaining a reserve for replacement account and a residual receipts account to processing annual rent adjustments and periodic contract renewals. Pursuant to the United States Housing Act of 1937 and HUD regulations, a Housing Finance Agency (HFA) meets the definition of a PHA and, as such, may serve as a Performance-Based Contract Administrator (PBCA).

B. Regulatory and Operational History of the 24 CFR Part 883 Section 8 PBRA Program

On April 15, 1975, HUD published 24 CFR part 883, establishing policies and procedures under which HFAs could select proposals for funding under the Section 8 New Construction and Substantial Rehabilitation Programs.[3] Pursuant to 24 CFR part 883, HFAs provided permanent financing and assumed the risk of default and foreclosure on selected project proposals. In selecting a project for permanent financing, HFAs and project owners could enter into HAP Contracts with initial mortgage terms of up to 40 years,[4] with the HFA serving as the HAP Contract administrator. Significantly for purposes of this rulemaking, in January of 1980, HUD issued a new regulation under 24 CFR part 883 that introduced a limit on annual distributions of project surplus cash for some project owners, a requirement for such owners to establish a residual receipts account, and a requirement to maintain a reserve for replacement account to address physical condition issues.[5] As HAP Contract administrators, the HFAs controlled the residual receipts and reserve for replacement accounts required by 24 CFR part 883.

In the 1990s, HAP Contracts between HFAs and project owners began to reach the end of the contracted term and expire. Where a HAP Contract expires and is not renewed, families eligible for Section 8 PBRA are at risk of displacement from their housing because there is no longer an agreement in place that allows project owners to receive Section 8 PBRA rental assistance for the applicable units. To authorize the renewal of expiring HAP Contracts, including HAP Contracts issued pursuant to 24 CFR part 883 (Part 883 HAP Contracts), Congress enacted the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA).[6] As implemented by HUD, MAHRA allows the issuance of HAP Contracts that incorporate and renew nearly all provisions of an expired, original HAP Contract. Relevant to the purposes of this proposed rule, the provisions incorporated into renewed Part 883 HAP Contracts include references to the terms ''HFA'' and ''State Agency.''

Beginning in May of 1999, HUD began using PBCAs to streamline the renewal and administration of expiring HAP Contracts, including Part 883 HAP Contracts, by assigning administration and servicing tasks to PBCAs, which qualify as PHAs under the United States Housing Act of 1937 and act in accordance with an ACC that sets forth requirements and performance-based incentive standards. As Part 883 HAP Contracts expired, HUD began terminating ACCs with the HFAs of the expiring Part 883 HAP Contracts, with HUD then either taking over administration of the Part 883 HAP Contracts itself or assigning administration of the contracts to PBCAs. Relevant to the purpose of this proposed rule, references to the terms ''HFA'' and ''State Agency'' remained in both 24 CFR part 883 and the renewed Part 883 HAP Contracts that were now administered by either HUD or a PBCA.

As of the second quarter of 2023, there were approximately 2,690 Part 883 HAP Contracts in effect throughout the country. Of these contracts, the vast majority are now administered either by a PBCA or HUD, with only sixty-five (65) Part 883 HAP Contracts still being administered by an HFA. For the Part 883 HAP Contracts that were previously administered by an HFA but that are now administered by a PBCA or HUD, the terms ''HFA'' and ''State Agency'' still appear in the Part 883 HAP Contracts, along with references to the same terms in 24 CFR part 883. The references to these terms in the contracts and part 883 create confusion because HUD or a PBCA now administers these Part 883 HAP Contracts rather than an HFA or State Agency. This confusion is especially problematic with regard to the administration of project owners' restricted financial accounts (*i.e.,* the residual receipts and reserve for replacement accounts) because of unclear expectations regarding which entity must issue approvals to withdraw funds. HUD issues this proposed rule to eliminate this confusion.

C. Residual Receipts and Reserve for Replacement Project Accounts

Both the residual receipts account and the reserve for replacement account are project accounts. The project owner must make deposits to the residual receipts account and the reserve for replacement accounts, consistent with HUD requirements, and must receive prior approval before withdrawing funds from either account. When a HAP Contract associated with the project is administered by an HFA, the project owner requests fund withdrawal approval from the HFA. Once an ACC between the HFA and HUD expires, HUD must review such fund withdrawal requests; therefore, the HFA must release the funds in the accounts upon the request of the project owner. The project owner, in turn, must ensure that the residual receipts and reserve for replacement accounts funds are placed in accounts that meet HUD requirements, after which time any fund withdrawals will be made only with HUD approval.

II. Proposed Rule

Through this proposed rule, HUD proposes to amend the definitions of two terms defined in 24 CFR 883.302: ''HFA (Housing Finance Agency)'' and ''State Agency (Agency).'' HUD proposes that the definitions currently found in 24 CFR 883.302 for these terms will continue to apply while an ACC between HUD and an HFA is in effect. When an ACC between HUD and the HFA expires and is not renewed, HUD proposes that the definitions of the terms ''HFA (Housing Finance Agency)'' and ''State Agency (Agency)'' as currently provided in 24 CFR 883.302 would then be defined the same as ''Contract Administrator'' is defined at 24 CFR 880.201. This proposed change would eliminate the confusion that

[1] Public Law 93–383, 88 Stat. 633 (1974).

[2] 42 U.S.C. 1437f.

[3] 40 FR 16934.

[4] The terms ''HFA'' and ''State Agency'' appear in both part 883 and corresponding HAP Contracts.

[5] 45 FR 6889 (Jan. 30, 1980).

[6] 42 U.S.C. 1437f.

results when a renewed Part 883 HAP Contract is administered by HUD or a PBCA, rather than the former HFA. In addition to the proposed definition changes to 24 CFR 883.302, the proposed rule would make a conforming change to 24 CFR 883.701. The conforming change to § 883.701 would make clear that, for the purposes of 24 CFR part 883, subpart G, all references to ''contract administrator'' in 24 CFR part 880, subpart F, shall be construed to refer to ''Agency'' only while the ACC between the State Agency and HUD is in effect.

HUD also proposes to amend 24 CFR 883.306 and add a new § 883.702 to make clear that project owners are required to request the withdrawal of funds from residual receipts and reserve for replacement accounts administered by HFAs when the ACC between HUD and the HFA is terminated or expires.

As described, these proposed changes would clarify that when HUD assumes or assigns HAP Contract administration duties following the expiration of the HFA ACC, the new contract administrator, either HUD or a PBCA, is responsible for the administration duties under the HAP Contract. These HAP Contract administration duties include overseeing restricted project accounts and allowing disbursements from restricted project accounts in accordance with HAP Contract requirements. For example, if a project owner has made deposits into a reserve for replacement account and the HAP Contract requires that the HFA must authorize disbursements from that account, these proposed changes would provide clarity to the project owner that the HAP Contract administrator must authorize such disbursements.

III. Findings and Certifications

Regulatory Review—Executive Orders 12866, 13563, and 14094

Pursuant to Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The order also directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 further directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. Executive Order 14094 (Modernizing Regulatory Review) amends section 3(f) of Executive Order 12866, among other things.

This proposed rule would clarify that HUD or a PBCA may assume the HAP Contract administrator responsibilities when the ACC between HUD and an HFA expires. The rulemaking would also clarify how residual receipts and reserve for replacement accounts may be transferred following assumption of contract administration duties by a new party. These regulatory changes would conform with longstanding HUD policy and practice. This rulemaking was determined not to be a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866 as amended by Executive Order 14094 and is not an economically significant regulatory action and therefore was not subject to OMB review.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments, and on the private sector. This proposed rule would not impose any Federal mandates on any State, local, or Tribal government, or on the private sector, within the meaning of the UMRA.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available through the Federal eRulemaking Portal at *http://www.regulations.gov.* The FONSI is also available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, you must schedule an appointment in advance to review the FONSI by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. As discussed above, the changes proposed in this rule are limited to clarifying that HUD or a PBCA may assume the HAP Contract administrator responsibilities when the ACC between HUD or an HFA expires. The rulemaking would also clarify how residual receipts and reserve for replacement accounts may be transferred following assumption of contract administration duties by a new party. These regulatory changes would conform with longstanding HUD policy and practice.

Accordingly, the undersigned certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Notwithstanding HUD's determination that this rulemaking will not have a significant impact on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in the preamble to this proposed rule.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either: (1) imposes substantial direct compliance costs on State and local governments and is not required by statute, or (2) the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

List of Subjects in 24 CFR Part 883

Accounting, Administrative practice and procedure, Government contracts, Grant programs—housing and

community development, Low and moderate income housing, Public assistance programs, Public housing, Rent subsidies, Reporting and recordkeeping requirements, State and local governments.

For the reasons stated above, HUD proposes to amend 24 CFR part 883 as follows:

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

■ 1. The authority citation for part 883 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

■ 2. In § 883.302, revise the definitions of ''HFA (Housing Finance Agency)'' and ''State Agency (Agency)'' to read as follows:

§ 883.302 Definitions.

* * * * *

HFA (Housing Finance Agency). While the Annual Contributions Contract between the State Agency and HUD is in effect, ''Housing Finance Agency'' and ''HFA'' means a State Agency that provided permanent financing for newly constructed or substantially rehabilitated housing processed under this part and financed without Federal mortgage insurance or a Federal guarantee except coinsurance under section 244 of the National Housing Act. When the Annual Contributions Contract between the State Agency and HUD is no longer in effect, ''Housing Finance Agency'' and ''HFA,'' as used in this part and in the Housing Assistance Payments Contract, means ''Contract Administrator,'' as defined in 24 CFR 880.201.

* * * * *

State Agency (Agency). While the Annual Contributions Contract between the State Agency and HUD is in effect, ''State Agency'' and ''Agency'' means an agency that has been notified by HUD that it is authorized to apply for a set-aside and/or to use the Fast Track Procedures of this part. When the Annual Contributions Contract between the State Agency and HUD is no longer in effect, ''State Agency'' and ''Agency,'' as used in this part and in the Housing Assistance Payments Contract, mean ''Contract Administrator,'' as defined in 24 CFR 880.201.

* * * * *

■ 3. In § 883.306, add a sentence to the end of paragraph (e) to read as follows:

§ 883.306 Limitation on distributions.

* * * * *

(e) * * * Upon termination of the Annual Contributions Contract between HUD and the HFA, the Owner must request withdrawal of any funds that were placed in such an account at the direction of the HFA and immediately deposit such funds into an interest-bearing residual receipts account that complies with the requirements of 24 CFR 880.601(e)(2)(i).

* * * * *

■ 4. In § 883.701, add text to the end of the second sentence to read as follows:

§ 883.701 Cross-reference.

* * * while the Annual Contributions Contract between the State Agency and HUD is in effect.

■ 5. Add § 883.702 to read as follows:

§ 883.702 Replacement reserve.

For projects that are required to maintain a replacement reserve account to fund capital repairs and building system replacements, while the Annual Contributions Contract (ACC) between the State Agency and HUD is in effect, funds in that replacement reserve account may be drawn and used only in accordance with State Agency guidelines and with the approval of, or as directed by, the State Agency. Upon termination of the ACC, the Owner must request withdrawal of any funds in the replacement reserve account and immediately deposit such funds into an interest-bearing replacement reserve account that complies with the requirements of 24 CFR 880.602(a)(1)(iv).

Julia R. Gordon,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2024–15269 Filed 7–16–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2024–0618]

RIN 1625–AA00

Safety Zone, Kahanamoku Beach, Honolulu, HI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of the Kahanamoku Beach. This action is necessary to provide for the safety of life on these navigable waters near Honolulu, HI, during a drone show display at various times on August 13 through August 18, 2024. This proposed rulemaking would prohibit, during the enforcement periods, persons and vessels from entering the safety zone unless authorized by the Captain of the Port Sector Honolulu or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before August 1, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0618 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 Petty Officer Vivian S. Gonzalez, Waterway Management Division, U.S. Coast Guard; telephone 808–522–8264, email *Vivian.S.Gonzalez@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On June 21, 2024, an organization notified the Coast Guard that it will be conducting a drone show display from 9 p.m. through 4:30 a.m., daily, on August 13 through 15, 2024 and from 6:30 p.m. to 9:30 p.m., daily, on August 15, 17 and 18, 2024. The drones are to be launched from a nearby parking lot approximately 200 feet southwest of the southwestern point of the Hilton Lagoon into the ''showbox'' located between the following 4 coordinates: 21°16′52.02″ N 157°50′27.88″ W; 21°16′44.24″ N 157°50′29.67″ W; 21°16′40.06″ N 157°50′16.65″ W; and 21°16′47.24″ N 157°50′13.39″ W. Hazards from drone show displays include accidental misfunctioning of the drones, dangerous projectiles, and falling drones or other debris. The Captain of the Port Sector Honolulu (COTP) has determined that potential hazards associated with the drone show to be used in this display

would be a safety concern for anyone within the safety zone.

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

Due to the August 13, 2024 event start date, the Coast Guard is issuing this notice of proposed rulemaking (NPRM) with a comment period less than 30 days in order to allow an opportunity for public comment. In addition, the Coast Guard anticipates issuing a final rule with an effective date less than 30 days after publication in the **Federal Register**. Should that occur, we will explain our good cause for doing so in that publication, as required by 5 U.S.C. 553(d)(3).

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 9.p.m. on August 13, 2024 through 9:30 p.m. August 18, 2024. This safety zone would be enforced from 9 p.m. to 4:30 a.m., daily, on August 13, 2024 through August 15, 2024 and from 6:30 to 9:30 p.m., daily, on August 15, 17 and 18, 2024. The safety zone would cover all navigable waters within the ''showbox''. The duration of the zone is intended to ensure the safety of vessels and these navigable waters during the drone show display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. The proposed safety zone is near shore in a surf zone where there is no vessel traffic, and this safety zone will ensure safety of swimmers, surfers, paddlers and other beach attendees.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting 6 hours that would prohibit entry within the ''showbox''. 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–2024–0618 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.T14–0618 to read as follows

§ 165.T14–0618 Safety Zone, Kahanamoku Beach, Honolulu, HI

(a) *Location.* The following area is a safety zone: All waters offshore of Kahanamoku Beach, from surface to bottom, encompassed by a line connecting the following points beginning at 21°16′52.02″ N 157°50′27.88″ W, thence to 21°16′44.24″ N 157°50′29.67″ W, thence to 21°16′40.06″ N 157°50′16.65″ W, thence to 21°16′47.24″ N 157°50′13.39″ W, back to the beginning point. These coordinates are based on 1984 World Geodetic System (WGS 84).

(b) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by calling Sector Honolulu Command Center at 808–842–2603. During the enforcement periods, all persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement periods.* This section will be enforced from 9 p.m. to 4:30 a.m., daily, on August 13, 2024 through August 15, 2024 and from 6:30 to 9:30 p.m., daily, on August 15, 17 and 18, 2024.

Dated: July 11, 2024.

Aja L. Kirksey,

Captain, U.S. Coast Guard, Captain of the Port Sector Honolulu.

[FR Doc. 2024–15694 Filed 7–16–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2024–0184; FRL–11968–01–R5]

Air Plan Approval; Wisconsin; Nitrogen Oxide Emissions Control Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve Wisconsin's additions and amendments to chapters NR 400, 428, and 484 of the Wisconsin Administrative Code (Wis. Adm. Code). These changes clarify existing requirements and ensure clear and consistent implementation of Wisconsin's control requirements for emissions of nitrogen oxide (NO_X).

DATES: Comments must be received on or before August 16, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2024–0184 at *https://www.regulations.gov*, or via email to a*rra.sarah@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general

guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Katie Mullen, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–3490, *mullen.kathleen@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. What is the background of this SIP submission?

Chapter NR 428, Wis. Adm. Code, regulates the emissions of NO_X from certain stationary sources located in Wisconsin's current ozone nonattainment areas and areas with a history of ozone nonattainment, including Kenosha, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha counties.

Since the promulgation of the 2001 and 2007 revisions to chapter NR 428, Wis. Adm. Code, Wisconsin has identified several implementation issues associated with certain parts of this chapter. The purpose of Wisconsin's proposed revisions is to ensure clear and consistent implementation of NO_X control requirements in chapter NR 428. Wisconsin is not currently seeking approval of this rule as it pertains to the reasonably available control technology (RACT) requirements under the 2015 ozone national ambient air quality standard (NAAQS). EPA will be addressing RACT at a later date.

II. What is EPA's analysis of the proposed SIP revision?

Wisconsin's April 10, 2024, submittal requested that EPA approve revisions to NO_X control requirements in chapters NR 400, NR 428, and NR 484 of the Wis. Adm. Code. Wisconsin's proposed revisions clarify emission limits for units using more than one type of fuel, incorporate procedures for approving a site-specific emission limit alternative to ensure that limits are achievable in practice, revise and clarify existing compliance and monitoring requirements, clarify an applicability exception, update cross references, and include definitions.

A. Clarification of NO_X Emission Limits During Secondary Fuel Useage

Wisconsin has revised sections NR 428.04(2)(i), 428.05(2)(b), 428.05(2)(f), 428.05(3)(f), 428.22(1), and 428.22(3) of the Wis. Adm. Code to clarify that a unit firing secondary fuel is not subject to emission limits and monitoring requirements when using only the secondary fuel under certain limited circumstances, which include any of the following conditions:

a. The emissions unit heat input capacity or maximum design power output while utilizing the secondary fuel is less than the corresponding applicability thresholds.

b. The emissions unit burns the secondary fuel only during periods of curtailment or supply interruption of other fuel(s) not to exceed 500 hours in a 12 consecutive month period.

c. During periodic testing, maintenance, or operator training of the secondary fuel when the periodic testing, maintenance, or operator training does not exceed 48 hours during any calendar year.

d. The secondary fuel constitutes less than 1% of the unit's fuel consumption within a 12 consecutive month period.

Also, NR 428.04(4)(c), 428.05(5)(c), and 428.24(1)(c) contain the secondary fuel recordkeeping requirements. EPA is proposing that these revisions are approvable since they clarify the applicability of emission limits and monitoring requirements when a facility uses more than one type of fuel.

B. Procedures for Approving a Site-Specific Emission Limit Alternative

Section NR 428.055 provides a pathway for facilities to request a site-specific emission limit if the facility demonstrates that compliance with requirements under sections NR 428.04 or 428.05 are technologically or economically infeasible. The proposed site-specific emission limit is only effective after it has been approved into the State Implementation Plan (SIP) by EPA. These revisions are approvable since they explain the steps needed to implement a site-specific alternative emission limit.

C. Clarification of Monitoring Requirements for Specific Categories of Emissions Units

Wisconsin has created language under sections NR 428.08(2)(e), 428.08(2)(f), and 428.08(3) that clarifies monitoring requirements and exceptions for NO_X emissions units such as kilns, furnaces, asphalt plants, process heating units, and engines. Section NR 428.02(2)(g) incorporates an alternative to operating a continuous emissions monitoring system (CEMS) by meeting operational and performance testing requirements that are consistent with the SIP-approved compliance demonstration requirements for emission limitations under s. NR 428.23(1)(b). Section NR 428.08(2)(g)4. a. requires that emissions performance tests be conducted according to Method 7, 7A, 7B, 7C, 7D, or 7E under 40 CFR part 60, appendix A. Section NR 484.04 table 2 Row (15m), which incorporates these Federal test methods by reference, is revised to cross-reference to section NR 428.08(2)(g)(4)(a). These revisions are approvable since they clarify the monitoring requirements and exceptions for NO_X emission units subject to this rule.

D. Revision of Compliance Monitoring Plan Submittal Deadline

Wisconsin has revised its deadline for compliance monitoring plan submittals under section NR 428.07(1)(a)2., Wis. Adm. Code, from ''at least 180 days prior to initial operation'' to ''at least 180 days prior to initial operation, or an alternative date less than 180 days approved by the department.'' The previous rule language required plans to be submitted 180 days before initial operation. This means a source would have been required to wait for the 180-day period to end prior to operating, even if the source was permitted and physically capable of operation prior to that date. This revised rule is approvable since it streamlines the implementation of this section by allowing the source to request an alternative date to avoid the waiting period if warranted.

E. Clarification of Exception

Wisconsin's revisions clarify that the unit exception under section NR 428.21(3), Wis. Adm. Code, applies only to units constructed before August 1, 2007, as originally intended. This revision is approvable since it clarifies which emission units qualify for this exception.

F. Definitions and Cross References

The proposed rule incorporates a definition for SIP, the acronym for State Implementation Plan, under section NR 400.03(4)(mf). Wisconsin has also added definitions for ''primary fuel'', ''secondary fuel'', ''simple cycle stationary combustion turbine'', and ''supply interruption'' or ''curtailment'' under section NR 428.02(7i), (7p), (7u) and (7w). Wisconsin has also updated cross references through Ch. NR 428, Wis. Adm. Code, to be consistent with the proposed rule language. These

administrative type revisions are approvable since they ensure terms included in the new rule language are defined and cross references are updated.

EPA has reviewed the amendments contained in Wisconsin's submittal, as discussed in detail above, and is proposing to approve the amended portions of NR 400, 428, and 484. Because these changes provide clarity and generally strengthen the currently approved SIP, EPA is proposing that these changes will not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other Clean Air Act (CAA) requirement, and therefore, fulfill section 110(l) of the CAA.

III. What action is EPA taking?

EPA is proposing to approve the revisions in NR 400, 428, and 484 of the Wisconsin Administrative Code since these changes clarify and streamline Wisconsin's NO_X control regulatory requirements.

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, EPA is proposing to incorporate by reference Wisconsin rule(s) 400.03(4)(mf), 428.02(7i), 428.02(7p), 428.02(7u), 428.02(7w), 428.04(2)(i), 428.04(4)(c), 428.05(2)(b), 428.05(2)(f), 428.05(3)(f), 428.05(5)(c), 428.22(1), 428.22(3), 428.24(1)(c), 428.08(2)(e)(title), 428.08(2)(f)(title), 428.08(2)(g), 428.08(3), 484.04 Table 2 Row (15m), and 428.21(3)(d), effective April 1, 2024, discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993), and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

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

The WDNR did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving EJ for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: June 10, 2024.

Debra Shore,

Regional Administrator, Region 5.

[FR Doc. 2024–15598 Filed 7–16–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2023–0318; FRL–11926–01–R5]

Air Plan Approval; Ohio; Greif Packaging LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve under the Clean Air Act (CAA), a State Implementation Plan (SIP) revision to the sulfur dioxide (SO_2) regulations under Chapter 3745–18 of the Ohio Administrative Code (OAC). Ohio submitted the request to EPA on June 8, 2023. The revision removes SO_2 emissions limitations for fuel burning equipment at the Greif Packaging, LLC facility located at 9420 Warmington Rd. SW in Massillon, Ohio (Greif facility). The units that were subject to these

limits have been permanently shut down.

DATES: Comments must be received on or before August 16, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2023–0318 at *https://www.regulations.gov,* or via email to *langman.michael@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Tyler Salamasick, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6206, *salamasick.tyler@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. What is the background for these actions?

On August 27, 1976, EPA promulgated an SO_2 Federal Implementation Plan (FIP), specifying SO_2 emission limits for fuel-burning equipment at the Greif facility (40 CFR 52.1881(a)(27)(v)). On December 28, 1979, the Ohio Environmental Protection Agency (Ohio EPA) established rules in the OAC to control SO_2 emissions from fuel-burning equipment. Ohio EPA amended OAC Chapter 3745–18–82(F) to align it with the FIP.

These rules included provisions for limiting SO_2 emissions from the Greif facility under paragraph (F) of OAC rule 3745–18–82. At that time, the Greif facility operated six boilers (B001 to B006), with B005 and B006 having the capability to burn fuel oil in addition to natural gas. On March 21, 2008 (56 FR 15083), EPA approved rules for Franklin, Stark, and Summit Counties and for one source in Sandusky County which replaced the FIP.

The Greif facility currently has no coal or oil-fired boilers. The only remaining boilers are natural gas fired. Since the burning of natural gas in fuel burning equipment is exempt from the requirements of OAC rule 3745–18 under OAC rule 3745–18–06(A), the remaining boilers are not subject to 3745–18–82(F).

II. What is EPA's analysis of Ohio's SIP revision?

On June 8, 2023, Ohio EPA submitted a revision to Ohio's SIP removing SO_2 boiler emissions limits for the Greif facility contained in paragraph (F) of OAC rule 3745–18–82. EPA requested supplemental information clarifying that the removal of paragraph (F) did not impact any existing emission units at the facility. The original language of paragraph (F) required that any owner or operator at 9420 Warmington Rd. SW, Massillon, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.50 pounds of sulfur dioxide per millions of British thermal units actual heat input.

EPA requested clarification from Ohio EPA to determine that the language of ''all stacks'' was either not applicable to stacks other than the subject boilers, or to ensure that any existing non-boiler emission units had emission limits that are at least as stringent as the original limit. On February 21, 2024, Ohio EPA provided supplemental information including clarification that no other emission units were subject to the rule and that the changes were modeled and did not show an adverse impact on the National Ambient Air Quality Standards (NAAQS).

The original FIP identified only a single requirement for Stark County, and that was for fossil fuel fired steam generating unit boilers. The language uses the term ''any stack'' which is interpreted by Ohio to mean stacks for fossil fuel fired steam generating units. In 2006, Ohio EPA edited OAC rule 3745–18–82 to match the FIP language. Ohio EPA carried over the ''any stack'' language to be consistent with the original FIP language to indicate that any ''fossil fuel fired steam generating units'' at the facility had to abide by that limit.

The Greif facility currently has no coal/oil fired boilers and two natural gas fired boilers. Additionally, the 2010 SO_2 standard would require new permitting and modeling for any new boilers and so, if the facility adds a new boiler subject to OAC rule 3745–18, Ohio EPA must generate new facility specific limits and language under the new, more stringent, standard.

The Greif facility currently operates a natural gas-fired flare to control the emissions of hydrogen sulfide (H_2S) from an anaerobic digestor. The flare emits SO_2. Under CAA section 110(l), EPA cannot approve a plan revision if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter. EPA reviewed Ohio EPA's supplemental information, including the supplemental modeling demonstration for the flare, and concluded that the proposed rule revision is approvable because it clarifies regulatory requirements at the Greif facility, does not result in emissions increases, and does not interfere with attainment or maintenance of the NAAQS.

III. What action is EPA taking?

EPA is proposing to approve the removal the emission limits for the Greif facility contained in OAC rule 3745–18–82(F) from Ohio's SIP.

IV. Incorporation by Reference

In this rule, 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, EPA is proposing to incorporate by reference Ohio rule OAC 3745–18–82(F), effective April 16, 2023, discussed in section III of this preamble. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a).

Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993), and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

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

The Ohio EPA did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving EJ for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 10, 2024.

Debra Shore,

Regional Administrator, Region 5.

[FR Doc. 2024–15572 Filed 7–16–24; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 89, No. 137
Wednesday, July 17, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Briefing of the Hawai'i Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Notice of public briefing.

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 the Hawai'i Advisory Committee (Committee) to the U.S. Commission on Civil Rights will convene by ZoomGov on Friday, August 2, 2024, from 2:00 p.m. to 3:30 p.m. HST, is to collect testimony on their topic ''Examining Hawaii's Child Welfare System and the Overrepresentation of Native Hawaiian Families and Children.''

DATES: Friday, August 2, 2024, from 2:00 p.m.–3:30 p.m. Hawai'i Standard Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_Fdk6J-CiSFa3O3c1imQ9bg

Join by Phone (Audio Only): (833) 435–1820 USA Toll Free; Webinar ID: 161 368 6775

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer (DFO) at *kfajota@usccr.gov* or (434) 515–2395.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the videoconference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Closed captions will be provided for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Angelica Trevino, Support Services Specialists, at *atrevino@usccr.gov* at least 10 business days prior to 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 meeting. Written comments may be emailed to Kayla Fajota (DFO) at *kfajota@usccr.gov*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Hawai'i Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *atrevino@usccr.gov.*

Agenda

I. Welcome Remarks and Roll Call

II. Panelists Presentations

III. Committee Q&A

IV. Public Comment

V. Next Steps

VI. Adjournment

Dated: July 11, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–15647 Filed 7–16–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2166]

Approval of Subzone Status; AESC Florence LLC; Florence, South Carolina

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the South Carolina State Ports Authority, grantee of Foreign-Trade Zone 21, has made application to the Board for the establishment of a subzone at the facility of AESC Florence LLC, located in Florence, South Carolina (FTZ Docket B–13–2024, docketed March 29, 2024);

Whereas, notice inviting public comment has been given in the **Federal Register** (89 FR 22989, April 3, 2024) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners' memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facility of AESC Florence LLC, located in Florence, South Carolina (Subzone 21L), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including section 400.13.

Dated: July 12, 2024.

Dawn Shackleford,

Executive Director of Trade Agreements Policy & Negotiations, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2024–15716 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Melanie Ann Espinoza, 6605 W Pasadena Ave. Apt. 3, Glendale, AZ 85301; Order Denying Export Privileges

On August 26, 2021, in the U.S. District Court for the District of Arizona, Melanie Ann Espinoza (''Espinoza'') was convicted of violating 18 U.S.C. 554(a). Specifically, Espinoza was convicted of smuggling approximately 7,000 rounds of Wolf 7.62 x 39 caliber ammunition, 1,500 rounds of Wolf .223 caliber ammunition, 2,000 rounds of Wolf 9 mm caliber ammunition and 50 rounds of Magtech Super .38 ammunition. As a result of her conviction, the Court sentenced Espinoza to nine months of imprisonment, with credit for time served, three years of supervised release, and a $100 special assessment.

Pursuant to section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Espinoza's conviction for violating 18 U.S.C. 554. As provided in section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), BIS provided notice and opportunity for Espinoza to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written submission from Espinoza.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Espinoza's export privileges under the Regulations for a period of seven years from the date of Espinoza's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Espinoza had an interest at the time of her conviction.[3]

Accordingly, it is hereby *Ordered*

First, from the date of this Order until August 26, 2028, Melanie Ann Espinoza, with last known addresses of 6605 W. Pasadena Ave. Apt 3, Glendale, AZ 85301, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to section 1760(e) of ECRA and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Espinoza by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Espinoza may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Espinoza and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until August 26, 2028.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2024–15636 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Charles McGonigal, 175 W 13th Street, Apt. 8G, New York, NY 10011; Order Denying Export Privileges

On December 14, 2023, in the U.S. District Court for the Southern District of New York, Charles McGonigal

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2024).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).

(''McGonigal''), was convicted of violating 18 U.S.C. 371. Specifically, McGonigal was convicted of conspiring to violate U.S. sanctions against Russia by going to work for a Russian oligarch whom he once investigated. As a result of his conviction, the Court sentenced McGonigal to 50 months in prison, three years of supervised release, a $100 special assessment and a fine of $40,000.

Pursuant to section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 371, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of McGonigal's conviction for violating 18 U.S.C. 371. As provided in section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), BIS provided notice and opportunity for McGonigal to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written submission from McGonigal.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny McGonigal's export privileges under the Regulations for a period of 10 years from the date of McGonigal's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which McGonigal had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until December 14, 2033, Charles McGonigal, with a last known address of 175 W. 13th Street, Apt. 8G, New York, NY, 10011, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (' the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of ECRA and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to McGonigal by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, McGonigal may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to McGonigal and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until December 14, 2033.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2024–15637 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–DT–P

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2024).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the People's Republic of China: Initiation of Changed Circumstances Review

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

SUMMARY: In response to a request for a changed circumstances review (CCR) from Salvi Chemical Industries Limited (Salvi), the U.S. Department of Commerce (Commerce) is initiating a CCR of the antidumping duty (AD) order on glycine from the People's Republic of China (China).

DATES: Applicable July 17, 2024.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 1995 Commerce published the order in the **Federal**

Register.[1] On December 10, 2012, Commerce published an affirmative determination of circumvention of the *Order,* finding that glycine processed in India by Salvi and AICO Laboratories India Ltd. (AICO), using Chinese-origin inputs (*e.g.,* crude or technical-grade glycine), and exported to the United States from India is circumventing the *Order* on glycine from China.[2] Commerce determined that the processing of Chinese-origin technical grade or crude glycine, including but not limited to AAA–97TE, ACAA97TE, sodium glycinate and glycine slurry, does not substantially transform it into glycine of Indian origin and therefore such glycine remains Chinese in origin and therefore within the scope of the *Order*.[3] In its *Final Circumvention Determination,* Commerce instituted a countrywide certification mechanism for all imports of glycine from India, to ensure that subject merchandise does not enter the United States as glycine from India.[4] Commerce adopted the certification requirement to ensure that merchandise meeting the *Final Circumvention Determination* is properly identified as merchandise subject to the *Order*.[5] Commerce applied this certification to all imports of glycine from India, with the exception of AICO and Salvi, because Commerce determined that glycine produced by AICO and Salvi was circumventing the *Order,* and therefore subject to the suspension of liquidation of entries and cash deposits of estimated antidumping duties at the rates established under the *Order* on glycine from China.[6]

On April 10, 2024, Salvi requested that Commerce conduct a CCR pertaining to the *Final Circumvention Determination* pursuant to Section 751(b) of the Tariff Act of 1930, as amended, (the Act), and 19 CFR 351.216(b) to find that glycine imports to United States from India are fully manufactured in India.[7] In its submission, Salvi asserts that Commerce should allow Salvi to participate in the certification process, should determine that glycine produced by Salvi is not produced from Chinese-origin raw material, and should not subject Salvi's imports of glycine to cash deposit requirements under the *Order* on glycine from China.[8] Salvi claims that the raw materials it used to produce glycine in recent years [9] are outside the scope of the *Order,* irrespective of country of origin.[10] Moreover, Salvi claims that all of the raw materials used in its production of glycine in recent years have been procured from Indian sources.[11] Salvi also notes that the certification process established by Commerce and the requirement that Indian-produced glycine not include any Chinese origin materials was established prior to the issuance of an order against glycine from India.[12] Salvi insists that a product can be subject to only a single antidumping duty order.[13] Therefore, Salvi insists that once the order was issued on glycine from India, the circumstances pertinent to the *Final Circumvention Determination* changed significantly.[14]

Scope of the Order

The product covered by the *Order* is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. This *Order* includes glycine of all purity levels. Glycine is currently classified under subheading 2922.49.43 of the Harmonized Tariff Schedule of the United States (HTSUS).[15] Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under the *Order* is dispositive.

Scope of the Final Circumvention Determination [16]

The product covered by *Final Circumvention Determination* is glycine, as described in the ''Scope of the Order'' section, above, which is exported from India, but processed using Chinese-origin inputs (*e.g.,* crude or technical-grade glycine). The *Final Circumvention Determination* covers glycine produced by AICO, Paras, and Salvi. Salvi and Paras stated on the record of the circumvention proceeding that they also self-produce glycine from Indian-origin inputs. The focus of the circumvention proceeding was to determine whether glycine that is: (1) manufactured in China; (2) processed by AICO, Paras, or Salvi in India; and (3) then exported to the United States as Indian-origin glycine constitutes circumvention of the *Order* under section 781(b) of the Act.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(d), Commerce will conduct a CCR upon receipt of information concerning, or a request from an interested party for a review of an AD or CVD order that shows changed circumstances sufficient to warrant a review of the order.[17] The information submitted by Salvi supporting its claim that Salvi produced glycine during fiscal years 2021–2022 and 2022–2023 using Indian-origin inputs exclusively, and has not exported glycine to the United States that was processed or produced using Chinese-origin subject merchandise inputs during these fiscal years, demonstrates changed circumstance sufficient to initiate a review.[18]

Commerce may issue a questionnaire requesting additional information from Salvi for this CCR regarding its purchases and imports (including purchases of glycine inputs and subject glycine), its production facilities, its glycine production, its sales and exports, its affiliations (including affiliations with glycine suppliers, importers, producers, exporters, and trading companies) and other relevant aspects of its glycine and glycine input related business operations and will publish in the **Federal Register** a notice of preliminary results in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i). All information submitted may be subject to verification. Failure to allow full and complete verification of any information submitted may affect Commerce's consideration of that information. Commerce will set forth its preliminary factual and legal conclusions in that notice and a description of any action proposed based on those results. Pursuant to 19

[1] *See Antidumping Duty Order: Glycine from the People's Republic of China,* 60 FR 16116 (March 29, 1995) (*Order*).

[2] *See Glycine from the People's Republic of China: Final Partial Affirmative Determination of Circumvention of the Antidumping Duty Order,* 77 FR 73426 (December 10, 2012) (*Final Circumvention Determination*).

[3] *Id.* 77 FR at 73427.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *See* Salvi's Letter, ''Request for Changed Circumstances Review,'' dated April 10, 2024 (Salvi's CCR Request).

[8] *Id.*

[9] In Salvi's CCR Request, Salvi provided evidence relevant to it 2021–2021 and 2022–2023 fiscal years to demonstrate that it sourced Indian-produced non-glycine inputs from suppliers in India.

[10] *See* Salvi's CCR Request at 4–6.

[11] *Id.* at 6–8.

[12] *Id.* at 2.

[13] *Id.*

[14] *Id.*

[15] In separate scope rulings, Commerce determined that: (a) D(-) Phenylglycine Ethyl Dane Salt is outside the scope of the *Order,* and (b) Chinese glycine exported from India remains the same class or kind of merchandise as the China-origin glycine imported into India. *See Notice of Scope Rulings and Anticircumvention Inquiries,* 62 FR 62288 (November 21, 1997); and *Final Circumvention Determination,* 77 FR at 73427, respectively.

[16] *See Final Circumvention Determination,* 77 FR at 73427.

[17] *See* 19 CFR 351.216(c).

[18] *See* 19 CFR 351.216(d).

CFR 221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results. Unless extended, Commerce will issue the final results of these CCRs in accordance with the time limits in 19 CFR 351.216(e).

Notification to Interested Parties

This initiation notice is published in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216(b), and 19 CFR 351.221(c)(3).

Dated: July 10, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–15683 Filed 7–16–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–175, C–489–854]

Certain Brake Drums From the People's Republic of China and the Republic of Türkiye: Initiation of Countervailing Duty Investigations

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

DATES: Applicable July 10, 2024.

FOR FURTHER INFORMATION CONTACT: Nathan James (the People's Republic of China (China)), and Kyle Clahane (Republic of Türkiye (Türkiye)), AD/CVD Operations, Offices V and III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5305, and (202) 482–5449, respectively.

SUPPLEMENTARY INFORMATION:

The Petitions

On June 20, 2024, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of certain brake drums (brake drums), from China and Türkiye filed in proper form on behalf of Webb Wheel Products, Inc. (the petitioner), a U.S. producer of brake drums.[1] The CVD petitions were accompanied by antidumping duty (AD) petitions concerning imports of brake drums from China and Türkiye.[2]

Between June 24 and July 5, 2024, Commerce requested supplemental information pertaining to certain aspects of the Petitions.[3] Between June 28 and July 8, 2024, the petitioner filed timely responses to these requests for additional information.[4]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of China (GOC) and the Government of Türkiye (GOT) (collectively, Governments) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of brake drums from China and Türkiye, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing brake drums in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating CVD investigations, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigations.[5]

Periods of Investigation

Because the Petitions were filed on June 20, 2024, the periods of investigation for the China and Türkiye CVD investigations are January 1, 2023, through December 31, 2023.[6]

Scope of the Investigations

The products covered by these investigations are brake drums from China and Türkiye. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

Between June 24 and July 2, 2024, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[7] Between June 28 and July 5, 2024, the petitioner provided clarifications and revised the scope.[8] The description of merchandise covered by these investigations, as shown in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[9] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.[10] To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on July 30, 2024, which is 20 calendar days from the signature date of this notice.[11] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on August 9, 2024, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of the investigations be submitted during that time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to

[1] *See* Petitioner's Letters, ''Antidumping and Countervailing Duty Petitions on Behalf of Webb Wheel Products Inc.,'' dated June 20, 2024 (Petitions).

[2] *See, generally,* Petitions.

[3] *See* Commerce's Letters, ''Supplemental Questionnaire,'' dated June 24, 2024 (General Issues Questionnaire); ''Petition for the Imposition of Countervailing Duties on Imports of Certain Brake Drums from the Republic of Türkiye: Supplemental Questions,'' dated June 24, 2024; ''Petition for the Imposition of Countervailing Duties on Imports of Certain Brake Drums from China: Supplemental Questions,'' dated June 25, 2024; and ''Supplemental Questions,'' dated July 5, 2024; *see also* Memoranda, ''Phone Call with Counsel to the Petitioner,'' dated July 2, 2024 (July 2, 2024, Memorandum).

[4] *See* Petitioner's Letters, ''Supplemental Questionnaire Response, Volume I,'' dated June 28, 2024 (General Issues Supplement); ''Certain Brake Drums from Türkiye: Supplemental Questionnaire Response, Volume V,'' dated July 1, 2024; ''Certain Brake Drums from the People's Republic of China: Supplemental Questionnaire Response,'' dated July 2, 2024; ''Supplemental Questionnaire Response, Volume I,'' dated July 5, 2024 (Second General Issues Supplement); and ''Supplemental Questionnaire Response, Volume I,'' dated July 8, 2024 (Industry Support Supplement).

[5] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[6] *See* 19 CFR 351.204(b)(2).

[7] *See* General Issues Questionnaire; *see also* July 2 Memorandum.

[8] *See* First General Issues Supplement at 1–2 and Exhibit I–S1–3; and Second General Issues Supplement at 1–2.

[9] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[11] *See* 19 CFR 351.303(b)(1).

submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[12] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the Governments of the receipt of the Petitions and provided an opportunity for consultations with respect to the Petitions.[13] Commerce held consultations with the GOT on July 9, 2024.[14] The GOC filed consultation remarks in lieu of consultations on July 8, 2024.[15]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,[16] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[17]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.[18] Based on our analysis of the information submitted on the record, we have determined that brake drums, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[19]

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. The petitioner estimated the 2023 production of the domestic like product for the only other known producer of brake drums in the United States.[20] The petitioner compared its production to the estimated total 2023 production of the domestic like product for the entire domestic industry.[21] We relied on data provided by the petitioner for purposes of measuring industry support.[22]

Our review of the data provided in the Petitions, the First General Issues Supplement, the Industry Support Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.[23] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action to evaluate industry support (*e.g.,* polling).[24] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[13] *See* Commerce's Letters, ''Petition for the Imposition of Countervailing Duties on Imports of Certain Brake Drums from China: Invitation for Consultations,'' dated June 25, 2024; and ''Countervailing Duty Petition on Certain Brake Drums from the Republic of Türkiye,'' dated June 20, 2024.

[14] *See* Memorandum, ''Consultation with Officials from Government of Türkiye,'' dated July 9, 2024.

[15] *See* GOC's Letter, ''Comments on Countervailing Duty Petition on Certain Brake Drums from the People's Republic of China (C–570–175),'' dated July 8, 2024.

[16] *See* section 771(10) of the Act.

[17] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd.* v. *United States,* 865 F.2d 240 (Fed. Cir. 1989)).

[18] *See* Petitions at Volume I (pages I–9 through I–13 and Exhibits I–2 through I–4 and I–7); *see also* First General Issues Supplement at 4–7 and Exhibits I–SI–5 through I–S1–7); and Industry Support Supplement at 1.

[19] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Checklists, ''Countervailing Duty Investigation Initiation Checklists: Certain Brake Drums from the People's Republic of China and the Republic of Türkiye,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific CVD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Brake Drums from the People's Republic of China and the Republic of Türkiye (Attachment II). These checklists are on file electronically via ACCESS.

[20] *See* Petitions at Volume I (pages I–2 and I–3 and Exhibits I–1 and I–7); *see also* First General Issues Supplement at 2–3 and Exhibits I–S1–1 and I–S1–2.

[21] *See* Petitions at Volume I (pages I–2 and I–3 and Exhibit I–1); *see also* First General Issues Supplement at 3 and Exhibit I–S1–2.

[22] *See* Petition at Volume I (pages I–2 and I–3 and Exhibits I–1 and I–7); *see also* First General Issues Supplement at 2–4 and Exhibits I–S1–1, I–S1–2, and I–S4; and Industry Support Supplement at 1–3. For further discussion, *see* Attachment II of the Country-Specific CVD Initiation Checklists.

[23] *See* Attachment II of the Country-Specific CVD Initiation Checklists.

[24] *Id.; see also* section 702(c)(4)(D) of the Act.

product.[25] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[26] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[27]

Injury Test

Because China and Türkiye are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from China and/or Türkiye materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports from China and Türkiye individually exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[28]

The petitioner contends that the industry's injured condition is illustrated by the significant and increasing volume of subject imports; decreased market share; underselling and price depression and/or suppression; lost sales and revenues; decline in capacity utilization, production, and U.S. sales quantity; decline in production-related workers; and decline in operating margins.[29] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[30]

Initiation of CVD Investigations

Based upon our examination of the Petitions and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of brake drums from China and Türkiye benefit from countervailable subsidies conferred by the GOC and the GOT, respectively. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of these initiations.

China

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 17 of the 18 programs alleged by the petitioner. For a full discussion of the basis of our initiation decision for each program, *see* the China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Türkiye

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 44 of the 47 of the programs alleged by the petitioner. For a full discussion of the basis of our initiation decision for each program, *see* the Türkiye CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petitions, the petitioner identified 54 companies in China, and 19 companies in Türkiye, as producers or exporters of brake drums.[31] Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations.

In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based on Commerce's resources, Commerce normally selects mandatory respondents in CVD investigations using U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the ''Scope of the Investigations'' in the appendix. However, for these investigations, the main HTSUS subheading under which the subject merchandise would enter (8708.30.5020) is a basket category under which non-subject merchandise may also enter. Therefore, we cannot rely on CBP entry data in selecting respondents. Notwithstanding the decision to rely on Q&V questionnaires for respondent selection, due to the number of producers and/or exporters identified in the Petitions, Commerce has determined to limit the number of Q&V questionnaires that it will issue to producers and/or exporters based on CBP data for brake drums from China and Türkiye during the POI under the appropriate HTSUS subheading listed in the ''Scope of the Investigations,'' in the appendix. Accordingly, for China and Türkiye, Commerce will send Q&V questionnaires to the largest producers and/or exporters that are identified in the CBP entry data for which there is complete address information on the record.

Commerce will also post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-case-announcements.* Exporters/producers of brake drums from China and Türkiye that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00 p.m. on July 24, 2024, which is two weeks from the signature date of this notice. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above. Commerce intends to finalize its decision regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the GOC and GOT via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

[25] *See* Attachment II of the Country-Specific CVD Initiation Checklists.

[26] *Id.*

[27] *Id.*

[28] *See* Petitions at Volume I (pages I–13 and I–14 and Exhibit I–8).

[29] *Id.* at I–13 through I–36 and Exhibits I–7 through I–25; *see also* First General Issues Supplement at 7 and Exhibits I–S1–8 and I–S1–9.

[30] *See* Country-Specific CVD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Brake Drums from the People's Republic of China and the Republic of Türkiye.

[31] *See* Petitions at Volume I (Exhibit I–5).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of brake drums from China and/or Türkiye are materially injuring, or threatening material injury to, a U.S. industry.[32] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[33] Otherwise, these CVD investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [34] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[35] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[36] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.[37]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[38] Parties must use the certification formats provided in 19 CFR 351.303(g).[39] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[40]

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: July 10, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations is certain brake drums made of gray cast iron, whether finished or unfinished, with an actual or nominal inside diameter of 14.75 inches or more but not over 16.6 inches, weighing more than 50 pounds. Unfinished brake drums are those which have undergone some turning or machining but are not ready for installation. Subject brake drums are included within the scope whether imported individually or with non-subject merchandise (for example, a hub), whether assembled or unassembled, or if joined with non-subject merchandise. When a subject drum is imported together with non-subject merchandise, such as, but not limited to, a drum-hub assembly, only the subject drum is covered by the scope.

Subject merchandise also includes finished and unfinished brake drums that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of these investigations if performed in the country of manufacture of the subject brake drums. The inclusion, attachment, joining, or assembly of non-subject merchandise with subject drums either in the country of manufacture of the subject drum or in a third country does not remove the subject drum from the scope. Specifically excluded is merchandise covered by the scope of the antidumping and countervailing duty orders on certain chassis and subassemblies thereof from the People's Republic of China. *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order,* 86 FR 36093 (July 8, 2021) and *Certain Chassis and Subassemblies Thereof From the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination,* 86 FR 24844 (May 10, 2021).

The scope also excludes composite brake drums that contain more than 40 percent steel by weight.

The merchandise covered by these investigations is classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 8708.30.5020. The merchandise covered by these investigations may be classifiable under HTSUS subheading 8708.30.5090 when entered as part of an assembly. Subject merchandise may also enter under HTSUS

[32] *See* section 703(a)(1) of the Act.

[33] *Id.*

[34] *See* 19 CFR 351.301(b).

[35] *See* 19 CFR 351.301(b)(2).

[36] *See* 19 CFR 351.302.

[37] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[38] *See* section 782(b) of the Act.

[39] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[40] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

subheading 8716.90.5060. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by these investigations is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–106, C–570–107]

Wooden Cabinets and Vanities and Components Thereof From the People's Republic of China: Final Scope Determination, Certification Requirements, and Recission of Circumvention Inquiries on the Antidumping and Countervailing Duty Orders

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain imports of wooden cabinets and vanities and components thereof (wooden cabinets), completed in Malaysia or the Socialist Republic of Vietnam (Vietnam) using wooden cabinet components or constituent wooden parts manufactured in the People's Republic of China (China), are covered by the scope of the antidumping duty (AD) and countervailing duty (CVD) orders on wooden cabinets from China. Further, Commerce is rescinding the circumvention inquiries that were initiated to determine whether imports of wooden cabinets from Malaysia or Vietnam are circumventing the AD and CVD orders on wooden cabinets from China.

DATES: Applicable July 17, 2024.

FOR FURTHER INFORMATION CONTACT: Michael Romani, 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) 482–0198.

SUPPLEMENTARY INFORMATION:

Background

On April 21, 2020, Commerce published the AD and CVD orders on imports of wooden cabinets from China.[1] On May 24, 2022, Commerce issued scope initiation memoranda explaining that we intended to determine whether imports of wooden cabinets completed in Malaysia and Vietnam using wooden component parts manufactured in China are covered by the AD and CVD orders on wooden cabinets from China.[2] Further, on June 10, 2022, Commerce published in the **Federal Register** the notice of initiation of circumvention inquiries of the AD and CVD orders on wooden cabinets from China which were assembled in Malaysia or Vietnam using wooden cabinet component parts sourced from China.[3] The American Kitchen Cabinet Alliance (the petitioner) withdrew its support for continuing the circumvention inquiry.[4]

For a complete description of the events that followed the initiation, *see* the Final Scope Memoranda.[5]

Scope of the Orders

The merchandise covered by these *Orders* are wooden cabinets from China. A complete description of the scope of the *Orders* is provided in the Final Scope Memoranda.[6]

Merchandise Subject to the Scope and Circumvention Inquiries

These scope and circumvention inquiries cover wooden cabinets exported to the United States that were completed in Malaysia or Vietnam under the following scenarios:

Scenario 1: A Malaysian or Vietnamese company imports finished wooden cabinet doors, drawer fronts, and frames that are produced in China. The Malaysian or Vietnamese company produces wooden cabinet boxes and drawer boxes in Malaysia or Vietnam and combines the wooden cabinet subassemblies from China and Malaysia or Vietnam, resulting in merchandise that still meets the description of the scope of the *Orders.*

Scenario 2: A Malaysian or Vietnamese company imports semifinished wooden cabinet doors, drawer fronts, and frames that are produced in China and performs further processing of these components from China in Malaysia or Vietnam such as trimming, cutting, notching, punching, drilling, painting, staining, or other finishing processes. The Malaysian or Vietnamese company produced wooden cabinet boxes and drawer boxes in Malaysia or Vietnam and combines the wooden cabinet doors, drawer fronts, and frames that are produced in China with the wooden cabinet boxes and drawer boxes produced in Malaysia or Vietnam, resulting in merchandise that still meets the description of the scope of the *Orders.*

Scenario 3: A Malaysian or Vietnamese company imports semifinished wooden component parts of wooden cabinet doors, drawer fronts, and frames that are produced in China. The wooden component parts of the wooden cabinet doors, drawer fronts, and frames include rails, stiles, and panels. The Malaysian or Vietnamese company performs further processing of these parts from China in Malaysia or Vietnam such as trimming, cutting, notching, punching, drilling, painting, staining, or other finishing processes, including the assembly of the wooden component parts into completed subassembly doors, drawer fronts, and frames. The Malaysian or Vietnamese company produces wooden cabinet boxes and drawer boxes in Malaysia or Vietnam. Finally, the Malaysian or Vietnamese company combines the wooden cabinet doors, drawer fronts, and frames that are produced in China with the wooden cabinet boxes and drawer boxes produced in Malaysia or Vietnam, resulting in merchandise that still meets the description of the scope of the *Orders.*

Scenario 4: A Malaysian or Vietnamese company imports a finished wooden cabinet wooden component part, toe kick, that is produced in China. The Malaysian or Vietnamese company produces all other wooden cabinet component parts necessary to assemble a complete wooden cabinet in Malaysia or Vietnam. The Malaysian or Vietnamese company combines the wooden component part, cabinet box toe kick, produced in China with the other wooden cabinet component parts of the cabinet box, as well as the frame, doors, and drawer subassemblies made

[1] *See Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Antidumping Duty Order,* 85 FR 22126 (April 21, 2020) (*Wooden Cabinets from China AD Order*); and *Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Countervailing Duty Order,* 85 FR 22134 (April 21, 2020) (*Wooden Cabinets from China CVD Order*) (collectively, *Orders*).

[2] *See* Memoranda, ''Initiation of Scope Inquiry,'' dated May 24, 2022 (Scope Initiation).

[3] *See Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Initiation of Circumvention Inquiries on the Antidumping and Countervailing Duty Orders,* 87 FR 354999 (June 10, 2022) (*Circumvention Initiation Notice*), and accompanying Circumvention Initiation Memorandum.

[4] *See* Memoranda, ''Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China—Final Scope Ruling on Certain Wooden Cabinets that Are Further Processed in Malaysia,'' dated concurrently with this notice (Malaysia Final Scope Memorandum), at Comment 12; and ''Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China—Final Scope Ruling on Certain Wooden Cabinets that Are Further Processed in the Socialist Republic of Vietnam,'' dated concurrently with this notice (Vietnam Final Scope Memorandum), at Comment 12 (collectively, Final Scope Rulings).

[5] *See* Final Scope Rulings at section II, Background.

[6] *See* Final Scope Rulings at section III, Scope of the *Orders.*

in Malaysia or Vietnam, resulting in merchandise that does not meet the description of the scope of the *Orders.*[7]

Methodology and Final Scope Ruling

Commerce conducted this scope inquiry in accordance with 19 CFR 351.225(k)(1) and 351.225(j). Specifically, as discussed in the Final Scope Memoranda, we find that Scenarios 1, 2, and 3 wooden cabinets produced in China, and combined in Malaysia or Vietnam with wooden cabinet component parts produced in Malaysia or Vietnam, and exported to the United States, are Chinese in origin and, thus, covered by the scope of the *Orders.*[8] We find that merchandise made according to Scenario 4 is not subject to the *Orders* because it is substantially transformed in Malaysia or Vietnam.[9] A complete list of the issues discussed in the Final Scope Rulings is contained in Appendix I.

Continuation of Suspension of Liquidation in Accordance With Final Scope Ruling

As stated above, Commerce found that imports of Scenario 1, 2, and 3 wooden cabinets produced in China, and combined in Malaysia or Vietnam with wooden cabinet component parts produced in Malaysia or Vietnam, and exported to the United States, are Chinese in origin and, thus, covered the scope of the *Orders.* As a result of this determination and consistent with 19 CFR 351.225(l)(3), we intend to direct U.S. Customs and Border Protection (CBP) to suspend liquidation of Scenarios 1, 2, and 3 wooden cabinets from Malaysia or Vietnam, and to require a cash deposit of estimated duties, at the applicable rate, that are entered, or withdrawn from warehouse, for consumption on or after November 4, 2021, the effective date of the regulations pursuant to 19 CFR 351.225(l)(2).[10] These suspension of liquidation and cash deposit requirements do not apply to imports of wooden cabinets from Malaysia or Vietnam produced under scenarios *other than* Scenarios 1, 2, and 3 (and otherwise not subject to the *Orders*). Therefore, cash deposits are not required for such merchandise, subject to the certification and documentation requirements described in the Importer and Exporter Certifications found in appendices II and III, respectively.

Specifically, if an importer of wooden cabinets from Malaysia or Vietnam claims that the wooden cabinet was not produced using Scenarios 1, 2, or 3, then the importer and exporter must meet the certification and documentation requirements described in Appendices II and III. An exporter of wooden cabinets in Malaysia or Vietnam claiming its wooden cabinet were not produced using the Chinese wooden cabinet input scenarios subject to these inquiries must prepare and maintain an Exporter Certification and documentation supporting the Exporter Certification (*see* Appendix III). In addition, importers of such wooden cabinets must prepare and maintain an Importer Certification (*see* Appendix II) and documentation supporting the Importer Certification. Further, the importer must also maintain a copy of the Exporter Certification and relevant supporting documentation from its exporter of wooden cabinets in Malaysia or Vietnam that were not produced using any of the Chinese wooden cabinet input scenarios subject to these inquiries.

If it is determined that the certification and/or documentation requirements in a certification have not been met (*e.g.,* where the importer/exporter cannot support its claim that the imported merchandise was produced using any of the Chinese wooden cabinet input scenarios subject to these inquiries) Commerce will instruct CBP to suspend liquidation and require cash deposits for such entries.

For AD cash deposits, Commerce will instruct CBP to require AD cash deposits equal to the China-wide rate (*i.e.,* 251.64 percent), unless the producer and/or exporter has a company-specific separate rate.[11] In that instance, the cash deposit rate will be the rate of the Chinese producer of the wooden cabinet that has a separate rate of its own.

For CVD cash deposits, Commerce will instruct CBP to require CVD cash deposits equal to the all-others rate (*i.e.,* 20.93 percent), unless the producer and/or exporter has a company-specific rate.[12] In that instance, the cash deposit rate will be the rate of the Chinese producer of the wooden cabinet that has its own rate. The suspension of liquidation and cash deposit requirements will remain in effect until further notice.

Finally, for imports of Scenarios 1, 2, and 3 wooden cabinets from Malaysia or Vietnam, Commerce has established third-country case numbers in the Automated Commercial Environment (ACE). For Scenarios 1, 2, and 3 wooden cabinets exported from Malaysia, where the country-of-origin changes for CBP's reporting purposes, importers should report such entries under the following third-country case numbers: A–557–107–000 and C–557–107–000. For Scenarios 1, 2, and 3 wooden cabinets exported from Vietnam, where the country-of-origin changes for CBP's reporting purposes, importers should report such entries under the following third-country case numbers: A–552–106–000 and C–552–107–000. The importer, producer, or exporter of Scenarios 1, 2, and 3 wooden cabinets from Malaysia or Vietnam should file a request in Enforcement and Compliance's electronic system, ACCESS, and on the record of the applicable administrative review proceeding, asking Commerce to establish a case number in ACE for China that is specific to the Chinese supplier of wooden cabinets if that supplier has its own company-specific rate. CBP may also submit a request through the ACE AD/CVD Portal Inquiry System, for Commerce to establish company-specific third-country case numbers for the *Orders.*

Where no certification is provided for an entry, and the *Orders* potentially apply to that entry, Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the AD rate established for the China-wide entity and the CVD all-others rate, *i.e.,* 251.64 percent and 20.93 percent, under the third-country case number above. These suspension of liquidation instructions will remain in effect until further notice.

Recission of the Circumvention Inquiries

Pursuant to 19 CFR 351.226(f)(6)(ii), Commerce may rescind a circumvention inquiry where it has been determined that the merchandise at issue in the circumvention inquiry is covered by the scope of the AD or CVD order. Commerce, in the *Circumvention Initiation Notice,* stated that it would

[7] *See* Scope Initiation at 2–3; *see also* Petitioner's Letter ''Response to Request for Additional Information,'' dated May 17, 2022, at 5–6.

[8] *See* Memoranda, ''Post-Preliminary Analysis,'' dated September 28, 2023 (Malaysia Post-Preliminary Scope Memorandum), at 15, unchanged in Malaysia Final Scope Memorandum at section IV, ''Scope Ruling''; and ''Post-Preliminary Analysis,'' dated September 28, 2023 (Vietnam Post-Preliminary Scope Memorandum), at 15, unchanged in Vietnam Final Scope Memorandum at section IV, ''Scope Ruling.''

[9] *See* Malaysia Post-Preliminary Scope Memorandum at 15, unchanged in Malaysia Final Scope Memorandum at section III, ''Final Scope Determination''; *see also* Vietnam Post-Preliminary Scope Memorandum at 15; unchanged in Vietnam Final Scope Memorandum at section III, ''Final Scope Determination.''

[10] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021).

[11] *See Wooden Cabinets from China AD Order,* 85 FR at 22127.

[12] *See Wooden Cabinets from China CVD Order,* 85 FR at 22135.

first determine if the merchandise at issue is covered by the scope of the *Orders* before considering whether this merchandise is circumventing the *Orders.*[13] Because we have now determined that the scope of the *Orders* covers imports of wooden cabinets from Malaysia or Vietnam produced under Scenarios 1, 2, and 3 (*i.e.,* using certain wooden cabinet components or constituent wooden parts manufactured in China), we are rescinding the circumvention inquiries with respect to Scenarios 1, 2, and 3 merchandise.

Further, on April 24, 2024, the domestic industry withdrew its request for a circumvention inquiries on wooden cabinets exported from Malaysia or Vietnam under Scenario 4 (*i.e.,* using a wooden component part, toe kick, produced in China).[14] Therefore, in accordance 19 CFR 351.226(f)(6)(i), Commerce finds that it is appropriate to also rescind the circumvention inquiries with respect to Scenario 4. As such, we are rescinding the circumvention inquiries in their entirety (*i.e.,* for Scenarios 1, 2, 3, and 4 merchandise).

Suspension of Liquidation Related to the Recission of the Circumvention Inquiries

Pursuant to 19 CFR 351.226(l)(1), Commerce notified CBP of the initiation of these circumvention inquiries and directed CBP to continue the suspension of liquidation of entries of products subject to the circumvention inquiry that were already subject to the suspension of liquidation under the *Orders* and to apply the cash deposit rate that would be applicable if the products were determined to be covered by the scope of the *Orders.*[15] Upon publication of this rescission notice, Commerce will inform CBP that Commerce is rescinding the circumvention inquiries in their entirety. However, because we have made affirmative scope findings on Scenarios 1, 2, and 3 merchandise, Commerce will instruct CBP to suspend merchandise produced under those three scenarios at the applicable rate(s) in effect on the date of entry until specific liquidation instructions are issued. Because we have found merchandise made according to Scenario 4 is not subject to the *Orders* and are rescinding the circumvention inquiries as to that scenario, we will instruct CBP to no longer suspend entries produced under Scenario 4 and liquidate any such entries without regard to duties.

Certification Requirements for Malaysia and Vietnam

All Malaysian and Vietnamese companies are eligible to participate in the scope certification process. For further information, *see* the Final Scope Memoranda at Comment 10.

Importers are required to complete and maintain the applicable importer certification, and maintain a copy of the applicable exporter certification, and retain all supporting documentation for both certifications. Except for the entries described below, the importer certification must be completed, signed, and dated by the time the entry summary is filed for the relevant entry. The importer, or the importer's agent, must submit both the importer's certification and the exporter's certification to CBP as part of the entry process by uploading them into the document imaging system (DIS) in ACE. Where the importer uses a broker to facilitate the entry process, the importer should obtain the entry summary number from the broker. Agents of the importer, such as brokers, however, are not permitted to certify on behalf of the importer.

Exporters are required to complete and maintain the applicable exporter certification and provide the importer with a copy of that certification and all supporting documentation (*e.g.,* invoice, purchase order, production records, *etc.*) Except for the entries described below, the exporter certification must be completed, signed, and dated by the time of shipment of the relevant entries. The exporter certification should be completed by the party selling wooden cabinets assembled in Malaysia or Vietnam to the United States.

Additionally, the claims made in the certifications and any supporting documentation are subject to verification by Commerce and/or CBP. Importers and exporters are required to maintain the certifications and supporting documentation until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

For all wooden cabinets entered, or withdrawn from warehouse, for consumption during the period November 4, 2021 (the effective date of the regulations pursuant to 19 CFR 351.225(l)(2)), through the date of the publication of this **Federal Register** notice, where an entry has not been liquidated (and for entries for which liquidation has not become final), the relevant certifications should be completed and signed as soon as practicable, but not later than 90 days after the date of publication of this notice in the **Federal Register**. It is not necessary to file certifications in the DIS for entries from this period that have already been liquidated. For entries from this period, importers, and exporters each have the option to complete a blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof. The exporter must provide the importer with a copy of the exporter certification with sufficient time for the importer to meet the 90-day deadline. Importers must file a Post Summary Correction with CBP, in accordance with CBP's regulations, to upload certifications for applicable unliquidated entries.

For unliquidated entries (and entries for which liquidation has not become final) of wooden cabinets from China that were declared as non-AD/CVD type entries (*e.g.,* type 01) and entered, or withdrawn from warehouse, for consumption in the United States during the period November 4, 2021 (the effective date of the regulations pursuant to 19 CFR 351.225(l)(2)), through the date of the publication of this **Federal Register** notice, for which none of the above certifications may be made, importers must file a Post Summary Correction with CBP, in accordance with CBP's regulations, regarding conversion of such entries from non-AD/CVD type entries to AD/CVD type entries (*e.g.,* type 01 to type 03). Importers should report those AD/CVD type entries using the third-country case numbers A–557–106 and C–557–107 for entries from Malaysia and A–552–106 and C–552–107 from Vietnam. The importer should pay cash deposits on those entries consistent with the regulations governing post summary corrections that require payment of additional duties.

If it is determined that an importer and/or exporter has not met the certification and/or related documentation requirements for certain entries, Commerce intends to instruct CBP to suspend, pursuant to this final affirmative country-wide scope determination and the *Orders,* all

[13] *See Circumvention Initiation Notice,* 87 FR 35499, 35499–35500.

[14] *See* Petitioner's Letter, ''Comments on the Proposed Certification Regime,'' dated April 24, 2024, at 5; *see also* Final Scope Ruling at Comment 12; Petitioner's Letter, ''Scope Ruling Application and Request for Circumvention Inquiry,'' dated April 20, 2020, at 2 (requesting a country-wide circumvention of the related application for scope inquiry, (*i.e.,* of scenarios 1, 2, 3, and 4).

[15] *See* CBP Message 2164404, ''Initiation of Circumvention Inquiry—Antidumping and Countervailing Duty Orders on Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China (A–570–106, C–570–107),'' dated June 13, 2022.

unliquidated entries for which these requirements were not met and to require the importer to post applicable cash deposits equal to the rates noted above.

Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 781(b) and 777(i) of the Act, 19 CFR 351.225(h), 19 CFR 351.226(f)(6), and 19 CFR 351.228.

Dated: July 10, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Final Scope Ruling Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. Scope Ruling
V. Discussion of the Issues—Scope Determination and Substantial Transformation
Comment 1: Whether the Scope Inquiries Were Properly Initiated
Comment 2: Whether Parts Not Specified in the Scope Are Subject to the *Orders*
Comment 3: Whether Use of the Petitioner's New Factual Information (NFI) Is Appropriate
Comment 4: Whether Commerce Weighted Outcomes of the Substantial Transformation Analysis
Comment 5: Whether Certain Wooden Cabinets Are Subject to the *Orders*
Comment 6: Whether Wooden Cabinets Wholly Produced in Third Countries Are Subject to the *Orders*
VI. Discussion of the Issues—Certification
Comment 7: Whether Commerce Has the Authority to Implement Certification in a Scope Inquiry
Comment 8: Whether Commerce's Proposed Certification Regime Is Reasonable
Comment 9: Whether 45 Days Is Sufficient Time to File All Certifications
Comment 10: Whether All Parties Are Eligible to Certify
Comment 11: Whether Other Revisions to the Certification Language Are Appropriate
Comment 12: Whether to Rescind the Circumvention Inquiry
VII. Appendix A—Moot Comments
Comment 13: Whether Incorporations by Reference Are Necessary or Valid
Comment 14: Whether the Product Scenarios Are Ill-Defined
VIII. Recommendation

Appendix II

Importer Certification

I hereby certify that:

A. My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY}.

B. I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of the wooden cabinets and vanities and components thereof (wooden cabinets) completed in Malaysia or the Socialist Republic of Vietnam (Vietnam) that entered under entry summary number(s), identified below, and are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of wooden cabinets, including the exporter's and/or foreign seller's identity and location.

C. If the importer is acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

The wooden cabinets covered by this certification was imported by {IMPORTING COMPANY} on behalf of {U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

If the importer is not acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

{NAME OF IMPORTING COMPANY} is not acting on behalf of the first U.S. customer.

D. The wooden cabinets covered by this certification were shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM THE MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

E. I have personal knowledge of the facts regarding the production of the imported products covered by this certification. ''Personal knowledge'' includes facts obtained from another party, (*e.g.,* correspondence received by the importer (or exporter) from the producer regarding the source of the inputs used to produce the imported products).

F. This certification applies to the following entries (repeat this block as many times as necessary for each entry, to identify all the producers of wooden cabinet components and wooden component parts used to produce each wooden cabinet):

Entry Summary #:
Entry Summary Line Item #:
Foreign Seller:
Foreign Seller's Address:
Foreign Seller's Invoice #:
Foreign Seller's Invoice Line Item #:
Producer's Name:
Producer's Address:
Country of Origin of Wooden Cabinet Components or Wooden Cabinet Component Parts:

G. The wooden cabinets covered by this certification do not contain wooden cabinet components started in the People's Republic of China (China), completed in Malaysia or Vietnam, produced according to production Scenario 1, 2, or 3, and exported to the United States.[16]

H. I understand that {IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, certificates of origin, product data sheets, bills of materials, productions records in China and Malaysia or Vietnam, descriptions of processes completed in China and Malaysia or Vietnam, invoices, *etc.*) until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries.

I. I understand that {IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to the production and/or exportation of the imported merchandise identified above), and any supporting documentation provided to the importer by the exporter, until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

J. I understand that {IMPORTING COMPANY} is required to submit a copy of the importer and exporter certifications as part of the entry summary by uploading them into the document imaging system in the Automated Commercial Environment, and to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with the importer certification, and any supporting documentation, and a copy of the exporter's certification, and any supporting documentation provided to the importer by the exporter, upon request of either agency.

[16] Scenario 1: finished wooden doors, drawer fronts, and frames produced in China are combined in Malaysia or Vietnam with wooden cabinet and vanity boxes and drawers produced in Malaysia or Vietnam;

Scenario 2: semifinished wooden doors, drawer fronts, and frames produced in China are further processed in Malaysia or Vietnam (by, for example trimming, cutting, notching, punching, drilling, painting, staining, or other finishing processes), and combined in Malaysia or Vietnam with wooden cabinet and vanity boxes and drawers produced in Malaysia or Vietnam;

Scenario 3: semifinished parts of wooden cabinet and vanity doors, drawer fronts, and frames (including the rails, stiles, and panels) produced in China are further processed in Malaysia or Vietnam (by, for example trimming, cutting, notching, punching, drilling, painting, staining, or other finishing processes, including the assembly of the parts to produce fully finished wooden cabinet doors, drawer fronts, and frames) and combined in Malaysia or Vietnam with wooden cabinet and vanity boxes and drawers produced in Malaysia or Vietnam.

K. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

L. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a de facto determination that all entries to which this certification applies are within the scope of the antidumping duty (AD) and countervailing duty (CVD) orders on wooden cabinets from China. I understand that such finding:

(i) will result in the suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) will result in the importer being required to post the AD and CVD cash deposits determined by Commerce; and

(iii) may also result in the importer no longer being allowed to participate in the certification process.

M. I understand that agents of the importer, such as brokers, are not permitted to make this certification.

N. This certification was completed by the time of filing the entry summary or within 45 days of the date on which Commerce issued the final scope determination implementing the certification regime.

O. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature
{NAME OF COMPANY OFFICIAL}
{TITLE OF COMPANY OFFICIAL}
{DATE}

Appendix III

Exporter Certification

The party that made the sale to the United States should fill out the exporter certification.

I hereby certify that:

A. My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES}, located at {ADDRESS OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES}.

B. I have direct personal knowledge of the facts regarding the production and exportation of the wooden cabinets and vanities and components thereof (wooden cabinets) for which sales are identified below. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, an exporter should have direct personal knowledge of the producer's identity and location.

C. The wooden cabinets covered by this certification were shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

D. The wooden cabinets covered by this certification do not contain wooden cabinet components, produced according to Scenarios 1, 2, or 3,[17] started in the People's Republic of China (China), completed in Malaysia or Vietnam, and exported to the United States, regardless of whether sourced directly from a producer in China or from a downstream seller.

E. This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER} (repeat this block as many times as necessary):

Foreign Seller's Invoice # to U.S. Customer:
Foreign Seller's Invoice to U.S. Customer Line item #:
Producer's Name:
Producer's Address:
Producer's Invoice # to Foreign Seller:
Name of Producer(s) of Wooden Cabinets, Wooden Cabinet Components, and Wooden Cabinet Component Parts:
Producers' Addresses Including Country:

F. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, product data sheets, bills of materials, productions records, descriptions of processes completed in China and Malaysia or Vietnam, invoices, *etc.*) until the later of: (1) the date that is five years after the latest date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries.

G. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to provide the U.S. importer with a copy of this certification and is required to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with this certification, and any supporting documents, upon request of either agency.

H. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

I. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a de facto determination that all sales to which this certification applies are within the scope of the antidumping and countervailing duty orders on wooden cabinets from China. I understand that such a finding:

(i) will result in suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) will result in the importer being required to post the AD and CVD cash deposits determined by Commerce; and

(iii) may also result in the seller/exporter no longer being allowed to participate in the certification process.

J. I understand that agents of the seller/exporter, such as freight forwarding companies or brokers, are not permitted to make this certification.

K. This certification was completed at time of shipment or within 45 days of the date on which Commerce issued its final scope determination implementing the certification regime.

L. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature
{NAME OF COMPANY OFFICIAL}
{TITLE OF COMPANY OFFICIAL}
{DATE}

[17] Scenario 1: finished wooden doors, drawer fronts, and frames produced in China are combined in Malaysia or the Socialist Republic of Vietnam (Vietnam) with wooden cabinet and vanity boxes and drawers produced in Malaysia or Vietnam;

Scenario 2: semifinished wooden doors, drawer fronts, and frames produced in China are further processed in Malaysia or Vietnam (by, for example trimming, cutting, notching, punching, drilling, painting, staining, or other finishing processes), and combined in Malaysia or Vietnam with wooden cabinet and vanity boxes and drawers produced in Malaysia or Vietnam;

Scenario 3: semifinished parts of wooden cabinet and vanity doors, drawer fronts, and frames (including the rails, stiles, and panels) produced in China are further processed in Malaysia or Vietnam (by, for example trimming, cutting, notching, punching, drilling, painting, staining, or other finishing processes, including the assembly of the parts to produce fully finished wooden cabinet doors, drawer fronts, and frames) and combined in Malaysia or Vietnam with wooden cabinet and vanity boxes and drawers produced in Malaysia or Vietnam.

[FR Doc. 2024–15681 Filed 7–16–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–854]

Certain Tin Mill Products From Japan: Continuation of Antidumping Duty Order

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on certain tin mill products (tin mill products) from Japan would likely lead to the continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of this AD order.

DATES: Applicable May 31, 2024.

FOR FURTHER INFORMATION CONTACT: Preston Cox or Amber Hodak, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade

Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5041 or (202) 482–8034, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 2000, Commerce published in the **Federal Register** the AD order on tin mill products from Japan.[1] On June 1, 2023, the ITC instituted,[2] and Commerce initiated,[3] the fourth sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, Commerce determined that revocation of the *Order* would likely lead to the continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margin of dumping likely to prevail should the *Order* be revoked.[4]

On May 31, 2024, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Order* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Order

The merchandise covered by the *Order* is tin mill products from Japan. For a complete description of the scope of the *Order, see* the appendix to this notice.

Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Order.* U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Order* will be May 31, 2024.[6]

Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year review of the *Order* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

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

Notification to Interested Parties

This five-year (sunset) review and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: July 11, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Order

The scope of this *Order* includes tin mill flat-rolled products that are coated or plated with tin, chromium or chromium oxides. Flat-rolled steel products coated with tin are known as tin plate. Flat-rolled steel products coated with chromium or chromium oxides are known as tin-free steel or electrolytic chromium-coated steel. The scope includes all the noted tin mill products regardless of thickness, width, form (in coils or cut sheets), coating type (electrolytic or otherwise), edge (trimmed, untrimmed or further processed, such and scroll cut), coating thickness, surface finish, temper, coating metal (tin, chromium, chromium oxide), reduction (single- or double-reduced), and whether or not coated with a plastic material.

All products that meet the written physical description are within the scope of the *Order* unless specifically excluded. The following products, by way of example, are outside and/or specifically excluded from the scope of the *Order:*

- Single reduced electrolytically chromium coated steel with a thickness 0.238 mm (85 pound base box) (±10%) or 0.251 mm (90 pound base box) (±10%) or 0.255 mm (±10%) with 770 mm (minimum width) (±1.588 mm) by 900 mm (maximum length if sheared) sheet size or 30.6875 inches (minimum width) (± 1/16 inch) and 35.4 inches (maximum length if sheared) sheet size; with type MR or higher (per ASTM) A623 steel chemistry; batch annealed at T2 ½ anneal temper, with a yield strength of 31 to 42 kpsi (214 to 290 Mpa); with a tensile strength of 43 to 58 kpsi (296 to 400 Mpa); with a chrome coating restricted to 32 to 150 mg/m^2; with a chrome oxide coating restricted to 6 to 25 mg/m^2 with a modified 7B ground roll finish or blasted roll finish; with roughness average (Ra) 0.10 to 0.35 micrometers, measured with a stylus instrument with a stylus radius of 2 to 5 microns, a trace length of 5.6 mm, and a cut-off of 0.8 mm, and the measurement traces shall be made perpendicular to the rolling direction; with an oil level of 0.17 to 0.37 grams/base box as type BSO, or 2.5 to 5.5 mg/m^2 as type DOS, or 3.5 to 6.5 mg/m^2 as type ATBC; with electrical conductivity of static probe voltage drop of 0.46 volts drop maximum, and with electrical conductivity degradation to 0.70 volts drop maximum after stoving (heating to 400 degrees F for 100 minutes followed by a cool to room temperature).
- Single reduced electrolytically chromium-or tin-coated steel in the gauges of 0.0040 inch nominal, 0.0045 inch nominal, 0.0050 inch nominal, 0.0061 inch nominal (55 pound base box weight), 0.0066 inch nominal (60 pound base box weight), and 0.0072 inch nominal (65 pound base box weight), regardless of width, temper, finish, coating or other properties.
- Single reduced electrolytically chromium coated steel in the gauge of 0.024 inch, with widths of 27.0 inches or 31.5 inches, and with T–1 temper properties.
- Single reduced electrolytically chromium coated steel, with a chemical composition of 0.005% max carbon, 0.030% max silicon, 0.25% max manganese, 0.025% max phosphorous, 0.025% max sulfur, 0.070% max aluminum, and the balance iron, with a metallic chromium layer of 70–130 mg/m^2, with a chromium oxide layer of 5–30 mg/m^2, with a tensile strength of 260–440 N/mm^2, with an elongation of 28–48%, with a hardness (HR–30T) of 40–58, with a surface roughness of 0.5–1.5 microns Ra, with magnetic properties of Bm (KG)10.0 minimum, Br (KG) 8.0 minimum, Hc (Oe) 2.5–3.8, and MU 1400 minimum, as measured with a Riken Denshi DC magnetic characteristic measuring machine, Model BHU–60.
- Bright finish tin-coated sheet with a thickness equal to or exceeding 0.0299 inch, coated to thickness of ¾ pound (0.000045 inch) and 1 pound (0.00006 inch).
- Electrolytically chromium coated steel having ultra flat shape defined as oil can maximum depth of 5/64 inch (2.0 mm) and edge wave maximum of 5/64 inch (2.0 mm) and no wave to penetrate more than 2.0 inches (51.0 mm) from the strip edge and coilset or curling requirements of average maximum of 5/64 inch (2.0 mm) (based on six readings, three across each cut edge of a 24 inches (61 cm) long sample with no single reading exceeding 4/32 inch (3.2 mm) and no more than two readings at 4/32 inch (3.2 mm)) and (for 85 pound base box item only: crossbuckle maximums of 0.001 inch (0.0025 mm) average having no reading above 0.005 inch (0.127 mm)), with a camber maximum of ¼ inch (6.3 mm) per 20 feet (6.1 meters), capable of being bent 120 degrees on a 0.002

[1] *See Certain Tin Mill Products from Japan: Notice of Antidumping Duty Order,* 65 FR 52067 (August 28, 2000) (*Order*).

[2] *See Tin- and Chromium-Coated Steel Sheet from Japan; Institution of a Five-Year Review,* 88 FR 35920 (June 1, 2023).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 88 FR 35832 (June 1, 2023).

[4] *See Certain Tin Mill Products from Japan: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Orders,* 88 FR 69133 (October 5, 2023), and accompanying Issues and Decision Memorandum.

[5] *See Tin- and Chromium-Coated Steel Sheet from Japan; Determination,* 89 FR 47175 (May 31, 2024).

[6] *Id.*

inch radius without cracking, with a chromium coating weight of metallic chromium at 100 mg/m² and chromium oxide of 10 mg/m², with a chemistry of 0.13% maximum carbon, 0.60% maximum manganese, 0.15% maximum silicon, 0.20% maximum copper, 0.04% maximum phosphorous, 0.05% maximum sulfur, and 0.20% maximum aluminum, with a surface finish of Stone Finish 7C, with a DOS–A oil at an aim level of 2 mg/square meter, with not more than 15 inclusions/foreign matter in 15 feet (4.6 meters) (with inclusions not to exceed 1/32 inch (0.8 mm) in width and 3/64 inch (1.2 mm) in length), with thickness/temper combinations of either 60 pound base box (0.0066 inch) double reduced CADR8 temper in widths of 25.00 inches, 27.00 inches, 27.50 inches, 28.00 inches, 28.25 inches, 28.50 inches, 29.50 inches, 29.75 inches, 30.25 inches, 31.00 inches, 32.75 inches, 33.75 inches, 35.75 inches, 36.25 inches, 39.00 inches, or 43.00 inches, or 85 pound base box (0.0094 inch) single reduced CAT4 temper in widths of 25.00 inches, 27.00 inches, 28.00 inches, 30.00 inches, 33.00 inches, 33.75 inches, 35.75 inches, 36.25 inches, or 43.00 inches, with width tolerance of ⅛ inch, with a thickness tolerance of 0.0005 inch, with a maximum coil weight of 20,000 pounds (9071.0 kg), with a minimum coil weight of 18,000 pounds (8164.8 kg) with a coil inside diameter of 16 inches (40.64 cm) with a steel core, with a coil maximum outside diameter of 59.5 inches (151.13 cm), with a maximum of one weld (identified with a paper flag) per coil, with a surface free of scratches, holes, and rust.

- Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents in the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.7 mg/square foot of chromium applied as a cathodic dichromate treatment, with coil form having restricted oil film weights of 0.3–0.4 grams/base box of type DOS–A oil, coil inside diameter ranging from 15.5 to 17 inches, coil outside diameter of a maximum 64 inches, with a maximum coil weight of 25,000 pounds, and with temper/coating/dimension combinations of: (1) CAT 4 temper, 1.00/.050 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 33.1875 inch ordered width; or (2) CAT5 temper, 1.00/0.50 pound/base box coating, 75 pound/base box (0.0082 inch) thickness, and 34.9375 inch or 34.1875 inch ordered width; or (3) CAT5 temper, 1.00/0.50 pound/base box coating, 107 pound/base box (0.0118 inch) thickness, and 30.5625 inch or 35.5625 inch ordered width; or (4) CADR8 temper, 1.00/0.50 pound/base box coating, 85 pound/base box (0.0093 inch) thickness, and 35.5625 inch ordered width; or (5) CADR8 temper, 1.00/0.25 pound/base box coating, 60 pound/base box (0.0066 inch) thickness, and 35.9375 inch ordered width; or (6) CADR8 temper, 1.00/0.25 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 32.9375 inch, 33.125 inch, or 35.1875 inch ordered width.
- Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents on the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.5 mg/square foot of chromium applied as a cathodic dichromate treatment, with ultra flat scroll cut sheet form, with CAT 5 temper with 1.00/0.10 pound/base box coating, with alithograph logo printed in a uniform pattern on the 0.10 pound coating side with a clear protective coat, with both sides waxed to a level of 15–20 mg/216 sq. in., with ordered dimension combinations of (1) 75 pound/base box (0.0082 inch) thickness and 34.9375 inch x 31.748 inch scroll cut dimensions; or (2) 75 pound/base box (0.0082 inch) thickness and 34.1875 inch x 29.076 inch scroll cut dimensions; or (3) 107 pound/base box (0.0118 inch) thickness and 30.5625 inch x 34.125 inch scroll cut dimension.
- Tin-free steel coated with a metallic chromium layer between 100–200 mg/m² and a chromium oxide layer between 5–30 mg/m²; chemical composition of 0.05% maximum carbon, 0.03% maximum silicon, 0.60% maximum manganese, 0.02% maximum phosphorous, and 0.02% maximum sulfur; magnetic flux density (''Br'') of 10 kg minimum and a coercive force (''Hc'') of 3.8 Oe minimum.
- Tin-free steel laminated on one or both sides of the surface with a polyester film, consisting of two layers (an amorphous layer and an outer crystal layer), that contains no more than the indicated amounts of the following environmental hormones: 1 mg/kg BADGE (BisPhenol—A Di-glycidyl Ether), 1 mg/kg BFDGE (BisPhenol—F Di-glycidyl Ether), and 3 mg/kg BPA (BisPhenol—A).

The merchandise subject to this *Order* is classified in the Harmonized Tariff Schedule of the United States (HTSUS), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0000, 7212.10.0000, and 7212.50.0000 if of non-alloy steel and under the HTSUS subheadings 7225.99.0090, and 7226.99.0180 if of alloy steel of HTSUS. Although the subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

[FR Doc. 2024–15682 Filed 7–16–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–174, A–489–853]

Certain Brake Drums From the People's Republic of China and the Republic of Türkiye: Initiation of Less-Than-Fair-Value Investigations

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

DATES: Applicable July 10, 2024.

FOR FURTHER INFORMATION CONTACT: Samuel Frost (the People's Republic of China (China)) at (202) 482–8180 and Eric Hawkins (the Republic of Türkiye (Türkiye)) at (202) 482–1988, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On June 20, 2024, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of certain brake drums (brake drums) from China and Türkiye filed in proper form on behalf of Webb Wheel Products, Inc. (the petitioner), a U.S. producer of brake drums.[1] The Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of brake drums from China and Türkiye.[2]

Between June 24 and July 5, 2024, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.[3] The petitioner responded to Commerce's supplemental questionnaires between June 28 and July 8, 2024.[4]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of brake drums from China and Türkiye are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the brake drums industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act.

[1] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties,'' dated June 20, 2024 (the Petitions).

[2] *Id.*

[3] *See* Commerce's Letters, ''Supplemental Questions,'' dated June 24, 2024 (General Issues Questionnaire), Country-Specific Supplemental Questionnaires: China Supplemental and Türkiye Supplemental, dated June 24, 2024, and ''Supplemental Questions,'' dated July 5, 2024; *see also* Memoranda, ''Phone Call with Counsel to the Petitioner,'' dated July 2, 2024 (July 2 Memorandum).

[4] *See* Petitioner's Letters, ''Supplemental Questionnaire Response, Volume I,'' dated June 28, 2024 (First General Issues Supplement); Country-Specific AD Supplemental Responses, dated Jun 28, 2024; ''Supplemental Questionnaire Response, Volume I,'' dated July 5, 2024 (Second General Issues Supplement); ''Supplemental Questionnaire Response,'' dated July 5, 2024; and ''Supplemental Questionnaire Response, Volume I,'' dated July 8, 2024 (Third General Issues Supplement).

Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigations.[5]

Periods of Investigation

Because the Petitions were filed on June 20, 2024, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the LTFV investigation from Türkiye is April 1, 2023, through March 31, 2024. Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the POI for the LTFV investigation from China is October 1, 2023, through March 31, 2024.

Scope of the Investigations

The products covered by these investigations are brake drums from China and Türkiye. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

Between June 24 and July 2, 2024, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[6] Between June 28 and July 5, 2024, the petitioner provided clarifications and revised the scope.[7] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[8] Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on July 30, 2024, which is 20 calendar days from the signature date of this notice.[10] Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on August 9, 2024, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[11] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of brake drums to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOP) or cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe brake drums, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on July 30, 2024, which is 20 calendar days from the signature date of this notice.[12] Any rebuttal comments must be filed by 5:00 p.m. ET on August 9, 2024, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a

[5] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[6] *See* First General Issues Questionnaire; *see also* July 2 Memorandum.

[7] *See* First General Issues Supplement at 1–2 and Exhibit I–S1–3; *see also* Second General Issues Supplement at 1–2.

[8] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[10] *See* 19 CFR 351.303(b)(1).

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[12] *See* 19 CFR 351.303(b)(1).

whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petitions).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.[15] Based on our analysis of the information submitted on the record, we have determined that brake drums, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[16]

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioner provided its production of the domestic like product in 2023.[17] The petitioner estimated the 2023 production of the domestic like product for the only other known producer of brake drums in the United States.[18] The petitioner compared its production to the estimated total 2023 production of the domestic like product for the entire domestic industry.[19] We relied on data provided by the petitioner for purposes of measuring industry support.[20]

Our review of the data provided in the Petitions, the First General Issues Supplement, the Third General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.[21] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[22] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[23] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[24] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[25]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner argues that subject imports from China and Türkiye individually exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[26]

The petitioner contends that the industry's injured condition is illustrated by the significant and increasing volume of subject imports; decreased market share; underselling and price depression and/or suppression; lost sales and revenues; decline in capacity utilization, production, and U.S. sales quantity; decline in production-related workers; and decline in operating margins.[27] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[28]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate an LTFV investigation of imports of brake drums from China and Türkiye. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

U.S. Price

For China and Türkiye, the petitioner based export price (EP) on pricing information for brake drums produced

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd.* v. *United States,* 865 F.2d 240 (Fed. Cir. 1989)).

[15] *See* Petitions at Volume I (pages I–9 through I–13 and Exhibits I–2 through I–4 and I–7); *see also* First General Issues Supplement at 4–7 and Exhibits I–SI–5 through I–S1–7); and Third General Issues Supplement at 1–3.

[16] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Checklists, ''Certain Brake Drums from the People's Republic of China and the Republic of Türkiye,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific AD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Brake Drums from the People's Republic of China and the Republic of Türkiye (Attachment II). These checklists are on file electronically via ACCESS.

[17] *See* Petitions at Volume I (pages I–2 and I–3 and Exhibit I–1); *see also* First General Issues Supplement at 2–3 and Exhibit I–S1–2.

[18] *See* Petitions at Volume I (pages I–2 and I–3 and Exhibits I–1 and I–7); *see also* First General Issues Supplement at 2–3 and Exhibits I–S1–1 and I–S1–2.

[19] *See* Petitions at Volume I (pages I–2 and I–3 and Exhibit I–1); *see also* First General Issues Supplement at 3 and Exhibit I–S1–2.

[20] *See* Petition at Volume I (pages I–2 and I–3 and Exhibits I–1 and I–7); *see also* First General Issues Supplement at 2–4 and Exhibits I–S1–1, I–S1–2, and I–S4; and Third General Issues Supplement at 1–3. For further discussion, *see* Attachment II of the Country-Specific AD Initiation Checklists.

[21] *See* Attachment II of the Country-Specific AD Initiation Checklists.

[22] *Id.; see also* section 732(c)(4)(D) of the Act.

[23] *See* Attachment II of the Country-Specific AD Initiation Checklists.

[24] *Id.*

[25] *Id.*

[26] *See* Petitions at Volume I (pages I–13 and I–14 and Exhibit I–8).

[27] *Id.* at I–13 through I–36 and Exhibits I–7 through I–25; *see also* First General Issues Supplement at 7 and Exhibits I–S1–8 and I–S1–9.

[28] *See* Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Brake Drums from the People's Republic of China and the Republic of Türkiye.

in and exported from the respective countries and sold, or offered for sale, in the United States.[29] For each country, the petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.[30]

Normal Value [31]

For Türkiye, the petitioner based NV on a home market price obtained for brake drums produced in and sold, or offered for sale, in Türkiye during the applicable time period.[32] The petitioner made certain adjustments to the home market price to calculate a net ex-factory home market price, where applicable.[33]

Commerce considers China to be an NME country.[34] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of the China LTFV investigation. Accordingly, we base NV on FOPs valued in a surrogate market economy country in accordance with section 773(c) of the Act.

The petitioner claims that Malaysia is an appropriate surrogate country for China because it is a market economy that is at a level of economic development comparable to that of China and is a significant producer of comparable merchandise.[35] The petitioner provided publicly available information from Malaysia to value all FOPs except labor.[36] Consistent with Commerce's recent practice in cases involving Malaysia as a surrogate country,[37] to value labor, the petitioner provided labor statistics from another surrogate country, Romania.[38] Based on the information provided by the petitioner, we believe it is appropriate to use Malaysia as a surrogate country for China to value all FOPs except labor and to value labor using labor statistics from Romania for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by Chinese producers/exporters was not reasonably available, the petitioner used its own product-specific consumption rates as a surrogate to value Chinese manufacturers' FOPs.[39] Additionally, the petitioner calculated factory overhead, selling, general, and administrative expenses, and profit based on the experience of a Malaysian producer of comparable merchandise.[40]

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of brake drums from China and Türkiye are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for the countries covered by this initiation are as follows: (1) China—160.79 percent *ad valorem* and (2) Türkiye—149.29 percent *ad valorem*.[41]

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental questionnaire responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating LTFV investigations to determine whether imports of brake drums from China and Türkiye are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of these initiations.

Respondent Selection

Türkiye

In the Petition, the petitioner named 19 companies in Türkiye as producers and/or exporters of brake drums.[42] In the event Commerce determines that the number of companies is large, and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on quantity and value (Q&V) questionnaires issued to potential respondents. Following standard practice in AD investigations involving market economy countries, Commerce would normally select respondents based on U.S. Customs and Border Protection (CBP) entry data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheadings listed in the scope of the investigations. However, for these investigations, the main HTSUS subheading under which the subject merchandise would enter (8708.30.5020) is a basket category under which non-subject merchandise may also enter. Therefore, we cannot rely on CBP entry data in selecting respondents. Notwithstanding the decision to rely on Q&V questionnaires for respondent selection, due to the number of producers and/or exporters identified in the Petitions, Commerce has determined to limit the number of Q&V questionnaires that it will issue to producers and/or exporters based on CBP data for brake drums from Türkiye during the POI under the appropriate HTSUS subheading listed in the ''Scope of the Investigations,'' in the appendix. Accordingly, for Türkiye, Commerce will send Q&V questionnaires to the largest producers and/or exporters that are identified in the CBP entry data for which there is complete address information on the record.[43]

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-case-announcements*. Exporters/producers of brake drums from Türkiye that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website noted above.

[29] *See* Country-Specific AD Initiation Checklists.

[30] *Id.*

[31] In accordance with section 773(b)(2) of the Act, for the Türkiye investigation, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

[32] *See* Türkiye AD Initiation Checklist.

[33] *Id.*

[34] *See, e.g., Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances,* 88 FR 15372 (March 13, 2023), and accompanying Preliminary Decision Memorandum at 5, unchanged in *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less-Than-Fair Value and Final Affirmative Determination of Critical Circumstances,* 88 FR 34485 (May 30, 2023).

[35] *See* China AD Initiation Checklist.

[36] *Id.*

[37] *See, e.g., Certain Collated Steel Staples from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; and Final Determination of No Shipments; 2021–2022,* 88 FR 85242 (December 7, 2023), and accompanying Issues and Decision Memorandum (IDM) at Comment 2; and *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 88 FR 15671 (March 14, 2023), and accompanying IDM at Comment 2.

[38] *See* China AD Initiation Checklist.

[39] *Id.*

[40] *Id.*

[41] *See* Country-Specific AD Initiation Checklists.

[42] *See* Petitions at Volume I (page I–7 and Exhibit I–5).

[43] *See* Memorandum, ''Release of U.S. Customs and Border Protection Entry Data,'' dated July 8, 2024.

Responses to the Q&V questionnaire must be submitted by the relevant exporters/producers no later than 5:00 p.m. ET on July 24, 2024, which is two weeks from the signature date of this notice. All Q&V responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filings such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders*.

China

In the Petitions, the petitioner named 54 companies in China as producers and/or exporters of brake drums.[44] Our standard practice for respondent selection in AD investigations involving NME countries is to select respondents based on Q&V questionnaires in cases where Commerce has determined that the number of companies is large, and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and/or exporters identified in the Petitions, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce determines that the number is large and decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Because there are 54 Chinese producers and/or exporters identified in the Petitions, Commerce has determined that it will issue Q&V questionnaires to the largest producers and/or exporters that are identified in the CBP entry data for which there is complete address information on the record.[45]

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-case-announcements*. Producers/exporters of brake drums from China that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website noted above. Responses to the Q&V questionnaire must be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on July 24, 2024, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). As stated above, instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders*.

Separate Rates

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate rate application. The specific requirements for submitting a separate rate application in an NME investigation are outlined in detail in the application itself, which is available on Commerce's website at *https://access.trade.gov/Resources/nme/nme-sep-rate.html*. The separate rate application will be due 30 days after publication of this initiation notice. Exporters and producers must file a timely separate rate application if they want to be considered for individual examination. Exporters and producers who submit a separate rate application and have been selected as mandatory respondents will be eligible for consideration for separate rate status only if they respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that companies from China submit a response both to the Q&V questionnaire and to the separate rate application by the respective deadlines to receive consideration for separate rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that {Commerce} will now assign in its NME investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the {weighted average} of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[46]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the Governments of China and Türkiye via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of brake drums from China and/or Türkiye are materially injuring, or threatening material injury to, a U.S. industry.[47] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[48] Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the

[44] *See* Petitions at Volume I (page I–7 and Exhibit I–5).

[45] *See* Memorandum, ''Release of U.S. Customs and Border Protection Entry Data,'' dated July 8, 2024.

[46] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving NME Countries,'' (April 5, 2005), at 6 (emphasis added), available on Commerce's website at *https://access.trade.gov/Resources/policy/bull05-1.pdf*.

[47] *See* section 733(a) of the Act.

[48] *Id.*

information is being submitted [49] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[50] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.,* a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.,* a sales-based PMS allegation) must be filed within 10 days of submission of a respondent's initial section B questionnaire response, in accordance with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[51] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.[52]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[53] Parties must use the certification formats provided in 19 CFR 351.303(g).[54] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[55]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: July 10, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations is certain brake drums made of gray cast iron, whether finished or unfinished, with an actual or nominal inside diameter of 14.75 inches or more but not over 16.6 inches, weighing more than 50 pounds. Unfinished brake drums are those which have undergone some turning or machining but are not ready for installation. Subject brake drums are included within the scope whether imported individually or with non-subject merchandise (for example, a hub), whether assembled or unassembled, or if joined with non-subject merchandise. When a subject drum is imported together with non-subject merchandise, such as, but not limited to, a drum-hub assembly, only the subject drum is covered by the scope.

Subject merchandise also includes finished and unfinished brake drums that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of these investigations if performed in the country of manufacture of the subject brake drums. The inclusion, attachment, joining, or assembly of non-subject merchandise with subject drums either in the country of manufacture of the subject drum or in a third country does not remove the subject drum from the scope. Specifically excluded is merchandise covered by the scope of the antidumping and countervailing duty orders on certain chassis and subassemblies thereof from the People's Republic of China. *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order,* 86 FR 36093 (July 8, 2021) and *Certain Chassis and Subassemblies Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination,* 86 FR 24844 (May 10, 2021).

[49] *See* 19 CFR 351.301(b).

[50] *See* 19 CFR 351.301(b)(2).

[51] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[52] *See* 19 CFR 351.302; *see also, e.g., Time Limits Final Rule.*

[53] *See* section 782(b) of the Act.

[54] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at *https://access.trade.gov/Resources/filing/index.html.*

[55] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

The scope also excludes composite brake drums that contain more than 40 percent steel by weight.

The merchandise covered by these investigations is classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 8708.30.5020. The merchandise covered by these investigations may be classifiable under HTSUS subheading 8708.30.5090 when entered as part of an assembly. Subject merchandise may also enter under HTSUS subheading 8716.90.5060. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by these investigations is dispositive.

[FR Doc. 2024–15714 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Solicitations of Outside Advisors Information Collection Request (ICR)

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 02/09/2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: Solicitations of Outside Advisors Information Collection Request (ICR).

OMB Control Number 0693–XXXX.

Form Number(s): None.

Type of Request: Regular submission—new information collection.

Number of Respondents: 200.

Construction Manager—CFS for TA Panel: 25.

Corporate Investigation & Risk Advisor—CFS for TA Panel: 25.

Financial Advisory and Audit Services—CFS for TA Panel: 25.

Insurance Advisory Services—CFS for TA Panel: 25.

Market Advisory Services—CFS for TA: 25.

Outside Counsel—CFS for TA: 25.

Real Estate Appraisal—CFS for TA: 25.

Technical Advisor—CFS for TA: 25.

Average Hours per Response:

Construction Manager—CFS for TA Panel: 8 hours.

Corporate Investigation & Risk Advisor—CFS for TA Panel: 8 hours.

Financial Advisory and Audit Services—CFS for TA Panel: 8 hours.

Insurance Advisory Services—CFS for TA Panel: 8 hours.

Market Advisory Services—CFS for TA: 8 hours.

Outside Counsel—CFS for TA: 8 hours.

Real Estate Appraisal—CFS for TA: 8 hours.

Technical Advisor—CFS for TA: 8 hours.

Burden Hours: 1,600 hours.

Needs and Uses: As part of a notice of funding opportunity to solicit applications for incentives to support investments in the construction, expansion, and modernization of commercial semiconductor facilities, the Department stated it ''will engage outside advisors, consultants, and/or attorneys at the due diligence stage. . . .'' The information request seeks information from potential advisors, consultants, and/or attorneys to determine their qualifications to provide advice on transactions under the NOFO in fields such as construction management, corporate investigations and risk, finance and audits, insurance, market reviews, legal, real estate, and other technical issues.

The requests will be used by the CHIPS Incentives Program. The CHIPS Incentives Program is authorized by Title XCIX—Creating Helpful Incentives to Produce Semiconductors for America of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283, referred to as the CHIPS Act or Act), as amended by the CHIPS Act of 2022 (Division A of Pub. L. 117–167).

Affected Public: Business or other for-profit organizations.

Frequency: Once.

Respondent's Obligation: Mandatory to be retained as an outside advisor.

Legal Authority: CHIPS Act of 2022 (Division A of Pub. L. 117–167) (the Act).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0693–XXXX.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Department of Commerce.

[FR Doc. 2024–15688 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE118]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Ecosystem and Ocean Planning (EOP) Committee and Advisory Panel (AP) of the Mid-Atlantic Fishery Management Council (Council) will hold a joint meeting. See **SUPPLEMENTARY INFORMATION** for agenda details.

DATES: The meeting will be held on Wednesday, July 31, 2024, from 1 p.m. through 4 p.m.

ADDRESSES: The meeting will take place over webinar with a telephone-only connection option. Details on how to connect to the meeting will be available at: *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; website: *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: During this meeting, the EOP Committee and AP will review the draft components of the Council's Ecosystem Approach to the Fisheries Management (EAFM) risk assessment report. In 2023, the Council

completed a comprehensive review of the risk assessment and recommended a number of changes and updates to be included in a revised EAFM risk assessment. A draft report has been updated to reflect the approved changes to the risk assessment and incorporates the latest data and scientific information, indicators from the 2024 Mid-Atlantic State of the Ecosystem report, and new analyses developed by Council and the Northeast Fisheries Science Center (NEFSC staff. There are some risk element components that require additional feedback and direction from the EOP Committee and AP in order to be finalized. A completed 2024 EAFM risk assessment report will be presented to the Council later in the year.

A detailed agenda and background documents will be made available on the Council's website (*www.mafmc.org*) prior to the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: July 12, 2024.

Kelly Denit,

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

[FR Doc. 2024–15703 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Report of Whaling Operations

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 16, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0311 in the subject line of your comments. All comments received are part of the public record and will generally be posted on *https://www.regulations.gov* without change. 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 Mi Ae Kim, Fishery Management Specialist, National Marine Fisheries Service (NMFS), Office of International Affairs, Trade, and Commerce, 1315 East-West Hwy, Silver Spring, MD, 20910, 301–427–8365 or *mi.ae.kim@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection. Native Americans may conduct certain aboriginal subsistence whaling under the Whaling Convention Act in accordance with the provisions of the International Whaling Commission (IWC). In order to respond to obligations under the International Convention for the Regulation of Whaling, the IWC, and the Whaling Convention Act, whaling captains participating in these operations must submit certain information to the relevant Native American whaling organization about strikes on and catch of whales. Anyone retrieving a dead whale is also required to report. Captains must place a distinctive permanent identification mark on any harpoon, lance, or explosive dart used, as well as provide information on the mark and self-identification information. The relevant Native American whaling organization receives the reports, compiles them, and submits the information to the National Marine Fisheries Service, Office of International Affairs, Trade, and Commerce. The information is used to monitor the hunt and to ensure that quotas are not exceeded. The information is also provided to the IWC, which uses it to monitor compliance with its requirements.

II. Method of Collection

Reports may be made by phone, fax, email, or in writing. Information on equipment marks must be made in writing.

III. Data

OMB Control Number: 0648–0311.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households; State, Local, or Tribal government.

Estimated Number of Respondents: 166 (165 whaling captains, one Native American whaling organization).

Estimated Time per Response: 30 minutes for reports on whales struck or on recovery of dead whales, including providing the information to the relevant Native American whaling organization; 5 minutes for the relevant Native American whaling organization to type in each report; and 5 hours for the relevant Native American whaling organization to consolidate and submit reports.

Estimated Total Annual Burden Hours: 50.

Estimated Total Annual Cost to Public: 115.

Respondent's Obligation: Mandatory.

Legal Authority: Whaling Convention Act (16 U.S.C. 916–9161).

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 information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made

publicly available at any time. While you 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. 2024–15686 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE042]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Invenergy Wind Offshore, LLC's Marine Site Characterization Surveys in the New York Bight

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

ACTION: Notice; proposed incidental harassment authorization renewal; request for comments on proposed authorization.

SUMMARY: NMFS received a request from Invenergy Wind Offshore, LLC (IWO) for the renewal of their currently active incidental harassment authorization (IHA) (hereinafter, the ''initial IHA'') to take marine mammals incidental to marine site characterization surveys in the New York Bight, specifically within the Bureau of Ocean Energy Management (BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Lease Area OCS–A 0542 (Lease Area) and associated Export Cable Route (ECR) survey area (ECR Area) . IWO's specified activities are identical to those included in the initial IHA. The initial IHA expires on July 30, 2024. Pursuant to the Marine Mammal Protection Act, prior to issuing the initial IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal not previously provided during the initial 30-day comment period.

DATES: Comments and information must be received no later than August 1, 2024.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, and should be submitted via email to *ITP.demarest@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word, Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection*-act without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Electronic copies of the initial IHA application, renewal request, and supporting documents, including **Federal Register** notices of the initial proposed and final IHA, the initial IHA, and a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Austin Demarest, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act (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 incidental harassment authorization 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). 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 216.3; 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 one year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA);

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the

activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized; and

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: *http://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.* Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

National Environmental Policy Act

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

History of Request

On July 19, 2023, NMFS issued the initial IHA to IWO to take small numbers of marine mammals incidental to site characterization surveys off the coast of New York and New Jersey in the New York Bight (88 FR 47846, July 25, 2023), effective from July 31, 2023 through July 30, 2024. On May 3, 2024, NMFS received a request for the renewal of the initial IHA, which was deemed adequate and complete on May 24, 2024. As described in the application for renewal IHA, the specified activities for which incidental take is requested are identical to those included in the initial authorization. As required, IWO provided a preliminary monitoring report, which shows that it has implemented the required mitigation and monitoring measures and no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted.

Description of the Specified Activities and Anticipated Impacts

IWO requested to conduct an additional year of marine site characterization surveys with high-resolution geophysical (HRG) surveys and geotechnical sampling from July 31, 2024 through July 30, 2025. Only HRG surveys are expected to have the potential to cause incidental take of small numbers of marine mammals. The survey will consist of up to 12,818 km of trackline in waters off the coast of New Jersey and New York in the New York Bight, which is within the Bureau of Ocean Energy Management (BOEM) lease area OCS–A 0542 and the associated Export Cable Route (ECR) Area. Hereafter, both the areas are referred to as the Survey Area.

The purpose of IWO's proposed surveys is to provide sufficient data to meet BOEM guidelines and support the development of offshore wind facilities in the Survey Area. Specifically, data collected would support site characterization, siting, and engineering design of offshore wind facilities including turbine generators, offshore substations, submarine cables and data necessary for project review requirements. IWO will have a maximum of 3 vessels surveying concurrently. Underwater sounds produced from sparkers and boomers during IWO's surveys has the potential to result in Level B harassment of 15 species and 16 stocks of marine mammals. Activities proposed for the IHA renewal are identical in scope, effort, potential harassment to marine mammals, and mitigation measures as the final proposed IHA (88 FR 47846, July 25, 2023).

Detailed Description of the Activity

A detailed description of the surveys for which incidental take is proposed here may be found in the **Federal Register** Notices of the initial Proposed IHA (88 FR 32735, May 22, 2023). The location, duration, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices. The proposed renewal would be effective for a period not exceeding 1 year from July 30, 2024.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice of the proposed IHAs (88 FR 32735, May 22, 2023) for the initial IHA. NMFS has reviewed the monitoring data from the initial IHA, the draft 2023 SARs, which included updates to certain stock abundances since the initial IHA was issued, information on relevant unusual mortality events (UME), and other scientific literature. The draft 2023 SAR updated the population estimate (N_{best}) of North Atlantic right whales from 338 to 340 and annual mortality and serious injury from 31.2 to 27.2. The updated population estimate in the draft 2023 SAR is based upon sighting history through December 2021 (89 FR 5495, January 29, 2024). Total annual average observed North Atlantic right whale mortality during the period 2017–2021 was 7.1 animals and annual average observed fishery mortality was 4.6 animals, however, estimates of 27.2 total mortality and 17.6 fishery mortality account for undetected mortality and serious injury (89 FR 5495, January 29, 2024). In October 2023, NMFS released a technical report identifying that the North Atlantic right whale population size based on sighting history through 2022 was 356 whales, with a 95 percent credible interval ranging from 346 to 363 (Linden, 2023).

The population estimates (N_{best}) also increased for the North Atlantic stock of sperm whales, the Western North Atlantic Offshore stock of common bottlenose dolphins, Western North Atlantic stocks of Risso's dolphins, Atlantic spotted dolphins, and gray seals. However, abundance estimates slightly decreased for the Western North

Atlantic stocks of common dolphins and harbor porpoises. NMFS has determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which an IHA is proposed here may be found in the Notice of the proposed IHA (88 FR 32735, May 22, 2023) for the initial IHA. NMFS has reviewed the monitoring data from the initial IHA, recent draft stock assessment reports, 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 **Federal Register** Notice of the Final IHA (88 FR 47846, July 25, 2023) for the initial IHA. Specifically, the source levels, days of operation, and marine mammal density/occurrence data applicable to this authorization remain unchanged from the initial IHA. Similarly, the stocks taken, methods of take, and type of take remain unchanged from the initial IHA, as do the number of takes, which are indicated below in table 1.

TABLE 1—ESTIMATED TAKE NUMBER AND TOTAL PROPOSED TAKE BY LEVEL B HARASSMENT

Species	Ensonified area (km^2)	Density (animals/km^2)	Estimated take	Total take authorized	Percent of abundance
North Atlantic right whale	3,615	0.001748	6	6	[A] 1.76
Humpback whale	3,615	0.003657	13	13	0.93
Fin whale	3,615	0.004856	18	18	0.26
Sei whale	3,615	0.001813	7	7	0.11
Minke whale	3,615	0.025476	92	92	0.42
Sperm whale	3,615	0.000371	1	2	[A] 0.03
Risso's dolphin	3,615	0.002841	10	10	[A] 0.02
Long-finned pilot whale	3,615	0.003363	12	15	0.03
Atlantic white-sided dolphin	3,615	0.027836	101	101	0.11
Common dolphin	3,615	0.245719	888	888	[A] 0.95
Atlantic spotted dolphin	3,615	0.011683	42	42	[A] 0.13
Harbor porpoise	3,615	0.262904	950	950	[A] 1.11
Common bottlenose dolphin (Offshore Stock) [B]	3,164	0.193127	611	611	[A] 0.95
Common bottlenose dolphin (Northern Migratory Coastal Stock) [C]	452	1.758553	795	795	11.97
Gray seal	3,615	[D] 0.262904	950	950	[A E] 0.26
Harbor seal	3,615	[D] 0.262904	950	950	1.55

Note: Take request based on average group size using sightings data from (CETAP, 1982, Palka *et al.,* 2017, Palka *et al.,* 2021) (see Attachment 3 of the application for the initial IHA).

[A] Based on the 2023 draft marine mammal stock assessment reports (SAR).

[B] The ensonified area for the offshore stock is for greater than 20 m water depth includes all the lease area and portions of the ECR.

[C] The ensonified area for the migratory coastal stock is only the areas of less than 20 m water depth (found only in portions of the ECR).

[D] These each represent 50 percent of a generic seal density value.

[E] This abundance estimate is based on the total stock abundance (including animals in Canada). The NMFS stock abundance estimate for U.S. population is 27,911.

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this proposed IHA are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (88 FR 47846, July 25, 2023) and the discussion of the least practicable adverse impact determination included in that document remains applicable and accurate.

Comments and Responses

As noted previously, NMFS published a notice of a proposed IHA (88 FR 32735; May 22, 2023) and solicited public comments on both our proposal to issue the initial IHA for marine site characterization surveys off the coast of New York and New Jersey in the New York Bight and on the potential for a renewal IHA, should certain requirements be met.

All public comments were addressed in the notice announcing the issuance of the initial IHA (88 FR 47846, July 25, 2023). Below, we describe how we have addressed, with updated information where appropriate, any comments received that specifically pertain to the renewal of the 2024 IHA.

Comment: Oceana raised objections to NMFS' proposed renewal process for potential extension of the 1-year IHA with an abbreviated 15-day public comment period. Oceana recommended that an additional 30-day public comment period is necessary for any IHA renewal request.

Response: NMFS' IHA renewal process meets all statutory requirements. In prior responses to comments about IHA renewals (*e.g.,* 84 FR 52464, October 2, 2019; 85 FR 53342, August 28, 2020), NMFS explained the IHA renewal process is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA, and further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue to implement the existing renewal process.

All IHAs issued, whether an initial IHA or a renewal, are valid for a period of not more than 1 year. The public has 30 days to comment on proposed IHAs, with a cumulative total of 45 days for IHA renewals. The notice of the proposed IHA published in the **Federal Register** on May 22, 2023 (88 FR 32735) provided a 30-day public comment period and made clear that NMFS was seeking comment on the proposed IHA and the potential issuance of an IHA renewal for this survey. As detailed in the **Federal Register** notice for the proposed IHA and on the agency's website, eligibility for renewal is determined on a case-by-case basis, renewals are subject to an additional 15-day public comment period, and the renewal is limited to up to another year of identical or nearly identical activities

as described in the Description of Proposed Activities section of the proposed IHA notice or the activities described in the Description of Proposed Activities section of the proposed IHA 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. NMFS' analysis of the anticipated impacts on marine mammals caused by the applicant's activities covers both the initial IHA period and the possibility of a 1-year renewal. Therefore, a member of the public considering commenting on a proposed initial IHA also knows exactly what activities (or subset of activities) would be included in a proposed renewal IHA, the potential impacts of those activities, the maximum amount and type of take that could be caused by those activities, the mitigation and monitoring measures that would be required, and the basis for the agency's negligible impact determinations, least practicable adverse impact findings, small numbers findings, and (if applicable) the no unmitigable adverse impact on subsistence use finding—all the information needed to provide complete and meaningful comments on a possible renewal at the time of considering the proposed initial IHA. Reviewers have the information needed to meaningfully comment on both the immediate proposed IHA and a possible 1-year renewal, should the IHA holder choose to request one.

While there would be additional documents submitted with a renewal request, for a qualifying renewal these would be limited to documentation that NMFS would make available and use to verify that the activities are identical to those in the initial IHA, are nearly identical such that the changes would have either no effect on impacts to marine mammals or decrease those impacts, or are a subset of activities already analyzed and authorized but not completed under the initial IHA. NMFS would also need to confirm, among other things, that the activities would occur in the same location; involve the same species and stocks; provide for continuation of the same mitigation, monitoring, and reporting requirements; and that no new information has been received that would alter the prior analysis. The renewal request would also contain a preliminary monitoring report, in order to verify that effects from the activities do not indicate impacts of a scale or nature not previously analyzed. The additional 15-day public comment period, which includes NMFS' direct notice to anyone who commented on the proposed initial IHA, provides the public an opportunity to review these few documents, provide any additional pertinent information, and comment on whether they think the criteria for a renewal have been met. Combined together, the 30-day public comment period on the initial IHA and the additional 15-day public comment period on the renewal of the same or nearly identical activities, provides the public with a total of 45 days to comment on the potential for renewal of the IHA.

In addition to the IHA renewal process being consistent with all requirements under section 101(a)(5)(D) of the MMPA, it is also consistent with Congress' intent for issuance of IHAs to the extent reflected in statements in the legislative history of the MMPA. Through the description of the process and express invitation to comment on specific potential renewals in the Request for Public Comments section of each proposed IHA, the description of the process on NMFS' website, further elaboration on the process through responses to comments such as these, posting of substantive documents on the agency's website, and provision of 30 or 45 days for public review and comment on all proposed initial IHAs and renewals respectively, NMFS has ensured that the public is ''invited and encouraged to participate fully in the agency's decision-making process,'' as Congress intended.

For more information, NMFS has published a description of the Renewal process on our website (available at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals*).

Preliminary Determinations

NMFS proposes to authorize incidental take of small numbers of marine mammals from specified activities that are identical to those analyzed in the initial IHA and to require mitigation, monitoring, and reporting measures that are also identical to those in the initial IHA. The number of takes by Level B harassment proposed is equal to that authorized in the initial IHA. In the initial IHA, NMFS determined that IWO's specified activities would have a negligible impact on the affected species and/or stocks and the authorized take for each stock would be small relative to individual stock abundance (less than one third).

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. This includes consideration of the estimated abundance of seven stocks decreasing/increasing slightly. Specifically, NMFS is proposing to authorize six takes of North Atlantic right whales by Level B harassment only, and the impacts resulting from the project's activities are neither reasonably expected nor reasonably likely to adversely affect the stock through effects on annual rates of recruitment or survival. Additionally, approximately 1.76 percent of the stock abundance is proposed for take by Level B harassment.

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) IWO'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 Endangered Species Act 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' Office of Protected Resources is proposing to authorize take of four species of marine mammals that are listed under the ESA (*i.e.,* North Atlantic right whale, fin whale, sei whale, and sperm whale) and has determined these activities fall within the scope of activities analyzed in the NMFS GARFO programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the 3 Atlantic renewable energy regions (completed June 29, 2021; revised September 2021).

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to IWO for conducting marine site characterization with HRG surveys off the coast of New York and New Jersey in the New York Bight from July 31, 2024, through July 30, 2025, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: July 12, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–15706 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE079]

Marine Mammals; File No. 28080

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Oregon Coast Aquarium, 2820 SE Ferry Slip Rd., Newport, Oregon 97365 (Responsible Party: James Burke), has applied in due form for a permit to import up to six Pacific harbor seals (*Phoca vitulina richardsi*) for public display.

DATES: Written comments must be received on or before August 16, 2024.

ADDRESSES: These documents are available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 28080 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Courtney Smith, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant is proposing to import up to six Pacific harbor seals (two males; four females; life-stages ranging from pup to adult) from the Vancouver Aquarium's Marine Mammal Rescue Center, Vancouver, British Columbia, Canada, for public display purposes at the Oregon Coast Aquarium. In all cases, the seals to be imported will be non-releasable, rehabilitated seals that were found ill and stranded or abandoned within British Columbia, Canada, and deemed non-releasable to the wild. The requested duration of the permit is 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 10, 2024.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–15698 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2024–0026]

2024 Guidance Update on Patent Subject Matter Eligibility, Including on Artificial Intelligence

AGENCY: Patent and Trademark Office, Department of Commerce.

ACTION: Examination guidance.

SUMMARY: In accordance with Executive Order 14110 on the ''Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence'' (October 30, 2023) (Executive Order), the United States Patent and Trademark Office (USPTO) is issuing a guidance update on patent subject matter eligibility to address innovation in critical and emerging technologies (ET), especially artificial intelligence (AI). This guidance update will assist USPTO personnel and stakeholders in evaluating the subject matter eligibility of claims in patent applications and patents involving inventions related to AI technology (AI inventions). This update also announces a new set of examples that are intended to assist USPTO personnel in applying the USPTO's subject matter eligibility guidance to AI inventions during patent examination, appeal, and post-grant proceedings. In addition to addressing issues especially relevant to AI inventions, this guidance update addresses feedback from our stakeholders and includes discussions of recent Federal Circuit decisions on patent subject matter eligibility. This guidance update, together with the guidance provided in the Manual of Patent Examining Procedure (MPEP), is to be used by USPTO personnel when applying subject matter eligibility law.

DATES:

Applicability date: This guidance is effective on July 17, 2024.

Comment deadline date: Written comments must be received on or before September 16, 2024.

ADDRESSES: Comments must be submitted through the Federal eRulemaking Portal at *www.regulations.gov.* To submit comments via the portal, enter docket number PTO–P–2024–0026 on the homepage and select ''Search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this document and select the ''Comment'' icon, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in Adobe® portable document format (PDF) or Microsoft Word® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Carolyn Kosowski, Senior Legal

Advisor, at 571–272–7688; Nalini Mummalaneni, Senior Legal Advisor, at 571–270–1647; or Matthew Sked, Senior Legal Advisor, at 571–272–7627, all with the Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents.

SUPPLEMENTARY INFORMATION:

I. Background

Recognizing that ''[r]esponsible AI use has the potential to help solve urgent challenges while making our world more prosperous, productive, innovative, and secure,'' President Biden issued Executive Order 14110.[1] As its guiding principle, the Executive Order explains that:

Promoting responsible innovation, competition, and collaboration will allow the United States to lead in AI and unlock the technology's potential to solve some of society's most difficult challenges. This effort requires investments in AI-related education, training, development, research, and capacity, while simultaneously tackling novel intellectual property (IP) questions and other problems to protect inventors and creators.

Section 5.2 (Promoting Innovation) of the Executive Order specifically provides that:

(c) To promote innovation and clarify issues related to AI and inventorship of patentable subject matter, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO Director) shall:

* * * * *

(ii) subsequently, within 270 days of the date of this order, issue additional guidance to USPTO patent examiners and applicants to address other considerations at the intersection of AI and IP, which could include, as the USPTO Director deems necessary, updated guidance on patent eligibility to address innovation in AI and critical and emerging technologies.

In accordance with Executive Order 14110,[2] the USPTO is issuing a guidance update on patent subject matter eligibility to address AI inventions. Pursuant to 35 U.S.C. 101, four categories of invention are appropriate subject matter for a patent: processes, machines, manufactures, and compositions of matter. On the other hand, the courts have found abstract ideas, laws of nature, and natural phenomena (including products of nature) to be outside of, or exceptions to, the appropriate subject matter for patents.[3] This guidance update will assist USPTO personnel and stakeholders in evaluating the subject matter eligibility of claims in patent applications and patents involving AI inventions. This guidance update provides background on the USPTO's efforts related to AI and subject matter eligibility, an overview of the USPTO's existing patent subject matter eligibility guidance, and additional discussions of certain areas of the guidance that are particularly relevant to AI inventions.

In addition to addressing AI inventions, this guidance update addresses feedback from our stakeholders and provides further explanation of Step 2A of the USPTO's subject matter eligibility analysis, which asks whether a claim is directed to a judicial exception that the courts have found to be outside of, or exceptions to, the four statutory categories of invention.[4] Step 2A of the USPTO's subject matter eligibility analysis is a two-pronged inquiry in which USPTO personnel evaluate: (1) whether a claim recites an abstract idea or other judicial exception (at Step 2A, Prong One); and (2) if so, whether the claim as a whole integrates the recited judicial exception into a practical application of the exception, and thus is not ''directed to'' the judicial exception (at Step 2A, Prong Two). This guidance update also addresses the subject matter eligibility of AI-assisted inventions, which are inventions created by natural persons using one or more AI systems. Finally, it announces a new set of examples that are intended to assist USPTO personnel in applying the USPTO's subject matter eligibility guidance to AI inventions during patent examination, appeal, and post-grant proceedings. This guidance update, together with the direction provided in the MPEP, is to be used by USPTO personnel when making determinations of subject matter eligibility.

A. The USPTO's AI/ET Efforts

In August 2019, the USPTO issued a request for comments on patenting AI inventions.[5] Among the various policy questions raised in the notice, the USPTO requested comments on whether there are any patent eligibility considerations unique to AI inventions. In October 2020, the USPTO published a report titled ''Public Views on Artificial Intelligence and Intellectual Property Policy,'' which took a comprehensive look at the stakeholder feedback received in response to the questions posed in the August 2019 notice.[6] According to the report, ''[a] majority of commenters agreed that AI is viewed best as a subset of computer-implemented inventions. Therefore, this majority felt that current USPTO guidance, especially on patent subject matter eligibility and disclosure of computer-implemented inventions, is equipped to handle advances in AI.'' [7] However, some commenters were concerned that AI inventions are at risk under the subject matter eligibility analysis because they can be characterized as abstract ideas.[8]

In June 2022, the USPTO held its inaugural AI/ET Partnership meeting, which included a panel discussion on ''Subject Matter Eligibility and the Impact of AI/ET Innovation.'' [9] Following the inaugural meeting, the USPTO held numerous events in 2022 and 2023, including an AI and Biotech event, an AI-Driven Innovation event, and an AI Tools and Data event. Also in 2023, the USPTO issued a request for comments seeking stakeholder input on the current state of AI technologies and inventorship issues that may arise in view of the advancement of such technologies, especially as AI plays a greater role in the innovation process.[10] Additionally, in 2023 the USPTO held public listening sessions on inventorship for AI-assisted inventions at the USPTO headquarters and at Stanford University. Recently, the USPTO issued several Federal Register Notices on AI. For example, on February 13, 2024, the USPTO issued ''Inventorship Guidance for AI-Assisted Inventions,'' explaining the level of human contribution necessary for the USPTO to issue a patent on AI-assisted inventions.[11] On April 11, 2024, the USPTO issued ''Guidance on Use of Artificial Intelligence-Based Tools in Practice Before the United States Patent and Trademark Office,'' informing practitioners and the public of the important issues that patent and trademark professionals, innovators,

[1] Executive Order 14110, Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, 88 FR 75191 (November 1, 2023).

[2] Executive Order 14110, Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, 88 FR 75191 (November 1, 2023).

[3] See MPEP 2106.

[4] See MPEP 2106, 2106.04.

[5] Request for Comments on Patenting Artificial Intelligence Inventions, 84 FR 44889 (August 27, 2019).

[6] The full report is available at *www.uspto.gov/sites/default/files/documents/USPTO_AI-Report_2020-10-07.pdf.*

[7] *Id.* at iii.

[8] *Id.* at 8.

[9] The recording is available at *www.uspto.gov/about-us/events/aiet-partnership-series-1-kickoff-uspto-aiet-activities-and-patent-policy.*

[10] Request for Comments Regarding Artificial Intelligence and Inventorship, 88 FR 9492 (February 14, 2023).

[11] Inventorship Guidance for AI-Assisted Inventions, 89 FR 10043 (February 13, 2024).

and entrepreneurs must navigate while using AI in matters before the USPTO.[12] On April 30, 2024, the USPTO issued a ''Request for Comments Regarding the Impact of the Proliferation of Artificial Intelligence on Prior Art, the Knowledge of a Person Having Ordinary Skill in the Art, and Determinations of Patentability Made in View of the Foregoing.'' [13] This notice built on the USPTO's recent AI-related efforts associated with Executive Order 14110,[14] including the ''Inventorship Guidance for AI-Assisted Inventions'' [15] published on February 13, 2024.

B. USPTO's Patent Subject Matter Eligibility Efforts

The USPTO's ongoing efforts include monitoring subject matter eligibility developments in the courts, soliciting input from stakeholders, and issuing examination guidance to assist USPTO personnel and stakeholders. In 2019, the USPTO published two eligibility guidance documents: the ''2019 Revised Patent Subject Matter Eligibility Guidance'' (2019 PEG) [16] and the ''October 2019 Patent Eligibility Guidance Update'' (October 2019 Update).[17] The 2019 PEG and the October 2019 Update revised USPTO procedures for identifying abstract ideas and for determining whether a claim in a patent application (or patent) is directed to a judicial exception (laws of nature, natural phenomena, and abstract ideas) under Step 2A of the USPTO's subject matter eligibility guidance.[18]

The 2019 PEG and the October 2019 Update were incorporated into the MPEP in the June 2020 publication of the 9th Edition, Rev. 10.2019. This guidance on subject matter eligibility continues to be available in sections 2103–2106.07 of the current MPEP (9th Edition, Rev. 07.2022), published in February 2023 and is the primary source for the USPTO's patent eligibility guidance.

As part of its continued efforts to bring clarity and consistency to the application of the subject matter eligibility analysis, the USPTO has also issued 46 examples providing analysis of various fact patterns to assist USPTO personnel and stakeholders in evaluating subject matter eligibility. The examples address a wide range of technologies, including AI, biotechnology, business methods, diagnostic and treatment methods, pharmaceutical treatments, precision medicine, and software.[19]

Following the issuance of the 2019 PEG and the October 2019 Update, the USPTO released a report titled ''Adjusting to *Alice,*'' which focuses on two USPTO patent examination outcomes and evaluates how these outcomes changed in response to the Supreme Court's decision in *Alice Corp.* v. *CLS Bank International* and the USPTO's guidance changes (*e.g.,* the 2019 PEG).[20] The report discusses a study undertaken by the USPTO's Office of the Chief Economist in April 2020, which found that the 2019 revisions to the eligibility guidance resulted in a 25% decrease in the likelihood of *Alice*-affected technologies, including AI, receiving a first office action with a rejection for patent ineligible subject matter. The report also found that uncertainty about determinations of subject matter eligibility for the relevant technologies decreased by a remarkable 44% as compared to the previous year.

In June 2022, the USPTO published a report titled ''Patent eligible subject matter: Public views on the current jurisprudence in the United States,'' which summarized public views on how the current state of patent eligibility jurisprudence impacts investment and innovation in critical technologies, including AI.[21] This report was requested by U.S. Senators Thom Tillis, Chris Coons, Mazie Hirono, and Tom Cotton, and summarized comments the USPTO received from a diverse group of stakeholders in response to a request for information the USPTO published in July 2021.[22] According to the report, some commenters discussed how current subject matter eligibility jurisprudence impacts AI/ET and expressed ''concerns that uncertainty and unpredictability in the law are undermining U.S. economic and innovative development.'' [23] In contrast, while ''all commenters recognized the importance of fostering AI and quantum computing technologies, not all commenters held the view that stronger or more robust patent rights for these areas would achieve such results,'' and some commenters even ''advocated that AI innovations should be excluded from [subject matter] eligibility.'' [24]

On July 25, 2022, the USPTO published a ''Director's Blog'' authored by Katherine K. Vidal, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, titled ''Providing clear guidance on patent subject matter eligibility.'' The Director's Blog summarized the USPTO work on subject matter eligibility and emphasized that ''there is more work to be done'' to ''achieve a more consistent examination under Section 101.'' [25] The blog invited the public to comment on the subject matter eligibility guidance in MPEP 2106. The USPTO extended the period to comment on the blog via a **Federal Register** Notice.[26]

As illustrated above, the USPTO has actively engaged with our stakeholders and has received extensive input from the public on subject matter eligibility and AI. In accordance with recent stakeholder feedback on the USPTO's subject matter eligibility guidance and the Executive Order 14110, and to continue its mission to drive U.S. innovation, inclusive capitalism, and global competitiveness as AI technology continues to advance and as judicial precedent evolves, the USPTO is providing a guidance update on determining subject matter eligibility for AI inventions to promote clarity, consistency, and address innovation in AI and critical and emerging technologies.

[12] Guidance on Use of Artificial Intelligence-Based Tools in Practice Before the United States Patent and Trademark Office, 89 FR 25609 (April 11, 2024).

[13] Request for Comments Regarding the Impact of the Proliferation of Artificial Intelligence on Prior Art, the Knowledge of a Person Having Ordinary Skill in the Art, and Determinations of Patentability Made in View of the Foregoing, 89 FR 34217 (April 30, 2024).

[14] Executive Order 14110, Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, 88 FR 75191 (November 1, 2023).

[15] Inventorship Guidance for AI-Assisted Inventions, 89 FR 10043 (February 13, 2024).

[16] 2019 Revised Patent Subject Matter Eligibility Guidance, 84 FR 50 (January 7, 2019).

[17] October 2019 Patent Eligibility Guidance Update, 84 FR 55942 (October 18, 2019).

[18] 2019 Revised Patent Subject Matter Eligibility Guidance, 84 FR 50 (January 7, 2019); October 2019 Patent Eligibility Guidance Update, 84 FR 55942 (October 18, 2019).

[19] A copy of the examples and the index are available on the USPTO's website at *www.uspto.gov/PatentEligibility.*

[20] The report is available at *www.uspto.gov/sites/default/files/documents/OCE-DH_AdjustingtoAlice.pdf; Alice Corp.* v. *CLS Bank Int'l,* 573 U.S. 208 (2014).

[21] Patent eligible subject matter: Public views on the current jurisprudence in the United States, available at *www.uspto.gov/sites/default/files/documents/USPTO-SubjectMatterEligibility-PublicViews.pdf.*

[22] Patent Eligibility Jurisprudence Study, 86 FR 36257 (July 9, 2021).

[23] Patent eligible subject matter, 37.

[24] *Id.* at 38.

[25] The blog is available at *www.uspto.gov/blog/director/entry/providing-clear-guidance-on-patent?utm_campaign=subscriptioncenter&utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.*

[26] Submission of Comments Regarding the Patent Subject Matter Eligibility Guidance, 87 FR 53736 (September 1, 2022).

C. Summary of Guidance Update and Impact on Examination Procedure and Prior Examination Guidance

Section II of this guidance update provides an overview of the USPTO's existing patent subject matter eligibility guidance. Section III provides an update on certain areas of the USPTO's subject matter eligibility guidance that are particularly relevant to AI inventions, including: (1) whether a claim recites an abstract idea (at Step 2A, Prong One of the USPTO's subject matter eligibility analysis); and (2) whether a claim integrates a recited judicial exception into a practical application because the claimed invention improves the functioning of a computer or another technology or technical field (at Step 2A, Prong Two of the USPTO's subject matter eligibility analysis). Section IV of this guidance update addresses AI-assisted inventions. Section V announces Examples 47–49, which are intended to assist examiners in applying the USPTO's subject matter eligibility guidance to AI inventions during the patent examination process. The USPTO has also produced an updated index of examples that includes the new set of examples. A copy of the examples and the index are available on the USPTO's website (*www.uspto.gov/PatentEligibility*).

While this guidance update is focused on AI inventions, portions of this guidance can apply to other types of inventions. This guidance is not intended to announce any new USPTO practice or procedure and is meant to be consistent with existing USPTO guidance. However, if any earlier guidance from the USPTO, including any section of the current MPEP, is inconsistent with the guidance set forth in this notice, USPTO personnel are to follow this guidance. This guidance update will be incorporated into the MPEP in due course.

This guidance does not constitute substantive rulemaking and does not have the force and effect of law. The guidance sets out agency policy with respect to the USPTO's interpretation of the subject matter eligibility requirement of 35 U.S.C. 101 in view of decisions by the Supreme Court and the United States Court of Appeals for the Federal Circuit (Federal Circuit). The guidance does not create any right or benefit, substantive or procedural, enforceable by any party against the USPTO. Rejections will continue to be based on the substantive law, and it is those rejections that are appealable to the Patent Trial and Appeal Board and the courts.

II. Overview of the USPTO's Patent Subject Matter Eligibility Guidance

The USPTO's subject matter eligibility guidance is found in MPEP sections 2103–2106.07(c) and is used to analyze claims across all technologies, including AI inventions, which are generally considered to be computer-implemented inventions. For context for the AI-related discussion that follows, this subsection summarizes some of the existing guidance in the MPEP for those readers unfamiliar with the existing subject matter eligibility guidance.

The guidance in the MPEP combines the criteria for eligibility into a single analysis, shown in the following flowchart, that applies to all categories of claims (*i.e.,* process, machine, manufacture, and composition of matter) and all types of judicial exceptions (*i.e.,* an abstract idea, law of nature, or natural phenomenon).[27]

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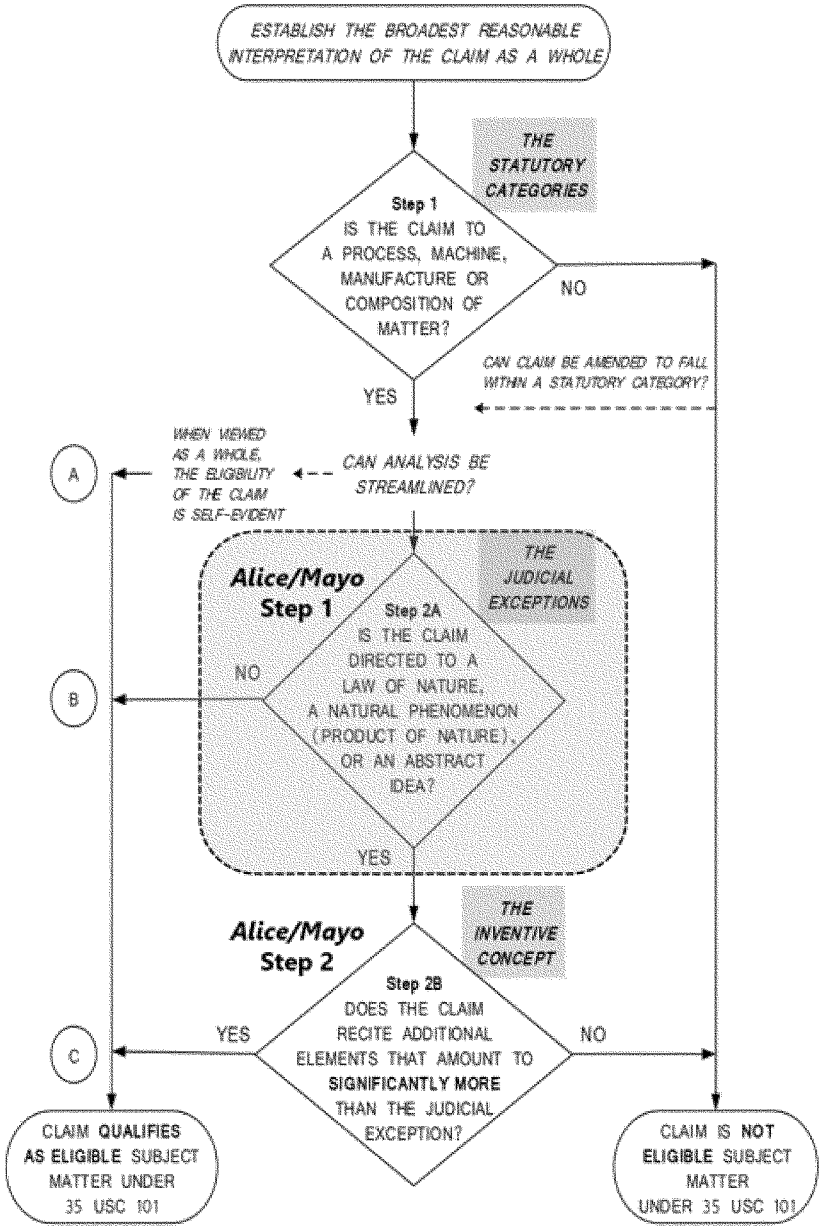
[27] MPEP 2106, subsection III provides a flowchart and an accompanying summary of the subject matter eligibility analysis. The flowchart in MPEP 2106, subsection III has been updated, as shown, to include reference to *Alice/Mayo* Steps 1 and 2 and to include a dotted line around Step 2A (*Alice/Mayo* Step 1).



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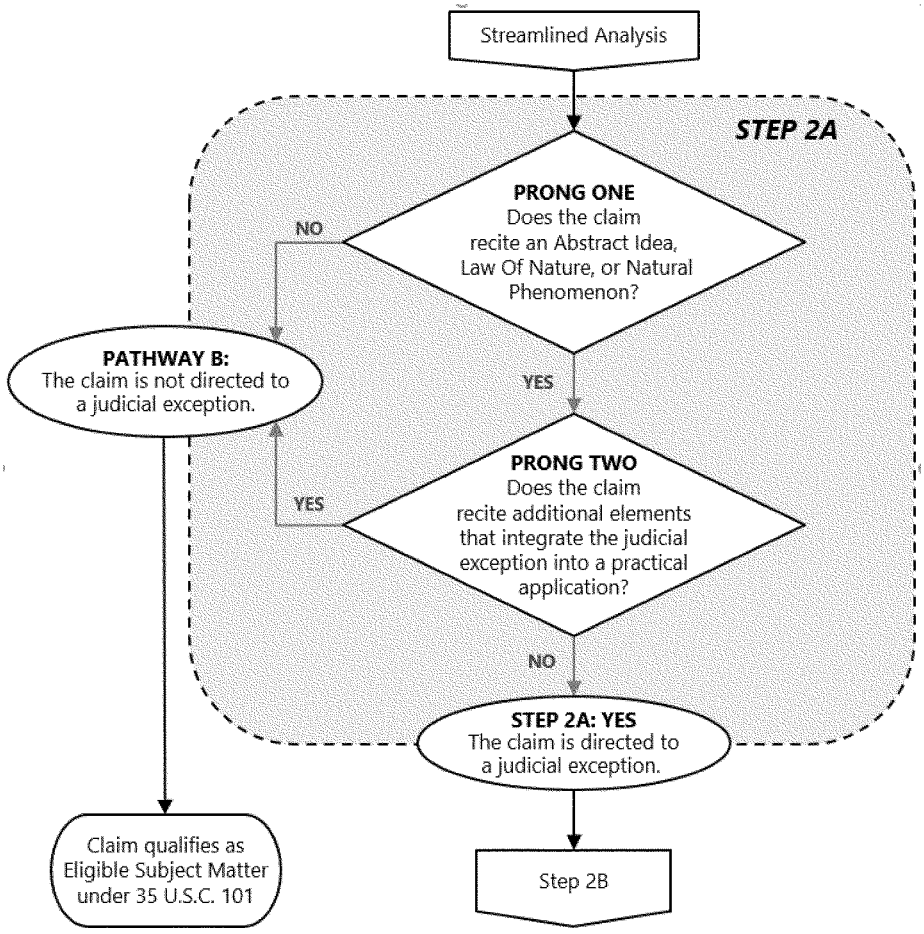
Step 1 of the USPTO's subject matter eligibility analysis addresses whether the claimed invention falls into at least one of the four categories recited in 35 U.S.C. 101.[28] Step 2 of the USPTO's subject matter eligibility analysis applies the Supreme Court's two-part framework (*Alice/Mayo* Steps 1 and 2 in the above flowchart) to identify claims that are directed to a judicial exception and to then evaluate if additional elements of the claim provide an inventive concept.

Step 2A [29] is a two-pronged inquiry as shown in the flowchart below.[30]

[28] Prior to examining claims for eligibility, it is essential that the broadest reasonable interpretation (BRI) of the claim as a whole be established. The BRI sets the boundaries of the coverage sought by the claim and will influence whether the claim seeks to cover subject matter that is beyond the four statutory categories or encompasses subject matter that falls within the exceptions. See MPEP 2106, subsection II and 2111 for more information on determining the BRI. In addition, more information about Step 1 is provided in MPEP 2106.03.

[29] Step 2 corresponds to Step 1 of the *Alice/Mayo* test.

[30] This flowchart differs from the one in MPEP 2106.04, subsection II.A because it no longer refers to Step 2A as ''Revised'' and includes the addition of the explanatory block ''Step 2A: YES The claim is directed to a judicial exception.'' More information about Step 2A is provided in MPEP 2106.04 and its subparts.



The first prong (Step 2A, Prong One) is a determination of whether a claim recites (*i.e.,* sets forth or describes) a judicial exception.[31] As explained in MPEP 2106.04, subsection II.A.1, a claim ''recites'' a judicial exception when the judicial exception is ''set forth'' or ''described'' in the claim. If the claim does not recite a judicial exception, it is considered eligible, and the eligibility analysis ends. But if the claim does recite a judicial exception, the eligibility analysis continues to the second prong of Step 2A. This prong (Step 2A, Prong Two) is used to determine whether the claim integrates the recited judicial exception into a practical application of the exception (in which case the claim is eligible) or whether the claim is ''directed to'' the exception (in which case the claim requires further analysis at Step 2B). The Step 2A, Prong Two analysis requires an evaluation of the judicial considerations identified in MPEP 2106.04(d), subsection I; 2106.04(d)(1); 2106.04(d)(2); and 2106.05(a)–(c) and (e)–(h), such as whether the additional element(s) is(are) insignificant extra-solution activity; whether the additional element(s) is(are) mere instruction to apply an exception; or whether the claim reflects an improvement in the functioning of a computer, or an improvement to another technology or technical field.[32] If the additional element(s) in the claim integrates the judicial exception into a practical application of the exception, the claim is not ''directed to'' the judicial exception, and the claim is eligible.[33]

If the claim is found to be directed to a judicial exception in Step 2A, the analysis continues to Step 2B [34] to evaluate whether the claimed additional elements amount to significantly more than the recited judicial exception itself.[35] Step 2A, Prong Two is similar to Step 2B in that both analyses involve evaluating a set of judicial considerations to determine if the claim is eligible.[36] Although most of these judicial considerations overlap (*i.e.,* they are evaluated in both Step 2A, Prong Two and Step 2B), Step 2B includes a consideration of whether the additional element (or combination of elements) is a well-understood, routine, conventional activity.[37] A claim may be found to lack significantly more (and thus be ineligible) based on one or more of these judicial considerations (*e.g.,* a conclusion that the additional limitation(s) is(are) insignificant extra-solution activity or mere instructions to apply an exception), in which case USPTO personnel will reject the claim under 35 U.S.C. 101 as lacking eligibility. If an eligibility rejection is based on a conclusion that an additional element or combination of elements is

[31] For a detailed discussion of the judicial exceptions (*i.e.,* an abstract idea, law of nature, or natural phenomenon) and how USPTO personnel determine whether a claim recites a judicial exception, see MPEP sections 2106.04(a)–(c).

[32] See MPEP 2106.04(d) for a discussion of Step 2A, Prong Two.

[33] Note that claims that are eligible at Step 2A, Prong 2 are also eligible at Step 2B. In addition, the improvements analysis performed at Step 2A, Prong 2 can also be performed at Step 2B. See MPEP 2106.04(d)(1) (''While the courts usually evaluate 'improvements' as part of the 'directed to' inquiry in part one of the *Alice/Mayo* test (equivalent to Step 2A), they have also performed this evaluation in part two of the *Alice/Mayo* test (equivalent to Step 2B).'' (citation omitted)).

[34] Step 2B corresponds to the second part of the *Alice/Mayo* test.

[35] See MPEP 2106.05, subsection I.

[36] See MPEP 2106.05(a)–(h) for the list of considerations that are evaluated at Step 2B.

[37] MPEP 2106.05, subsection II; MPEP 2106.07(a), subsection II. See also MPEP 2106.05(d).

well-understood, routine, conventional activity in the field, the rejection should contain factual support for this conclusion, in accordance with MPEP sections 2106.05(d), subsection I and 2106.07(a).[38]

If USPTO personnel determine in Step 2B that the additional elements do amount to significantly more than the judicial exception, the claim is patent eligible. If the additional elements do not amount to significantly more, USPTO personnel will reject the claim under 35 U.S.C. 101 as lacking patent eligibility, and the applicant will be given a chance to respond, for example, by amending the claim or by making a showing of why the claim is patent eligible.[39] Regardless of whether an eligibility rejection is made, the USPTO personnel will also evaluate the claim to determine whether it meets the other requirements for patentability, such as novelty and non-obviousness and the requirements under 35 U.S.C. 112.

III. Update on Certain Areas of the USPTO's Patent Subject Matter Eligibility Guidance Applicable to AI Inventions

While the *Alice/Mayo* test for analyzing subject matter eligibility has not changed, the MPEP has been updated to consolidate and incorporate all prior USPTO guidance and will continue to be updated as appropriate (*e.g.,* to include recent court decisions).[40] Feedback from our stakeholders indicates that when considering the subject matter eligibility of AI inventions, there are certain areas of particular concern: (1) the evaluation of whether a claim recites an abstract idea in Step 2A, Prong One; and (2) the evaluation of the improvements consideration in Step 2A, Prong Two.

Therefore, this guidance update provides a discussion of how to evaluate whether a claim recites an abstract idea (*i.e.,* mathematical concepts, certain methods of organizing human activity, and mental processes) in Step 2A, Prong One based on the USPTO's current subject matter eligibility guidance. This inquiry can be challenging for AI inventions. This guidance update includes recent case law regarding mathematical concepts, certain methods of organizing human activity, and mental processes, which may be useful to USPTO personnel and stakeholders in evaluating Step 2A, Prong One. In addition, this guidance update provides further discussion of the evaluation of the improvements consideration in Step 2A, Prong Two based on the USPTO's current subject matter eligibility guidance. This discussion includes an explanation of how to demonstrate an improvement for AI inventions and recent case law that may be helpful in demonstrating such an improvement.

A. Evaluation of Whether a Claim Is Directed to a Judicial Exception (Step 2A)

Claims directed to nothing more than a judicial exception (*i.e.,* abstract ideas, natural phenomena, and laws of nature) are not eligible for patent protection.[41] The Supreme Court has explained that the judicial exceptions reflect the Court's view that abstract ideas, laws of nature, and natural phenomena are ''the basic tools of scientific and technological work,'' and are thus excluded from patentability because ''monopolization of those tools through the grant of a patent might tend to impede innovation more than it would tend to promote it.'' [42] Even if the judicial exception is narrow (*e.g.,* a particular mathematical formula or detailed mental process), the Court has held that a claim may not preempt that judicial exception.[43]

In applying subject matter eligibility law, the USPTO has developed the analysis discussed in section II above that uses a two-pronged inquiry to implement the first step of *Alice* (Step 2A of the USPTO's subject matter eligibly analysis). The first inquiry (Step 2A, Prong One, which asks whether a claim recites a judicial exception) is used to determine whether the claim is the type of claim that warrants further analysis under the law. There is no need to move to Step 2A, Prong Two if the claim does not recite a judicial exception in the first instance. Since all inventions ''at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas,'' [44] ''an invention is not rendered ineligible for patent simply because it involves'' a judicial exception.[45] If the claim recites a judicial exception, that alone is not enough for the claim to be ''directed to'' the judicial exception. Under Step 2A, Prong Two, USPTO personnel must assess whether the claim as a whole integrates the judicial exception into a practical application of the exception, which is discussed below in section III.A.2.[46]

1. Evaluation of Whether a Claim Recites an Abstract Idea (Step 2A, Prong One)

While it is common for claims to AI inventions to involve abstract ideas, USPTO personnel must draw a distinction between a claim that ''recites'' an abstract idea (and thus requires further eligibility analysis) and one that merely involves, or is based on, an abstract idea.[47] To assist in this evaluation, MPEP 2106.04(a)(1) provides non-limiting hypothetical examples of claims that do and do not recite an abstract idea. The USPTO has also issued examples that illustrate an analysis of claims that do and do not recite an abstract idea.[48]

This guidance update provides the following additional non-limiting hypothetical examples of claims that do not recite an abstract idea:

- An application-specific integrated circuit (ASIC) for an artificial neural network, the ASIC comprising: a plurality of neurons organized in an array, wherein each neuron comprises a register, a processing element and at least one input, and a plurality of synaptic circuits, each synaptic circuit including a memory for storing a synaptic weight, wherein each neuron is connected to at least one other neuron via one of the plurality of synaptic circuits.[49]

[38] However, as explained in MPEP 2106.07(a), subsection III, ''[a]t Step 2A Prong Two or Step 2B, there is no requirement for evidence to support a finding that the exception is not integrated into a practical application or that the additional elements do not amount to significantly more than the exception unless the examiner asserts that additional limitations are well-understood, routine, conventional activities in Step 2B.''

[39] For more information on how examiners formulate rejections for a lack of subject matter eligibility and evaluate applicant responses thereto, see MPEP 2106.07 and its subparts.

[40] Note, the current version of the MPEP [R–07.2022], published in February 2023, was up-to-date as of July 31, 2022. The revisions to MPEP 2103–2106.07(c) were to update case citations and did not update the subject matter eligibility guidance in the MPEP [R–10.2019], published in June 2020. See Change Summary and Title Page for the 9th Edition, Rev. 07.2022 of the MPEP.

[41] See MPEP 2106.04, subsection I.

[42] *Alice Corp. Pty. Ltd.* v. *CLS Bank Int'l,* 573 U.S. 208, 216 (2014) (quoting *Association for Molecular Pathology* v. *Myriad Genetics, Inc.,* 569 U.S. 576, 589 (2013), and *Mayo Collaborative Servs.* v. *Prometheus Labs. Inc.,* 566 U.S. 66, 71 (2012)).

[43] See *Mayo,* 566 U.S. at 79–80, 86–87 (2012). See also *SAP Am., Inc.* v. *InvestPic, LLC,* 898 F.3d 1161, 1169 (Fed. Cir. 2018) (discussing how claims narrowing mathematical resampling operations to particular types of resampling ''add nothing outside the abstract realm'' and are still directed to ineligible abstract ideas).

[44] *Mayo Collaborative Servs.* v. *Prometheus Labs., Inc.,* 566 U.S. 66, 71 (2012).

[45] See *Alice Corp. Pty. Ltd.* v. *CLS Bank Int'l,* 573 U.S. 208, 217 (2014) (''[W]e tread carefully in construing this exclusionary principle lest it swallow all of patent law.'').

[46] MPEP 2106.04, subsection II.A.2.

[47] This guidance update specifically addresses the abstract idea exception, which is discussed in MPEP 2106.04(a). This guidance update does not specifically address laws of nature, natural phenomena, and products of nature, which are discussed in MPEP 2106.04(b)–(c).

[48] These examples are available at *www.uspto.gov/PatentEligibility.*

[49] Example 47 (claim 1), available at *www.uspto.gov/PatentEligibility.*

• A system for monitoring health and activity in a herd of dairy livestock animals comprising: a memory; a processor coupled to the memory programmed with executable instructions, the instructions including a livestock interface for obtaining animal-specific information for a plurality of animals in the herd, wherein the animal-specific information comprises animal identification data and at least one of body position data, body temperature data, feeding behavior data, and movement pattern data; and a herd monitor including (a) a radio frequency reader for collecting the animal-specific information from a plurality of animal sensors attached to the animals in the herd when the animal sensors are within proximity to the radio frequency reader, each animal sensor having a radio frequency transponder, and (b) a transmitter for transmitting the collected animal-specific information to the livestock interface.[50]

• A treatment method comprising administering rapamycin to a patient identified as having Nephritic Autoimmune Syndrome Type 3 (NAS–3).[51]

MPEP 2106.04(a) instructs USPTO personnel to ''determine whether a claim recites an abstract idea by (1) identifying the specific limitation(s) in the claim under examination that the examiner believes recites an abstract idea, and (2) determining whether the identified limitations(s) fall within at least one of the groupings of abstract ideas'' (*i.e.,* mathematical concepts, certain methods of organizing human activity, or mental processes) distilled from the relevant case law.[52] The groupings of abstract ideas are defined in MPEP 2106.04(a)(2). In addition to the examples already present in MPEP 2106.04(a)(2), the following examples from Federal Circuit cases are informative. MPEP 2106.04(a)(2) will be updated in due course to include these examples, and the addition of these examples does not change the boundaries of the abstract idea groupings.

a. Mathematical Concepts

The USPTO's guidance on the ''mathematical concepts'' abstract idea grouping is found in MPEP 2106.04(a)(2), subsection I. USPTO guidance defines the mathematical concepts abstract idea grouping as mathematical relationships, mathematical formulas or equations, and mathematical calculations.[53] A claim does not recite a mathematical concept (*i.e.,* the claim limitations do not fall within the mathematical concept grouping) if it is only based on or involves a mathematical concept.[54]

As an example of claims that do not recite an abstract idea (*e.g.,* a mathematical concept) or other judicial exception, in *XY, LLC* v. *Trans Ova Genetics,* 968 F.3d 1323, 1330–32 (Fed. Cir. 2020), the Federal Circuit determined that claims to a method of operating a flow cytometry apparatus to classify and sort particles into at least two populations in real time to more accurately classify similar particles was not directed to ''the abstract idea of using a 'mathematical equation that permits rotating multi-dimensional data' '' even though they may have involved mathematical concepts.[55] Applying the USPTO's guidance to the facts of this case would likewise result in a conclusion that the claims are not directed to an abstract idea. Specifically, these claims are eligible as not reciting a judicial exception at Step 2A, Prong One.

b. Certain Methods of Organizing Human Activity

The USPTO's guidance on the ''certain methods of organizing human activity'' abstract idea grouping is found in MPEP 2106.04(a)(2), subsection II and describes concepts related to fundamental economic principles or practices (including hedging, insurance, mitigating risk); commercial or legal interactions (including agreements in the form of contracts, legal obligations, advertising, marketing or sales activities or behaviors, and business relations); and managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions). The term ''certain'' qualifies the ''certain methods of organizing human activity'' grouping, and as a result, not all methods of organizing human activity are abstract ideas.[56] In addition, except in rare circumstances, this grouping should not be expanded beyond the activity within the enumerated sub-groupings of fundamental economic principles or practices, commercial or legal interactions, and managing personal behavior or relationships or interactions between people.[57]

A discussion of concepts that are ''certain methods of organizing human activity'' is found in MPEP 2106.04(a)(2), subsection II. Below, the USPTO provides three additional examples of ''certain methods of organizing human activity'' based on Federal Circuit cases, which are not intended to change the scope of this abstract idea grouping:

• Claims to ''collect[ing] information on a user's movements and location history [and] electronically record[ing] that data'' (*i.e.,* ''creating a digital travel log''), *Weisner* v. *Google LLC,* 51 F.4th 1073, 1082 (Fed. Cir. 2022) (citation omitted). Under the USPTO's guidance, this is an example of ''managing personal behavior or relationships or interactions between people.''

• A claim to ''monitoring the location of a mobile thing and notifying a party in advance of arrival of that mobile thing [ ] amount[s] to nothing more than the fundamental business practice of providing advance notification of the pickup or delivery of a mobile thing,'' agreeing with the district court that ''business practices designed to advise customers of the status of delivery of their goods have existed at least for several decades, if not longer.'' *Elec. Commc'n Techs., LLC* v. *ShoppersChoice.com, LLC,* 958 F.3d 1178, 1181 (Fed. Cir. 2020). Under the USPTO's guidance, this is an example of a fundamental economic principle or practice.

• Claims to methods for detecting fraud in financial transactions during a payment clearing process, including determining when there is a match between two financial records, sending a notification to a bank with authorization to process the financial transaction when there is a match, and sending a notification to a bank to not process the financial transaction when there is not a match, *Bozeman Fin. LLC* v. *Fed. Reserve Bank of Atlanta,* 955 F.3d 971, 978 (Fed. Cir. 2020). Under the USPTO's guidance, this is an example of a fundamental economic principle or practice.

c. Mental Processes

The USPTO's guidance on the ''mental processes'' abstract idea grouping is found in MPEP 2106.04(a)(2), subsection III. As

[50] Example 46 (claim 4), available at *www.uspto.gov/PatentEligibility.*

[51] Example 43 (claim 5), available at *https://www.uspto.gov/PatentEligibility.*

[52] See MPEP 2106.04(a) for additional information on abstract ideas.

[53] See MPEP 2106.04(a)(2), subsection I for further discussion of the mathematical concepts grouping.

[54] *Id.*

[55] See also MPEP 2106.04(a)(2), subsection I, which discusses *Thales Visionix, Inc.* v. *United States,* 850 F.3d 1343, 1348–49 (Fed. Cir. 2017) as an example of a claim that does not recite a mathematical concept.

[56] MPEP 2106.04(a)(2), subsection II (citation omitted).

[57] MPEP 2106.04(a)(3) explains the rare circumstances in which this grouping could be expanded.

explained in the MPEP, ''[t]he courts consider a mental process (thinking) that 'can be performed in the human mind, or by a human using a pen and paper' to be an abstract idea.'' [58] USPTO guidance defines the ''mental processes'' abstract idea grouping as concepts performed in the human mind and explains that claims recite a mental process when they contain limitations that can practically be performed in the human mind, including, for example, observations, evaluations, judgments, and opinions.[59] In contrast, USPTO guidance explains that claims do not recite a mental process when they contain limitations that cannot practically be performed in the human mind, for instance when the human mind is not equipped to perform the claim limitations.[60] The mental processes grouping is not without limits, and as such, claim limitations that only encompass AI in a way that cannot practically be performed in the human mind do not fall within this grouping.

A discussion of concepts performed in the human mind, as well as concepts that cannot practically be performed in the human mind and thus are not ''mental processes,'' is found in MPEP 2106.04(a)(2), subsection III.A. Below, the USPTO provides further examples based on recent Federal Circuit cases. These additional examples are not intended to change the scope of the ''mental processes'' abstract idea grouping.

Under the USPTO's guidance, an additional example of a claim that does not recite a mental process because it cannot be practically performed in the human mind includes:

- A claim to ''a specific, hardware-based RFID serial number data structure'' (*i.e.,* an RFID transponder), where the data structure is uniquely encoded (*i.e.,* there is ''a unique correspondence between the data physically encoded on the [RFID transponder] with pre-authorized blocks of serial numbers''), *ADASA Inc.* v. *Avery Dennison Corp.,* 55 F.4th 900, 909 (Fed. Cir. 2022).

Additional examples of mental processes are:

- A claim to a method of ''(1) receiving user information; (2) providing a polling question; (3) receiving and storing an answer; (4) comparing that answer to generate a 'likelihood of match' with other users; and (5) displaying certain user profiles based on that likelihood'' could practically be performed in the human mind (*i.e.,* ''[a] human mind could review people's answers to questions and identify matches based on those answers''), *Trinity Info Media, LLC* v. *Covalent, Inc.,* 72 F.4th 1355, 1362 (Fed. Cir. 2023).
- A claim to ''the collection of information from various sources (a Federal database, a State database, and a case worker) and understanding the meaning of that information (determining whether a person is receiving SSDI benefits and determining whether they are eligible for benefits under the law),'' where '' '[t]hese steps can be performed by a human, using ''observation, evaluation, judgment, [and] opinion,'' because they involve making determinations and identifications, which are mental tasks humans routinely do,' '' and thus can practically be performed in the human mind, *In re Killian,* 45 F.4th 1373, 1379 (Fed. Cir. 2022).
- Claims to ''the use of an algorithm-generated content-based identifier to perform the claimed data-management functions,'' which include limitations to ''controlling access to data items,'' ''retrieving and delivering copies of data items,'' and ''marking copies of data items for deletion,'' where the claims cover ''a medley of mental processes that, taken together, amount only to a multistep mental process,'' such that the steps can be practically performed in the human mind, *PersonalWeb Techs. LLC* v. *Google LLC,* 8 F.4th 1310, 1316–18 (Fed. Cir. 2021).

2. Evaluation of Whether the Claim as a Whole Integrates the Judicial Exception Into a Practical Application of That Exception (Step 2A, Prong Two)

If it is determined that a claim recites a judicial exception in Step 2A, Prong One, USPTO personnel evaluate whether the claim as a whole integrates the recited judicial exception into a practical application of the exception, and thus is not ''directed to'' the judicial exception, in Step 2A, Prong Two.[61] USPTO personnel evaluate integration into a practical application by: (1) identifying whether there are any additional elements recited in the claim beyond the judicial exception(s), and (2) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application of that exception. As explained in MPEP 2106.04(d), subsection III, the Step 2A, ''Prong Two analysis considers the claim as a whole. That is, the limitations containing the judicial exception as well as the additional elements in the claim besides the judicial exception need to be evaluated together to determine whether the claim integrates the judicial exception into a practical application.''

This analysis is performed using one or more considerations identified by the courts, such as whether the additional elements improve the functioning of a computer or another technology, whether the claim generally links the judicial exception to a particular technological environment or field of use, or whether there is a step in the claim that applies or uses the judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition.[62] Step 2A, Prong Two specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity. Instead, analysis of well-understood, routine, conventional activity is done in Step 2B. A claim that integrates a judicial exception into a practical application of the exception will apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize or preempt the judicial exception.

a. Evaluating Improvements in the Functioning of a Computer, or an Improvement to Any Other Technology or Technical Field

One way to demonstrate integration of the judicial exception into a practical application is to show that the claimed invention improves the functioning of a computer or improves another technology or technical field.[63] ''This consideration has also been referred to as the search for a technological solution to a technological problem.'' [64]

[58] MPEP 2106.04(a)(2), subsection III (citing *CyberSource Corp.* v. *Retail Decisions, Inc.,* 654 F.3d 1366, 1372 (Fed. Cir. 2011)).

[59] MPEP 2106.04(a), subsection III.A.

[60] MPEP 2106.04(a)(2), subsection III.A (citing *SRI Int'l, Inc.* v. *Cisco Sys., Inc.,* 930 F.3d 1295, 1304 (Fed. Cir. 2019) (declining to identify the claimed collection and analysis of network data as abstract because ''the human mind is not equipped to detect suspicious activity by using network monitors and analyzing network packets as recited by the claims''); *CyberSource,* 654 F.3d at 1376 (distinguishing *Research Corp. Techs.* v. *Microsoft Corp.,* 627 F.3d 859 (Fed. Cir. 2010), and *SiRF Tech., Inc.* v. *Int'l Trade Comm'n,* 601 F.3d 1319 (Fed. Cir. 2010), as directed to inventions that ''could not, as a practical matter, be performed entirely in a human's mind'').

[61] See MPEP 2106.04(d) for further discussion on evaluating whether a judicial exception is integrated into a practical application of that exception in Step 2A, Prong Two.

[62] The considerations evaluated in Step 2A, Prong Two are discussed in MPEP 2106.04(d), subsection I, and in more detail in MPEP 2106.04(d)(1), 2106.04(d)(2), 2106.05(a)-(c), and 2106.05(e)-(h).

[63] See MPEP 2106.04(d)(1) for a discussion of the improvements consideration in Step 2A, Prong Two.

[64] MPEP 2106.05(a).

The application or use of the judicial exception in this manner meaningfully limits the claim by going beyond generally linking the use of the judicial exception to a particular technological environment, and thus transforms the claim into patent eligible subject matter.[65] Such claims are eligible at Step 2A because they are not ''directed to'' the recited judicial exception.

Many claims to AI inventions are eligible as improvements to the functioning of a computer or improvements to another technology or technical field. While the courts have not provided an explicit test for how to evaluate the improvements consideration, they have instead illustrated how it is evaluated in numerous decisions. These decisions and a detailed explanation of how USPTO personnel should evaluate this consideration are provided in MPEP sections 2106.04(d)(1) and 2106.05(a).

A key point of distinction to be made for AI inventions is between a claim that reflects an improvement to a computer or other technology described in the specification (which is eligible) and a claim in which the additional elements amount to no more than (1) a recitation of the words ''apply it'' (or an equivalent) or are no more than instructions to implement a judicial exception on a computer, or (2) a general linking of the use of a judicial exception to a particular technological environment or field of use (which is ineligible).[66] ''An important consideration in determining whether a claim improves technology is the extent to which the claim covers a particular solution to a problem or a particular way to achieve a desired outcome, as opposed to merely claiming the idea of a solution or outcome.'' [67] AI inventions may provide a particular way to achieve a desired outcome when they claim, for example, a specific application of AI to a particular technological field (*i.e.,* a particular solution to a problem).[68] In these situations, the claim is not merely to the idea of a solution or outcome and amounts to more than merely ''applying'' the judicial exception or generally linking the judicial exception to a field of use or technological environment. In other words, the claim reflects an improvement in a computer or other technology.[69]

An improvement in the judicial exception itself is not an improvement in the technology.[70] For example, in *In re Board of Trustees of Leland Stanford Junior University,* 989 F.3d 1367, 1370, 1373 (Fed. Cir. 2021) (*Stanford I*), the applicant claimed methods of resolving a haplotype phase involving steps of determining an inheritance state based on received allele data using a Hidden Markov Model. The applicant further claimed determining a haplotype phase based on the pedigree data, the earlier-calculated inheritance state, transition probability data, and population linkage disequilibrium data using a computer system.[71] The applicant argued that the claimed process was an improvement over prior processes because it ''yields a greater number of haplotype phase predictions,'' but the court found it was not ''an improved technological process'' and instead was an improved ''mathematical process.'' [72] The court explained that such claims were directed to an abstract idea because they describe ''mathematically calculating alleles' haplotype phase,'' like the ''mathematical algorithms for performing calculations'' in prior cases.[73] Notably, the Federal Circuit found that the claims did not reflect an improvement to a technological process, which would render the claims eligible.[74]

In contrast, an improvement can be provided by one or more additional elements or by the additional element(s) in combination with the recited judicial exception.[75] An exemplary case illustrating such an improvement is *McRO, Inc.* v. *Bandai Namco Games America Inc.,* 837 F.3d 1299 (Fed. Cir. 2016), which is discussed extensively in the MPEP at, *e.g.,* 2106.04(d)(1) and 2106.05(a). In *McRO,* the claims were to a rule-based system to animate the lip synchronization and facial expressions of three-dimensional characters.[76] The Federal Circuit relied on the specification's explanation of how the claimed rules enabled the automation of specific animation tasks that previously could not be automated.[77] The court indicated that it was the incorporation of the particular claimed rules in computer animation that ''improved [the] existing technological process.'' [78] The court also noted that the claims at issue described a specific way (use of particular rules to set morph weights and transitions through phonemes) to solve the problem of producing accurate and realistic lip synchronization and facial expressions in animated characters, rather than merely claiming the idea of a solution or outcome, and thus the claims reflected the disclosed improvement in computer animation.[79] Therefore, the court found the claims were not directed to an abstract idea.[80] USPTO personnel accordingly should analyze the claim as a whole when determining whether the claim provides an improvement to the functioning of a computer or an improvement to another technology or technical field.[81]

Examples of claims that improve technology and are not directed to a judicial exception are found in MPEP sections 2106.04(d)(1) and 2106.05(a). In addition, below the USPTO identifies other examples of claims that improve technology and are not directed to a judicial exception from Federal Circuit decisions:

- Claim to ''a specific, hardware-based RFID serial number data structure'' (*i.e.,* an RFID transponder), where the data structure is uniquely encoded (*i.e.,* there is ''a unique correspondence between the data physically encoded on the [RFID transponder] with pre-authorized blocks of serial numbers''), such that it is ''a hardware-based data structure focused on improvements to the technological process by which data is encoded,'' *ADASA,* 55 F.4th at 909.
- Claims to performing error correction and detection encoding where the information bits appear in a variable number of subsets were directed to an improvement of encoding data that relies in part on irregular

[65] *Diamond* v. *Diehr,* 450 U.S. 175, 187–88 (1981) (Reasoning that ''a claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula,'' and holding that a ''process of curing synthetic rubber'' that ''employ[ed] a well-known mathematical equation'' was patent eligible, even though the equation itself was not).

[66] See MPEP 2106.05(a), (f), and (h) for guidance on these considerations.

[67] MPEP 2106.05(a).

[68] Example 47, claim 3, claiming a specific application of AI to the field of network intrusion detection; and Example 48, claims 2 and 3, claiming a specific application of AI to the field of speech signal processing, which are available at *uspto.gov/PatentEligibility.*

[69] MPEP 2016.05(a); MPEP 2106.05(a), subsection II (''it is important to keep in mind that an improvement in the abstract idea itself (*e.g.,* a recited fundamental economic concept) is not an improvement in technology''). See also *in re Board of Trs. of Leland Stanford Junior Univ.,* 991 F.3d 1245, 1251 (Fed. Cir. 2021) (*Stanford II*) (concluding that the claims are ineligible because the improvement in ''the accuracy of a mathematically calculated statistical prediction'' is an improvement to the abstract idea (*i.e.,* mathematical calculations) rather than an improvement to another technology).

[70] See MPEP 2106.05(a), subsection II.

[71] *Id.*

[72] *Id.* at 1373.

[73] *Id.* at 1372–73.

[74] *Id.* at 1373–74.

[75] MPEP 2106.04(d) (discussing *Finjan, Inc.* v. *Blue Coat Sys., Inc.,* 879 F.3d 1299, 1303–04 (Fed. Cir. 2018)) and 2106.05(a).

[76] *McRO, Inc.* v. *Bandai Namco Games America Inc.,* 837 F.3d 1299, 1307 (Fed. Cir. 2016).

[77] *Id.* at 1313.

[78] *Id.* at 1314–15.

[79] *Id.* at 1315.

[80] *Id.* at 1316.

[81] MPEP 2106.04(d)(1); MPEP 2106.05(a).

repetition and not an abstract idea, *Cal. Inst. of Tech.* v. *Broadcom Ltd,* 25 F.4th 976, 988 (Fed. Cir. 2022).

• Claims to a packet monitor to identify disjointed connection flows as belonging to the same conversational flow were directed to an improvement in computer technology and not an abstract idea, *Packet Intel. LLC* v. *NetScout Sys., Inc.,* 965 F.3d 1299, 1308–10 (Fed. Cir. 2020).

• Claims to a primary station for use in a communication system, where an additional data field is added to enable the primary station to simultaneously send inquiry messages and poll parked secondary stations, were directed to an improvement in computer functionality, namely the reduction of latency experienced by parked secondary stations in communication systems and not an abstract idea, *Uniloc USA, Inc.* v. *LG Elec. USA, Inc.,* 957 F.3d 1303, 1305, 1307–08 (Fed. Cir. 2020).

• Claims to a cardiac monitoring device that analyzes the variability in the beat-to-beat timing for atrial fibrillation and atrial flutter to more accurately detect the occurrence of these cardiac conditions were directed to an improvement in cardiac monitoring technology and not an abstract idea, *CardioNet, LLC* v. *InfoBionic, Inc.,* 955 F.3d 1358, 1368–69 (Fed. Cir. 2020).

• Claims to varying the way check data is generated by modifying the permutation applied to different data blocks were directed to an improvement in a technological process for detecting systemic errors in data transmission and not an abstract idea, *Koninklijke KPN N.V.* v. *Gemalto M2M GmbH,* 942 F.3d 1143, 1150–51 (Fed. Cir. 2019).

IV. Applicability of the USPTO Eligibility Guidance to AI-Assisted Inventions

For the subject matter eligibility analysis under 35 U.S.C. 101, whether an invention was created with the assistance of AI is not a consideration in the application of the *Alice/Mayo* test and USPTO eligibility guidance and should not prevent USPTO personnel from determining that a claim is subject matter eligible. In other words, how an invention is developed is not relevant to the subject matter eligibility inquiry. Instead, the inquiry focuses on the claimed invention itself and whether it is the type of innovation eligible for patenting.

In contrast, the USPTO recently issued guidance on inventorship for AI-assisted inventions, which are inventions created by natural persons using one or more AI systems.[82] The guidance explains that current statutes (*e.g.,* 35 U.S.C. 101 and 115) do not provide for recognizing contributions by tools such as AI systems (or other advanced systems) for inventorship purposes, even if those AI systems were instrumental in the creation of the invention. However, AI-assisted inventions are not categorically unpatentable. Patent protection may be sought for AI-assisted inventions where one or more persons made a significant contribution to the claimed invention.

V. Examples

The USPTO has developed new subject matter eligibility examples for AI inventions. The examples provide exemplary subject matter eligibility analyses under 35 U.S.C. 101 of hypothetical claims.

Example 47 illustrates the application of the eligibility analysis to claims that recite limitations specific to AI, particularly the use of an artificial neural network to identify or detect anomalies. Example 48 illustrates the application of the eligibility analysis to claims that recite AI-based methods of analyzing speech signals and separating desired speech from extraneous or background speech. Example 49 illustrates the analysis of method claims reciting an AI model that is designed to assist in personalizing medical treatment to the individual characteristics of a particular patient.

These examples are intended to assist USPTO personnel and the public in understanding the proper application of the USPTO's subject matter eligibility guidance in certain fact-specific situations, such as whether a claim recites an abstract idea or whether a claim integrates the abstract idea into a practical application, because the claimed invention improves the functioning of a computer or another technology or technical field and thus is not ''directed to'' the abstract idea. The USPTO has also produced an updated index of examples, which includes examples issued prior to the publication of this guidance. A copy of the examples and the index are available on the USPTO's website (*www.uspto.gov/PatentEligibility*).

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2024–15377 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–16–P

[82] Inventorship Guidance for AI-Assisted Inventions, 89 FR 10043, 10044 FN1 (February 13, 2024).

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Rules for Patent Maintenance Fees

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0016 (Rules for Patent Maintenance Fees). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before September 16, 2024.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

• *Email: InformationCollection@uspto.gov.* Include ''0651–0016 comment'' in the subject line of the message.

• *Federal eRulemaking Portal: http://www.regulations.gov.*

• *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7728; or by email at *raul.tamayo@uspto.gov* with ''0651–0016 comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Under 35 U.S.C. 41 and 37 CFR 1.20(e)–(h), 1.362, 1.363, 1.366, 1.377, and 1.378, the USPTO charges fees for

maintaining in force all patents based on applications filed on or after December 12, 1980, except for plant and design patents. Furthermore, maintenance fees are required for a reissue patent unless the patent being reissued did not require maintenance fees. Payment of these maintenance fees is due at 3½, 7½, and 11½ years after the date the patent was granted. See section 2504 of the Manual of Patent Examining Procedure (MPEP) (9th Edition, Rev. 07.2022, February 2023) for more information.

If the USPTO does not receive payment of the appropriate maintenance fee and any applicable surcharge within a grace period of six months following each of the above due dates (at 4, 8, or 12 years after the date of grant), the patent will expire at that time. After a patent expires, it is no longer enforceable. Payments of maintenance fees that are submitted during the 6-month grace period before patent expiration must include the appropriate surcharge as indicated by 37 CFR 1.20(h). Submissions of maintenance fee payments and surcharges must include the relevant patent number and the corresponding United States application number in order to identify the correct patent and ensure proper crediting of the fee being paid. See MPEP 2506, 2510, and 2515 for more information.

If the USPTO refuses to accept and record a maintenance fee payment that was submitted prior to the expiration of a patent, the patentee may petition the Director to accept and record the maintenance fee under 37 CFR 1.377. This petition must be accompanied by the fee indicated in 37 CFR 1.17(g), which may be refunded if it is determined that the refusal to accept the maintenance fee was due to an error by the USPTO.

If a patent has expired due to nonpayment of a maintenance fee, the patentee may petition the Director to accept a delayed payment of the maintenance fee under 37 CFR 1.378(b). The Director may accept the payment of a maintenance fee after the expiration of the patent if the petitioner shows to the satisfaction of the Director that the delay in payment was unintentional. Petitions to accept unintentionally delayed payment must also be accompanied by the required maintenance fee and the petition fee as set forth in 37 CFR 1.17(m). If the Director accepts the maintenance fee payment upon petition, then the patent is reinstated. If the USPTO denies a petition to accept delayed payment of a maintenance fee in an expired patent, the patentee may petition the Director to reconsider that decision under 37 CFR 1.378(d).

This information collection covers maintenance fee petition information, including the electronic interface and forms provided by the USPTO to assist the public with maintenance fee petitions. To pay a maintenance fee after patent expiration, the maintenance fee payment and the petition fee, as set forth in 37 CFR 1.17(m), must be filed together with a petition to accept an unintentionally delayed payment of the maintenance fee in an expired patent under 37 CFR 1.378(b). The USPTO offers two different versions of the form for petitions to accept unintentionally delayed payments of maintenance fees: a web-based ePetition and form PTO/SB/66 (a fillable PDF). The USPTO recommends the use of the web-based ePetition. The USPTO does not offer forms for the petitions to review the refusal to accept the payment of a maintenance fee prior to the expiration of the patent under 37 CFR 1.377 or the petitions for the reconsideration of decisions on petitions refusing to accept the delayed payment of a maintenance fee in an expired patent under 37 CFR 1.378(d).

A fee address indication form (PTO/SB/47) was previously associated with this information collection. This item permits applicants, patentees, assignees, or their representatives of record to specify a ''fee address'' for correspondence related to maintenance fees that is separate from the correspondence address associated with a patent or application. This item is considered by OMB to be exempt from the PRA and therefore this item is no longer included in this information collection.

II. Method of Collection

The USPTO prefers for the items in this information collection to be submitted via online electronic submissions. Submission by mail, fax, or hand delivery is available. See MPEP 2510 for more information.

III. Data

OMB Control Number: 0651–0016.

Forms: (AIA = America Invents Act; SB = Specimen Book)

- PTO/SB/66 (Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Estimated Number of Annual Respondents: 2,616 respondents.

Estimated Number of Annual Responses: 2,616 responses.

Frequency: On occasion.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately between 5 minutes (0.08 hours) and 8 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 3,424 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $1,530,528.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents	Responses per respondent	Estimated annual responses	Estimated time for response (hours)	Estimated hourly burden (hour/year)	Rate [1] ($/hour)	Estimated annual respondent cost burden
		(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)	(f)	(e) × (f) = (g)
1	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (Web-based ePetition and PTO/SB/66).	2,500	1	2,500	1	2,500	$447	$1,117,500
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377).	1	1	1	4	4	447	1,788

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS—Continued

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated hourly burden (hour/year) (c) × (d) = (e)	Rate [1] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d)).	115	1	115	8	920	447	411,240
	Totals	2,616	.....	2,616	.....	3,424	.....	1,530,528

[1] 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–41. The USPTO uses the average billing rate for intellectual property work in all firms which is $447 per hour (*https://www.aipla.org/home/news-publications/economic-survey*).

Estimated Total Annual Respondent Non-hourly Cost Burden: $2,577,316. There are no capital start-up, maintenance costs, or recordkeeping costs associated with this information collection. However, the USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of filing fees and postage, is $2,577,316.

Filing Fees

Two petitions (IC lines 1 and 2) in this information collection have associated filing fees resulting in $2,577,052 in filing fees.

TABLE 2—FILING FEES

Item No.	Fee code(s)	Item	Estimated annual responses (a)	Filing fee ($) (b)	Non-hourly cost burden (a) × (b) = (c)
1	1558	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (undiscounted entity).	530	$2,100	$1,113,000
1	2558	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (small entity).	1,515	840	1,272,600
1	3558	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (micro entity).	455	420	191,100
2	1463	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377) (undiscounted entity).	1	220	220
2	2463	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377) (small entity).	1	88	88
2	3463	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377) (micro entity).	1	44	44
		Totals	2,503	.....	$2,577,052

Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that 1% of the 2,616 items will be submitted in the mail resulting in 26 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate envelope, will be $10.15. Therefore, the USPTO estimates the total mailing costs for this information collection at $264.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Lisa Lawn,

Director, Records and Information Compliance Program Office, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2024–15704 Filed 7–16–24; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before August 16, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0115, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in 17 CFR 145.9, The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Eugene Smith, Director, Office of Proceedings, Commodity Futures Trading Commission, (202) 418–5371; email: *esmith@cftc.gov,* and refer to OMB Control No. 3038–0115.

SUPPLEMENTARY INFORMATION:

Title: Reparations Complaint, CFTC Form 30 (OMB Control No. 3038–0115). This is a request for extension of a currently approved information collection.

Abstract: Pursuant to section 14 of the Commodity Exchange Act, members of the public may apply to the Commission to seek damages against Commission registrants for alleged violations of the Act and/or Commission regulations. The legislative intent of the Reparations program was to provide a low-cost, speedy, and effective forum for the resolution of customer complaints and to sanction individuals and firms found to have violated the Act and/or any regulations.

In 1984, the Commission promulgated part 12 of the Commission regulations to administer section 14. Rule 12.13 provides the standards and procedures for filing a Reparations complaint. Specifically, paragraph (b) describes the form and content requirements of a complaint. CFTC Form 30 mirrors the requirements set forth in paragraph (b).

The Commission began utilizing Form 30 in or about 1984. The form was created to assist customers, who are typically *pro se* and non-lawyers. It was also designed as a way to provide proper notice to respondents of the charges against them. This form is critical to fulfilling this policy goal.[1]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.[2] On May 1, 2024, the Commission published in the **Federal Register** notice of the proposed extension of an approved collection of information and provided 60 days for public comment on the proposed extension, 89 FR 35078 (''60-Day Notice'') The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The respondent burden for this collection is estimated to be as follows:

Respondents/Affected Entities: commodity futures customers.

Estimated Number of Respondents: 15.

Estimated Average Burden Hours per Respondent: 1.5.

Estimated Total Annual Burden Hours: 23.

Frequency of Collection: As applicable.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: July 12, 2024.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2024–15725 Filed 7–16–24; 8:45 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Meetings

The Board of Directors of the Corporation for National and Community Service (operating as AmeriCorps) gives notice of the following meeting:

TIME AND DATE: Wednesday, July 24, 2025, 5:30 p.m.–6:30 p.m. (CT).

PLACE: Dillard University, 2601 Gentilly Boulevard, New Orleans, LA 70122 and via Zoom.

After registering, you will receive a confirmation email containing information about joining the webinar.

- To register for the meeting, please use this link: *https://americorps.zoomgov.com/webinar/register/WN_4U2anb84R5e82i5xR2TjnA.*

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

I. Opening Remarks by the Chair

[1] The Commission plans to update its rules to include a web-based version of Form 30 as an additional option for the public to submit reparations complaints online.

[2] 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8 (b)(3)(vi). See also 46 FR 63035 (Dec. 30, 1981).

II. Welcome to Louisiana, Remarks by Local Volunteer
III. CEO Remark: Michael Smith
IV. Spotlight: Long Term Impact of Hurricane Katrina
V. Public Comment
VI. Chair's Closing Remarks and Adjournment

Members of the public who would like to comment on the business of the Board may do so in writing or virtually. Submit written comments to *board@americorps.gov* with the subject line: ''Comments for July 24th AmeriCorps Board Meeting'' no later than 5:00 p.m. (ET) July 22nd. Individuals who would like to comment during the meeting will be given instructions for signing up when they join the meeting. Comments are requested to be limited to two minutes.

AmeriCorps provides reasonable accommodation to individuals with disabilities, where needed.

CONTACT PERSON FOR MORE INFORMATION: Beatrix Evans by telephone: (202) 938–3663 or by email: *bevans@americorps.gov.*

Andrea Grill,

Acting General Counsel.

[FR Doc. 2024–15875 Filed 7–15–24; 4:15 pm]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[Permit No. SWG–2019–00067 and Section 408 Request ID No. REIN–19–111]

Notice of Final Federal Agency Action on the Authorization for the Port of Corpus Christi Authority Channel Deepening Project

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of limitation on claims for judicial review of actions by the U.S. Army Corps of Engineers (USACE).

SUMMARY: USACE announces final agency action on the USACE authorization for the proposed deepening of the Port of Corpus Christi Authority Channel Deepening Project (CDP) located in and along the existing Corpus Christi Ship Channel. USACE has issued a permit authorizing the construction and maintenance of the CDP Project under sections 10 and 14 of the Rivers and Harbors Act of 1899 (RHA), section 404 of the Clean Water Act (CWA), and section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA). The CDP Project is a ''covered project'' under Title 41 of the Fixing America's Surface Transportation Act.

DATES: A claim seeking judicial review of the USACE authorization of construction of the CDP Project will be barred unless the claim is filed not later than two years after this notice's publication date. If the Federal law that allows for judicial review of the USACE authorization specifies a shorter time period for filing such a claim, then that shorter time period will apply.

FOR FURTHER INFORMATION CONTACT: Jayson M Hudson, Regulatory Project Manager, Regulatory Division, USACE, Galveston District, 2000 Fort Point Road, Galveston, Texas 77550, (409)–766–3108, or *SWG201900067@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that USACE has taken final agency action on its authorization for the proposed CDP Project by issuing a permit authorizing construction of the Project under section 10 and 14 of the RHA, section 404 of the CWA, and section 103 of the MPRSA.

The CDP project proposes to deepen the Corpus Christi Ship Channel (CCSC) from the Gulf to station 110+00 near Harbor Island in Nueces County, Texas, including the approximate 10 mile-extension to the Entrance Channel necessary to reach sufficiently deep waters. The CDP consists of deepening the CCSC from the authorized −54 feet MLLW to approximately −75 feet MLLW, with 2 feet of advanced maintenance and 2 feet of allowable overdredge, from Station 110+00 into the Gulf to Station −72+50 (3.5 miles) and deepening from the authorized −56 feet MLLW to approximately −77 feet MLLW, with 2 feet of advanced maintenance and 2 feet of allowable overdredge, from Station −72+50 to Station 620+00 in the Gulf (10.4 mile). As a result of one-way transit assumed for VLCCs, the planned widths for the −54-foot currently authorized project are nominally sufficient. Therefore, no widening other than the minor incidental widening to keep these bottom widths and existing channel slopes at the proposed deeper depths would occur. Deepening would take place largely within the footprint of the currently authorized −54-foot channel.

Dredging 46.3 million cubic yards would be required with inshore and Gulf placement of the material. Placement would occur in a mix of placement areas (PAs), Beneficial Use (BU) sites, and/or the New Work Ocean Dredged Material Disposal Sites (ODMDS). Placement of new work dredged material would occur at the following BU and PA sites: (1) SS1: Restoring eroded shorelines; (2) SS2: Restore eroded shoreline along Port Aransas Nature Preserve/Charlie's Pasture; (3) PA4: Reestablish eroded shoreline and land loss in front of PA4 (SS1 Extension), and upland placement within PA4; (4) HI–E: Bluff and shoreline restoration with site fill' (5) PA6: Raise levee 5-foot and fill with new work material; (6) SJI: Beach restoration San José Island; (7) B1–B9: Nearshore berms offshore of San José Island and Mustang Island; (8) MI: Beach nourishment for Gulf side of Mustang Island; (9) ODMDS: Place within New Work ODMDS.

The USACE's decision to issue a permit, and the laws under which the action was taken, are described in the Final Environmental Impact Statement for the Proposed Corpus Christi Ship Channel Deepening Project (FEIS) published on March 22, 2024. The FEIS, ROD, permit, and other documents can be viewed and downloaded from the USACE website at *https://www.swg.usace.army.mil/Missions/Regulatory/Special-Projects-Environmental-Impact-Statements/.* By this notice, USACE is advising the public of final agency action subject to 42 U.S.C. 4370m–6(a)(1)(A).

This notice applies to all Federal agency decisions that are final as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act (NEPA) 42 U.S.C. 4321–4351
2. Section 10 of the Rivers and Harbors Act 33 U.S.C. 403
3. Section 404 of the Clean Water Act 33 U.S.C. 1344
4. Section 103 of the Marine Protection and Sanctuaries Act 33 U.S.C. 1401 et seq
5. Section 14 of the Rivers and Harbors Act 33 U.S.C. 408
6. Clean Air Act 42 U.S.C. 7401–7671
7. Endangered Species Act of 1973 16 U.S.C. 1531–1544
8. Fish and Wildlife Coordination Act 16 U.S.C. 661–667
9. Magnuson-Stevens Fishery Conservation and Management Act Public Law 94–265
10. Coastal Zone Management Act 16 U.S.C. 1451 et seq
11. Migratory Bird Treaty Act 16 U.S.C. 703–712
12. Section 106 of the National Historic Preservation Act of 1966 as amended 54 U.S.C. 306108
13. Archeological Resources Protection Act of 1977 54 U.S.C. 312501–312508
14. Section 401 of the Clean Water Act 33 U.S.C. 1341

15. Executive Order 11990 Protection of Wetlands
16. E.O. 11988 Floodplain Management
17. E.O. 12898, Federal Actions to Address Environmental Justice
18. EP 1100–2–1 Procedures to Evaluate Sea Level Change: Impacts, Responses, and Adaptation

Wesley E. Coleman, Jr.,

Programs Director, Southwestern Division, U.S. Army Corps of Engineers.

[FR Doc. 2024–15689 Filed 7–16–24; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board

Committee and Quarterly Board Meetings

AGENCY: National Assessment Governing Board, Department of Education.

ACTION: Notice of open and closed meetings.

SUMMARY: This notice sets forth the agenda, time, and instructions to access the National Assessment Governing Board's (hereafter referred to as the Board or Governing Board) standing committee meetings and quarterly Governing Board meeting. This notice provides information to members of the public who may be interested in attending the meetings and/or providing written comments related to the work of the Governing Board. The meetings will be held either in person and/or virtually, as noted below. Members of the public must register in advance to attend the meetings virtually. A registration link will be posted on the Governing Board's website, *www.nagb.gov,* five (5) business days prior to each meeting.

DATES: The Quarterly Board Meeting will be held on the following dates:

- August 8, 2024, from 1:00 p.m. to 5:15 p.m., ET
- August 9, 2024, from 9:00 a.m. to 3:00 p.m., ET

ADDRESSES: The Colonnade Hotel, 120 Huntington Avenue, Boston, MA 02116.

FOR FURTHER INFORMATION CONTACT: Angela Scott, Designated Federal Officer (DFO) for the Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002, telephone: (202) 357–7502, fax: (202) 357–6945, email: *Angela.Scott@ed.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The Governing Board is established under the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621). Information on the Governing Board and its work can be found at *www.nagb.gov.* Notice of the meetings is required under section 1009(a)(2) of 5 U.S.C. chapter 10 (commonly known as the Federal Advisory Committee Act). The Governing Board formulates policy for the National Assessment of Educational Progress (NAEP) administered by the National Center for Education Statistics (NCES). The Governing Board's responsibilities include:

(1) selecting the subject areas to be assessed; (2) developing appropriate student achievement levels; (3) developing assessment objectives and testing specifications that produce an assessment that is valid and reliable, and are based on relevant widely accepted professional standards; (4) developing a process for review of the assessment which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public; (5) designing the methodology of the assessment to ensure that assessment items are valid and reliable, in consultation with appropriate technical experts in measurement and assessment, content and subject matter, sampling, and other technical experts who engage in large scale surveys; (6) measuring student academic achievement in grades 4, 8, and 12 in the authorized academic subjects; (7) developing guidelines for reporting and disseminating results; (8) developing standards and procedures for regional and national comparisons; (9) taking appropriate actions needed to improve the form, content use, and reporting of results of an assessment; and (10) planning and executing the initial public release of NAEP reports.

Standing Committee Meetings

The Governing Board's standing committees will meet to conduct regularly scheduled work. Standing committee meeting agendas and meeting materials will be posted on the Governing Board's website, *www.nagb.gov,* no later than five (5) business days prior to the meetings. Minutes of prior standing committee meetings are available at *https://www.nagb.gov/governing-board/quarterly-board-meetings.html.*

Standing Committee Meetings

Monday, July 22, 2024

Executive Committee (Virtual)

3:00 p.m.–4:15 p.m. (ET), Open Session
4:15 p.m.–5:00 p.m. (ET), Closed Session

The Executive Committee will meet in open session on Monday, July 22, 2024, from 3:00 p.m.–4:15 p.m. to review the August 8–9, 2024, quarterly Board meeting agenda and to receive an update from Lesley Muldoon, Governing Board Executive Director, on the Board's ongoing work and the Strategic Vision. The Executive Committee will meet in closed session from 4:15 p.m.–5:00 p.m. to receive an update on the NAEP budget and contracts from Peggy Carr, Commissioner, NCES, and Dan McGrath, Delegated Authority of Associate Commissioner, NCES. These briefings must be closed because discussions pertain to the federal budget and acquisition process. Public disclosure of this confidential information would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of section 552b(c) of title 5 of the United States Code.

Wednesday, August 7, 2024

Executive Committee (In-Person)

4:00 p.m.–4:10 p.m. (ET), Open Session
4:10 p.m.–5:00 p.m. (ET), Closed Session

The Executive Committee will meet in open session on Wednesday, August 7, 2024, from 4:00 p.m.–4:10 p.m. to vote on a nominee to serve as Vice Chair of the Governing Board for 2024–2025. The Committee will meet in closed session from 4:10 p.m. to 5:00 p.m. From 4:10 p.m. to 4:30 p.m., the committee will receive an update on the Governing Board's budget, followed by a discussion on the Board's legislative roles and responsibilities from 4:30 p.m. to 5:00 p.m. These discussions have implications for the Board's budgeting process and must be kept confidential. Such matters are protected by exemption 9(B) of section 552b(c) of title 5 of the United States Code.

Thursday, August 8, 2024

Assessment Development Committee (In-Person Meeting)

3:15 p.m.–4:15 p.m. (ET) Closed Session
4:15–5:15 p.m. (ET) Open Session

The Assessment Development Committee will meet in closed session on Thursday, August 8, 2024, from 3:15 p.m.–4:15 p.m. to review scenario-based tasks (SBT) concept sketches for 2028 NAEP Science Assessment at Grades 4 and 8. This review must be conducted in closed session because the test items are secure and have not been released to the public. Public disclosure of this information would significantly impede the implementation of the NAEP

assessment program if conducted in open session. Such matters are protected by exemption 9(B) of the Government in the Sunshine Act, 5 U.S.C. 552b. The committee will then convene in open session from 4:15 p.m.–5:15 p.m. From 4:15 p.m. to 4:55 p.m., the committee will discuss the proposed changes to the Assessment Framework Development Policy. From 4:55 p.m. to 5:05 p.m., the committee will receive an update on work of the Social Studies Content Advisory Group. From 5:05 to 5:15 p.m., the committee will receive an update on NAEP Long-Term Trend.

Committee on Standards, Design and Methodology (In-Person Meeting)

3:15 p.m.–4:15 p.m. (ET) Open Session
4:15 p.m.–5:15 p.m. (ET) Closed Session

The Committee on Standards, Design and Methodology will meet in open session on Thursday, August 8, 2024, from 3:15 p.m. to 4:15 p.m., to receive a presentation on a final draft of a NAEP Achievement Levels Validity Argument report. From 4:15 to 5:15 p.m., the committee will meet in closed session for an update by NCES on automated scoring feasibility and equity studies. This presentation must be conducted in closed session because the study findings have not been released to the public. Public disclosure of this information would significantly impede the implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of the Government in the Sunshine Act, 5 U.S.C. 552b. From

Reporting and Dissemination Committee (In-Person Meeting)

3:15 p.m.–3:55 p.m. (ET) Closed Session
3:55 p.m.–5:15 p.m. (ET) Open Session

The Reporting and Dissemination Committee will meet on Thursday, August 8, 2024, from 3:15 p.m. to 5:15 p.m. The committee will meet in closed session from 3:15 p.m. to 4:30 p.m. to receive an update on the new index of socioeconomic status (which will refer to undisclosed, embargoed data that cannot be revealed to the public at this time) and to learn about proprietary data that has not been released to the public. Premature disclosure of this information would significantly impede the implementation of the NAEP assessment program. Such matters are protected by exemption 9(B) of the Government in the Sunshine Act, 5 U.S.C. 552b. The committee meeting will open to the public at 4:30 p.m. to hear an update on the strategic communications work of the Board staff.

Quarterly Governing Board Meeting

The plenary sessions of the Governing Board's August 2024 quarterly meeting will be held on the following dates and times:

Thursday, August 8, 2024

1:00 p.m.–5:15 p.m. (ET) (Hybrid Meeting), Open Session

On Thursday, August 8, 2024, the plenary session of the quarterly Governing Board meeting will convene in open session from 1:00 p.m.–3:00 p.m. From 1:00–1:10 p.m., Beverly Perdue, Chair of the Governing Board, will welcome members, review, and approve the August 8–9, 2024, quarterly Governing Board meeting agenda, and approve the minutes from the May 16–17, 2024, Governing Board meeting. The Board will consider the recommendation by the Executive Committee and vote on the nominee to serve as Governing Board Vice Chair for term October 1, 2024–September 30, 2025.

From 1:10 p.m. to 1:40 p.m., Lesley Muldoon, Governing Board Executive Director, will provide an update on ongoing work, followed by an update from Peggy Carr, NCES Commissioner, from 1:40 p.m. to 2:10 p.m. From 2:10 p.m. to 3:00 p.m., the Board will discuss and take action on the Strategic Vision 2030. Following a fifteen-minute break, the Board's standing committees will convene from 3:15 p.m. to 5:15 p.m., as noted above. The Thursday, August 8, 2024, session of the Governing Board meeting will adjourn at 5:15 p.m.

Friday, August 9, 2024

9:00 a.m.–12:20 p.m. (ET) (Hybrid Meeting), Closed Session
12:30 p.m.–3:00 p.m. (ET) (Hybrid Meeting), Open Session

On Friday, August 9, 2024, the Governing Board meeting will convene in three closed sessions from 9:00 a.m. to 12:20 p.m. and thereafter in open session from 12:30 p.m. to 3:00 p.m.

The Governing Board will convene in closed session from 9:00 a.m.–10:00 a.m. to receive a briefing and update on the NAEP budget and contracts from Peggy Carr, NCES Commissioner, and Dan McGrath, Delegated Authority of Associate Commissioner, NCES. After a short transitional break, the Board will convene in a second closed session from 10:05 a.m. to 11:20 a.m. to receive an embargoed briefing on the NAEP State Mapping Study. The Board will convene in the third closed session from 11:20 a.m. to 12:20 p.m. to receive a presentation on research and development priorities for NAEP. These sessions must be closed because the discussions pertain to the federal budget and acquisition process and study findings. Public disclosure of this confidential information would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of the Government Sunshine Act, 5 U.S.C. 552b.

The Board will convene in open session from 12:30 p.m. to 2:00 p.m. to discuss ethical considerations for Artificial Intelligence (AI) in large scale assessment. From 2:00 p.m. to 2:30 p.m., Board members will have an open discussion, followed by farewell remarks by departing members from 2:30 p.m. to 3:00 p.m. The Friday, August 9, 2024, session of the meeting will adjourn at 3:00 p.m.

Instructions for Accessing and Attending the Meetings

Registration: Members of the public may attend the August 8–9, 2024, meetings of the full Governing Board either in person or virtually. A link to the final meeting agenda and information on how to register for virtual attendance for the open sessions will be posted on the Governing Board's website, *www.nagb.gov,* no later than five (5) business days prior to the meeting. Registration is required to join the meeting virtually.

Public Comment: Written comments related to the work of the Governing Board and its standing committees may be submitted to the attention of the DFO. Written comments may be submitted either via email to *Angela.Scott@ed.gov* or in hard copy to the address listed above. Written comments related to the August 8–9, 2024 Governing Board meeting should be submitted no later than close of business on August 1, 2024, and should reference the relevant agenda item.

Access to Records of the Meeting: Pursuant to 5 U.S.C. 1009, the public may inspect the meeting materials, which will be posted no later than five (5) business days prior to each meeting, at *www.nagb.gov*. The public may also inspect the meeting materials and other Governing Board records at 800 North Capitol Street NW, Suite 825, Washington, DC 20002, by emailing *Angela.Scott@ed.gov* to schedule an appointment. The official verbatim transcripts of the open meeting sessions will be available for public inspection no later than 30 calendar days following each meeting and will be posted on the Governing Board's website. Requests for the verbatim transcriptions may be made via email to the DFO.

Reasonable Accommodations: The meeting location is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the DFO listed in this notice by close of business on August 1, 2024.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the Adobe website. 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.

Authority: Pub. L. 107–279, title III, section 301—National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621).

Lesley Muldoon,

Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2024–15659 Filed 7–16–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0091]

Agency Information Collection Activities; Comment Request; Performance Reports for Graduate Assistance in Areas of National Need (GAANN) Program

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 an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before September 16, 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–0091. 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 Lauren Kennedy, (202) 453–7957.

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: Performance reports for Graduate Assistance in Areas of National Need (GAANN) Program.

OMB Control Number: 1840–0748.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: State, Local, or Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 291.

Total Estimated Number of Annual Burden Hours: 3,274.

Abstract: Graduate Assistance in Areas of National Need (GAANN) Program grantees must submit a performance report annually. In addition, grantees are required to submit a supplement to the final performance report two years after submission of their final report. The reports are used to evaluate grantee performance. Further, the data from the reports will be aggregated to evaluate the accomplishments and impact of the GAANN Program as a whole. Results will be reported to the Secretary in order to respond to performance requirements.

Dated: July 11, 2024.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–15643 Filed 7–16–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, August 14, 2024; 6–8 p.m. EDT.

ADDRESSES: Department of Energy (DOE) Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37831. This hybrid meeting will be in-person at the DOE Information Center and virtually via Zoom. To attend

virtually or to register for in-person attendance, please send an email to: *orssab@orem.doe.gov* by 5 p.m. EDT on Wednesday, August 7, 2024.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 2001, EM–942, Oak Ridge, TN 37831; Phone (865) 241–3315; or E-Mail: *Melyssa.Noe@orem.doe.gov.* Or visit the website at *www.energy.gov/orssab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on any EM program components.

Tentative Agenda

- OREM Presentation
- Work Plan Topics: Presentations by DOE, Tennessee Department of Environment and Conservation, and U.S. Environmental Protection Agency Liaisons
- Discussion
- Public Comment Period
- Board Business

Public Participation: This meeting is open to the public. The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board via email either before or after the meeting. Public comments received by no later than 5 p.m. EDT on Wednesday, August 7, 2024, will be read aloud during the meeting. Comments will be accepted after the meeting, by no later than 5 p.m. EDT on Monday, August 19, 2024. Please submit comments to *orssab@orem.doe.gov.* Please put ''Public Comment'' in the subject line. Individuals who wish to make oral statements should contact Melyssa P. Noe at the email address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit written public comments should email them as directed above. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by emailing or calling Melyssa P. Noe at the email address and telephone number listed above. Minutes will also be available at the following website: *https://www.energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Signing Authority: This document of the Department of Energy was signed on July 12, 2024, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 12, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–15742 Filed 7–16–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Advisory Committee for Nuclear Security

AGENCY: Office of Defense Programs, National Nuclear Security Administration, Department of Energy.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces a closed meeting of the Advisory Committee for Nuclear Security (ACNS). The Federal Advisory Committee Act requires that public notice of meetings be announced in the **Federal Register**. Due to national security considerations, the meeting will be closed to the public and matters to be discussed are exempt from public disclosure.

DATES: August 13, 2024; 9 a.m.–5 p.m. EDT.

ADDRESSES: In-person meeting.

FOR FURTHER INFORMATION CONTACT: Ms. Watti Hill, Office of Policy and Strategic Planning (NA–1.1) National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, (202) 586–8266, *watti.hill@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background: The ACNS provides advice and recommendations to the Under Secretary Nuclear Security & Administrator, NNSA areas and those of the National Nuclear Security Administration.

Purpose of the Meeting: The Quarterly meeting of the Advisory Committee for Nuclear Security (ACNS) will cover the current status of Committee activities as well as additional charges and is expected to contain discussions of a sensitive nature.

Type of Meeting: In the interest of national security, the meeting will be closed to the public. The Federal Advisory Committee Act, 5 U.S.C. App. 2, section 10(d), and the Federal Advisory Committee Management Regulation, 41 CFR 102–3.155, incorporate by reference the Government in the Sunshine Act, 5 U.S.C. 552b, which, at 552b(c)(1) and (c)(3) permits closure of meetings where restricted data or other classified matters will be discussed.

Tentative Agenda: Welcome; Headquarters and ACNS Updates; discussion of reports and current actions; discussion of next charges; conclusion.

Public Participation: There will be no public participation in this closed meeting. Those wishing to provide written comments or statements to the Committee are invited to send them to Allyson Koncke-Fernandez at the address listed above.

Minutes: The minutes of the meeting will not be available.

Signing Authority: This document of the Department of Energy was signed on July 12, 2024, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This

administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 12, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–15741 Filed 7–16–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8865–000]

N. Stanley Standal, Jr., and Loretta M. Standal; Notice of Authorization for Continued Project Operation

The license for the Stevenson #1 Hydroelectric Project No. 8865 was issued for a period ending June 30, 2024.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 8865 is issued to N. Stanley Standal, Jr., and Loretta M. Standal for a period effective July 1, 2024, through June 30, 2025, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before June 30, 2025, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that N. Stanley Standal, Jr., and Loretta M. Standal is authorized to continue operation of the Stevenson #1 Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15733 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7887–019]

Ashuelot River Hydro, Inc.; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 7887–019.

c. *Date filed:* June 28, 2024.

d. *Applicant:* Ashuelot River Hydro, Inc. (Ashuelot Hydro).

e. *Name of Project:* Minnewawa Hydroelectric Project.

f. *Location:* On the Minnewawa Brook, in the Town of Marlborough, Cheshire County, New Hampshire.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Justin Ahmann, Owner, Ashuelot River Hydro, Inc., 75 Somers Road, P.O. Box 474, Somers, Montana 59932; Phone at (406) 393–2127 or email *Justin@apec-mt.com;* or Daniel Parker, Consultant, 45north Renewable Energy, LLC, 330 May Road, Potsdam, New York 13676; Phone at (315) 261–2158 or email *45northRenewables@mail.com.*

i. *FERC Contact:* Justin R. Robbins at (202) 502–8308, or *justin.robbins@ferc.gov.*

j. *Cooperating agencies:* Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See, 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: August 27, 2024.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Minnewawa Hydroelectric Project (P–7887–019).

m. The application is not ready for environmental analysis at this time.

n. The existing Minnewawa Project consists of the following: (1) a 200-foot-long concrete arch dam (Minnewawa Dam) that includes a low-level outlet valve and a spillway with 2-foot-high flashboards with a crest elevation of 1070.2 feet National Geodetic Vertical Datum of 1929 (NGVD 29) at top of the flashboards; (2) an impoundment with a surface area of 10 acres at an elevation of 1070.2 feet NGVD 29; (3) a 20-foot-high, 7.5-foot-wide intake structure

equipped with a trashrack with 1-inch clear bar spacing; (4) a 5,717 foot-long, 42-inch-diameter steel penstock; (5) a 55.7-foot-long, 24-foot-wide, brick and concrete powerhouse with a Francis turbine-generator unit with an authorized installed capacity of 1,000 kilowatts (kW); (6) a tailrace; (7) a step-up transformer; (8) a 100-foot-long, 12.4 kilovolt transmission line; and (9) appurtenant facilities.

The current license requires Ashuelot Hydro to operate the project in instantaneous run-of-river mode, so that flow in the Minnewawa Brook, as measured immediately downstream from the project tailrace, approximates the instantaneous sum of the inflow to the project impoundment. The current license also requires that Ashuelot Hydro release a minimum flow of 4 cubic feet per second, as measured immediately downstream from the Minnewawa Dam, or inflow to the impoundment, whichever is less. The minimum flow is released from the low-level outlet valve into a bypassed reach of Minnewawa Brook between the dam and the tailrace. The average annual generation of the project between 2003 through 2023 was 3,945 megawatt-hours.

Ashuelot Hydro propose to: (1) continue operating the project in a run-of-river mode; (2) install a new 75-kW fixed geometry turbine-generator unit in the existing powerhouse; (3) install a tap and isolation valve to the existing penstock; and (4) increase the height of the flashboards on the spillway by one foot and maintain the impoundment water surface elevation at 1071.2 feet NGVD 29 (*i.e.,* one foot above its current level of 1070.2 feet NGVD 29).

o. Copies of the application may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–7887). For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call tollfree, (866) 208–3676 or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

p. Procedural schedule and final amendments: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter (if necessary).	August 2024.
Request for Additional Information.	August 2024.
Issue Acceptance Letter ..	December 2024.
Issue Scoping Document 1 for comments.	December 2024.
Request Additional Information (if necessary).	January 2025.
Issue Scoping Document 2 (if necessary).	March 2025.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15731 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. P–7888–024]

Comtu Falls Corporation; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 7888–024.

c. *Date Filed:* June 27, 2024.

d. *Applicant:* Comtu Falls Corporation (Comtu Corporation).

e. *Name of Project:* Comtu Falls Hydroelectric Project.

f. *Location:* On the Black River in Windsor County, Vermont.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Celeste Fay, Director Regulatory Affairs, Comtu Falls Corporation, P.O. Box 7580, Boulder, CO 80306; (413) 262–9466; email at *celeste@gravityrenewables.com;* or Jonathon Petrillo, VP Business Development, Comtu Falls Corporation, P.O. Box 7580, Boulder, CO 80306; (413) 262–9466; email at *jon@gravityrenewables.com.*

i. *FERC Contact:* Nathan Tatum at 202–502–8838, or *nathan.tatum@ferc.gov.*

j. *Cooperating Agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* August 26, 2024.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Comtu Falls Project (P–7888–024).

m. The application is not ready for environmental analysis at this time.

n. *The Comtu Project consists of the following:* (1) a 4-foot-high, 128-foot-long concrete gravity dam (Comtu Falls Dam) topped with 2-foot-high wooden flashboards with a crest elevation of 394.4 feet North American Vertical Datum of 1988 at the top of the flashboards; (2) a 0.4-acre impoundment; (3) an intake structure on the west side of the dam equipped with a trashrack with 1.5-inch clear bar spacing and a slide gate; (4) a 6-foot-high, 6-foot wide, 65-foot-long reinforced concrete penstock; (5) a powerhouse with one Kaplan turbine generator unit with an authorized installed capacity of 460 kilowatts; (6) a 0.6/4.61 kilovolt (kV), 300 kilo-volt-amperes transformer; (7) a 20-foot-long, 4.16-kV transmission line; and (8) appurtenant facilities.

Comtu Corporation operates the project in a run-of-river mode using an automatic pond level control system to regulate turbine operation, such that outflow from the project approximates inflow. The current license requires Comtu Corporation to release a continuous minimum flow of 4 cubic feet per second or inflow, whichever is less, over the project dam and to release all inflow over the dam when inflow is less than 44 cubic feet per second. The project had an average annual generation of 2,340 megawatt-hours between 2011 and 2020.

The current license also requires Comtu Corporation to provide downstream fish passage at the project from April 1 to June 15. Comtu Corporation operates a downstream fish passage facility consisting of a 3-foot-wide, 2-foot-deep notch in the spillway that discharges to a concrete plunge pool.

Comtu Corporation proposes to continue operating the project in a run-of-river mode. Comtu Corporation also proposes to: (1) increase the current year-round 0.5-inch aesthetic flow over the spillway to 1 inch or 10 cfs; (2) operate the existing downstream fish passage facility from April 1 to June 15 and from September 15 to November 15; and (3) develop a flow management and monitoring plan.

o. Copies of the application may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–7888). For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call tollfree, (866) 208–3676 or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

p. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter (if necessary).	August 2024.
Request for Additional Information.	August 2024.
Issue Acceptance Letter	December 2024.
Issue Scoping Document 1 for comments.	December 2024.
Request Additional Information (if necessary).	January 2025.
Issue Scoping Document 2 (if necessary).	March 2025.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15732 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9650–036]

Factory Falls, Inc.; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 9650–036.

c. *Date filed:* June 28, 2024.

d. *Applicant:* Factory Falls, Inc. (Factory Falls).

e. *Name of Project:* Gilman Dam Hydroelectric Project.

f. *Location:* On the Black River, Windsor County, Vermont.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* William Handly, Factory Falls, Inc., 286 South Street, Springfield, Vermont 05156; Phone at (802) 885–5360 or email at *bhandly@vermontel.net.*

i. *FERC Contact:* Erin Kimsey at (202) 502–8621, or *erin.kimsey@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: August 27, 2024.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Gilman Dam Hydroelectric Project (P–9650–036).

m. The application is not ready for environmental analysis at this time.

n. The existing Gilman Dam Project consists of the following: (1) a 190-foot-long, 7-foot-high concrete gravity dam (Gilman Dam) that includes a spillway with a crest elevation of 421 feet mean sea level (msl); (2) an impoundment with a surface area of 1.0 acre at an elevation of 421 feet msl; (3) an intake structure equipped with a headgate and trashrack with 1.5-inch clear bar spacing; (4) a 175-foot-long, 6-foot-diameter penstock; (5) a 40-foot-long, 50-foot-wide, brick and concrete powerhouse with a Vertical Francis turbine-generator unit with an authorized installed capacity of 125 kilowatts; (6) a 50-foot-long tailrace; (7) a 0.6 kilovolt (kV) generator lead; (8) a 0.6/4.16 kV step-up transformer; (9) a 4.16 kV transmission line; (10) a downstream fish passage facility for Atlantic Salmon; and (11) appurtenant facilities.

The current license requires Factory Falls to operate the project in instantaneous run-of-river mode, so that flow in the Black River, as measured immediately downstream from the project tailrace, approximates the instantaneous sum of the inflow to the project impoundment. The current license also requires Factory Falls to release a minimum flow of 9 cubic feet per second (cfs) over the spillway or through the fish passage facility during passage season, and 40 cfs in an uncontrolled bypass channel on the west side of the dam, and to operate the downstream fish passage from April 1 through June 15. The project has an average annual generation of 550 megawatt-hours.

Factory Falls propose to continue operating the project in a run-of-river mode. Factory Falls also propose to increase the minimum flow over the spillway from 9 cfs to 10 cfs by maintaining the impoundment 1 inch above the spillway crest.

o. Copies of the application may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–9650). For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call tollfree, (866) 208–3676 or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

p. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if necessary).	August 2024.
Request Additional Information.	August 2024.
Issue Acceptance Letter	January 2025.
Issue Scoping Document 1 for comments.	January 2025.
Request Additional Information (if necessary).	March 2025.
Issue Scoping Document 2 (if necessary).	March 2025.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15736 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–487–000]

LA Storage, LLC; Notice of Amendment of Application and Establishing Intervention Deadline

Take notice that on June 28, 2024, LA Storage, LLC (LA Storage), 1500 Post Oak Blvd. Suite 1000, Houston, TX 77056, filed an application under section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to amend the certificate of public convenience and necessity issued by the Commission on September 23, 2022, in Docket No. CP21–44–000,[1] authorizing LA Storage to construct and operate the Hackberry Storage Project (September 2022 Order). Specifically, LA Storage seeks an amendment to reduce the diameter of the previously authorized Hackberry Pipeline from 42 inches to 36 inches. The Hackberry Storage Project is located in Cameron and Calcasieu Parishes, Louisiana all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions regarding the proposed project should be directed to Jerrod L. Harrison, Assistant General Counsel Sempra Infrastructure, 488 8th Avenue, San Diego, CA, 92101 by phone at 619–696–2987, or by email at *jharrison@sempraglobal.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[2] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS)

[1] *See LA Storage, LLC,* 180 FERC ¶ 61,188 (2022); *LA Storage, LLC,* 183 FERC ¶ 62,128 (2023).

[2] 18 CFR 157.9.

or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on August 1, 2024. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[3] and 385.211[4] of the Commission's regulations under the NGA, any person[5] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[6] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before August 1, 2024.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP24–487–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP24–487–000).

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[7] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure[8] and the regulations under the NGA[9] by the intervention deadline for the project, which is August 1, 2024. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about options to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP24–487–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP24–487–000.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

[3] 18 CFR 157.10(a)(4).

[4] 18 CFR 385.211.

[5] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[6] 18 CFR 385.2001.

[7] 18 CFR 385.102(d).

[8] 18 CFR 385.214.

[9] 18 CFR 157.10.

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email at: to Jerrod L. Harrison, Assistant General Counsel Sempra Infrastructure, 488 8th Avenue, San Diego, CA 92101or at *jharrison@sempraglobal.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [10] motions to intervene are automatically granted by operation of Rule 214(c)(1).[11] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[12] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on August 1, 2024.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15728 Filed 7–16–24; 8:45 am]

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[10] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[11] 18 CFR 385.214(c)(1).

[12] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1394–000]

Southern California Edison Company; Notice of Authorization for Continued Project Operation

The license for the Bishop Creek Hydroelectric Project No. 1394 was issued for a period ending June 30, 2024.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1394 is issued to Southern California Edison Company for a period effective July 1, 2024, through June 30, 2025, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before June 30, 2025, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Southern California Edison Company is authorized to continue operation of the Bishop Creek Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15729 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9649–020]

Lovejoy Tool Company Inc.; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 9649–020.

c. *Date Filed:* June 28, 2024.

d. *Applicant:* Lovejoy Tool Company Inc. (Lovejoy Company).

e. *Name of Project:* Lovejoy Dam Hydroelectric Project.

f. *Location:* On the Black River, Windsor County, Vermont.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Todd Priestley, Lovejoy Tool Company, Inc., 133 Main Street, Springfield, Vermont, 05156; Phone at (800) 843–8376 or email at *todd.priestley@lovejoytool.com.*

i. *FERC Contact:* Erin Kimsey at (202) 502–8621, or *erin.kimsey@ferc.gov.*

j. *Cooperating Agencies:* Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the

instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to § 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* August 27, 2024.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *https://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Lovejoy Dam Hydroelectric Project (P–9649–020).

m. The application is not ready for environmental analysis at this time.

n. *The existing Lovejoy Dam Project consists of the following:* (1) a 150-foot-long, 15-foot-high concrete gravity dam (Lovejoy Dam) that includes a spillway with 1-foot-high flashboards with a crest elevation of 345 feet mean sea level (msl) at top of the flashboards; (2) an impoundment with a surface area of 3.6 acres at an elevation of 345 feet msl; (3) an intake structure equipped with a headgate and trashrack with 1.5-inch clear bar spacing; (4) a 15-foot-long, 4-foot-wide, 8-foot-deep concrete penstock; (5) a 40-foot-long, 18-foot-wide, brick and concrete powerhouse with two Vertical Francis turbine-generator unit with a total authorized installed capacity of 150 kilowatts; (6) a 36-foot-long tailrace; (7) two 0.6 kilovolt (kV) generator leads; (8) a 0.6/4.16 kV step-up transformer; (9) a 100-foot-long 4.16 kV transmission line; (10) a downstream fish passage facility for Atlantic Salmon; and (11) appurtenant facilities.

The current license requires Lovejoy Company to operate the project in instantaneous run-of-river mode, so that flow in the Black River, as measured immediately downstream from the project tailrace, approximates the instantaneous sum of the inflow to the project impoundment. The current license also request Lovejoy Company to release a minimum flow of 4 cubic feet per second (cfs) over the dam spillway or through the fish passage facility during passage season, and operate the downstream fish passage facility from April 1 through June 15 with an attraction flow of 20 cfs plus the 4 cfs minimum flow. The project has an average annual generation of 500 megawatt-hours.

Lovejoy Tool Company Inc is not proposing any changes to project facilities or operation.

o. Copies of the application may be viewed on the Commission's website at *https://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–9649). For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call tollfree, (866) 208–3676 or (202) 502–8659 (TTY).

You may also register online at *https://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

p. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if necessary).	August 2024.
Request Additional Information ..	August 2024.
Issue Acceptance Letter	January 2025.
Issue Scoping Document 1 for comments.	January 2025.
Request Additional Information (if necessary).	March 2025.
Issue Scoping Document 2 (if necessary).	March 2025.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15735 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4472–000]

Union Falls Hydropower, LP; Notice of Authorization for Continued Project Operation

The license for the Saranac Hydroelectric Project No. 4472 was issued for a period ending June 30, 2024.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 4472

is issued to Union Falls Hydropower, L.P. for a period effective July 1, 2024, through June 30, 2025, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before June 30, 2025, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Union Falls Hydropower, L.P. is authorized to continue operation of the Saranac Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15730 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24–230–000.

Applicants: BCD 2024 Fund 5 Lessee, LLC.

Description: BCD 2024 Fund 5 Lessee, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/11/24.

Accession Number: 20240711–5041.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: EG24–231–000.

Applicants: Envoy Solar, LLC.

Description: Envoy Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/11/24.

Accession Number: 20240711–5042.

Comment Date: 5 p.m. ET 8/1/24.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL24–126–000.

Applicants: Independent Market Monitor for PJM v. *PJM Interconnection, L.L.C.*

Description: Complaint of *Independent Market Monitor for PJM* v. *PJM Interconnection, L.L.C.*

Filed Date: 7/11/24.

Accession Number: 20240711–5021.

Comment Date: 5 p.m. ET 7/31/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–2200–002.

Applicants: Atlantic City Electric Company, PJM Interconnection, L.L.C.

Description: Compliance filing: Atlantic City Electric Company submits tariff filing per 35: ACE Compliance Filing in ER22–2200 to be effective 9/1/2022.

Filed Date: 7/11/24.

Accession Number: 20240711–5046.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–1701–001.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2024–07–11 Compliance Filing—Effective Date of TCA Revisions—DCRT to be effective 6/12/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5121.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2493–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 4082; AD2–112 to be effective 1/22/2024.

Filed Date: 7/10/24.

Accession Number: 20240710–5173.

Comment Date: 5 p.m. ET 7/31/24.

Docket Numbers: ER24–2494–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6248; AE2–206/AF1–078 to be effective 9/9/2024.

Filed Date: 7/10/24.

Accession Number: 20240710–5179.

Comment Date: 5 p.m. ET 7/31/24.

Docket Numbers: ER24–2495–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2024–07–11_SA 4309 Ameren Illinois–CG Pike Creek E&P (J1831) to be effective 7/12/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5035.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2496–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 6552; Queue Nos. AE2–318/AF1–045 (amend) to be effective 9/10/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5038.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2497–000.

Applicants: Buckeye Plains Solar Project, LLC.

Description: Compliance filing: Affiliate Rule Limited Waiver Filing—Buckeye Plains to be effective 9/9/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5076.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2498–000.

Applicants: Foxhound Solar, LLC.

Description: Compliance filing: Affiliate Rule Limited Waiver Filing—Foxhound to be effective 9/9/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5087.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2499–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6024; AB2–135 to be effective 9/10/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5089.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2500–000.

Applicants: Pickaway County Solar Project, LLC.

Description: Compliance filing: Affiliate Rule Limited Waiver Filing—Pickaway to be effective 9/9/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5090.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2501–000.

Applicants: Virginia Electric and Power Company.

Description: Compliance filing: Affiliate Rule Limited Waiver Filing—DEV (Market-Based Sales Tariff) to be effective 9/9/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5092.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2502–000.

Applicants: Virginia Electric and Power Company.

Description: Compliance filing: Affiliate Rule Limited Waiver Filing—DEV (Wholesale Market-Based Sales Tariff) to be effective 9/9/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5094.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2503–000.

Applicants: El Paso Electric Company.

Description: § 205(d) Rate Filing: OATT Non-substantive Revisions to Part II.17, Part II.18 and Part III.29 to be effective 7/12/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5097.

Comment Date: 5 p.m. ET 8/1/24.

Docket Numbers: ER24–2504–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amended ISA, Service Agreement No. 5846; AB2–133 to be effective 9/10/2024.

Filed Date: 7/11/24.

Accession Number: 20240711–5153.

Comment Date: 5 p.m. ET 8/1/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15727 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15000–000]

Erie Boulevard Hydropower, L.P.; Notice of Authorization for Continued Project Operation

The license for the Franklin Falls Hydroelectric Project No. 15000 was issued for a period ending June 30, 2024.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 15000 is issued to Erie Boulevard Hydropower, L.P. for a period effective July 1, 2024, through June 30, 2025, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before June 30, 2025, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Erie Boulevard Hydropower, L.P. is authorized to continue operation of the Franklin Falls Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15737 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9648–020]

One Hundred River Street, LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 9648–020.

c. *Date filed:* June 28, 2024.

d. *Applicant:* One Hundred River Street, LLC (River Street).

e. *Name of Project:* Fellows Dam Hydroelectric Project.

f. *Location:* On the Black River, Windsor County, Vermont.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Richard Genderson, One Hundred River Street, LLC, 300 Massachusetts Avenue NE, Washington, DC 20002; Phone at (202) 543–9300 or email *rick@cellar.com.*

i. *FERC Contact:* John Baummer at (202) 502–6837, or *john.baummer@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* August 27, 2024.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Fellows Dam Hydroelectric Project (P–9648–020).

m. The application is not ready for environmental analysis at this time.

n. *The existing Fellows Dam Project consists of the following:* (1) a 200-foot-long, 10-foot-high concrete dam (Fellows Dam) with a crest elevation of 435 feet mean sea level (msl); (2) an impoundment with a surface area of 21 acres and a storage capacity of 106 acre-feet at an elevation of 435 feet msl; (3) an intake structure equipped with an inclined trashrack with 1.5-inch clear bar spacing; (4) a 4-foot by 8-foot, 30-foot-long reinforced concrete open flume; (5) a powerhouse with a Francis turbine-generator unit with an authorized installed capacity of 150 kilowatts; (6) a 0.60 kilovolt (kV) generator lead; (7) a 0.60/4.16-kV transformer; (8) a 0.6-kV, 100-foot-long transmission line; and (9) appurtenant facilities.

The current license requires River Street to operate the project in a run-of-river mode and to release a minimum flow of 6 cubic feet per second (cfs) or inflow, whichever is less, over the spillway for the protection of fish and wildlife resources in the Black River. The project has an average annual generation of 500 megawatt-hours.

The current license also requires River Street to provide downstream fish passage at the project from April 1 to June 15. River Street operates a downstream fish passage facility consisting of a 36-inch-wide weir installed in the spillway adjacent to the existing trashrack, a fish collection box, and an 18-inch diameter steel sluice pipe that discharges to a natural plunge pool at the toe of the dam.

River Street proposes to continue operating the project in a run-of-river mode. River Street also proposes to: (1) increase the current year-round minimum flow release over the spillway from 0.5 inch (6 cfs) to 1 inch; (2) operate the existing downstream fish passage facility in the fall; and (3) develop a flow management, monitoring, and maintenance plan.

o. Copies of the application may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–9648). For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call tollfree, (866) 208–3676 or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

p. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter (if necessary).	August 2024.
Request Additional Information.	August 2024.
Issue Acceptance Letter	January 2025.
Issue Scoping Document 1 for comments.	January 2025.
Request Additional Information (if necessary).	March 2025.
Issue Scoping Document 2 (if necessary).	March 2025.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: July 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–15734 Filed 7–16–24; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0750; FRL–12087–01–OCSPP]

Pesticide Registration Review; Proposed Decisions for Several Pesticides; Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is announcing the availability of and soliciting comment on EPA's proposed interim decisions for the following pesticides: Malathion and mancozeb.

DATES: Comments must be received on or before September 16, 2024.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in table 1 of unit II., through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information: The Chemical Review Manager for the pesticide of interest identified in table 1 of unit II.

For general information: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0701; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the

sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in table 1 of unit II.

II. What action is the Agency taking?

Pursuant to 40 CFR 155.58(a), this notice announces the availability of EPA's proposed interim and proposed registration review decisions for the pesticides shown in table 1 and opens a 60-day public comment period on the proposed interim and proposed registration review decisions.

TABLE 1—PROPOSED INTERIM AND PROPOSED REGISTRATION REVIEW DECISIONS

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Malathion Case Number 0248	EPA–HQ–OPP–2009–0317	Carolyn Smith, *smith.carolyn@epa.gov,* (202) 566–2273.
Mancozeb Case Number 0643	EPA–HQ–OPP–2015–0291	Ben Tweed, *tweed.benjamin@epa.gov,* (202) 566–2274.

III. What is the Agency's authority for taking this action?

EPA is conducting its registration review of the chemicals listed in the table 1 of unit II. pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(g) (7 U.S.C. 136a(g)) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. FIFRA Section 3(g) provides, among other things, that pesticide registrations are to be reviewed every 15 years. Consistent with 40 CFR 155.57, in its final registration review decision, EPA will ultimately determine whether a pesticide continues to meet the registration standard in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). As part of the registration review process, the Agency has completed a proposed interim or proposed decision for each of the pesticides listed in table 1 of unit II.

The registration review docket for a pesticide includes documents related to the registration review case. Among other things, these documents describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in table 1 of unit II., as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. The proposed interim and proposed registration review decisions are supported by the rationales included in those documents.

Consistent with 40 CFR 155.58(a), EPA provides for at least a 60-day public comment period on proposed interim and proposed registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed decision.

For additional background on the registration review program, see: *https://www.epa.gov/pesticide-reevaluation.*

IV. What should I consider as I prepare comment for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through email or *https://www.regulations.gov.* If you wish to include CBI in your comment, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When preparing and submitting your comments, see the commenting tips at: *https://www.epa.gov/dockets/commenting-epa-dockets.*

3. *Environmental Justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

All comments should be submitted using the methods in **ADDRESSES** and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in table 1 in unit I. The Agency will consider all comments received by the closing date and may respond to comments in a ''Response to Comments Memorandum'' in the docket and/or in any subsequent interim or final registration review decision, as appropriate.

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 11, 2024.

Jean Overstreet,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2024–15650 Filed 7–16–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 232649]

Open Commission Meeting Thursday, July 18, 2024

July 11, 2024.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 18, 2024, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: *www.fcc.gov/visit.* Open Meetings are streamed live at: *www.fcc.gov/live* and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	Wireline Competition	*Title:* Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act (WC Docket No. 23–62); Rates for Interstate Inmate Calling Services (WC Docket No. 12–375). *Summary:* The Commission will consider a Report and Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking that would implement the Martha Wright-Reed Just and Reasonable Communications Act of 2022 by adopting just and reasonable rate caps for incarcerated people's audio and video communications services, among other reforms. The Further Notice would seek comment on additional reforms for incarcerated people's communications services.
2	Wireline Competition	*Title:* Modernizing E-Rate to Support Wi-Fi Hotspots (WC Docket No. 21–31). *Summary:* The Commission will consider a Report and Order and Further Notice of Proposed Rulemaking that would update the E-Rate program rules to make the off-premises use of Wi-Fi hotspots and wireless Internet services eligible for E-Rate program support.
3	Wireless Tele-Communcations	*Title:* Promoting Consumer Choice and Wireless Competition Through Handset Unlocking Requirements and Policies (WT Docket No. 24–186). *Summary:* The Commission will consider a Notice of Proposed Rulemaking that would propose the use of broadly applicable handset unlocking policies as a means to improve consumer choice and flexibility, to enhance competition across the mobile wireless marketplace, and to provide for more uniform regulation of service providers.
4	Public Safety and Homeland Security	*Title:* Facilitating Implementation of Next Generation 911 Services (NG911) (PS Docket No. 21–479); Location-Based Routing for Wireless 911 Calls (PS Docket No. 18–64). *Summary:* The Commission will consider a Report and Order that would expedite the transition to NG911 and help ensure that the nation's 911 system functions effectively with the most advanced capabilities available.
5	Media	*Title:* Accessibility of User Interfaces, and Video Programming Guides and Menus (MB Docket No. 12–108). *Summary:* The Commission will consider a Report and Order that would ensure that consumers are able to readily access user display settings for closed captioning on covered video devices.

* * * * *

The meeting will be webcast at: *www.fcc.gov/live.* Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairwoman may hold a news conference in which she will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): *MediaRelations@fcc.gov.* Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2024–15723 Filed 7–16–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0019; –0082; –0084]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to renew the existing information collections described below (OMB Control No. 3064–0019, –0082, and –0084). The notice of the proposed renewal for these information collections were previously published in the **Federal Register** on May 1, 2024, and May 7, 2024, allowing for a 60-day comment period.

DATES: Comments must be submitted on or before August 16, 2024.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7:00 a.m. and 5:00 p.m.

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: Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

1. *Title:* Interagency Notice of Change in Control

OMB Number: 3064–0019

Form Number: 6822/01.

Affected Public: Individuals, insured state nonmember banks, and insured state savings associations.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDENS

[OMB No. 3064–0019]

IC description	Type of burden (obligation to respond)	Frequency of response	Number of respondents	Number of responses/ respondent	Time per response (hours)	Annual burden (hours)
Form 6822/01—Interagency Notice of Change in Control, 12 CFR 303.85.	Reporting (Mandatory).	On occasion ...	34	1	30.5	1,037
Notice of Change in Control Public Notice Requirement, 12 CFR 303.87.	Disclosure (Mandatory).	On Occasion ..	34	1	1	34
Total Annual Burden Hours						1,071

Source: FDIC.

General Description of Collection: Section 7(j) of the FDIA (12 U.S.C. 1817(j)) and sections 303.80–88 of the FDIC Rules and Regulations (12 CFR 303.80 *et seq.*) require that any person proposing to acquire control of an insured depository institution and certain parent companies thereof provide 60 days prior written notice of the proposed acquisition to the appropriate federal banking agency. Such written notice which pertains to the acquisition of control of an FDIC supervised institution and certain parent companies thereof is filed with the regional director of the FDIC region in which the bank is located. The FDIC reviews the information reported in the Notice to assess, in part, any anticompetitive and monopolistic effects of the proposed acquisition, to determine if the financial condition of any acquiring person or the future prospects of the institution might jeopardize the financial stability of the institution or prejudice the interests of the depositors of the institution, and to determine whether the competence, experience, or integrity of any acquiring person, or of any of the proposed management personnel, indicates that it would not be in the interest of the depositors of the institution, or in the interest of the public, to permit such persons to control the bank. The FDIC must also make an independent determination of the accuracy and completeness of all of the information required to be filed in conjunction with a Notice.

The FDIC is increasing the total burden associated with this collection from 549 hours to 1,071 hours. This information collection contains a disclosure requirement, which was not recognized in the 2021 submission. The 522 increase in burden hours is due to the addition of the disclosure requirement and the use of a more accurate methodology to estimate the number of respondents and responses per respondent.

2. *Title:* Recordkeeping, Disclosure and Reporting Requirements in Connection with Regulation Z.

OMB Number: 3064–0082.

Form Number: None.

Affected Public: FDIC- Supervised Institutions.

Burden Estimate:

TABLE 1—SUMMARY OF ESTIMATED ANNUAL IMPLEMENTATION BURDEN

[OMB No. 3064–0082]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
Open-End Credit Products • Not Home-Secured Open-End Credit Plans ○ Credit and Charge Card Provisions					
Timely Settlement of Estate Debts Written Policies and Procedures, 12 CFR 1026.11(c)(1) (Mandatory).	Recordkeeping (On Occasion)	8	1	08:00	64
Ability to Pay Written Policies and Procedures, 12 CFR 1026.51(a)(ii) (Mandatory).	Recordkeeping (On Occasion)	8	1	08:00	64
Mortgage Products (Open and Closed-End) • Valuation Independence ○ Mandatory Reporting					
Implementation of Policies and Procedures, 12 CFR 1026.42(g) (Mandatory).	Recordkeeping (On Occasion)	8	1	20:00	160
Total Annual Implementation Burden (Hours)					288

Source: FDIC.

NOTE: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

TABLE 2—SUMMARY OF ESTIMATED ANNUAL ONGOING BURDEN
[OMB No. 3064–0082]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
Open-End Credit Products					
• Not Home-Secured Open-End Credit Plans					
○ General Disclosure Rules for Not Home-Secured Open-End Credit Plans					
1. Credit and Charge Card Applications and Solicitations, 12 CFR 1026.60 (Mandatory).	Disclosure (Annual)	478	1	08:00	3,824
2. Account Opening Disclosures, 12 CFR 1026.6(b) (Mandatory).	Disclosure (Annual)	478	1	12:00	5,736
3. Periodic Statements, 12 CFR 1026.7(b) (Mandatory)	Disclosure (Monthly)	478	12	08:00	45,888
4. Annual Statement of Billing Rights, 12 CFR 1026.9(a)(1) (Mandatory).	Disclosure (Annual)	478	1	08:00	3,824
5. Alternative Summary Statement of Billing Rights, 12 CFR 1026.9(a)(2) (Voluntary).	Disclosure (Monthly)	478	12	08:00	45,888
6. Change in Terms Disclosures, 12 CFR 1026.9(b) through (h) (Mandatory).	Disclosure (Annual)	478	1	08:00	3,824
○ Credit and Charge Card Provisions					
7. Timely Settlement of Estate Debts, 12 CFR 1026.11(c)(2) (Mandatory).	Disclosure (On Occasion)	478	61	00:05	2,430
8. Ability to Pay, 12 CFR 1026.51 (Mandatory)	Recordkeeping (Annual)	478	1	12:00	5,736
9. College Student Credit Annual Report, 12 CFR 1026.57(d) (Mandatory).	Reporting (Annual)	478	1	08:00	3,824
10. Submission of Credit Card Agreements, 12 CFR 1026.58(c) (Mandatory).	Reporting (Quarterly)	478	4	03:00	5,736
11. Internet Posting of Credit Card Agreements, 12 CFR 1026.58(d) (Mandatory).	Disclosure (Quarterly)	478	4	06:00	11,472
12. Individual Credit Card Agreements, 12 CFR 1026.58(e) (Mandatory).	Disclosure (On Occasion)	478	14	00:15	1,673
• Home Equity Open-End Credit Plans (HELOC)					
○ General Disclosure Rules for HELOC's					
13. Application Disclosures, 12 CFR 1026.40 (Mandatory)	Disclosure (Annual)	2,189	1	12:00	26,268
14. Account Opening Disclosures, 12 CFR 1026.6(a) (Mandatory).	Disclosure (Annual)	2,189	1	12:00	26,268
15. Periodic Statements, 12 CFR 1026.7(a) (Mandatory)	Disclosure (Annual)	2,189	1	08:00	17,512
16. Annual Statement of Billing Rights, 12 CFR 1026.9(a)(1) (Mandatory).	Disclosure (Annual)	2,189	1	08:00	17,512
17. Alternative Summary Statement of Billing Rights, 12 CFR 1026.9(a)(2) (Mandatory).	Disclosure (Annual)	2,189	1	08:00	17,512
18. Change in Terms Disclosures, 12 CFR 1026.9(b) through (h) (Mandatory).	Disclosure (Annual)	2,189	1	08:00	17,512
19. Notice to Restrict Credit, 12 CFR 1026.9(c)(1)(iii); 1026.40(f)(3)(i) and (vi) (Mandatory).	Disclosure Annual)	2,189	1	02:00	4,378
• All Open-End Credit Plans					
20. Error Resolution, 12 CFR 1026.13 (Mandatory)	Disclosure (On Occasion)	2,265	937	00:01	35,372
Closed-End Credit Products					
• General Rules for Closed-End Credit					
21. Other than Real Estate, Home-Secured and Private Education Loans, 12 CFR 1026.17 and 1026.18 (Mandatory).	Disclosure (Annual)	2,551	1	12:00	30,612
• Closed-End Mortgages					
○ Application and Consummation					
22. Loan Estimate, 12 CFR 1026.19(e); and 1026.37 (Mandatory).	Disclosure (Annual)	2,815	1	08:00	22,520
23. Closing Disclosure, 12 CFR 1026.19(f); and 1026.38 (Mandatory).	Disclosure (Annual)	2,815	1	08:00	22,520
24. Record Retention of Disclosures, 12 CFR 1026.19(e), (f); 1026.37; and 1026.38 (Mandatory).	Recordkeeping (Annual)	2,815	1	00:18	845
○ Post-Consummation Disclosures					
25. Interest Rate and Payment Summary, 12 CFR 1026.18(s) (Mandatory).	Disclosure (Annual)	2,815	1	40:00	112,600
26. No Guarantee to Refinance Statement, 12 CFR 1026.18(t) (Mandatory).	Disclosure (Annual)	2,815	1	08:00	22,520
27. ARMs Rate Adjustments with Payment Change Disclosures, 12 CFR 1026.20(c) (Mandatory).	Disclosure (Annual)	2,815	1	01:30	4,223
28. Initial Rate Adjustment Disclosure for ARMs, 12 CFR 1026.20(d) (Mandatory).	Disclosure (Annual)	2,815	1	02:00	5,630
29. Escrow Cancellation Notice, 12 CFR 1026.20(e) (Mandatory).	Disclosure (Annual)	2,815	1	08:00	22,520

TABLE 2—SUMMARY OF ESTIMATED ANNUAL ONGOING BURDEN—Continued
[OMB No. 3064–0082]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
30. Periodic Statements, 12 CFR 1026.41 (Mandatory)	Disclosure (Annual)	2,815	1	08:00	22,520
○ Ability to Repay Requirements					
31. Minimum Standards, 12 CFR 1026.43(c) through (f) (Mandatory).	Recordkeeping (On Occasion)	2,815	1166	00:15	820,573
32. Prepayment Penalties, 12 CFR 1026.43(g) (Mandatory)	Disclosure (On Occasion)	2,815	45	00:12	25,335
Mortgage Products (Open and Closed-End) • Mortgage Servicing Disclosures ○ Payoff Statements					
33. Payoff Statements, 12 CFR 1026.36(c)(3) (Mandatory)	Disclosure (Annual)	2,829	1	08:00	22,632
○ Notice of Sale or Transfer					
34. Notice of Sale or Transfer, 12 CFR 1026.39 (Mandatory)	Disclosure (Annual)	2,829	1	08:00	22,632
• Valuation Independence ○ Mandatory Reporting					
35. Reporting Appraiser Noncompliance, 12 CFR 1026.42(g) (Mandatory).	Reporting (On Occasion)	2,829	1	00:10	472
Reverse and High-Cost Mortgages • Reverse Mortgages ○ Reverse Mortgage Disclosures					
36. Reverse Mortgage Disclosures, 12 CFR 1026.31(c)(2) and 1026.33 (Mandatory).	Disclosure (Annual)	1	1	24:00	24
• High-Cost Mortgage Loans ○ HOEPA Disclosures and Notice					
37. HOEPA Disclosures and Notice, 12 CFR 1026.32(c) (Mandatory).	Disclosure (Annual)	2,815	1	00:14	657
Private Education Loans • Initial Disclosures ○ Application and Solicitation Disclosures					
38. Application or Solicitation Disclosures, 12 CFR 1026.47(a) (Mandatory).	Disclosure (Annual)	2,755	1	60:00	165,300
○ Approval Disclosures					
39. Approval Disclosures, 12 CFR 1026.47(b) (Mandatory)	Disclosure (Annual)	2,755	1	60:00	165,300
○ Final Disclosures					
40. Final Disclosures, 12 CFR 1026.47(c) (Mandatory)	Disclosure (Annual)	2,755	1	60:00	165,300
Advertising Rules • All Credit Types ○ Open-End Credit					
41. Open-End Credit, 12 CFR 1026.16 (Mandatory)	Disclosure (Annual)	2,265	1	00:20	755
○ Closed-End Credit					
42. Closed-End Credit, 12 CFR 1026.24 (Mandatory)	Disclosure (Annual)	2,856	1	00:20	952
Record Retention • Evidence of Compliance					
43. Regulation Z in General, 12 CFR 1026.25 (Mandatory)	Recordkeeping (Annual)	2,857	1	00:18	857
Total Annual Ongoing Burden (Hours)					1,959,488

Source: FDIC.
Note: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

General Description of Collection: Consumer Financial Protection Bureau (CFPB) Regulation Z—12 CFR 1026 implements the Truth in Lending Act (15 U.S.C. 1601, *et seq.*) and certain provisions of the Real Estate Settlement Procedures Act (12 U.S.C. 2601 *et seq.*). This regulation prescribes uniform methods for computing the cost of credit, the disclosure of credit terms and costs, the resolution of errors and imposes various other recordkeeping,

reporting and disclosure requirements. The FDIC has enforcement authority on the requirements of the CFPB's Regulation over the financial institutions it supervises. This information collection captures the recordkeeping, reporting, and disclosure burdens of Regulation Z on FDIC-supervised institutions. To arrive at the estimated annual burden the FDIC assessed the number of potential respondents to the information collection by identifying the number of FDIC-supervised institutions who reported activity that would be within the scope of the information collection requirements according to data from the most recent Call Report. Additionally, the FDIC estimated the frequency of responses to the recordkeeping, reporting, or disclosure requirements by assessing the dollar volume of activity that would be within the scope of the information collection. In some instances, the FDIC used information provided by other sources to estimate the magnitude and scope of activity attributable to FDIC-supervised institutions when more immediate information sources did not exist.

The estimated annual burden, in hours, is the product of the estimated number of respondents per year, estimated number of responses per respondent per year, and estimated hours per response, as summarized in Table 1 for the implementation burden and in Table 2 for the ongoing burden, below. The total estimated annual burden for this Information Collection Request (ICR) is 1,959,766 hours (288 hours estimated implementation burden, plus 1,959,488 hours estimated ongoing burden), which is a decrease of 71,838 hours from the 2021 estimate. As the estimated time per response remained the same from the 2021 ICR, the change in the total estimated annual burden hours is attributable to the decrease in the estimated number of respondents in Table 2.

3. *Title:* Account Based Disclosures in Connection with Consumer Financial Protection Bureau Regulations E and DD and Federal Reserve Regulation CC.

OMB Number: 3064–0084.

Form Number: None.

Affected Public: FDIC—Supervised Institutions.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0084]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
CFPB Regulation E—12 CFR Part 1005					
1. Initial Disclosures: General, 12 CFR 1005.7(b) (Mandatory)	Disclosure (On Occasion)	2,871	83	00:01.5	5,957
2. Initial Disclosures: Payroll Cards, 12 CFR 1005.18(c)(1) (Mandatory).	Disclosure (On Occasion)	6	5,000	00:01.5	750
3. Initial Disclosures: Change in Terms, 12 CFR 1005.8(a) (Mandatory).	Disclosure (On Occasion)	2,871	113	00:01	5,407
4. Error Resolution Rules: General, 12 CFR 1005.8(b), 12 CFR 1005.11 (Mandatory).	Disclosure (On Occasion)	2,871	3	00:30	4,307
5. Error Resolution Rules: Payroll Cards, 12 CFR 1005.18 (Mandatory).	Disclosure (On Occasion)	6	8	00:30	24
6. Prepaid Accounts: New Products—Short Form Disclosure, 12 CFR 1005.18(b)(2), 12 CFR 1005.15(c) (Mandatory).	Disclosure (On Occasion)	2	24.33	40:00	1,960
7. Prepaid Accounts: New Products—Long Form Disclosure, 12 CFR 1005.18(b)(4), 12 CFR 1005.15(c) (Mandatory).	Disclosure (On Occasion)	2	24.33	08:00	392
8. Prepaid Accounts: Implementation—Short Form Additional Fee Type Disclosure, 12 CFR 1005.18(b)(2)(ix) (Mandatory).	Disclosure (On Occasion)	1	1	04:00	4
9. Prepaid Accounts: Implementation—Access to Prepaid Account Information, 12 CFR 1005.18(c)(5), 12 CFR 1005.15(d) (Mandatory).	Recordkeeping (On Occasion)	1	1	24:00	24
10. Prepaid Accounts: Implementation—Error Resolution, 12 CFR 1005.18(e)(2), 12 CFR 1005.11 (Mandatory).	Recordkeeping (On Occasion)	1	1	08:00	8
11. Prepaid Accounts: Implementation—Submission of Agreements, 12 CFR 1005.19(b) (Mandatory).	Reporting (On Occasion)	1	1	01:00	1
12. Prepaid Accounts: Ongoing—Short Form Additional Fee Type Disclosure, 12 CFR 1005.18(b)(2)(ix) (Mandatory).	Disclosure (Annual)	15	1	00:30	8
13. Prepaid Accounts: Ongoing—Access to Prepaid Account Information, 12 CFR 1005.18(c)(5), 12 CFR 1005.15(d) (Mandatory).	Recordkeeping (Annual)	15	1	00:30	8
14. Prepaid Accounts: Ongoing—Error Resolution, 12 CFR 1005.18(e)(2), 12 CFR 1005.11 (Mandatory).	Recordkeeping (Annual)	15	1	00:30	8
15. Prepaid Accounts: Ongoing—Submission of Agreements, 12 CFR 1005.19(b) (Mandatory).	Reporting (Annual)	15	1	00:30	8
16. Gift Cards/Certificates: Implementation—Exclusion Policies and Procedures, 12 CFR 1005.20(b)(2) (Mandatory).	Recordkeeping (On Occasion)	2	1	20:00	40
17. Gift Cards/Certificates: Implementation—Policies & Procedures 12 CFR 1005.20(e)(1) (Mandatory).	Recordkeeping (On Occasion)	2	1	20:00	40
18. Gift Cards/Certificates: Ongoing—Exclusion Policies and Procedures, 12 CFR 1005.20(b)(2) (Mandatory).	Recordkeeping (Annual)	12	1	00:15	3
19. Gift Cards/Certificates: Ongoing—Policies & Procedures 12 CFR 1005.20(e)(1) (Mandatory).	Recordkeeping (Annual)	12	1	00:15	3
20. Remittances: Implementation—Policies & Procedures for Error Resolution and Retention of Documentation 12 CFR 1005.33(g), 12 CFR 1005.13 (Mandatory).	Recordkeeping (On Occasion)	1	1	08:00	8
21. Remittances: Ongoing—Policies & Procedures for Error Resolution and Retention of Documentation 12 CFR 1005.33(g), 12 CFR 1005.13 (Mandatory).	Recordkeeping (Annual)	122	1	00:30	61
22. Remittance Transfer Disclosures 12 CFR 1005.31 (Mandatory).	Disclosure (Monthly)	122	12	08:00	11,712
23. Error Resolution for Remittance Transfers 12 CFR 1005.33 (Mandatory).	Disclosure (Monthly)	122	12	04:30	6,588

SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued
[OMB No. 3064–0084]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
24. Remittance Transfers Scheduled before date of transfer 12 CFR 1005.36 (Mandatory).	Disclosure (Annual)	122	1	08:00	976
CFPB Regulation DD—12 CFR Part 1030					
25. Account disclosures (Upon Request and New Accounts), 12 CFR 1030.4 (Mandatory).	Disclosure (On Occasion)	2,871	170	00:01.5	12,202
26. Change in Terms, 12 CFR 1030.5 (Mandatory)	Disclosure (On Occasion)	2,871	380	00:01	18,183
27. Prematurity (renewal) Notices to Consumers, 12 CFR 1030.5 (Mandatory).	Disclosure (On Occasion)	2,871	340	00:01	16,269
28. Disclosures on Periodic Statements, 12 CFR 1030.6 (Mandatory).	Disclosure (Monthly)	2,871	12	04:00	137,808
29. Advertising, 12 CFR 1030.8 (Mandatory)	Disclosure (Monthly)	2,871	12	00:30	17,226
Federal Reserve Board Regulation CC—12 CFR Part 229					
30. Specific Availability Policy Disclosure (Initial Notice, Upon Request, Upon Change in Policy),. 12 CFR 229.16, 12 CFR 229.17, 12 CFR 229.18(d) (Mandatory).	Disclosure (On Occasion)	2,936	140	00:01	6,851
31. Case-by-case Hold Notice to Consumers, 12 CFR 229.16(c) (Mandatory).	Disclosure (On Occasion)	2,936	717	00:03	105,256
32. Notice of Exceptions to Hold Policy, (12 CFR 229.13(g)) (Mandatory).	Disclosure (On Occasion)	2,936	247	00:03	36,260
33. Notice posted where consumers make deposits (Incl. ATMs), 12 CFR 229.18(b), 12 CFR 229.18(c) (Mandatory).	Disclosure (On Occasion)	2,936	1	00:15	734
34. Notice to consumers of changes in policy, 12 CFR 229.18(e) (Mandatory).	Disclosure (On Occasion)	2,936	170	00:01	8,319
35. Annual notice of new ATMs, 12 CFR 229.18(e) (Mandatory).	Disclosure (Annual)	2,936	1	05:00	14,680
36. Notice of nonpayment—notice to depository bank, 12 CFR 229.33(a) and 12 CFR 229.33(d) (Mandatory).	Disclosure (On Occasion)	2,936	2211	00:01	108,192
37. Response to consumer's recredit claim (validation, denial, reversal), 12 CFR 229.54(e) (Mandatory).	Disclosure (On Occasion)	2,936	12	00:15	8,808
38. Bank's claim against an indemnifying bank, 12 CFR 229.55 (Mandatory).	Reporting (On Occasion)	2,936	5	00:15	3,670
39. Consumer awareness disclosure, 12 CFR 229.57 (Mandatory).	Disclosure (On Occasion)	2,936	170	00:01	8,319
40. Reg CC Consumer Burden—Expedited recredit claim notice, 12 CFR 229.54(a) and 12 CFR 229.54(b)(2) (Mandatory).	Reporting (On Occasion)	2,936	8	00:15	5,872
Total Annual Burden (Hours)					*546,946*

Source: FDIC.
NOTE: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

General Description of Collection: Regulations E & DD (Consumer Financial Protection Bureau's Regulations) and Regulation CC (the Federal Reserve's Regulation) ensure adequate disclosures regarding accounts, including electronic fund transfer services, availability of funds, and fees and annual percentage yield for deposit accounts. Generally, the Regulation E disclosures are designed to ensure consumers receive adequate disclosure of basic terms, costs, and rights relating to electronic fund transfer (EFT) services provided to them so that they can make informed decisions. Institutions offering EFT services must disclose to consumers certain information, including: Initial and updated EFT terms, transaction information, the consumer's potential liability for unauthorized transfers, and error resolution rights and procedures. Like Regulation E, Regulation CC contains consumer protection disclosure requirements. Specifically, Regulation CC requires depository institutions to make funds deposited in transaction accounts available within specified time periods, disclose their availability policies to customers, and begin accruing interest on such deposits promptly. The disclosures are intended to alert customers that their ability to use deposited funds may be delayed, prevent unintentional (and costly) overdrafts, and allow customers to compare the policies of different institutions before deciding at which institution to deposit funds. Depository institutions must also provide an awareness disclosure regarding substitute checks. The regulation also requires notice to the depositary bank and to a customer of nonpayment of a check. Regulation DD also has similar consumer protection disclosure requirements that are intended to assist consumers in comparing deposit accounts offered by institutions, principally through the disclosure of fees, the annual percentage yield, and other account terms. Regulation DD requires depository institutions to disclose yields, fees, and other terms concerning deposit accounts to consumers at account opening, upon request, and when changes in terms occur. Depository institutions that provide periodic statements are required to include information about fees imposed, interest earned, and the annual percentage yield (APY) earned during those statement periods. It also contains rules about advertising deposit accounts. This Information Collection

Request (ICR) is being revised as a result of the addition of five (5) new information collection requirements contained in CFPB's Regulation E, Subpart B. The estimated annual burden, in hours, is the product of the estimated number of respondents per year, estimated number of responses per respondent per year, and estimated hours per response, as summarized in the Table above. The total estimated annual burden for this ICR is 546,946 hours, which is a decrease of 45,875 hours from our estimate in the 2021 memo (592,821 hours). This decrease can be explained largely by a decline in the number of FDIC-supervised IDIs from December 31, 2020 (the period used in the previous OMB renewal) to December 31, 2023. This decrease is attenuated by the inclusion of five ICs pertaining to recordkeeping and disclosure requirements associated with remittance transfers in Subpart B of CFPB Regulation E.

The estimated annual burden and change in burden, broken down by each Regulation (E, DD, and CC), is as follows:

Regulation	2021 Total annual burden (hours)	2024 Total annual burden (hours)	Change (hours)
CFPB Regulation E	28,950	38,297	+9,347
CFPB Regulation DD	223,594	201,688	−21,906
FRB Regulation CC	340,277	306,961	−33,316
Total Annual Burden	592,821	546,946	−45,875

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, 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. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on July 12, 2024.

Hina Z. Hussain,

Acting Assistant Executive Secretary.

[FR Doc. 2024–15685 Filed 7–16–24; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201432.

Agreement Name: SSL/NPDL Vessel Sharing Agreement.

Parties: Neptune Pacific Direct Line Pte. Ltd.; Swire Shipping Pte. Ltd.

Filing Party: Conte Cicala; Withers Bergman LLP.

Synopsis: The purpose of this Agreement is to improve the productivity and operating efficiency of the Parties' vessels and equipment and to provide efficient, reliable, and stable liner shipping services through space chartering, coordination of sailings and other activities under this Agreement.

Proposed Effective Date: 08/22/2024.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/86569.

Agreement No.: 201433.

Agreement Name: CMA CGM/COSCO SHIPPING/OOCL Cooperative Working Agreement Indian Sub-Continent—United States East Coast.

Parties: CMA CGM S.A.; COSCO Shipping Lines Co., Ltd.; Orient Overseas Container Line Limited.

Filing Party: Robert Magovern; Cozen O'Connor.

Synopsis: The Agreement authorizes the Parties to share vessels with one another in the trade between ports in Pakistan and India and the inland and coastal points served by such ports, and ports on the U.S. East Coast and the inland and coastal points served by such ports, utilizing vessels contributed, and independently operated, by the Parties hereto.

Proposed Effective Date: 08/23/2024.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/86570.

Dated: July 12, 2024.

Alanna Beck,

Federal Register Alternate Liaison Officer.

[FR Doc. 2024–15702 Filed 7–16–24; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MARITIME COMMISSION

Notice of Request for Additional Information

The Commission gives notice that it has formally requested that the parties to the below listed agreement provide additional information pursuant to 46 U.S.C. 40304(d). This action prevents the agreement from becoming effective as originally scheduled. Interested parties may submit written comments, including relevant information and documents, regarding the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments may be filed up to fifteen (15) days after publication of this notice appears in the **Federal Register**.

Agreement No.: 201429.

Title: Gemini Cooperation Agreement.

Parties: Hapag Lloyd AG; Hapag-Lloyd USA, LLC; Maersk A/S.

By Order of the Federal Maritime Commission.

Dated: July 11, 2024.

David Eng,

Secretary.

[FR Doc. 2024–15640 Filed 7–16–24; 8:45 am]

BILLING CODE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Child Support Portal Registration (Office of Management and Budget #: 0970–0370)

AGENCY: Office of Child Support Services, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for Public Comments.

SUMMARY: The Office of Child Support Services (OCSS), Administration for Children and Families (ACF), is requesting the federal Office of Management and Budget (OMB) approve the ''Child Support Portal Registration,'' with minor revisions, for an additional three years. The OCSS Child Support Portal (''Portal'') contains applications to help state child support agencies administer their programs. Authorized Portal users must register with OCSS to access Portal applications and provide OCSS with certain Portal application preferences. The current OMB approval expires on February 28, 2025.

DATES: *Comments due* September 16, 2024. In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The OCSS Division of Federal Systems (DFS) maintains the Portal, which contains various applications through which authorized users may view, update, upload, or download information for child support purposes. Authorized users must register to access the Portal. The DFS Portal team authenticates registrants and then creates secure profiles for authorized users for employers, insurers, and financial institutions based on information provided in the Employer Services and Insurance Match Debt Inquiry Portal Agreement and Profile forms. Information provided in the electronic National Medical Support Notice (e-NMSN), the electronic Incoming Withholding Order (e-IWO), and Federally Assisted State Transmitted (FAST) Levy Financial Institution Profile form gives DFS the necessary information to set up the respective program user's process and capture preferences. The information OCSS collects for the Portal registration and profiles remains the same but they underwent minor clarification revisions and edits to update ''Office of Child Support Enforcement (OCSE)'' to ''Office of Child Support Services (OCSS).''

State child support agencies manage and authenticate authorization for individual users via the state proxy server; therefore, a Portal Registration form is not required. State users must, however, provide DFS with their respective Portal preferences.

Respondents: Employers, Financial Institutions, Insurers, and State Child Support Agencies.

ANNUAL BURDEN ESTIMATES

Information collection instrument	Total annual estimated number of respondents	Total annual number of responses per respondent	Average burden hours per response	Total annual burden hours
Portal Registration Screens	52,284	1	0.15	7,842.60
Employer Services Agreement and Profile	20,040	1	0.08	1,603.20
Insurance Match Debt Inquiry Agreement and Profile	6	1	0.08	0.48
e-NMSN: Plan Administrator Profile	0	0	0.22	0.00
e-NMSN: Employer Profile	20	1	0.22	4.40
e-NMSN: State Profile	4	1	0.22	0.88
e-IWO Employer/Payroll Provider Profile	117	1	0.08	9.36
FAST Levy Financial Institution Profile	2	1	0.08	0.16

Estimated Total Annual Burden Hours: 9,461.08.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 42 U.S.C. 653(m)(2) and 44 U.S.C. 3554.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–15692 Filed 7–16–24; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1262]

Notice of Approval of Product Under Voucher: Rare Pediatric Disease Priority Review Voucher; VYVGART HYTRULO (efgartigimod alfa and hyaluronidase-qvfc)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of approval of a product redeeming a priority review voucher. The Federal Food, Drug, and Cosmetic

Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the issuance of priority review vouchers as well as the approval of products redeeming a priority review voucher. FDA has determined that the supplemental application (Supplement-5) for VYVGART HYTRULO (efgartigimod alfa and hyaluronidase-qvfc), approved June 21, 2024, meets the criteria for redeeming a 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 approval of a product redeeming a rare pediatric disease priority review voucher. Under section 529 of the FD&C Act (21 U.S.C. 360ff), FDA will report the issuance of rare pediatric disease priority review vouchers and the approval of products for which a voucher was redeemed. FDA has determined that the supplemental application (Supplement-5) for VYVGART HYTRULO (efgartigimod alfa and hyaluronidase-qvfc) meets the redemption criteria.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.* For further information about VYVGART HYTRULO (efgartigimod alfa and hyaluronidase-qvfc), go to the ''Drugs@FDA'' website at *https://www.accessdata.fda.gov/scripts/cder/daf/.*

Dated: July 11, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–15695 Filed 7–16–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–D–1829]

Platform Technology Designation Program; Draft Guidance for Industry; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is extending the comment period for the draft guidance for industry ''Platform Technology Designation Program for Drug Development'' that appeared in the **Federal Register** of May 29, 2024. In the notice of availability for the draft guidance, FDA requested comments on the proposed collection of information. The Agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the draft guidance for industry ''Platform Technology Designation Program for Drug Development'' published May 29, 2024, 89 FR 46406. Either electronic or written comments must be submitted by August 28, 2024.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 28, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions)*: Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–D–1829 for ''Platform Technology Designation Program for Drug Development.'' 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: Melissa Furness, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4162, Silver Spring, MD 20993, 240–402–8912; or James Myers, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 29, 2024, FDA published a notice with a 60-day comment period to request comments on the draft guidance for industry entitled ''Platform Technology Designation Program for Drug Development.'' The Agency has received a request for a 30-day extension of the comment period. The request conveyed concern that the current 60-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to the draft guidance.

FDA has considered the request and is extending the comment period for 30 days, until August 28, 2024. The Agency believes that a 30-day extension allows adequate time for interested persons to submit comments on this draft guidance.

Dated: July 11, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–15696 Filed 7–16–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0477]

Agency Information Collection Revision 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection reinstatement for public comment.

DATES: Comments on the ICR must be received on or before August 16, 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: Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 264–0041, or *PRA@HHS.GOV.* When submitting comments or requesting information, please include the document identifier 0990–New–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Incident Report Form.

Type of Collection: Reinstatement with Change.

OMB No.: 0990–0477.

Abstract: The Office of the Assistant Secretary for Health, Office for Human Research Protections (OHRP), is requesting reinstatement of the OMB No. 0990–0477, Incident Report Form, with two new information elements on the Incident Report form: *IORG # for Reviewing IRB;* and, *Revising research policies and procedures* as a corrective action plan category, if it applies. The purpose of the Incident Report form is to facilitate organizations or institutions prompt reporting of specific human subject protection incidents to OHRP, in a simplified standardized format, as required by HHS protection of human subjects regulations at 45 CFR part 46.

ANNUALIZED BURDEN HOUR TABLE

Forms name	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Incident Report	25	1	30/60	12.5
Incident Report	25	3	30/60	37.5
Incident Report	200	5	30/60	500
Total				550

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2024–15655 Filed 7–16–24; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the AIDS Research Advisory Committee, NIAID.

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: AIDS Research Advisory Committee, NIAID.

Date: September 9, 2024.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: Report of Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Grand Hall, Rockville, MD 20892 (Hybrid Meeting).

Contact Person: Pamela Gilden, Branch Chief, Science Planning and Operations Branch, Division of AIDS, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, MSC 9831, Rockville, MD 20852–9831, 301–594–9954, *pamela.gilden@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.

(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: July 12, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–15710 Filed 7–16–24; 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 Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Advisory Allergy and Infectious Diseases Council. The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The 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 Advisory Allergy and Infectious Diseases Council.

Date: September 9, 2024.

Open: 10:30 a.m. to 11:30 a.m.

Agenda: Report of Institute Director.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Grand Hall, Rockville, MD 20892 (Hybrid Meeting).

Closed: 11:45 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Grand Hall, Rockville, MD 20892 (Hybrid Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F40B, Bethesda, MD 20892–9834, (240) 669–5036, *poeky@mail.nih.gov.*

Name of Committee: National Advisory Allergy and Infectious Diseases Council Microbiology and Infectious Diseases Subcommittee.

Date: September 9, 2024.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Garden Room 2, Rockville, MD 20892 (Hybrid Meeting).

Open: 1:00 p.m. to 4:00 p.m.

Agenda: Report of the Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Garden Room 2, Rockville, MD 20892 (Hybrid Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F40B, Bethesda, MD 20892–9834, (240) 669–5036, *poeky@mail.nih.gov.*

Name of Committee: National Advisory Allergy and Infectious Diseases Council Immunology and Transplantation Subcommittee.

Date: September 9, 2024.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Garden Room 1, Rockville, MD 20892 (Hybrid Meeting).

Open: 1:00 p.m. to 4:00 p.m.

Agenda: Report of the Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Garden Room 1, Rockville, MD 20892 (Hybrid Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Director, Division of Extramural Activities, National Institutes of Health, NIAID, National Institutes of Health, 5601 Fishers Lane, Room 3F40B, Bethesda, MD 20892–9834, (240) 669–5036, *poeky@mail.nih.gov.*

Name of Committee: National Advisory Allergy and Infectious Diseases Council Acquired Immunodeficiency Syndrome Subcommittee.

Date: September 9, 2024.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Grand Hall, Rockville, MD 20892 (Hybrid Meeting).

Open: 1:00 p.m. to 4:00 p.m.

Agenda: Report of the Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, Conference Room: Grand Hall, 5601 Fishers Lane, Rockville, MD 20892 (Hybrid Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F40B, Bethesda, MD 20892–9834, (240) 669–5036, *poeky@mail.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: *https://www.niaid.nih.gov/about/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 12, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–15711 Filed 7–16–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2024–N030; FXES11130200000–245–FF02ENEH00]

Endangered Wildlife; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act (ESA) prohibits certain activities that may impact endangered species, unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please submit your written comments by August 16, 2024.

ADDRESSES:

Document availability: Request documents from the contact in the **FOR FURTHER INFORMATION CONTACT** section.

Comment submission: Submit comments by email to *fw2_te_permits@fws.gov.* Please specify the permit application you are interested in by number (*e.g.,* Permit Record No. PER1234567).

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Supervisor, Environmental Review Division, by phone at 505–248–6651, or via email at *marty_tuegel@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

With some exceptions, the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

The ESA and our implementing regulations in the Code of Federal Regulations (CFR) at title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving listed species.

A recovery permit we issue under the ESA, section 10(a)(1)(A), authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Documents and other information submitted with these applications are available for review by any party who submits a request as specified in **ADDRESSES**. Our release of documents is subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. We invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies. Please refer to the permit record number when submitting comments.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER9229823	Albuquerque Biological Park; Albuquerque, New Mexico.	Sacramento Mountains checkerspot butterfly (*Euphydryas anicia cloudcrofti*), Koster's springsnail (*Juturnia kosteri*), Roswell springsnail (*Pyrgulopsis roswellensis*), Pecos gambusia (*Gambusia nobilis*), Zuni bluehead sucker (*Catostomus discobolus yarrowi*), Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), Gila topminnow (*Poeciliopsis occidentalis*), Rio Grande silvery minnow (*Hybognathus amarus*), Bolson tortoise (*Gopherus flavomarginatus*), Kemp's ridley sea turtle (*Lepidochelys kempii*), hawksbill sea turtle (*Eretmochelys imbricata*).	New Mexico	Capture, captive rearing, holding, educational display, captive propagation, headstarting.	Harass, harm, capture.	Renew/amend.
PER2182167	Johnson, Kevin; Oklahoma City, Oklahoma.	Gray bat (*Myotis grisescens*), lesser prairie-chicken (*Tympanuchus pallidicinctus*), red-cockaded woodpecker (*Picoides borealis*).	Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia.	Presence/absence surveys.	Harass, harm	New.
PER2333296	Haverland, Matthew; San Marcos, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*), lesser prairie-chicken (*Tympanuchus pallidicinctus*).	New Mexico, Texas	Presence/absence surveys.	Harass, harm	Renew/amend.
PER10451034	The Peregrine Fund Inc.; Boise, Idaho.	Northern aplomado falcon (*Falco femoralis septentrionalis*).	Idaho, Texas	Capture, captive propagation, release.	Harass, harm, capture.	Amend.
PER10643788	U.S. Army Garrison—Ft. Huachuca; Ft. Huachuca, Arizona.	Southwestern willow flycatcher (*Empidonax traillii extimus*), Sonoran tiger salamander (*Ambystoma mavortium stebbinsi*).	Arizona	Presence/absence surveys.	Harass, harm	Renew/amend.
PER10081279	University of Texas at Austin—Marine Science Institute; Port Aransas, Texas.	Kemp's ridley sea turtle (*Lepidochelys kempii*), hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*).	Texas	Rehabilitate, release, educational display, hold, tag, biosample, capture.	Harass, harm, capture.	Renew.
PER10644977	ACI Environmental Consulting; Austin, Texas.	Texas hornshell (*Popenaias popeii*)	Texas	Presence/absence surveys, relocations.	Harass, harm, capture.	Amend.
PER10660560	University of New Mexico, Department of Biology; Albuquerque, New Mexico.	Rio Grande silvery minnow (*Hybognathus amarus*), spikedace (*Meda fulgida*), loach minnow (*Tiaroga cobitis*).	Arizona, New Mexico.	Presence/absence surveys, biosample.	Harass, harm, capture.	Renew/amend.
PER10147575	Tetra Tech, Inc.; Albuquerque, New Mexico.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, Colorado, New Mexico, Texas.	Nest monitoring	Harass, harm	Amend.
PER9518898	Texas A&M—Department of Ecology and Conservation Biology—Conway Lab; College Station, Texas.	Big bend gambusia (*Gambusia gaigei*), Clear Creek gambusia (*Gambusia heterochir*), Comanche Springs pupfish (*Cyprinodon elegans*), fountain darter (*Etheostoma fonticola*), Leon Springs pupfish (*Cyprinodon bovinus*), Mexican blindcat (*Prietella phreatophila*), pecos gambusia (*Gambusia nobilis*), peppered chub (*Macrhybopsis tetranema*), sharpnose shiner (*Notropis oxyrhynchus*), smalleye shiner (*Notropis buccula*).	Texas	Voucher specimen, bio-sample.	Harass, harm, capture, kill.	New.
PER9357062	Hardin, Alliah; Oklahoma City, Oklahoma.	Lesser prairie-chicken (*Tympanuchus pallidicinctus*).	Colorado, Kansas, New Mexico, Oklahoma, Texas.	Presence/absence surveys.	Harass, harm	New.
PER3115167	Beauregard, Nicholas; Flagstaff, Arizona.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona	Presence/absence surveys, nest monitoring.	Harass, harm	Amend.
PER9548837	La Tierra Environmental Consulting; Las Cruces, New Mexico.	Northern aplomado falcon (*Falco femoralis septentrionalis*), southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, New Mexico, Texas.	Presence/absence surveys.	Harass, harm	Renew/amend.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER9657818	U.S. Fish and Wildlife Service, Region 2—Mexican Wolf Recovery Program; Albuquerque, New Mexico.	Gray wolf (*Canis lupus*), Mexican wolf (*Canis lupus baileyi*).	Colorado, Utah	Presence/absence surveys, management, capture, handling, propagation, tag, bio-sample, translocate.	Harass, harm, capture.	Amend.
PER9736936	Becker, Daniel; Norman, Oklahoma.	Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*).	Oklahoma	Presence/absence surveys, bio-sample, capture.	Harass, harm, capture.	New.
PER9717409	Fort Worth Zoological Park; Fort Worth, Texas.	Black-footed ferret (*Mustela nigripes*), Barton Springs salamander (*Eurycea sosorum*), Austin blind salamander (*Eurycea waterlooensis*), Houston toad (*Bufo houstonensis*), hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempii*).	Texas	Educational display, captive propagation, reintroduction, headstarting.	Harass, harm	Renew/amend.
PER9932736	Roistacher, Alicia; Norman, Oklahoma.	Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*).	Oklahoma	Presence/absence surveys, bio-sample, capture.	Harass, harm, capture.	New.
PER10418800	Troilo, Sarah; San Antonio, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys.	Harass, harm	New.
PER10369722	Ellisor, Samuel; Wimberley, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys.	Harass, harm	New.
PER10693070	Arizona Game and Fish Department; Phoenix, Arizona.	Spikedace (*Meda fulgida*), loach minnow (*Tiaroga cobitis*).	Arizona	Presence/absence surveys, collect.	Harass, harm, capture, kill.	Amend.
PER0036360	Aztec Engineering Group, Inc.; Phoenix, Arizona.	Black-footed ferret (*Mustela nigripes*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma Ridgway's rail (*Rallus obsoletus yumanensis*).	Arizona, New Mexico, Texas.	Presence/absence surveys, nest monitoring.	Harass, harm	Renew.
PER10420481	American Southwest Ichthyological Researchers; Albuquerque, New Mexico.	Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), Gila chub (*Gila intermedia*), Rio Grande silvery minnow (*Hybognathus amarus*), spikedace (*Meda fulgida*), loach minnow (*Tiaroga cobitis*).	Arizona, Colorado, New Mexico, Utah.	Presence/absence surveys, collect, tag.	Harass, harm	Renew/amend.

Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, National Environmental Policy Act, and Service and Department of the Interior policies and procedures. 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 to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Amy Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2024–15661 Filed 7–16–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/A0A51010.999900]

Proclaiming Certain Lands as Reservation for the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of reservation proclamation.

SUMMARY: This notice informs the public that the Assistant Secretary—Indian Affairs proclaimed approximately 2,099.29 acres, more or less, an addition to the reservation of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

DATES: This proclamation was made on July 8, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Carla Clark, Bureau of Indian Affairs, Acting Division of Real Estate Services, Office of Trust Services,1001 Indian School Road, NW, Box #44, Albuquerque, New Mexico 87104, *carla.clark@bia.gov,* (505) 563–3132.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 5110) for the lands described below. The lands are proclaimed to be the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota in Dunn County, North Dakota.

Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, Dunn County, North Dakota, Legal Descriptions Containing Approximately 2,099.29 Acres, More or Less

301 T 5629 Fettig Ranch Parcel

Fifth Principal Meridian, North Dakota, T. 147 N., R. 95 W.

Sec 2, SW¼NW¼, W½SW¼, and SW¼SE¼, Except Tract K–917 as described in the Declaration of Taking in Document No. 138506 recorded August 24, 1979;

Sec 3, Lot 4, S½NE¼, S½NW¼, and S½, Except Parcel No. 42 as described in Document No. 119129 recorded September 30, 1971, also Except Parcel 2–1 as described in Document No. 3058964 recorded May 31, 2012, and also Except parcel Nos. 12–1 & 13–1 as described in Document No. 3058965 recorded May 31, 2012;

Sec 9,

Sec 10, NW¼NE¼, E½NW¼, E½SW¼, and SW¼SW¼, Except the following ten (10) parcels:

1. Parcel No. 43 as described in Document No. 119129 recorded September 30, 1971
2. Parcel No. 2–1 as described in Document No. 185918 recorded August 30, 1993
3. Parcel No. 2–3 as described in Document No. 186633 recorded November 9, 1993
4. Parcel No. 2–5 as described in Document No. 186800 recorded December 2, 1993
5. Parcel Nos. 2B–1 & 2B–2 as described in Document No. 188712 recorded August 4, 1994
6. Parcel No. 2C–1 as described in Document No. 189972 recorded March 23, 1995
7. Parcel No. 2D–4 as described in Document No. 3001728 recorded July 14, 1999
8. Parcel No. 1–1 as described in Document No. 3058964 recorded May 31, 2012
9. Parcel Nos. 10–1 & 11–1 as described in Document No. 3058965 recorded May 31, 2012
10. A tract of land as described in Document No. 3090534 recorded December 27, 2019;

Sec 11, W½NE¼, SE¼NE¼, W½, and SE¼ Except Tract K–917–2 as described in the Declaration of Taking in Document No. 138506 recorded August 24, 1979;

Sec 12, S½NE¼SW¼, and S½SW¼.

All referenced documents are recorded in the Clerk and Recorder's Office in Dunn County, North Dakota. The areas described aggregate 2,099.29 acres, more or less. Surface only.

The above described lands contain a total of 2,099.29 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the lands described above, nor does it affect any valid existing easements for public roads, highways, public utilities, railroads and pipelines, or any other valid easements or rights-of-way or reservations of record.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–15680 Filed 7–16–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/A0A51010.999900]

Proclaiming Certain Lands as Reservation for Yavapai-Apache Nation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of reservation proclamation.

SUMMARY: This notice informs the public that the Assistant Secretary—Indian Affairs proclaimed approximately 1308.67 acres, more or less, an addition to the reservation of Yavapai-Apache Nation.

DATES: This proclamation was made on July 10, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Box #44, Albuquerque, New Mexico 87104, *carla.clark@bia.gov,* (720) 484–3233.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 5110) for the lands described below. The lands are proclaimed to be the Yavapai-Apache Nation Reservation for the Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona in Yavapai County, Arizona.

Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona Gila and Salt River Base and Meridian Yavapai County, Arizona, Legal Descriptions Containing 1308.67 Acres, More or Less

Middle Verde 1954 (Camp Verde School) 2.06 Acres

Beginning at a point one Hundred and Forty one (141) feet North and One Hundred and Five (105) feet East of the North east Corner of the school house of said District Number Eight of Yavapai County, State of Arizona, Thence Three Hundred and Twenty Two (322) feet South, Thence Two Hundred and Seventy Four (274) feet West, Thence Three Hundred and Twenty Two (322) feet North, Thence Two Hundred and Seventy Four (274) feet East to the place of beginning, and being a part of the Southwest Quarter of the Northeast Quarter of Section Eleven, Township Fourteen North, Range Four East of the Gila and Salt River Meridian, in Yavapai County, State of Arizona.

Middle Verde 1996 (McDonald 1) 8.87 Acres

A portion of a parcel of land described in Book 2225 of Official Records, Page 908 of the Records of Yavapai County, Arizona (R1), situated in the Northeast ¼ of the Southeast ¼ of Section 11, Township 14 North, Range 4 East, Gila and Salt River Meridian, Yavapai County, Arizona and being more particularly described as follows:

From the Southeast 1/16th corner of said Section 11, thence N 01°48′08″ E [Basis of Bearing (South 1/16th corner to East ¼ of Sections 11 and 12); N 02°03′00″ E (BLM Book No. 334)], along the East 1/16th line of said Section 11, for 50.04 feet to the TRUE POINT OF BEGINNING;

Thence continue N 01°48′08″ E, along said East 1/16th line, for 487.18 feet to a point; thence S 85°12′08″ E for 250.21 feet to a point; thence N 01°40′50″ E, for 335.68 feet to a point on the North parcel line of said Parcel (R1), said point being a nontangent point of curvature;

Thence Southerly, along said North parcel line along a curve to the right, having a control angle of 28°47′12″ and a radius of 409.26 feet for a distance of 205.62 feet, the chord of said curve bears S 71°49′33″ E for 203.48 feet, to a point of tangency;

Thence S 57°25′58″ E, along said North parcel line, for 98.25 feet to a point of curvature;

Thence Southeasterly, along said North parcel line, along a curve to the left, having a central angle of 05°59′26″ and a radius of 718.20 feet, for a distance of 74.08 feet, the chord of said curve bears S 60°25′41″ E, for a 74.85 feet, to a nontangent point;

Thence S 01°48′08″ W, for 680.37 feet to a point;

Thence N 80°04′21″ W, for 594.51 feet to the TRUE POINT OF BEGINNING,

Said parcel contains 8.874 acres of land, more or less, including any easement of record over the above described parcel.

Middle Verde District 1998 (McDonald 2) .68 Acres

A portion of a parcel of land described in Book 2225 of Official Records, Page 908 of the Records of Yavapai County, Arizona (R1), situated in the Northeast ¼ of the Southeast ¼ of Section 11, Township 14 North, Range 4 East, Gila and Salt River Meridian, Yavapai County, Arizona more particularly described as follows:

BEGINNING at the Southeast 1/16 corner of said Section 11, thence N 01°46′08″ E [Basis of Bearing (South 1/16th corner to East ¼ of Sections 11 and 12): N 02°03′00″ E (BLM Book No. 334)], along the East 1/16th line of said Section 11, for 50.04 feet to a point; thence continue S 86°04′21″ E, parallel to the South 1/16th line of said Section 11, for 594.61 feet to a point;

Thence S 01°46′08″ W for 50.04 feet to a point on the said South 1/16th line;

Thence N 86°04′21″ W, along said South 1/16th line, for 594.61 feet to the POINT OF BEGINNING.

Said parcel contains 0.6825 acres of land, more or less, including any easements of record over the above described parcel.

Middle Verde 2006 (Cloverleaf) 349.75 Acres

Parcel No. 1

The Southeast quarter of the Southeast quarter of Section 4, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

Parcel No. 2

The Southwest quarter of the Southwest quarter of Section 3, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

Parcel No. 3

The North half of the Northwest quarter of Section 10, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

Parcel No. 4

The North half of the Northeast quarter of Section 10, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

Parcel No. 5

The Southeast quarter of the Southeast quarter of Section 3, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

Parcel No. 6

That portion of the North half of the Northeast quarter of Section 9 Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, lying Northeasterly of the Northeasterly right-of-way line of State Highway 279, as it existed in March of 1980;

EXCEPTING therefrom any portion lying within the following described property: BEGINNING at the Northeast corner of Section 9;

Thence South 01 degrees 25 minutes 27.2 seconds East along the East line thereof, 193.785 feet;

Thence South 89 degrees 13 minutes 11 seconds West, 1874.959 feet to the center line of State Highway 279, a point on a curve of 796.531 feet radius;

Thence around said curve to the right in a direction which is West of North 128.90 feet to the end of the curve;

Thence continuing along the center line of said highway on a course of North 14 degrees 54 minutes 25.5 West to the North line of Section 9;

Thence Easterly along the North line of Section 9 to the POINT OF BEGINNING.

Parcel No. 7

The Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter of Section 3, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona;

EXCEPT therefrom the following:

(a) The West half of the West half of the Southeast quarter of the Southwest quarter; and

(b) BEGINNING at the South quarter corner of said Section 3, from which the Southeast corner of Section 3 bears South 89 degrees 49 minutes 13.1 seconds East, a distance of 2,637.604 feet;

Thence North 01 degrees 35 minutes 59.7 seconds West, along the mid-section line of said Section 3, 386 feet to the TRUE POINT OF BEGINNING;

Thence South 88 degrees 49 minutes 13.1 seconds East, parallel to the South line of the Southeast quarter of said Section 3, 893.77 feet;

Thence North 01 degrees 35 minutes 59.7 seconds West, parallel to the mid-section line of said Section 3, 912.12 feet;

Thence South 70 degrees 04 minutes 03 seconds West, 967.99 feet;

Thence South 75 degrees 38 minutes 26 seconds West, 774.19 feet;

Thence North 87 degrees 50 minutes 44 seconds West, 213.03 feet (of record 212.78 feet) to a point on the West line of the East half of the West half of the Southeast quarter of the Southwest quarter of said Section 3; Thence South 01 degrees 29 minutes 31 seconds East, 758.40 feet along the West line. of the East half of the West half of the Southeast quarter of the Southwest quarter of said Section 3, to the Southwest corner of the East half of the West half of the Southeast quarter of the Southwest quarter of section 3;

Thence South 88 degrees 45 minutes 10.6 seconds East, 570.25 feet along the South line of the Southeast quarter of the Southwest quarter of said Section 3;

Thence North 01 degrees 35 minutes 59.7 seconds West, parallel to the mid-section line of said Section 3, 377.07 feet;

Thence South 88 degrees 49 minutes 13.1 seconds East, parallel to the South line of the Southeast quarter of said Section 3, a distance of 424.97 feet (of record 424.97 feet) to the TRUE POINT OF BEGINNING.

Middle Verde 2006 (North Cloverleaf) 175.86 Acres

Parcel No. 1

A portion of the West half of Section 4, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Northwest corner of the Southwest half of the Southeast of said Section 4;

Thence North 40 degrees, 11 minutes, 07 seconds West, a distance of 246.42 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 40 degrees, 11 minutes, 07 seconds West, a distance of 458.88 feet; Thence North 40 degrees, 10 minutes, 03 seconds West, a distance of 538.66 feet;

Thence North 08 degrees, 16 minutes, 09 seconds East, a distance of 366.63 feet; Thence North 54 degrees, 48 minutes, 42 seconds East, a distance of 844.33 feet;

Thence South 03 degrees, 31 minutes, 32 seconds West, a distance of 1614.54 feet to the TRUE POINT OF BEGINNING.

Parcel No. 2

A parcel of ground lying in Section 4, Township 14 North, Range 4 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Southeast corner of Section 4;

Thence North 01 degrees, 18 minutes, 30 Seconds West (basis of bearing), 2690.34 feet; Thence South 89 degrees, 22 minutes, 31 seconds West, 1324.53 feet;

Thence North 01 degrees, 08 minutes, 37 seconds West, 992.19 feet;

Thence North 62 degrees, 22 minutes, 15 seconds West, 521.55 feet;

Thence South 47 degrees, 46 minutes, 18 seconds West, 286.60 feet to the TRUE POINT OF BEGINNING; Thence continuing South 47 degrees, 46 minutes, 18 seconds West, 900.00 feet;

Thence South 03 degrees, 31 minutes, 32 seconds West, 1614.54 feet;

Thence South 40 degrees, 11 minutes, 07 seconds East, 245.42 feet;

Thence South 00 degrees, 58 minutes, 39 seconds East, 503.92 feet;

Thence South 48 degrees, 32 minutes, 35 seconds East, 630.41 feet;

Thence South 45 degrees, 29 minutes, 33 seconds East 154.80 feet to a point of curvature, the central point of which lies South 44 degrees, 30 minutes, 27 seconds West, 563.98 feet;

Thence through a central angle of 01 degrees, 30 minutes, 09 seconds along an arc length of 14.79 feet; Thence North 00 degrees, 05 minutes, 28 seconds East, 3444.09 feet to the TRUE POINT OF BEGINNING.

Parcel No. 3

A portion of Section 4, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the East quarter corner of said Section 4;

Thence South 89 degrees, 22 minutes, 31 seconds West, a distance of 452.94 feet to the center of the Verde River, as located in August of 1987 and the TRUE POINT OF BEGINNING;

Thence continuing South 89 degrees, 22 minutes, 31 seconds West, a distance of 871.59 feet;

Thence North 01 degrees, 08 minutes, 37 seconds West, a distance of 992.19 feet to said centerline of the Verde River;

Thence South 41 degrees, 07 minutes, 26 seconds East, along said center of the Verde River, a distance of 652.38 feet;

Thence South 28 degrees, 66 minutes, 19 seconds East, along said center of the Verde River, a distance of 205.60 feet;

Thence South 39 degrees, 52 minutes, 09 seconds East, along said center of the Verde River, a distance of 104.83 feet;

Thence South 57 degrees, 08 minutes, 02 seconds East, along said center of the Verde River, a distance of 319.65 feet;

Thence South 25 degrees, 21 minutes, 03 seconds East, along said center of the Verde River, a distance of 63.31 feet to the TRUE POINT OF BEGINNING.

Parcel No. 4

Portions of Sections 4 and 9, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 9;

Thence South 01 degrees, 25 minutes, 27 seconds East along the East line of said Section 9, a distance of 193.16 feet;

Thence South 89 degrees, 10 minutes, 40 seconds West, a distance of 1874.99 feet to a point on. the centerline of Old Highway No.

279, said point being a point on a non-tangent curve concave Northeasterly from which the radius bears North 65 degrees, 52 minutes, 19 seconds East, a distance of 796.53 feet;

Thence Northwesterly along said centerline and said curve through a central angle of 09 degrees, 13 minutes, 15 seconds, an arc distance of 128.19 feet to a point of tangency;

Thence north 14 degrees, 54 minutes, 26 seconds West along said centerline, a distance of 129.87 feet to the beginning of a non-tangent curve concave Southwesterly from which the radius bears South 75 degrees, 06 minutes, 35 seconds West, a distance of 563.98 feet;

Thence Northwesterly along said centerline and said curve through a central angle of 30 degrees, 36 minutes, 08 seconds, an arc distance of 301.23 feet to a point of non-tangency;

Thence departing said centerline, North 00 degrees, 15 minutes, 56 seconds East, a distance of 3432.99 feet;

Thence North 47 degrees, 46 minutes, 18 seconds East, a distance of 286.60 feet;

Thence South 62 degrees, 22 minutes, 15 seconds East, a distance of 521.55 feet to a point on the West line of the Southeast Quarter of the Northeast Quarter of said Section 4;

Thence South 01 degrees, 08 minutes, 37 seconds East, along said West line, a distance of 992.19 feet to a point on the East-West mid-section line of said Section 4;

Thence North 89 degrees, 22 minutes, 31 seconds East along said mid-section line, a distance of 871.59 feet. Thence South 25 degrees, 21 minutes, 03 seconds East, a distance of 222.64 feet;

Thence South 29 degrees, 48 minutes, 09 seconds East, a distance of 759.21 feet to a point on the East line of said Section;

Thence South 01 degrees, 18 minutes, 30 seconds East along the East line of said Section 4, a distance of 480.00 feet;

Thence South 89 degrees, 17 minutes, 50 seconds West along the North line of the Southeast Quarter of the Southeast Quarter of said Section 4, a distance of 1328.40 feet;

Thence South 01 degrees, 08 minutes, 33 seconds East along the West line of said Southeast Quarter of the Southeast Quarter, a distance of 1346.93 feet;

Thence North 89 degrees, 13 minutes, 10 seconds East along the South line of said Section 4 and the North line of said Section 9 a distance of 1332.28 feet to the POINT OF BEGINNING.

Middle Verde 2006 (Keith Well) 7.35 Acres

A parcel of land in the Southwest quarter, of the Southwest quarter, of Section 2 and the Northwest quarter, of the Northwest quarter, of Section 11, Township 14 North, Range 4 East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING for reference at a BLM Brass Cap dated 1959 being the common corner of Sections 2, 3, 10 and 11 from which the quarter corner of Sections 2 and 3 bears North 0 degrees 03 minutes 29 seconds East, a distance of 2767.77 feet, said quarter corner being a recovered one half inch rebar with obliterated plastic cap;

Thence South 0 degrees 09 minutes 12 seconds West and along the West line of said Section 11, a distance of

5.52 feet;

Thence South 87 degrees 56 minutes 47 seconds East, a distance of 544.98 feet to a point;

Thence North 79 degrees 49 minutes 23 seconds East, a distance of 44.52 feet to the TRUE POINT OF BEGINNING;

Thence continuing along the aforesaid course North 79 degrees 49 minutes 23 seconds East, a distance of 747.88 feet to a point on the East line of the Southwest quarter of the Southwest quarter said Section 2;

Thence South 0 degrees 23 minutes 38 seconds East, and along said East line a distance of 176.00 feet to the Southeast corner of the said Southwest quarter, of the Southwest quarter;

Thence South 0 degrees 50 minutes 06 seconds West, and along the East line of the Northwest quarter, of the Northwest quarter of said Section 11, a distance of 289.56 feet;

Thence North 87 degrees 04 minutes 39 seconds West, a distance of 734.85 feet;

Thence North 0 degrees 09 minutes 12 seconds East, a distance of 295.92 feet to the TRUE POINT OF BEGINNING.

Middle Verde 2006 (Tunlii) 561.79 Acres

Parcel No. 1

Parcel G less S & G & 50

The following parcel is located within Sections 10, 11, 14 and 15, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Northeast corner of the said West half of the Southwest quarter of Section 11;

Thence South 01 degrees 15 minutes 21 seconds West along the East line of the said West half of the Southwest quarter of Section 11 for a distance of 613.28 feet to the POINT OF BEGINNING;

Thence continuing South 01 degrees 15 minutes 21 seconds West along said East_line for a distance of 2013.26 feet to the Southeast corner of the said West half of the Southwest quarter Section 11 being also the Northeast corner of the said West half of the Northwest quarter of Section 14;

Thence South 36 degrees 19 minutes 40 seconds West for a distance of 1180.19 feet; Thence South 67 degrees 51 minutes 12 seconds West for a distance of 2075.43 feet; Thence South 77 degrees 41 minutes 31 seconds West for a distance of 56.29 feet; Thence North 30 degrees 47 minutes 46 seconds West for a distance of 351.57 feet;

Thence North 71 degrees 57 minutes 04 seconds West for a distance of 166.47 feet to a point on a curve concave Northwesterly having a radius of 350.00 feet;

Thence Northerly along the arc of said curve through a central angle of 59 degrees 10 minutes 19 seconds, for a distance of 361.46 feet;

Thence North 41 degrees 07 minutes 23 seconds West for a distance of 305.00 feet to the beginning of a curve concave Northeasterly having a radius of 1280.38 feet;

Thence Northwesterly along the arc of said curve through a central angle of 08 degrees 55 minutes 54 seconds, for a distance of 199.59 feet;

Thence North 32 degrees 11 minutes 29 seconds West for a distance of 207.00 feet;

Thence North 57 degrees 48 minutes 31 seconds East for a distance of 167.00 feet to the beginning of a curve concave Southeasterly having a radius of 302.22 feet;

Thence Northeasterly along the arc of said curve through a central angle of 36 degrees 37 minutes 01 seconds, for a distance of 193.15 feet;

Thence South 85 degrees 34 minutes 28 seconds East for a distance of 377.75 feet;

Thence South 41 degrees 07 minutes 23 seconds East for a distance of 137.78 feet to the beginning of a curve concave Southeasterly having a radius of 644.25 feet;

Thence Northeasterly along the arc of said curve through a central angle of 40 degrees 04 minutes 50 seconds, for a distance of 450.68 feet;

Thence North 88 degrees 57 minutes 27 seconds East for a distance of 187.41 feet to the beginning a curve concave Northwesterly having a radius of 190.38 feet;

Thence Northeasterly along the arc a said curve through a central angle of 34 degrees 59 minutes 06 seconds, for a distance of 116.25 feet;

Thence North 53 degrees 58 minutes 21 seconds East for a distance of 152.03 feet to the beginning of a curve concave Southeasterly having a radius of 373.08 feet;

Thence Northeasterly along the arc of said curve through a central angle of 18 degrees 16 minutes 21 seconds, for a distance of 118.98 feet;

Thence North 72 degrees 14 minutes 42 seconds East for a distance of 192.61 feet to the beginning of a curve concave Northwesterly having a radius of 545.12 feet;

Thence Northeasterly along the arc of said curve through a central angle of 95 degrees 29 minutes 16 seconds, for a distance of 908.48 feet;

Thence North 23 degrees 14 minutes 34 seconds West for a distance of 188.90 feet to the beginning of a curve concave Northeasterly having a radius of 328.17 feet;

Thence Northwesterly along the arc of said curve through a central angle of 20 degrees 43 minutes 19 seconds, for a distance of 118.69 feet;

Thence North 02 degrees 31 minutes 15 seconds West for a distance of 138.31 feet to the beginning of a curve concave Southwesterly having a radius of 256.57 feet;

Thence Northwesterly along the arc of said curve through a central angle of 50 degrees 07 minutes 57 seconds, for a distance of 224.49 feet;

Thence North 52 degrees 39 minutes 12 seconds West for a distance of 336.62 feet to the beginning of a curve concave Southwesterly having a radius of 273.90 feet;

Thence Northwesterly along the arc of said curve through a central angle of 20 degrees 30 minutes 19 seconds, for a distance of 98.03 feet;

Thence North 16 degrees 50 minutes 29 seconds East for a distance of 240.93 feet; Thence North 02 degrees 00 minutes 59 seconds East for a distance of 344.65 feet;

Thence South 87 degrees 33 minutes 24 seconds East for a distance of 1792.16 feet back to the POINT OF BEGINNING.

Parcel No. 2

Parcel ''50''

The following parcel is located within Sections 14 and 15 of Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Northeast corner of the said West half of the Southwest quarter of Section 11;

Thence South 01 degrees 15 minutes 21 seconds West along the East line of the said West half of the Southwest quarter of Section 11 for a distance of 2626.54 feet to the POINT OF BEGINNING, being also the Southeast corner of said West half of the Southwest quarter Section 11 being the same point as Northeast corner of the West half of the Northwest quarter of said Section 14;

Thence South 02 degrees 12 minutes 45 seconds West along the East line of said West half of the Northwest quarter of Section 14 for a distance of 1033.72 feet;

Thence South 52 degrees 25 minutes 21 seconds West for a distance of 702.24 feet more or less; Thence South 41 degrees 55 minutes 02 seconds West for a distance of 486.49 feet;

Thence South 61 degrees 50 minutes 08 seconds, for a distance of 619.06; feet to the beginning of a curve concave Southeasterly having a radius of 342.81 feet;

Thence Southwesterly along the arc of said curve through a central angle of 47 degrees 15 minutes 51 seconds, for a distance of 282.79 feet;

Thence South 14 degrees 34 minutes 17 seconds West for a distance of 239.53 feet; Thence North 85 degrees 05 minutes 52 seconds West for a distance of 425.00 feet; Thence North 24 degrees 26 minutes 18 seconds Fast for a distance of 419.24 feet;

Thence North 68 degrees 04 minutes 16 seconds West for a distance of 113.92 feet to the beginning of a curve concave Northwesterly having a radius of 60.00 feet;

Thence Southwesterly along the arc of said curve through a central angle of 53 degrees 04 minutes 16 second, for a distance of 55.58 feet to the point of reverse curvature of a curve being concave Southeasterly having a radius of 87.50 feet;

Thence Southwesterly along the arc of said curve through a central angle of 25 degrees 30 minutes 45 seconds, for a distance of 38.96 feet;

Thence South 49 degrees 29 minutes 15 seconds West for a distance of 382.65 feet; Thence North 20 degrees 06 minutes 28 seconds West for a distance of 614.00 feet; Thence North 62 degrees 14 minutes 29 seconds East for a distance of 42.94 feet; Thence North 21 degrees 48 minutes 05 seconds West for a distance of 80.78 feet; Thence North 67 degrees 51 minutes 12 seconds East for a distance of 2075.43 feet;

Thence North 36 degrees 19 minutes 40 seconds East for a distance of 1180.19 feet back to the POINT OF BEGINNING.

Together with an easement for ingress, egress and utilities over the following described parcel. Easement ''A''

COMMENCING at the Northeast corner of the said West half of the Southwest quarter of Section 11;

Thence South 01 degrees 15 minutes 21 seconds West along the East line of the said West half of the Southwest quarter of Section 11 for a distance of 2626.54 feet to the Southeast corner of said West half of the Southwest quarter of Section 11 being the same point as the Northeast corner of the West half of the Northwest quarter of said Section 14;

Thence South 02 degrees 12 minutes 45 seconds West along the East line of said West half of the Northwest quarter of Section 14 for a distance of 2807.44 feet to the Southeast corner of said West half of the Northwest quarter of Section 14;

Thence South 88 degrees 17 minutes 45 seconds West along the South line of said West half of the Northwest quarter of Section 14 for a distance of 1339.71 feet more or less to the quarter corner common to said Section 14 and 15;

Thence North 85 degrees 05 minutes 52 seconds West along the South line of the Northeast quarter of said Section 15 for a distance of 1405.30 feet to a point on the East right of way line of Highway 279, being also a point on a curve concave Northeasterly having a radius of 7539.44 feet;

Thence Northwesterly along said right of way and the arc of said curve through a central angle of 04 degrees 31 minutes 40 seconds, for a distance of 595.82 feet;

Thence continuing along the right of way North 28 degrees 37 minutes 23 seconds West for a distance of 459.92 feet to the POINT OF BEGINNING;

Thence continuing along said right of way North 28 degrees 37 minutes 23 seconds West for a distance of 100.00 feet;

Thence North 61 degrees 22 minutes 37 seconds East for a distance of 275.55 feet to the beginning of a curve concave Northwesterly having a radius of 350.00 feet;

Thence along the arc of said curve through a central angle of 43 degrees 19 minutes 41. seconds, for a distance of 264.68 feet;

Thence South 71 degrees 57 minutes 04 seconds East for a distance of 100.00 feet to the beginning of a curve concave Northwesterly having a radius of 450.00 feet;

Thence Southwesterly along the arc of said curve through a central angle of 43 degrees 19 minutes 41 seconds, for a distance of 340.30 feet;

Thence South 61 degrees 22 minutes 37 seconds West for a distance of 275.55 feet back to the POINT OF BEGINNING.

Together with an easement for ingress, egress and utilities over the following described parcel. Easement ''B''

COMMENCING at the Northeast corner of the said West half of the Southwest quarter of Section 11;

Thence South 01 degrees 15 minutes 21 seconds West along the East line of the said West half of the Southwest quarter of Section 11 for a distance of 2626.54 feet to the Southeast corner said West half of the Southwest quarter of Section 11 being the same point as the Northeast corner of the West half of the Northwest quarter of said Section 14;

Thence South 02 degrees 12 minutes 45 seconds West along the East line of said West half of the Northwest quarter of Section 14 for a distance of 2807.44 feet to the Southeast corner of said West half of the Northwest quarter of Section 14;

Thence South 88 degrees 17 minutes 45 seconds West along the South line of the said West half of the Northwest quarter of Section 14 for a distance of 1339.71 feet more or less to the quarter corner common to said Section 14 and 15;

Thence North 85 degrees 05 minutes 52 seconds West along the South line of the Northeast quarter of said Section 15 for a distance of 1405.30 feet to a point on the East right of way line of Highway 279, being also a point on a curve concave Northeasterly having a radius of 7539.44 feet;

Thence Northwesterly along said right of way and the arc of said curve through a central angle of 04 degrees 31 minutes 40 seconds, for a distance of 595.82 feet;

Thence continuing along said right of way North 28 degrees 37 minutes 23 seconds West for a distance of 559.92 feet;

Thence North 61 degrees 22 minutes 37 seconds East for a distance of 275.55 feet to the beginning of a curve concave Northwesterly having a radius of 350.00 feet;

Thence Northeasterly along the arc of said curve through a central angle of 43 degrees 19 minutes 41 seconds, for a distance of 264.68 feet to the POINT OF BEGINNING;

Thence continuing along said curve through a central angle of 59 degrees 10 minutes 19 seconds, for a distance of 361.46 feet;

Thence North 41 degrees 07 minutes 23 seconds West for a distance of 305.00 feet to the beginning of a curve concave Northeasterly having a radius of 1280.38 feet;

Thence Northwesterly along the arc of said curve through a central angle of 08 degrees 55 minutes 54 seconds, for a distance of 199.59 feet;

Thence North 32 degrees 11 minutes 29 seconds West for a distance of 207.00 feet;

Thence North 57 degrees 48 minutes 31 seconds East for a distance of 167.00 feet to the beginning of a curve concave Southeasterly having a radius of 302.22 feet;

Thence Northeasterly along the arc of said curve through a central angle of 36 degrees 37 minutes 01 seconds, for a distance of 193.15 feet;

Thence South 85 degrees 34 minutes 28 seconds East for a distance of 46.74 feet; Thence South 04 degrees 25 minutes 32 seconds West for a distance of 100.00 feet;

Thence North 85 degrees 34 minutes 28 seconds West for a distance of 46.74 feet to the beginning of a curve concave Southeasterly having a radius of 202.22 feet;

Thence Southwesterly along the arc of said curve through a central angle of 36 degrees 37 minutes 01 seconds, for a distance of 129.24 feet;

Thence South 57 degrees 48 minutes 31 seconds West for a distance of 67.00 feet;

Thence South 32 degrees 11 minutes 29 seconds East for a distance of 107.00 feet to the beginning of a curve concave Northeasterly having a radius of 1180.38 feet;

Thence Southeasterly along the arc of said curve through a central angle of 08 degrees 55 minutes 54 seconds, for a distance of 184.01 feet;

Thence South 41 degrees 07 minutes 23 seconds East for a distance of 305.00 feet to the beginning of a curve concave Northwesterly having a radius of 450.00 feet;

Thence Southwesterly along the arc of said curve through a central angle of 59 degrees 10 minutes 19 seconds, for a distance of 464.73 feet;

Thence North 71 degrees 57 minutes 04 seconds West for a distance of 166.41 feet back to the POINT OF BEGINNING.

Parcel No. 3

Parcel ''R. ''V.- ''S''- ''0''

The following parcel is located within Sections 10, 14 and 15, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Northeast corner of the West half of the Southwest quarter of Section 11;

Thence South 01 degrees 15 minutes 21 seconds West along the East line of the said West half of the Southwest quarter of Section 11 for a distance of 2626.54 feet to the Southeast corner of said West half of the Southwest quarter of Section 11 being the same point as the Northeast corner of the West half of the Northwest quarter of Section 14;

Thence South 02 degrees 12 minutes 45 seconds West along the East line of the said West half of the Northwest quarter of Section 14 for a distance of 1033.72 feet being the TRUE POINT OF BEGINNING;

Thence continuing South 02 degrees 12 minutes 45 seconds West along said East line for a distance of 1773.72 feet to the Southeast corner of the said West half of the Northwest quarter of Section 14;

Thence South 88 degrees 17 minutes 45 seconds West along the South line of the said West half Of the Northwest quarter of Section 14 for a distance of 1339.71 feet more or less to the quarter corner common to said Sections 14 and 15;

Thence North 85 degrees 05 minutes 52 seconds West along the South line of the Northeast quarter of said Section 15 for a distance of 1405.30 feet to a point on the East right of way line of Highway 279, being also a point on a curve concave Northeasterly having a radius of 7539.44 feet;

Thence Northwesterly along said right of way and the arc of said curve through a central angle of 04 degrees 31 minutes 40 seconds, for a distance of 595.82 feet;

Thence continuing along said right of way line North 28 degrees 37 minutes 23 seconds West for a distance of 2193.14 feet to the beginning of a curve concave Southwesterly having a radius of 7739.44 feet;

Thence continuing along the East right of way of Highway 279 Northwesterly along the arc of said curve through a central angle of 04 degrees 01 minutes 43 seconds, for a distance of 544.17 feet to a point on the South line of Section 10;

Thence South 88 degrees 35 minutes 05 seconds East along said South line for a distance of 278.10 feet to a point on the center line of Old State Highway 279;

Thence North 19 degrees 08 minutes 50 seconds West along said center line for a distance of 145.00 feet; Thence North 70 degrees 51 minutes 10 seconds East for a distance of 120.00 feet;

Thence South 77 degrees 01 minutes 09 seconds East for a distance of 979.14 feet;

Thence South 04 degrees 56 minutes 21 seconds East for a distance of 487.81 feet;

Thence North 85 degrees 34 minutes 28 seconds West for a distance of 46.74 feet to the beginning of a curve concave Southerly having a radius of 302.22 feet;

Thence Westerly along the arc of said curve through a central angle of 36 degrees 37 minutes 01 seconds, for a distance of 193.15 feet;

Thence South 57 degrees 48 minutes 31 seconds, for a distance of 167.00 feet;

Thence South 32 degrees 11 minutes 29 seconds East for a distance of 207.00 feet to the beginning of a curve concave Northeasterly having a radius of 1280.38 feet;

Thence Southeasterly along said curve through a central angle of 08 degrees 55 minutes 54 seconds, for a distance of 199.59 feet;

Thence South 41 degrees 07 minutes 23 seconds East for a distance of 305.00 feet to the beginning of a curve concave Westerly having a radius of 350.00 feet;

Thence Southerly along the arc of said curve through a central angle of 59 degrees 10 minutes 19 seconds, for a distance of 361.46 feet;

Thence South 71 degrees 57 minutes 04 seconds East for a distance of 166.41 feet; Thence South 30 degrees 47 minutes 46 seconds East for a distance of 351.57 feet; Thence North 77 degrees 41 minutes 31 seconds East for a distance of 56.29 feet; Thence South 21 degrees 48 minutes 05 seconds East for a distance of 80.78 feet; Thence South 62 degrees 14 minutes 29 seconds West for a distance of 42.94 feet; Thence South 20 degrees 06 minutes 28 seconds East for a distance of 614.00 feet;

Thence North 49 degrees 29 minutes 15 seconds East for a distance of 382.65 feet to the beginning of a curve concave Southeasterly having a radius of 87.50 feet;

Thence Northeasterly along the arc of the said curve through a central angle of 25 degrees 30 minutes 45 seconds, for a distance of 38.96 feet to the point of reverse curvature said curve being concave Northwesterly having a radius of 60.00 feet;

Thence Northeasterly along the arc of said curve through a central angle of 53 degrees 04 minutes 16 seconds, for a distance of 55.58 feet;

Thence South 68 degrees 04 minutes 16 seconds East for a distance of 113.92 feet; Thence South 24 degrees 26 minutes 18 seconds West for a distance of 419.24 feet; Thence South 85 degrees 05 minutes 52 seconds East for a distance of 425.00 feet;

Thence North 14 degrees 34 minutes 17 seconds East for a distance of 239.53 feet to a point on a curve concave Southeasterly having a radius of 342.81 feet;

Thence Northeasterly along the arc of said curve through a central angle of 47 degrees 15 minutes 51 seconds, for a distance of 282.79 feet;

Thence North 61 degrees 50 minutes 08 seconds East for a distance of 619.06 feet; Thence North 41 degrees 55 minutes 02 seconds East for a distance of 486.49 feet;

Thence North 52 degrees 25 minutes 21 seconds East for a distance of 702.24 feet back to the POINT OF BEGINNING.

EXCEPT the area within the right of way of Old State Highway 279, and subject to easements for ingress, egress and utilities over the following parcels.

Easement ''C''

COMMENCING at the Northeast corner of the said West half of the Southwest quarter of Section 11;

Thence South 01 degrees 15 minutes 21 seconds West along the East line of the said West half of the Southwest quarter of Section 11 for a distance of 2626.54 feet to the Southeast corner of said West half of the Southwest quarter of Section 11 being the same point as the Northeast corner of the West half of the Northwest quarter of said Section 14;

Thence 02 degrees 12 minutes 45 seconds West along the East line of said West half of the Northwest quarter of Section 14 for a distance of 2807.44 feet to the Southeast corner of said West half of the Northwest quarter of Section 14;

Thence South 88 degrees 17 minutes 45 seconds West along the South line of said West half of the Northwest quarter of Section 14 for a distance of 1339.71 feet more or less to the quarter corner common to said Section 14 and 15;

Thence North 85 degrees 05 minutes 52 seconds West along the South line of the Northeast quarter of said Section 15 for a distance of 1405.30 feet to a point on the East right of way line of Highway 279, being also a point on a curve concave Northeasterly having a radius of 7539.44 feet;

Thence Northwesterly along said right of way and the arc of said curve through a central angle of 04 degrees 31 minutes 40 seconds, for a distance of 595.82 feet;

Thence continuing along said right of way North 28 degrees 37 minutes 23 seconds West for a distance of 459.92 feet to the POINT OF BEGINNING;

Thence continuing along said right of way North 28 degrees 37 minutes 23 seconds West for a distance of 100.00 feet;

Thence North 61 degrees 22 minutes 37 seconds East for a distance of 275.55 feet to the beginning of a curve concave Northwesterly having a radius of 350.00 feet;

Thence along the arc of said curve through a central angle of 43 degrees 19 minutes 41 seconds, for a distance of 264.68 feet;

Thence South 71 degrees 57 minutes 04 seconds East for a distance of 100.00 feet to the beginning of a curve concave Northwesterly having a radius of 450.00 feet;

Thence Southwesterly along the arc of said curve through a central angle of 43 degrees 19 minutes 41 seconds, for a distance of 340.30 feet;

Thence South 61 degrees 22 minutes 37 seconds West for a distance of 275.55 feet to the POINT OF BEGINNING.

Easement ''D''

COMMENCING at the Northeast corner of the said West half of the Southwest quarter of Section 11;

Thence South 01 degrees 15 minutes 21 seconds West along the East line of the said West half of the Southwest quarter of Section 11 for a distance of 2626.54 feet to the Southeast corner of said West half of Southwest quarter of Section 11 being the same point as the Northeast corner of the West half of the Northwest quarter of said Section 14;

Thence South 02 degrees 12 minutes 45 seconds West along the East line of said West half of the Northwest quarter of Section 14 for a distance of 2807.44 feet to the Southeast corner of said West half of the Northwest quarter of Section 14;

Thence South 88 degrees 17 minutes 45 seconds West along the South line of the said West half of the Northwest quarter of Section 14 for a distance of 1339.71 feet more or less to the quarter corner common to said Section 14 and 15;

Thence North 85 degrees 05 minutes 52 seconds West along the South line of the Northeast quarter of said Section 15 for a distance of 1405.30 feet to a point on the East right of way line of Highway 279, being also a point on a curve concave Northeasterly having a radius of 7539.44 feet;

Thence Northwesterly along said right of way and the arc of said curve through a central angle of 04 degrees 31 minutes 40 seconds, for a distance of 595.82 feet;

Thence continuing along said East right of way North 28 degrees 37 minutes 23 seconds West for a distance of 2193.14 feet to the beginning of a curve concave Southwesterly having a radius of 7739.44 feet;

Thence continuing along the East right of way of Highway 279 Northwesterly along the arc of said curve through a central angle of 01 degrees 43 minutes 56 seconds, for a distance of 233.99 feet to the POINT OF BEGINNING;

Thence continuing along the East right of way line of Highway 279 and the arc of said curve through a central angle of 00 degrees 44 minutes 49 seconds, for a distance of 100.90 feet;

Thence North 66 degrees 50 minutes 41 seconds East for a distance of 272.77 feet to the beginning of a curve concave Southwesterly having a radius of 350.00 feet;

Thence Southeasterly along the arc of said curve through a central angle of 80 degrees, 57 minutes 50 seconds, for a distance of 494.58 feet;

Thence South 32 degrees 11 minutes 29 seconds East for a distance of 482.52 feet; Thence South 57 degrees 48 minutes 31 seconds West for a distance of 100.00 feet;

Thence North 32 degrees 11 minutes 29 seconds West for a distance of 482.52 feet to the beginning of a curve concave Southwesterly having a radius of 250.00 feet;

Thence Northwesterly along the arc of said curve through a central angle of 80 degrees 57 minutes 50 seconds, for a distance of 353.27 feet;

Thence South 66 degrees 50 minutes 41 seconds West for a distance of 259.48 feet back to the POINT OF BEGINNING.

Easement ''E''

COMMENCING at the Northeast corner of the said West half of the Southwest quarter of Section 11;

Thence South 01 degrees 15 minutes 21 seconds West along the East line of the said West half of the Southwest quarter of Section 11 for a distance of 2626.54 feet to the Southeast corner of said West half of the Southwest quarter of Section 11 being the same point as the Northeast corner of the West half of the Northwest quarter of said Section 14;

Thence South 02 degrees 12 minutes 45 seconds West along the East line of said West half of the Northwest quarter of Section 14 for a distance of 2807.44 feet to the Southeast corner of said West half of the Northwest quarter of Section 14;

Thence South 88 degrees 17 minutes 45 seconds West along the South line of the said West half of the Northwest quarter of Section 14 for a distance of 1339.71 feet more or less to the quarter corner common to said Section 14 and 15;

Thence North 85 degrees 05 minutes 52 seconds West along the South line of the Northeast quarter of said Section 15 for a distance of 1405.30 feet to a point on the East right of way line of Highway 279, being along a point on a curve concave Northeasterly having a radius of 7539.44 feet;

Thence Northwesterly along said right of way and the arc of said curve through a central angle of 04 degrees 31 minutes 40 seconds, for a distance of 595.82 feet;

Thence continuing along said right of way North 28 degrees 37 minutes 23 seconds West for a distance of 559.92 feet;

Thence North 61 degrees 22 minutes 37 seconds East for a distance of 275.55 feet to the beginning of a curve concave Northwesterly having a radius of 350.00 feet;

Thence Northeasterly along the arc of said curve through a central angle of 43 degrees 19 minutes 41 seconds, for a distance of 264.68 feet to the POINT OF BEGINNING;

Thence continuing along said curve through a central angle of 59 degrees 10 minutes 19 seconds, for a distance of 361.46 feet;

Thence North 41 degrees 07 minutes 23 seconds West for a distance of 305.00 feet to the beginning of a curve concave Northeasterly having a radius of 1280.38 feet;

Thence Northwesterly along the arc of said curve through a central angle of 08 degrees 55 minutes 54 seconds, for a distance of 199.59 feet;

Thence North 32 degrees 11 minutes 29 seconds West for a distance of 207.00 feet;

Thence North 57 degrees 48 minutes 31 seconds East for a distance of 167.00 feet to the beginning of a curve concave Southeasterly having a radius of 302.22 feet;

Thence Northeasterly along the arc of said curve through a central angle of 36 degrees 37 minutes 01 seconds, for a distance of 193.15 feet;

Thence South 85 degrees 34 minutes 28 seconds East for a distance of 46.74 feet; Thence South 04 degrees 25 minutes 32 seconds West for a distance of 100.00 feet;

Thence North 85 degrees 34 minutes 28 seconds West for a distance of 46.74 feet to the beginning of a curve concave Southeasterly having a radius of 202.22 feet;

Thence Southwesterly along the arc of said curve through a central angle of 36 degrees 37 minutes 01 seconds, for a distance of 129.24 feet;

Thence South 57 degrees 48 minutes 31 seconds West for a distance of 67.00 feet;

Thence South 32 degrees 11 minutes 29 seconds East for a distance of 107.00 feet to the beginning of a curve concave Northeasterly having a radius of 1180.38 feet;

Thence Southeasterly along the arc of said curve through a central angle of 08 degrees 55 minutes 54 seconds, for a distance of 184.01 feet;

Thence South 41 degrees 07 minutes 23 seconds, for a distance of 305.00 feet to the beginning of a curve concave Northwesterly having a radius of 450.00 feet;

Thence Southwesterly along the arc of said curve through a central angle of 59 degrees 10 minutes 19 seconds, for a distance of 464.73 feet;

Thence North 71 degrees 57 minutes 04 seconds West for a distance of 166.41 feet back to the POINT OF BEGINNING.

Parcel No. 4

The following parcels are all located within Sections 9, 10 and 11 of Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

Being the South half of the North half of Section 10 lying East of the East right of way of Old State Highway 279 and the Southwest quarter of the Northwest quarter of Section 11, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, Excepting therefrom the following described parcel:

COMMENCING at the West quarter corner of said Section 10;

Thence North 00 degrees 26 minutes 29 seconds East, for a distance of 1284.20 feet to a point in the centerline of Old State Highway 279 being also the POINT OF BEGINNING;

Thence North 32 degrees 12 minutes 47 seconds West, along the centerline for a distance of 58.21 feet to a point on the North line of the South half of the North half of said Section 9;

Thence South 87 degrees 33 minutes 24 seconds East, along the North lines of Section 9 and 10 for a distance of 560.00 feet;

Thence South 60 degrees 19 minutes 35 seconds West, for a distance of 460.57 feet to a point on said centerline;

Thence continuing along said centerline North 32 degrees 18 minutes 47 seconds West, for a distance of 240.00 feet back to the POINT OF BEGINNING.

Parcel No. 5

That portion of the South half of Section 10 lying East of the East right of way line of Old State Highway 279 and the West half of the Southwest quarter of Section 11.

Described as follows:

BEGINNING at the Northeast corner of the said West half of the Southwest quarter of Section 11;

Thence South 01 degrees 15 minutes 21 seconds West along the East line of the said West half of the Southwest quarter of Section 11 for a distance of 613.28 feet;

Thence North 87 degrees 33 minutes 24 seconds West for a distance of 5,335.16 feet to a point on the centerline of Old State Highway 279;

Thence North 32 degrees 18 minutes 39 seconds West along said centerline for a distance of 740.82 feet to a point on the North line of the said South half of Section 10;

Thence South 87 degrees 36 minutes 05 seconds East along the North line of said South half of Section 10 and the North line of the said West half of the Southwest quarter of Section 11 for a distance of 5,744.76 feet back to the POINT OF BEGINNING.

EXCEPT the area within the right of way of Old State Highway 279 now known as State Highway 260.

Parcel No. 6

The following parcel is located within Sections 9 and 10 of Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

COMMENCING at the West quarter corner of said Section 10;

Thence North 00 degrees 26 minutes 29 seconds East, for a distance of 1284.20 feet to a point in the centerline of Old State Highway 279 being also the POINT OF BEGINNING;

Thence North 32 degrees 12 minutes 47 seconds West, along the centerline for a distance of 58.21 feet to a point on the North line of the South half of the North half of said Section 9;

Thence South 87 degrees 33 minutes 24 seconds East, along the North lines of Sections 9 and 10 for a distance of 560.00 feet;

Thence South 60 degrees 19 minutes 35 seconds West, for a distance of 460.57 feet to a point on said centerline;

Thence continuing along said centerline North 32 degrees 18 minutes 47 seconds West, for a distance of 240.00 feet back to the POINT OF BEGINNING.

EXCEPT the area within the right of way of Old State Highway 279.

Clarkdale 1969 (Clarkdale 1 Gulf States) 27.13 Acres

A tract of land in Section Nineteen, Township Sixteen North, Range Three East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Main Street and the Westerly right-of-way line of 16th Street as shown on the plat of Clarkdale, Arizona, of record in Book 5 of Plats, at page 83, in the office of the County Recorder of Yavapai County, Arizona; thence North 44°37′ West, 121.9 feet along said right-of-way line of 16th Street; thence North 34°23′ West, 20.0 feet along said right-of-way line; thence South 55°37′ West,

643.35 feet; thence South 85°43′ West, 964.0 feet; thence South 32°16′30″ West, 213.68 feet to the POINT OF BEGINNING; thence South 32°16′30″ West, 328.0 feet; thence North 30°48′30″ West, 485.0 feet; thence North 24°50′ West, 687.9 feet; thence North 56°50′05″ East, 1982.39 feet to a point on the centerline of the existing A.T. & S.F. Railway; thence along a curve to the left, on said centerline, with a radius of 1096.15 feet, the chord of which curve bears South 64°02′ East, 393.2 feet; thence West, 513.8 feet; thence South 24°26′47″ West, 1855.2 feet to the POINT OF BEGINNING.

Clarkdale 1969 (Clarkdale 2 Clarkdale Realty) 31.37 Acres

A tract of land In Section Nineteen, Township Sixteen North, Range Three East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the intersection of the Northerly right-of-way line of Main Street and the Westerly right-of-way line of 16th Street, as shown on the plat of Clarkdale, Arizona, of record in Book 5 of Plats, at page 83, in the office of the County Recorder of Yavapai County, Arizona; thence North 44°37′ West, 121.9 feet along said right-of-way line of 16th street; thence North 34°23′ West, 20.0 feet along said right-of-way line to the POINT OF BEGINNING; thence South 55°37′ West, 643.35 feet; thence South 85°43′ West, 964.0 feet; thence South 32°16′30″ West, 213.68 feet; thence North 24°46′47″ East, 1855.2 feet; thence East 513.8 feet to a point in the centerline of the existing A.T. & S.F. Railway; thence 262.0 feet along a curve to the left, on said Railway centerline, with a radius of 1096.15 feet, the chord of which curve bears South 81°13′ East, to a point of tangency; thence South 88°04′ East, 115.06 feet along said centerline of Railway; thence South 39°37′ West, 655.0 feet; thence South 34°23′ East, 619.65 feet to the POINT OF BEGINNING.

Clarkdale 2006 (Kwail Heights/Beaver Creek) 37.50 Acres

A tract of land which is the Southwest quarter of the Southwest quarter of Section 19, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona:

BEGINNING at a found 3 inch brass cap in 4 inch pipe and concrete at the Southwest corner of Section 19 (marked Dr. Morgan Johnson—PE 4603—1967—Phoenix Consulting Engineers), from which the quarter corner common to Section 19 and 30 (a found 3 inch brass cap in 4 inch pipe and concrete (marked Dr. Morgan Johnson—PE 4603—1967 Phoenix Consulting Engineers); bears North 89 degrees 58 minutes 22 seconds East, 2546.41 feet;

Thence along the West boundary of Section 19, North 00 degrees 04 minutes 23 seconds East, 1321.61 (record North 00 degrees 05 minutes 40 seconds East, 1319.48 feet) to a found 3 inch brass cap in a 4 inch pipe and concrete (marked Dr. Morgan Johnson—PE 4603—1967);

Thence along the North boundary of the Southwest quarter of the Southwest quarter of Section 19, South 89 degrees 56 minutes 45 seconds East, 1223.20 feet (record North 89 degrees 56 minutes 46 seconds East, 1222.41 feet) to a found 3 inch brass cap in 4 inch pipe and concrete (marked Dr. Morgan Johnson—PE 4603—1967);

Thence along the East boundary of the Southwest quarter of the Southwest quarter of Section 19, South 00 degrees 06 minutes 01 seconds East, 1319.86 feet (record South 00 degrees 06 minutes 09 seconds, East, 1320.50) to a found ½ inch rebar with plastic cap ''LS 25384'';

Thence along the South boundary of Section 19—South 89 degrees 58 minutes 22 seconds West, 1227.21 feet (record South 89 degrees 58 minutes 22 seconds West, 1226.94 feet) to the BEGINNING.

Clarkdale 2006 (Clarkdale/Beecher) .69 Acres

A parcel of land located in Section 19, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, and being more particularly described in the following courses:

COMMENCING at the intersection of 16th Street and Main Street as shown on the map of the Town of Clarkdale as recorded in Book 5, Page 83, Yavapai County Records;

Thence South 55 degrees 43 minutes 40 seconds West, along a prolongation of a line between monuments at the centerline intersection of 15th Street and Main Street and the centerline intersection of 14th Street and Main Street as shown on the said map of the Town of Clarkdale a distance of 460.30 feet;

Thence North 34 degrees 07 minutes 05 seconds West, a distance of 37.50 feet to a ⅜ inch iron pin as located in the field;

Thence continuing North 34 degrees 07 minutes 05 seconds West, a distance of 120.15 feet to a ½ inch iron pin as located in the field;

Thence South 55 degrees 30 minutes 38 seconds West, a distance of 186.35 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 55 degrees 30 minutes 38 seconds West, a distance of 363.65 feet to a ½ inch iron pin as located in the field;

Thence South 59 degrees 36 minutes 24 seconds West, a distance of 89.53 feet to a ⅜ inch iron pin as located in the field;

Thence South 29 degrees 27 minutes 40 seconds East, a distance of 119.38 feet to a ⅜ inch iron pin as located in the field;

Thence North 31 degrees 2.5 minutes 18 seconds West, parallel to and 25.00 feet Easterly of the centerline of an existing paved street, as located in the field, a distance of 118.39 feet to a point of curvature;

Thence Northerly along the arc of a curve to the left, through a central angle of 36 degrees 29 minutes 16 seconds and having a radius of 237.51 feet, a distance of 151.25 feet to a point of tangency;

Thence North 67 degrees 54 minutes 34 seconds West, parallel to and 25.00 feet Northerly of the said centerline of an existing paved street, a distance of 69.06 feet to a point of curvature;

Thence Northerly along the arc of a curve to the right through a central angle of 51 degrees 57 minutes 58 seconds and having a radius of 118.29 feet, a distance of 107.29 feet to a point on the Southerly boundary of the Yavapai-Apache Indian Reservation, as recorded in Book 544, of Official Records, Pages 751–754, Yavapai County Records;

Thence North 85 degrees 36 minutes 38 seconds East (basis of bearing) along the said Southerly boundary of the Yavapai-Apache Indian Reservation, a distance of 573.19 feet to a point;

Thence North 55 degrees 30 minutes 38 seconds East, along the said Southerly boundary of the Yavapai-Apache Indian Reservation, a distance of 53.92 feet to a point;

Thence South 28 degrees 26 minutes 12 seconds East, a distance of 22.39 feet to the TRUE POINT OF BEGINNING;

EXCEPTING therefrom the following described property:

A parcel of land located in Section 19, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being adjacent to the South line of the Yavapai-Apache Indian Reservation and at the Northeast quadrant of

the intersection of Main Street and ''F'' Street in the Town of Clarkdale, and more particularly described in the following courses:

BEGINNING for reference at the intersection of the North right-of-way line of Main Street (33.00 feet to center line) and the East right-of-way line of ''F'' Street (25.00 feet to center line):

Thence North 29 degrees 27 minutes 40 seconds West, a distance of 119.38 feet; Thence North 59 degrees 36 minutes 24 seconds East, a distance of 89.54 feet; Thence North 55 degrees 30 minutes 38 seconds East, a distance of 363.65 feet; Thence North 28 degrees 26 minutes 12 seconds West, a distance of 22.30 feet;

Thence South 55 degrees 30 minutes 38 seconds West, a distance of 53.93 feet; Thence South 85 degrees 36 minutes 38 seconds West, a distance of 272.00 feet; Thence South 09 degrees 04 minutes 26 seconds East, a distance of 75.89 feet; Thence South 53 degrees 04 minutes 09 seconds West, a distance of 146.59 feet;

Thence along a non-tangent curve to the right, having a central angle of 19 degrees 02 minutes 52 seconds, a radius of 237.51 feet, a curve length of 78.96 feet;

Thence South 31 degrees 25 minutes 18 seconds East, along the East right-of-way line of ''F'' Street a distance of 118.39 feet to the POINT OF BEGINNING.

Clarkdale 2006 (Kwail Heights/Selna Mongini) 17.30 Acres

A tract of land in the Northeast quarter of the Southwest quarter of Section 19, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona;

BEGINNING at a found 3 inch brass cap in 4 inch pipe and concrete marked Dr. Morgan Johnson, PE 4603,; 1967 the Southwest corner of the Northeast quarter of the Southwest quarter of Section 19 from which the Northwest corner of the Northeast quarter of the Southwest quarter of Section 19 (a found 3 inch brass cap in 4 inch pipe and concrete marked Dr. Morgan Johnson, PE 4603, 1967) bears North 00 degrees 06 minutes 48 seconds West 1320.54 feet (record North 00 degrees 06 minutes 09 seconds West 1320.05 feet);

Thence North 00 degrees 06 minutes 48 seconds West 873.54 feet to a set ½ inch rebar with plastic cap LS 25384;

Thence North 89 degrees 54 minutes 54 seconds East 713.81 feet (record North 89 degrees 55 minutes 09 second East 718.04 feet) to a found ⅝ inch rebar with plastic cap RLS 26925;

Thence along a non-tangent curve to the left and the West right-of-way of Cement Plant Road having a central angle of 09 degrees 53 minutes 21 seconds a radius of 2924.95 feet, a length of 504.84 feet and a chord bearing South 32 degrees 59 minutes 42 seconds East 504.22 feet (record radius of 2924.95 feet) to a set ½ inch rebar with plastic cap LS 25384;

Thence South 24 degrees 55 minutes 13 seconds West 496.95 feet (record South 24 degrees 56 minutes 27 seconds' West 497.37 feet) to a found ½ inch rebar with plastic cap PE 6402;

Thence South 89 degrees 55 minutes 28 seconds West 782.27 feet (record South 89 degrees 56 minutes 46 seconds West 782.23 feet) to the BEGINNING.

Rimrock 1967 (Rimrock) 3.76 Acres

That portion of the Northeast ¼ of Section 2, Township 14 North, Range 5 East, G&SRB&M, County of Yavapai, State of Arizona, more particularly described as follows: BEGINNING at the Northeast corner of said Section 2; thence South 00°57′16″ East along the East section line of said Section 2 a distance of 615.00′; thence South 84°06′08″ West a distance of 29.18′ to the true point of beginning; thence continuing South 84°06′08″ West a distance of 423.52′; thence North 45°43′03″ West a distance of 324.21′; thence North 30°58′26″ East a distance of 223.50′; thence North 89° 42′23″ East a distance of 201.04′; thence South 41°56′02″ East a distance of 504.75′ to the True Point of Beginning; an area of 3.7594 acres.

Rimrock 2021 (Rimrock Reeves) .17 Acres

Lot 282, LAKE MONTEZUMA HILLS, according to the plat of record in Book 12 of Maps, Page 95, and amended in Book 13 of Maps, Page 23, records of Yavapai County, Arizona.

EXCEPT all oil, gas and other minerals.

Montezuma 1974 (Montezuma) 74.84 Acres

Tract 37, Section 18, Township 14 North, Range 5 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, containing 74.84 acres.

Montezuma 2006 (Bar T Bar) 10.43 Acres

All that portion of Lot 10, Section 7, Township 14 North, Range 5 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, lying Northerly and Easterly of the Easterly right of way lines of Middle Verde Road, and Interstate 17.

The above-described lands contain a total of 1,308.67 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the lands described above, nor does it affect any valid existing easements for public roads, highways, public utilities, railroads and pipelines, or any other valid easements or rights-of-way or reservations of record.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–15679 Filed 7–16–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[24XD4523WS/DWSN00000.000000/DS61500000/DP.61501]

Notice of Public Meeting of the Invasive Species Advisory Committee

AGENCY: National Invasive Species Council, Interior.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that a public meeting of the Invasive Species Advisory Committee (ISAC) will occur as indicated below.

DATES: The Invasive Species Advisory Committee will convene by Zoom virtual platform on Thursday, August 22, 2024, 1:00 p.m.–5:00 p.m. ET.

ADDRESSES: Zoom URL and dial in information will be provided via email to registered participants at least 48 hours in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: For information concerning attending the ISAC meeting, submitting written comments to the ISAC, or requesting to address the ISAC, contact Kelsey Brantley, NISC Operations Director and ISAC Coordinator, National Invasive Species Council Staff, telephone (202) 577–7012; fax: (202) 208–4118, or email *kelsey_brantley@ios.doi.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 purpose of the ISAC is to provide advice to the National Invasive Species Council (NISC), as authorized by Executive Orders 13112 and 13751, on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. NISC is co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The duty of NISC is to provide national leadership regarding invasive species issues.

The purpose of the virtual meeting on Thursday, August 22, 2024, is to convene the full ISAC to review the status of ongoing ISAC subcommittee work.

Meeting Agenda: The meeting agenda will consist of updates and discussion on subcommittee deliberations related to islands and invasive species, as well as the national early detection and rapid response framework. A public comment period will also be included.

The final agenda, records, and other reference documents for discussion during the meeting will be available for public viewing as they become available, but no later than 48 hours prior to the start of the meeting at *https://www.invasivespecies.gov.*

Meeting Registration: Due to the limited number of connections available, individuals must register no later than Tuesday, August 20, 2024; 3:00 p.m. ET at: *https://forms.office.com/g/6TRwcTqFrg.*

Interested members of the public may provide either oral or written comments to ISAC for consideration. Oral comments may be given during designated times as specified in the meeting agenda. Written comments must be submitted by email to Kelsey Brantley at *kelsey_brantley@ios.doi.gov,* no later than Friday, August 16, 2024, 3:00 p.m. (ET). All written comments will be provided to members of the ISAC. Due to time constraints during the virtual meeting, written public statements will be submitted directly into the record.

The length of individual oral comments may be limited during the meeting, depending on the number of people who want to comment in the time available. Requests for oral comment will be accommodated in the order they are received. Individuals who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written comments to Kelsey Brantley at *kelsey_brantley@ios.doi.gov,* up to 30 days following the meeting.

All comments will be made part of the public record and will be electronically distributed to all ISAC members. Detailed minutes of the meeting will be available for public inspection within 90 days of the meeting.

Meeting Accessibility/Special Accommodations: The meeting is open to the public. Registration is required. Link to online registration form is provided in the MEETING REGISTRATION section of this notice. Please make requests in advance for sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your written comments, you should be aware that your entire comment including your personal identifying information will be made publicly available. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. ch. 10.

Stanley W. Burgiel,

Executive Director, National Invasive Species Council.

[FR Doc. 2024–15651 Filed 7–16–24; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_NV_FRN_MO: 4500180434]

Call for Nominations for the Sierra Front-Northern Great Basin and Mojave-Southern Great Basin Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of call for nominations.

SUMMARY: The purpose of this notice is to request public nominations for the Bureau of Land Management's (BLM) Sierra Front-Northern Great Basin and Mojave-Southern Great Basin Resource Advisory Councils (RAC) to fill existing vacancies, as well as member terms that are scheduled to expire. The Councils provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their geographic areas.

DATES: All nominations must be received no later than August 16, 2024.

ADDRESSES: Nominations and completed applications should be sent to the BLM Nevada District Offices listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Rita Henderson, Public Affairs Specialist, BLM Nevada State Office, 1340 Financial Blvd., Reno, NV 89502; phone: (775) 461–6753; email: *ritahenderson@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 Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced, and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits or leases within the area for which the RAC is organized; represent interests associated with transportation or rights-of-way; represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities; represent the commercial timber industry; or represent energy and mineral development.

Category Two—Representatives of nationally or regionally recognized environmental organizations; dispersed recreational activities; archaeological and historical interests; or nationally or regionally recognized wild horse and burro interest groups.

Category Three—Hold state, county, or local elected office; are employed by a state agency responsible for the management of natural resources, land, or water; represent Indian tribes within or adjacent to the area for which the RAC is organized; are employed as academicians in natural resource management or the natural sciences; or represent the affected public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State of Nevada. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

—A completed RAC application, which can either be obtained through your

local BLM office or online at: *https://www.blm.gov/sites/default/files/docs/2022-05/BLM-Form-1120-19_RAC-Application.pdf*

—Letters of reference from represented interests or organizations; and

—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM Nevada will post an announcement providing additional information for submitting nominations at *https://www.blm.gov/get-involved/resource-advisory-council/near-me/nevada* .

Nominations and completed applications should be sent to the office listed below:

Sierra Front-Northern Great Basin RAC

Lisa Ross, Public Affairs Specialist, BLM Carson City District Office, 5665 Morgan Mill Road, Carson City, NV 89701; phone: (775) 885–6107; email: *lross@blm.gov.*

Mojave-Southern Great Basin RAC

Kirsten Cannon, Public Affairs Specialist, BLM Southern Nevada District Office, 4701 North Torrey Pines, Las Vegas, NV 89130; phone: (702) 515–5057; email: *k1cannon@blm.gov.*

(Authority: 43 CFR 1784.4–1)

Christopher Bush,

BLM Nevada Chief of Communications.

[FR Doc. 2024–15645 Filed 7–16–24; 8:45 am]

BILLING CODE 4331–21–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_AZ_FRN_MO4500178911]

Notice of Realty Action: Proposed Non-Competitive Commercial Lease, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; request for comment.

SUMMARY: The Bureau of Land Management (BLM) proposes to issue a non-competitive commercial lease across 17.39 acres of public land in accordance with Section 302 of the Federal Land Policy and Management Act (FLPMA) and applicable BLM leasing regulations. The Arizona State Parks Board (ASPB) proposes to lease the land for continued long term use of an existing marina, which is located along Lake Havasu, in Mohave County, AZ. The lease, if issued, would require the ASPB to pay fair market value rent as established by a federally approved appraisal.

DATES: Submit written comments regarding this proposed non-competitive commercial lease on or before September 3, 2024.

ADDRESSES: Comments may be mailed to Stacey Burke, Realty Specialist, at the BLM Arizona State Office, 1 North Central Avenue, Suite 800, Phoenix, Arizona 85004. Comments may also be emailed to *sburke@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Stacey Burke, Realty Specialist, telephone: (602) 417–9225, email: *sburke@blm.gov;* or you may contact the BLM State Office at the above listed address. Details of the proposed action may be attained at the BLM Arizona State Office, at the address above in the **ADDRESSES** section. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraile) 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. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The ASPB is currently managing the subject property, known as the Havasu Riviera Marina, under a short-term temporary permit. Currently, development of the marina includes concession facilities, fuel stations, and a grocery store. The ASPB proposes to further develop the marina with the intent to conduct long-term commercial activities, necessitating a transition from a temporary permit to a non-competitive commercial lease. A long-term commercial lease will allow this popular public amenity to continue operations.

An environmental assessment has been completed for the subject property. The BLM, Colorado River District Office, examined the parcel and determined it is appropriate for leasing under FLPMA and BLM regulations at 43 CFR part 2920. Commercial leasing for developed and fee-based recreation use is consistent with the Lake Havasu Field Office Resource Management Plan (2007).

The parcel is located along Lake Havasu, in Mohave County, AZ, south of Lake Havasu City and State Highway 95 and is legally described as:

Gila and Salt River Meridian, Arizona

T. 13 N., R. 20 W.,

Sec. 26, NE¼NE¼, excepting all land below 450 feet mean sea level, according to an exhibit prepared by ARQ Engineering LLC and signed by R. Larry Morse, RLS 16851, dated August 16, 2016. The parcel contains 17.39 acres according to an exhibit prepared by ARQ Engineering LLC and signed by R. Larry Morse, RLS 16851, dated August 16, 2016.

In addition to publishing this notice in the **Federal Register**, the BLM will mail copies to interested parties on record with BLM and will publish this notice in a newspaper of local circulation once a week for 3 consecutive weeks.

Interested persons may submit comments regarding the specific use proposed and whether the BLM followed proper administrative procedures in this action, or any other factor not directly related to the suitability of the land. Any adverse comments will be reviewed by the authorized officer who may sustain, vacate, or modify this realty action.

Before including your address, phone number, email address, or other personal identifying information in any comment, 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.

(Authority: 43 CFR part 2920)

Raymond Suazo,

Arizona State Director.

[FR Doc. 2024–15726 Filed 7–16–24; 8:45 am]

BILLING CODE 4331–12–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_AK_FRN_MO4500180291]

Special Areas Within the National Petroleum Reserve in Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of request for information.

SUMMARY: The Bureau of Land Management (BLM), Alaska State Office, is seeking written feedback from the public on the need to: identify additional significant resource values for existing Special Areas; modify the boundaries or management of existing Special Areas; or identify public lands that may qualify for designation as new Special Areas in the National Petroleum Reserve in Alaska (NPR–A).

DATES: Responses are due by 11:59 p.m. Eastern Time on September 16, 2024.

Responses received after this deadline may not be taken into consideration.

ADDRESSES: Interested individuals and organizations should submit comments electronically to *BLM_NPRA_SpecialAreas@blm.gov* and include ''RFI: Special Areas in the National Petroleum Reserve in Alaska'' in the subject line of the message. Submissions should be machine readable in PDF or Word format and should not be locked or password protected.

Instructions: Response to this Request for Information (RFI) is voluntary. Responses should include the name of the person(s) or organization(s) filing the response. Responses containing references, studies, research, and other empirical data that are not widely published should include copies of or electronic links to the referenced materials.

The BLM may post responses to the RFI, without change, on its website and may use the information received as the BLM finds suitable.

FOR FURTHER INFORMATION CONTACT: Stacie McIntosh, Senior Policy Analyst, at *s05mcint@blm.gov* or (907) 474–2398.

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. McIntosh. 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 Naval Petroleum Reserves Production Act of 1976 (NPRPA), as amended, requires that the BLM assure the maximum protection of significant surface values ''within the Utukok River, the Teshekpuk Lake areas, and other areas designated by the Secretary of the Interior containing any significant subsistence, recreational, fish and wildlife, or historical or scenic value,'' consistent with the exploration for and production of oil and gas from the NPR–A. See 42 U.S.C. 6504(a); see also 42 U.S.C. 6506a(n)(2). The NPRPA provides the Secretary of the Interior authority to designate areas with significant surface resource values as ''Special Areas'' within the Reserve.

On April 19, 2024, the BLM announced a final rule modifying the procedures for the designation, de-designation, amendment, and change in management of Special Areas within the Reserve. The rule was published in the **Federal Register** on May 7, 2024 (89 FR 38712) and became effective on June 6, 2024. Under the final rule, the BLM has flexibility in how, whether, and when to undertake changes to Special Area designations, including by undertaking a process to amend the Integrated Activity Plan (IAP) governing the NPR–A or by utilizing a separate process. See 43 CFR 2361.30.

BLM-Alaska is now seeking written feedback and information from the public to inform whether to initiate a process to consider changes to the Special Areas identified in the current IAP. The BLM is particularly interested in receiving comments and feedback regarding whether: (1) the significant resource values protected by existing Special Areas are comprehensive or whether additional such values exist; (2) the boundaries of existing Special Areas should be modified; (3) additional measures in existing Special Areas may be necessary to assure maximum protection of significant surface resource values; and (4) new Special Areas should be designated. To be most helpful, feedback should provide as much specificity as possible, including the presence or absence of significant surface resource values in particular locations and rationale as to what additional measures may be required to protect significant resource values within certain boundaries.

By issuing this notice, the BLM is not initiating or committing to initiate a process under 43 CFR 2361.30 but will use the information submitted to determine whether to do so. Should the BLM determine to take further action in response to this RFI, the BLM will follow the process set out in the final rule, including applicable opportunities for public engagement and Tribal consultation.

Steven M. Cohn,

State Director, Alaska.

[FR Doc. 2024–15743 Filed 7–16–24; 8:45 am]

BILLING CODE 4331–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_CA_FRN_MO4500179911; BLM_CA_FRN_MO4500179865; BLM_CA_FRN_MO4500170851]

Call for Nominations for the California Desert District Advisory Council, the Central California Resource Advisory Council, and the Northern California District Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of call for nominations.

SUMMARY: The purpose of this notice is to request public nominations for the Bureau of Land Management's (BLM) California Desert District Advisory Council (DAC), the Central California Resource Advisory Council (RAC), and the Northern California District RAC to fill existing vacancies and member terms that are scheduled to expire. The Councils provide advice and recommendations to the BLM on public land use planning and management within their geographic areas.

DATES: All nominations must be received no later than August 16, 2024.

ADDRESSES: Nominations and completed applications should be sent to the BLM California District Offices listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Sarah K. Denos, Lead Public Affairs Specialist, BLM California State Office, 2800 Cottage Way Suite W–1623, Sacramento, CA 95825; telephone: 916–978–4622; email: *sdenos@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 Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR part 1780 subpart 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits or leases within the area for which the RAC is organized; represent interests associated with transportation or rights-of-way; represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities; represent the commercial timber industry; or represent energy and mineral development.

Category Two—Represent nationally or regionally recognized environmental organizations; dispersed recreational

activities; archaeological and historical interests; or nationally or regionally recognized wild horse and burro interest groups.

Category Three—Hold State, county, or local elected office; are employed by a State agency responsible for the management of natural resources, land, or water; represent Indian Tribes within or adjacent to the area for which the RAC is organized; are employed as academicians in natural resource management or the natural sciences; or represent the affected public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State of California. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

—A completed RAC application, which can either be obtained through your local BLM office or online at: *https://www.blm.gov/sites/default/files/docs/2022-05/BLM-Form-1120-19_RAC-Application.pdf.*

—Letters of reference from represented interests or organizations; and

—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM California will issue a press release providing additional information for submitting nominations.

Nominations and completed applications should be sent to the relevant office listed below:

California Desert DAC: Kate Miyamoto, Public Affairs Officer, BLM California Desert District Office, 1201 Bird Center Drive, Palm Springs, CA 92262; phone: 760–883–8528; or email: *kmiyamoto@blm.gov.*

Central California RAC: Philip Oviatt, Acting Public Affairs Officer, BLM Bakersfield Field Office, 35126 McMurtrey Avenue, Bakersfield, CA 93308; phone: 661–391–6117; or email: *poviatt@blm.gov.*

Northern California RAC: Jeff Fontana, Public Affairs Officer, BLM Northern California District Office, 6640 Lockheed Drive, Redding, CA 96002; phone: 530–252–5332; or email: *jfontana@blm.gov.*

(Authority: 43 CFR 1784.4–1)

Erica St. Michel,

BLM California Deputy State Director, Communications.

[FR Doc. 2024–15724 Filed 7–16–24; 8:45 am]

BILLING CODE 4331–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_AZ_FRN; AZA–38386, AZAZ105853174]

Public Land Order No. 7943; Withdrawal of National Forest System Lands, Tonto National Forest, Superior, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 276 acres of National Forest System (NFS) lands located within the Tonto National Forest from location and entry under the U.S. mining laws, but not from leasing under the mineral and geothermal leasing laws, for a 20-year term, subject to valid existing rights. The purpose of this withdrawal is to protect these lands for a congressionally mandated conveyance to the Town of Superior (Town), Pinal County, Arizona, upon request from the Town. The Town has submitted a request for conveyance of these lands to the Secretary of Agriculture.

DATES: This Public Land Order takes effect on July 17, 2024.

FOR FURTHER INFORMATION CONTACT: Michael Ouellett, Realty Specialist, BLM Arizona State Office 1 North Central Avenue, Suite 800 Phoenix, AZ 85004, telephone: (602) 417–9561, email at *mouellett@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. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The purpose of this withdrawal is to protect the NFS lands from potential mining-related encumbrances that could affect the Town's ability to use these lands when purchased from the Federal Government. Section 3003 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291 § 3003) requires the Secretary of Agriculture to convey the subject lands to the Town upon request from the Town. On October 15, 2021, the Town submitted such a request to the Secretary of Agriculture.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described NFS lands are hereby withdrawn from location and entry under the United States mining laws, but not from leasing under the mineral and geothermal leasing laws, for the purpose of protecting these lands for a congressionally mandated conveyance to the Town.

Gila and Salt River Meridian, Arizona

T. 2 S., R. 12 E.,
Sec. 3, N½SW¼SW¼, N½SW¼SW¼SW¼, and N½SE¼SW¼SW¼;
Sec. 4, lots 3 and 4 excepting Lee Mill Site and Penny Mill Site of M.S. No. 4803, S½NW¼ excepting Harborlite Mill Sites 1A and 2A of M.S. No. 4860 and Lee Mill Site and Penny Mill Site of M.S. No. 4803;
Sec. 5, N½NE¼SE¼, NE¼NW¼SE¼, E½NW¼NW¼SE¼, E½SW¼NW¼NW¼SE¼, E½NW¼NW¼NW¼SE¼;
Sec. 9, E½NW¼NE¼, E½NW¼NW¼NE¼, SW¼NW¼NE¼, NW¼NE¼NE¼NW¼, NW¼NE¼NW¼, W½SW¼NE¼NW¼ that portion lying N. of the N. boundary of H.E.S. No. 167, E½NW¼NW¼ that portion lying N. of the N. boundary of H.E.S. No. 167, E½NW¼NW¼NW¼, E½NW¼NW¼NW¼NW¼, E½SW¼NW¼NW¼NW¼, E½SW¼NW¼NW¼ that portion lying N. of the N. boundary of H.E.S. No. 167, E½NW¼SW¼NW¼NW¼ that portion lying N. of the N. boundary of H.E.S. No. 167.

The areas described aggregate 276 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System lands under lease, license, or permit, or governing the disposal of the mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review conducted pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary of the Interior determines that the withdrawal shall be extended.

(Authority: 43 U.S.C. 1714)

Robert T. Anderson,

Solicitor.

[FR Doc. 2024–15700 Filed 7–16–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_NV_FRN_MO4500179239]

Notice of Realty Action: Direct Sale of Public Land for Affordable Housing Purposes in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to sell a 20-acre public land parcel located in the southwestern portion of the Las Vegas Valley, Nevada, under the authorities of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the BLM land sale regulations, and the Southern Nevada Public Land Management Act of 1998 (SNPLMA), as amended. The BLM proposes that the parcel be sold by direct sale (without competition) to the Clark County Department of Social Services, a division of the State of Nevada, at less than the appraised fair market value for affordable housing purposes pursuant to SNPLMA and applicable BLM policy.

DATES: Submit written comments regarding this direct sale until September 3, 2024.

ADDRESSES: Mail written comments to the BLM Las Vegas Field Office, Assistant Field Manager, Division of Lands, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130.

FOR FURTHER INFORMATION CONTACT: Brad Gallimore, Supervisory Realty Specialist, Las Vegas Field Office, by email: *sgallimore@blm.gov*, or by telephone: (702) 515–5069. 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 Clark County Department of Social Services submitted a sale nomination to the BLM for the proposed affordable housing project called Cactus Trails Affordable Housing Project. Affordable housing-related disposals are processed by the BLM in Nevada following the procedures outlined in Attachment 1 (Procedures for Affordable Housing Disposals) of Instruction Memorandum NV–2024–005 (Availability of Revised Nevada Guidance on Procedures for Affordable Housing Disposals and Fiscal Year 2024 Price for Affordable Housing Land Disposals and Incorporation of the Memorandum of Understanding for Affordable Housing), commonly referred to as the ''Nevada Guidance.'' For purposes of SNPLMA, affordable housing serves low-income families as defined in section 104 of the Cranston-Gonzales National Affordable Housing Act. The Cranston-Gonzales National Affordable Housing Act defines low-income families as those whose incomes do not exceed 80 percent of the Area Median Income, as determined annually by the Secretary of Housing and Urban Development, or as otherwise defined by the Secretary of Housing and Urban Development pursuant to 42 U.S.C. 12704.

The subject public lands are legally described as:

Mount Diablo Meridian, Nevada

T. 22 S., R. 60 E.,
Sec. 27, W½NE¼SE¼SW¼, E½SW1/4SE¼SW¼, and SE¼SE¼SW¼.
The area described contains 20 acres, according to the official plats of the surveys of said land on file with the BLM.

This direct sale is in conformance with the BLM Las Vegas Resource Management Plan Record of Decision LD–1, approved on October 5, 1998. The Las Vegas Valley Disposal Boundary Environmental Impact Statement and Record of Decision issued on December 23, 2004, and Las Vegas In-Valley Area Multi-Action Analysis Environmental Assessment (DOI–BLM–NV–S010–2016–0054–EA) analyzed the sale of this parcel. A parcel-specific Determination of National Environmental Policy Act Adequacy, document number DOI–BLM–NV–S010–2023–0076–DNA, was completed in connection with this notice of realty action (Notice). The parcel is not required for any Federal purpose.

Under SNPLMA section 7(b), the Secretary of the Interior, in consultation with the Secretary of Housing and Urban Development, may make BLM-administered public lands available for affordable housing purposes in the State of Nevada at less than the appraised fair market value. Instruction Memorandum NV–2024–005 (Fiscal Year 2024 Price for Affordable Housing Land Disposals and Incorporation of the Memorandum of Understanding for Affordable Housing) set the affordable housing price at $100 per acre for affordable housing disposals processed by the BLM in Nevada during fiscal year 2024 (October 1, 2023, through September 30, 2024). The per-acre price is reflective of the need to reduce the overall price of public land for affordable housing projects to the lowest amount practicable. The total sale price for the 20-acre parcel is $2,000. Though a non-market-based sale price will be utilized for conveyance of this parcel, an appraisal will be completed prior to conveyance to determine the fair market value of the land.

The Clark County Department of Social Services sale nomination includes a comprehensive plan for assessment and evaluation of the need for and feasibility of this affordable housing project. As required by SNPLMA section 7(b), the U.S. Department of Housing and Urban Development reviewed the Cactus Trails Affordable Housing Project and provided the BLM with a consultation letter dated December 13, 2023. The U.S. Department of Housing and Urban Development's consultation letter confirmed that the Cactus Trails Affordable Housing Project ''proposes to sell 80 percent of the constructed units to first-time homebuyer[s] with household incomes at or below 80 percent of the area median income (AMI) for the Las Vegas-Henderson-Paradise Metropolitan Statistical Area (MSA). Twenty percent of the units will be sold to first-time homebuyers with household incomes at or below 100 percent of AMI.'' The U.S. Department of Housing and Urban Development further confirmed that the Cactus Trails Affordable Housing Project location and need are consistent with section 7(b) of SNPLMA and the Cranston-Gonzales National Affordable Housing Act.

In accordance with regulations at 43 CFR 2710.0–3(a)(2), ''Disposal of such tract shall serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on lands other than public lands, and which outweigh other public objectives and values. . .''. The BLM is offering the identified parcel by direct sale pursuant to 43 CFR 2711.3–3(a) because, consistent with SNPLMA 7(b) and the Nevada Guidance, the parcel would be used for affordable housing purposes, as described in the Disposition and Development Agreement for the Cactus Trails Affordable Housing Project.

According to SNPLMA section 4(c), lands identified within the Las Vegas Valley Disposal Boundary are withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary of the Interior terminates the withdrawal or the lands are patented.

Upon publication of this notice in the **Federal Register**, the described land will be segregated from all forms of appropriation under the public land laws, except for the sale provisions of FLPMA, and the BLM will no longer accept land use applications affecting the parcel identified for sale. The parcel may be subject to land use applications received prior to publication of this notice if processing the application would have no adverse effect on the marketability of title, or the fair market value of the parcel. The segregative effect of this notice terminates upon issuance of a patent or other document of conveyance to such lands, or publication in the **Federal Register** of a termination of the segregation, whichever occurs first. The total segregation period may not exceed 2 years unless extended by the BLM Nevada State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

The public land would not be offered for sale to the Clark County Department of Social Services prior to 60 days from the date of publication of this notice in the **Federal Register**. The BLM will publish this notice once a week for 3 consecutive weeks in the *Las Vegas Review-Journal* newspaper.

The patent, if issued, will be subject to the following covenants, terms, and conditions:

1. *Affordable Housing:* Pursuant to section 7(b) of the Southern Nevada Public Land Management Act (SNPLMA), the term ''affordable housing'' as used in this sale patent, means housing that serves low-income families as defined in section 104 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12704).

2. *Certificate of Occupancy:* For purposes of this sale patent, the term ''Certificate of Occupancy'' means a document issued by a State or local governmental entity with jurisdiction upon completion of a structure designed and permitted for immediate occupancy after completion and final approval of all permitted work, including all planned residential living units. This term does not include temporary certificates which require a final certificate to be issued upon completion of all permitted work. Certificates of Occupancy are issued by the Clark County Building Official or Building Division in Clark County, Nevada.

3. *Covenant and Restriction:* The Clark County Department of Social Services is hereby bound and covenants for itself and all successors-in-interest to use the land as approved by the U.S. Department of the Interior, Bureau of Land Management (BLM) in consultation with the U.S. Department of Housing and Urban Development (HUD), and as conveyed by this sale patent, only for affordable housing purposes. The Clark County Department of Social Services further hereby covenants and binds itself and all successors-in-interest to develop the subject parcel according to a binding development agreement, also known as a Disposition and Development Agreement, between the Clark County Department of Social Services and its co-developers that has received concurrence by the BLM in consultation with HUD. As in this patent, the agreement shall have a provision stating that in the event of any conflict between the terms of the agreement and the patent and applicable laws, the patent and applicable laws will control. This covenant will be deemed appurtenant to and to run with the land.

4. *Limited Reversion of Title:* If, at the end of 5 years from the date of this sale patent, except as provided herein, the affordable housing project described in the aforementioned development agreement between the Clark County Department of Social Services and its co-developers is not authorized for residential occupancy through a final Certificate of Occupancy then, at the option of the United States, the lands, or parts thereof, will revert to the United States, or, in the alternative, the United States may require payment by the owner to the United States of the then-current fair market value. Patentee may request in writing to have additional time under this Paragraph to obtain residential occupancy through a final Certificate of Occupancy. The United States, through the BLM, shall have sole discretion to grant or deny Patentee's request.

5. *Time Limit:* The United States will retain the option to revert title to the land until a final Certificate of Occupancy is issued for the applicable affordable housing project.

6. *Fair Market Value:* The Clark County Department of Social Services or then current landowner may request at any time to purchase the reserved interests of the United States at the then-current fair market value. The requestor will be responsible for paying all costs of the United States, which is under no obligation to agree to sell, to process such a request.

7. *Enforcement:* The covenant/use restriction and the limited reversionary interest may be enforced by the BLM or HUD, or their successors-in-interest, after reasonable notice, which includes an opportunity to cure any default within 90 days, to the Clark County Department of Social Services and the landowner of record. If any necessary cure has not been completed and is shown to be impossible to complete by the end of the 90 days, and diligent and substantial efforts are underway to cure such default, a request for a reasonable extension of time to complete cure of such default may be considered by the BLM or HUD.

8. *Indemnification and Hold Harmless:* By accepting this sale patent, the Clark County Department of Social Services, subject to the limitations of law and to the extent allowed by law, will be responsible for the acts or omissions of its officers, directors and employees in connection with the use or occupancy of the patented real property. Upon transfer as described above, successors-in-interests to the Clark County Department of Social Services of the patented real property, will indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the successors-in-interest, or its employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the successor-in-interest's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the successor-in-interest, and its employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, State, and local laws and regulations that are now or may in the future become applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (5) Other activities by which solid or hazardous substances or wastes, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as

defined by Federal and State law. This covenant will be construed as running with the parcel of land patented or otherwise conveyed by the United States, and may be enforced against successors-in-interest by the United States in a court of competent jurisdiction. No representation or warranty of any kind, express or implied, is given or will be given by the United States as to the title, the physical condition, or the past, present, or potential uses of the land proposed for sale. However, to the extent required by law, such land is subject to the requirements of section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act, as amended (42 U.S.C. 9620(h)).

9. Additional terms and conditions that the authorized officer deems appropriate.

If patented, title to the land will be subject to the following numbered reservations to the United States:

1. All minerals are reserved to the United States. Permittees, licensees, and lessees of the United States retain the right to prospect for, mine, and remove such leasable and saleable minerals owned by the United States under applicable law and any regulations that the Secretary of the Interior may prescribe, together with all necessary access and exit rights;

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945); and,

3. A reversionary interest as further defined in the above terms, covenants, and conditions.

If patented, title to the land will be subject to:

1. Valid existing rights, including but not limited to those documented on the BLM public land records at the time of sale.

2. A right-of-way for a sewer mainline granted to the Clark County Water Reclamation District, its successors and assigns, by right-of-way number NVNV–105874515, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

3. A right-of-way for a water pipeline granted to Clark County, its successors and assigns, by right-of-way number NVNV–105951602, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

4. A right-of-way for a duck creek flood control granted to Clark County, its successors and assigns, by right-of-way number NVNV–106137894, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

5. A right-of-way for a natural gas pipeline granted to Southwest Gas Corporation, its successors and assigns, by right-of-way number NVNV–106208503, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

6. A right-of-way for an underground transmission powerline granted to NV Energy, its successors and assigns, by right-of-way number NVNV–106209573, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

7. A right-of-way for underground water pipeline granted to the Las Vegas Valley Water District, its successors and assigns, by right-of-way number NVNV–106216462, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

8. A right-of-way for a drainage facility granted to Clark County, its successors and assigns, by right-of-way number NVNV–106217846, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

9. A right-of-way for Water Reclamation granted to Clark County, its successors and assigns, by right-of-way number NVNV–106220722, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

10. A right-of-way for a road and drainage granted to Clark County, its successors and assigns, by right-of-way number NVNV–106250397, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

11. A right-of-way for a geotechnical study granted to Clark County, its successors and assigns, by right-of-way number NVNV–106338433, pursuant to title V of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);

The parcel is subject to limitations prescribed by law and regulation, and certain encumbrances in favor of third parties. Prior to patent issuance, a holder of any right-of-way (ROW) within the sale parcel will have the opportunity to amend their ROW for conversion to a new term, including in perpetuity if applicable, or to an easement. The BLM will notify existing ROW holders of record of their ability to convert their compliant ROWs to perpetual ROWs or easements. In accordance with Federal regulations at 43 CFR 2807.15, once notified, each holder may apply for the conversion of their current authorization.

The Clark County Department of Social Services will have until 4 p.m. Pacific Time, 30 days from the date of receiving the sale offer, to respond with a formal offer to purchase the parcel. The full purchase price must be remitted to the BLM Las Vegas Field Office within 180 days of the date of receiving the sale offer. Payment must be submitted in the form of a cash, personal check, certified check, postal money order, bank draft, cashier's check, or made available by electronic fund transfer made payable in U.S. dollars to the ''Department of the Interior—Bureau of Land Management'' to the BLM Las Vegas Field Office. Failure to meet conditions established for this sale will void the sale and any funds received will be forfeited. Arrangements for electronic fund transfer to the BLM for payment of the balance due must be made a minimum of 14 days prior to the payment due date.

In accordance with 43 CFR 2711.3–1(f), the BLM may accept or reject any offer to purchase or withdraw any parcel of land or interest therein from sale within 30 days, if the BLM authorized officer determines consummation of the sale would be inconsistent with any law, or for other reasons as may be provided by applicable law or regulations. No contractual or other rights against the United States may accrue until the BLM officially accepts the offer to purchase and the full price is paid.

To the extent required by law, the parcel is subject to the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h), as amended. Accordingly, notice is hereby given that the lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for 1 year or more, nor that any hazardous substances have been disposed of or released on the subject properties.

It is the buyer's responsibility to be aware of all applicable Federal, State, and local Government laws, regulations, and policies that may affect the subject land, including any required dedication of lands for public uses. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the land will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed uses. It is the responsibility of the buyer to be aware through due diligence of those laws, regulations, and policies, and to seek any required local approvals for uses. The buyer should make itself aware of any Federal or State law or regulation that may impact the use of the property.

Public comments regarding the sale may be submitted in writing to the address in the **ADDRESSES** section. Before including your address, phone

number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment—including any personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Information concerning the sale parcel, including encumbrances of record, appraisal (when available), reservations, procedures and conditions, Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h), and other environmental documents that may appear in the BLM public files for the sale parcel, are available for review.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action in response to such comments. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

(Authority: 43 CFR 2711.1–2)

Bruce L. Sillitoe,

Field Manager, Las Vegas Field Office.

[FR Doc. 2024–15622 Filed 7–16–24; 8:45 am]

BILLING CODE 4331–21–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#-38308; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before July 6, 2024, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by August 1, 2024.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 6, 2024. Pursuant to section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers.

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

IOWA

Clinton County

Iowa Mutual Insurance Company Home Office, 509 9th Street, DeWitt, SG100010667

MASSACHUSETTS

Plymouth County

North Downtown Historic District (Historic Resources of Downtown Brockton Dating to the Height of the Shoe Industry, 1840–1946 MPS), Roughly bounded by Main and North Main Streets between Linden Street to the north, Legion Parkway to the south, extending west to Warren Avenue between Spring Street to the north and Legion Parkway to the south, Brockton, MP100010689

MONTANA

Rosebud County

Head Chief-Young Mule Charge, Immediately east of Chief Dull Knife College, Lame Deer, SG100010680

NORTH CAROLINA

Alamance County

Copland Fabrics, 1714 Carolina Mill Road. 1746 Carolina Mill Road. 1711 Carolina Road, 1717 Carolina Road, Burlington, SG100010660

Sidney Cotten Mill, 909 Washington Street, Graham, SG100010676

Alexander County

Downtown Taylorsville Historic District, 12–46 West Main Avenue, 11–163 East Main Avenue (north side), 72–134 Main Avenue Drive (north side), and 1–19 South Center Street, Taylor, SG100010675

Burke County

Walker Top Baptist Church, 7442 Burkemont Road, Morganton, SG100010674

Cleveland County

Seven Gables, 1340 East Marion Street, Shelby, SG100010673

Durham County

West End Cemeteries Historic District, 1000–1800 Morehead Avenue, Durham, SG100010669

Geer Cemetery, 800 Colonial Street, Durham, SG100010672

Forsyth County

R.J. Reynolds Tobacco Company Buildings 82 and 83, 821 East Twenty-Fifth Street, Winston-Salem, SG100010664

Henderson County

Stepp's Mill, 1055 Stepp Mill Road, Hendersonville vicinity, SG100010671

Nash County

Tobacco Growers Cooperative Association Warehouse, 723 Barnes Street, Nashville, SG100010678

Pasquotank County

Elizabeth City Cotton Mills, 451 North Hughes Boulevard, Elizabeth City, SG100010666

OHIO

Cuyahoga County

Park Synagogue, 3300 Mayfield Rd, Cleveland Heights, SG100010658

Mahoning County

Youngstown Foundry and Machine East Boardman Works, 365 E. Boardman Street, Youngstown, SG100010679

Preble County

Euphemia Inn and Tavern, 303 W. Cumberland Street (Route 40, National Road), Lewisburg, SG100010659

TENNESSEE

Davidson County

First Community Church, (The Civil Rights Movement in Nashville, Tennessee, 1942–1969 MPS), 1815 Knowles Street, Nashville, MP100010662

Clark Memorial Methodist Church Complex, (The Civil Rights Movement in Nashville, Tennessee, 1942–1969 MPS), 1014 14th Avenue North and 1218–1220 Phillips Street, Nashville, MP100010663

TEXAS

Bexar County

Casa de Dias (House of God), 910 E. Mistletoe Avenue, San Antonio, SG100010651

Harris County

Knapp Building (1940), 1230 Houston Avenue, Houston, SG100010652

VIRGINIA

Buena Vista INDEPENDENT CITY

Columbian Paper Company, I Bontex Drive, Buena Vista, SG100010685

Roanoke County

Vinton Downtown Historic District, S. Pollard Street, Lee Avenue, W. Jackson Street, S. Maple Street, Vinton, SG100010683

Rockbridge County

Paxton House, 240 Sales Mill Road, Fairfield vicinity, SG10001068

WYOMING

Campbell County

Campbell County State Experiment Farm, Exhibition Hall, 2910 Doubletree Lane, Gillette vicinity, SG100010677

Additional documentation has been received for the following resource(s):

IOWA

Van Buren County

Bentonsport (Additional Documentation), E of Keosauqua on the Des Moines River, Keosauqua vicinity, AD72000482

NORTH CAROLINA

Franklin County

Perry School (Additional Documentation), 2226 Laurel Mill-Centerville Road, Centerville vicinity, AD10001110

OHIO

Licking County

Avery-Hunter House (Additional Documentation), 221 E. Broadway, Granville, AD79001877

TENNESSEE

Benton County

Thompson, William, House (Additional Documentation), At the end of Bakers Lane, Camden vicinity, AD76001763

Campbell County

Smith-Little-Mars House (Additional Documentation), 4110 Old Middlesboro Highway, Speedwell vicinity, AD76001767

Franklin County

Simmons, Peter, House (Additional Documentation), 13325 David Crockett Highway, Winchester vicinity, AD77001272

Giles County

Wilson-Young House (Additional Documentation), 1300 Dellrose Road, Dellrose vicinity, AD73001766

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

UTAH

Salt Lake County

Little Cottonwood Canyon Climbing Area, 4385 Little Cottonwood Canyon Road, Sandy, SG100010670

Authority: Section 60.13 of 36 CFR part 60.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2024–15701 Filed 7–16–24; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1408]

Certain Hydrodermabrasion Systems and Components Thereof; Notice of Institution of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 11, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of HydraFacial LLC f/k/a Edge Systems LLC of Long Beach, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain hydrodermabrasion systems and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,865,287 (''the '287 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Heidi Yoo, The Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on July 11, 2024, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–12, 14–20, 22–26, 28–37, and 39–45 of the '287 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''systems for treating the skin of an individual through mechanical and/or fluid-based abrasion or exfoliation'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: HydraFacial LLC f/k/a Edge Systems LLC, 2165 E. Spring St., Long Beach, California 90806

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Cartessa Aesthetics, LLC, 175 Broadhollow Rd., Suite 185, Melville, NY 11747

Eunsung Global Corp., 120, Gieopdosi-ro, Jijeong-myeon,Wonju-si, Gangwon-do, Republic of Korea 26354

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the

Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: July 11, 2024.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2024).

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–15663 Filed 7–16–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Fifth Amendment To Consent Decree and Consolidated Fifth Amended Consent Decree Under the Clean Water Act

On July 10, 2024, the Department of Justice lodged a proposed Fifth Amendment to Consent Decree and Consolidated Fifth Amended Consent Decree (collectively, the ''Fifth Amendment'') with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States and State of Ohio* v. *Northeast Ohio Regional Sewer District,* Civil Action No. 1:10–CV–02895–DCN.

The Consent Decree, as currently amended, requires NEORSD to construct and implement improvements to reduce the volume and number of combined sewage overflows (sanitary and commercial sewage combined with stormwater) and untreated treatment plant discharges from NEORSD's system by constructing six underground storage tunnels, other storage devices, and green infrastructure, and by increasing the capacity of each of NEORSD's sewage treatment plants. The proposed Fifth Amendment modifies two Consent Decree requirements.

First, the Fifth Amendment resolves obstacles that NEORSD has encountered in trying to meet a requirement that green infrastructure (as defined by the Consent Decree) capture at least 44 million gallons of stormwater in a typical year to allow for more storage for combined sewer flows. Instead, the Fifth Amendment will require NEORSD to increase the size of five of the deep tunnels to capture increased combined sewer flow rather than using green infrastructure alone, and to extend the time to complete the work needed to meet the 44-million-gallon capture requirement up to December 31, 2034, because of the time required to complete the tunnels. The Fifth Amendment also changes the requirement to capture 44 million gallons of storm water to a requirement to capture and store 54 million gallons of combined sewage that would otherwise be discharged without treatment into Cleveland area rivers and Lake Erie. The Fifth Amendment also shortens the time to complete the tunnels from the original requirement of December 31, 2035.

Second, the original consent decree required construction of a high-rate treatment facility capable of treating 400 million gallons per day of flow, which provides treatment to sewage flowing into the Easterly plant beyond the plant's capacity to treat such flow during a rain or snowmelt event. The proposed Fifth Amendment allows for construction of a smaller, 175-million gallon per day facility but also requires NEORSD to construct equipment of sufficient size to divert additional flows into one of the deep tunnels for treatment at the Easterly plant's main treatment facilities following a rain or snowmelt event.

The publication of this notice opens a period for public comment on the Fifth Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Ohio* v. *Northeast Ohio Regional Sewer District,* D.J. Ref. No. 90–5–1–1–08177/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice.

Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the Fifth Amendment may be examined and downloaded at this Justice Department website: *http://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the Fifth Amendment, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Laura Thoms,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024–15662 Filed 7–16–24; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application Number D–12098]

Comment Period Extension for Proposed Exemption for Certain Prohibited Transaction Restrictions Involving UBS AG (UBS) Located in Zurich, Switzerland

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of Proposed Exemption; Extension of comment period.

SUMMARY: The Department of Labor (the Department) is extending the comment period for a proposed individual prohibited transaction exemption (the Proposed Exemption) that would allow current and future asset managers under the UBS corporate umbrella to continue their reliance on PTE 84–14 if they meet the Proposed Exemption's conditions, notwithstanding the judgments of conviction involving entities within the UBS and CSAG corporate umbrellas that are described in the Proposed Exemption.

DATES: The time period for comments and requests for a public hearing on the Proposed Exemption, published June

11, 2024 at 89 FR 49213 is extended to July 29, 2024.

ADDRESSES: All written comments and requests for a hearing should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Attention: Application No. D–12098 via email to *e-OED@dol.gov* or online through *https://www.regulations.gov* before the end of the extended comment period. The application for the exemption and the comments received will be available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW, Washington, DC 20210. Comments and hearing requests will also be available online at *https://www.regulations.gov* at no charge.

FOR FURTHER INFORMATION CONTACT: Nick Schroth, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, (202) 693–8571 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On June 11, 2024, the Department published the Proposed Exemption in the **Federal Register** that would allow current and future asset managers under the UBS corporate umbrella to continue to rely on PTE 84–14 if certain conditions are met.[1] The proposed exemption established a public comment period deadline of July 15, 2024. The Department recently received two requests to extend the comment period to provide the requestors with additional time to prepare full and complete comment submissions. Based upon those requests and the significance of the Proposed Exemption's relief of the current and former UBS asset managers' ineligibility to rely on PTE 84–14, the Department has concluded that it is appropriate to grant an additional 10 days to receive input from commenters.

Therefore, the Department is hereby extending the comment period until July 29, 2024. The Department encourages commenters to review the instructions for submitting comments that is provided in the Proposed Exemption.[2]

Warning: All comments received will be included in the public record without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential or other information whose disclosure is restricted by statute. If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as a Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. However, if EBSA cannot read your comment due to technical difficulties and cannot contact you for clarification, EBSA might not be able to consider your comment.

Additionally, the *https://www.regulations.gov* website is an ''anonymous access'' system, which means EBSA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EBSA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the internet.

Signed at Washington, DC.

George Christopher Cosby,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2024–15809 Filed 7–15–24; 4:15 pm]

BILLING CODE 4510–29–P

[1] Proposed Exemption for Certain Prohibited Transaction Restrictions Involving UBS AG (UBS) Located in Zurich, Switzerland (89 FR 49213 (June 11, 2024)).

[2] *Id.*

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0040]

SGS 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 SGS North America, Inc., 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 August 1, 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–2006–0040). 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 August 1, 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

The Occupational Safety and Health Administration is providing notice that SGS North America, Inc. (SGS) is applying for an expansion of the current recognition as a NRTL. SGS requests the addition of two test 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 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 a NRTL for initial recognition and for an expansion or renewal of this 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 SGS, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

SGS currently has nine facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: SGS North America, Inc., 620 Old Peachtree Road, Suwanee, Georgia 30024. A complete list of SGS's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/sgs.html.*

II. General Background on the Application

SGS submitted an application to OSHA to expand recognition as a NRTL to include two additional test standards on October 4, 2021 (OSHA–2006–0040–0080). OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 lists the test standards included in SGS's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—TEST STANDARDS THAT OSHA PROPOSES TO INCLUDE IN SGS'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 1564	Industrial Battery Chargers.
UL 2580	Batteries for Use in Electric Vehicles.

III. Preliminary Findings on the Application

OSHA has preliminarily determined that SGS has submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file and pertinent documentation indicates that the test standards requested in the expansion application meets the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of these two test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of SGS's application.

IV. Public Participation

OSHA welcomes public comment as to whether SGS 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–2006–0040 (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 SGS's application 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 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 July 10, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–15649 Filed 7–16–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0042]

CSA Group Testing & Certification Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for CSA Group Testing & Certification Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on July 17, 2024.

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 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; telephone (202) 693–1911 or email *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of CSA Group Testing & Certification Inc. (CSA) as a NRTL. CSA's expansion covers the addition of ten test standards and one 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 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 a NRTL for initial recognition and for an expansion or renewal of this 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 a 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 CSA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CSA submitted two applications to OSHA for expansion of the NRTL scope of recognition. The first application, received on January 18, 2022 (OSHA–2006–0042–0037), requested the addition of four standards to the NRTL scope of recognition. The second application, received on July 28, 2022 (OSHA–2006–0042–0038), requested the addition of six standards to the NRTL scope of recognition, as well as the recognition of an additional testing site on the CSA Cleveland Ohio campus. The additional test facility is located at 8801 East Pleasant Valley Road, Cleveland, Ohio 44131. This expansion notice covers the ten standards included in both applications as well as the additional recognized site. OSHA staff performed a detailed analysis of the application packets and reviewed other pertinent information. OSHA performed an on-site review of the additional Cleveland, Ohio site from May 16–17, 2023, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. CSA addressed these issues sufficiently, and OSHA staff has preliminarily determined that OSHA should grant the applications for test standard expansion and recognition of the additional testing site.

OSHA published the preliminary notice announcing CSA's expansion applications in the **Federal Register** on April 30, 2024 (89 FR 34271). The agency requested comments by May 15, 2024, but it received no comments in response to this notice.

To obtain or review copies of all public documents pertaining to the CSA's applications, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2006–0042 contains all materials in the record concerning CSA's recognition. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

II. Final Decision and Order

OSHA staff examined CSA's expansion applications, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that CSA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant CSA's expanded scope of recognition. OSHA limits the expansion of CSA's recognition to testing and certification of products for demonstration of conformance to the test standards listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TESTS STANDARDS FOR INCLUSION IN CSA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 6A	Electrical Rigid Metal Conduit- Aluminum, Bronze, and Stainless Steel.
UL 60079–25	Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems.
UL 60079–30–1	Explosive Atmospheres—Part 30–1: Electrical Resistance Trace Heating—General and Testing Requirements.
UL 60947–4–1	Safety Low-Voltage Switchgear and Controlgear—Part 4–1: Contactors and Motor-Starters—Electromechanical Contactors and Motor-Starters.
UL 60947–5–1	Low-Voltage Switchgear and Controlgear—Part 5–1: Control Circuit Devices and Switching Elements—Electromechanical Control Circuit Devices.
UL 60947–5–2	Low-Voltage Switchgear and Controlgear—Part 5–2: Control Circuit Devices and Switching Elements—Proximity Switches.
UL 61730–1	Photovoltaic (PV) Module Safety Qualification—Part 1: Requirements for Construction.
UL 61730–2	Photovoltaic (PV) Module Safety Qualification—Part 2: Requirements for Testing.
UL 5085–2	Low Voltage Transformers—Part 2: General Purpose Transformers.
UL 60335–2–8	Household and Similar Electrical Appliances, Part 2: Particular Requirements for Electric Shavers, Hair Clippers and Similar Appliances.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope

of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, CSA must abide by the following conditions of the recognition:

1. CSA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. CSA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CSA must continue to meet the requirements for recognition, including all previously published conditions on CSA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of CSA as a NRTL, subject to the limitations and conditions specified above.

III. 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 July 10, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–15648 Filed 7–16–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2024–0005]

National Advisory Committee on Occupational Safety and Health (NACOSH); Request for Nominations

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for nominations.

SUMMARY: OSHA invites interested persons to submit nominations for membership on the National Advisory Committee on Occupational Safety and Health (NACOSH).

DATES: Nominations for NACOSH membership must be submitted (postmarked, sent, transmitted, or received) by August 16, 2024.

ADDRESSES: You may submit nominations and supporting materials by one of the following methods:

Electronically: You may submit nominations, including attachments, electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the online instructions for making submissions.

OSHA will post submissions in response to this **Federal Register** notice, including personal information, in the public docket, which will be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates.

Docket: To read or download submissions or other material in the docket, go to *http://www.regulations.gov.* All documents in the public docket are listed in the index; however, some documents (*e.g.,* copyrighted material) are not publicly available to read or download through *www.regulations.gov.* 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.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General information and technical inquiries: Ms. Lisa Long, Deputy Director, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone: (202) 693–2049; email: *long.lisa@dol.gov.*

SUPPLEMENTARY INFORMATION: The Secretary of Labor (Secretary) invites interested individuals to submit nominations for membership on NACOSH.

I. Background

The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) established NACOSH to advise, consult with, and make recommendations to the Secretary and the Secretary of Health and Human Services (HHS Secretary) on matters relating to the administration of the OSH Act. NACOSH is a continuing advisory committee of indefinite duration.

NACOSH operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. 10), implementing regulations (41 CFR part 102–3), the OSH Act, and OSHA's regulations on NACOSH (29 CFR part 1912a).

The Committee shall meet at least two times a year (29 U.S.C. 656(a)(2)). Committee members serve without compensation, but OSHA provides travel and per diem expenses. NACOSH members serve staggered terms, unless the member becomes unable to serve, resigns, ceases to be qualified to serve, or is removed by the Secretary. The terms of four NACOSH members expire on January 16, 2025.

II. NACOSH Membership

NACOSH is comprised of 12 members appointed by the Secretary of Labor. Accordingly, the Secretary seeks committed members to serve a two-year term. If a vacancy occurs before a term expires, the Secretary may appoint a new member who represents the same interest as the predecessor to serve the remainder of the unexpired term. The U.S. Department of Labor (Department) is committed to equal opportunity in the workplace and seeks a broad-based and diverse NACOSH membership.

Nominations of new members, or resubmissions of current or former members, will be accepted in four categories of membership. Interested persons may nominate themselves or submit the name of another person whom they believe to be interested in and qualified to serve on NACOSH. Nominations may also be submitted by organizations from one of the categories listed.

OSHA invites nominations for the following NACOSH membership positions:

- One (1) public representative;
- One (1) management representative;
- One (1) labor representative; and
- One (1) occupational safety professional representative.

III. Submission Requirements

Any individual or organization may nominate one or more qualified persons for membership on NACOSH. Nominations must include the following information:

1. The nominee's name, contact information, and current employment or position;

2. The nominee's resume or curriculum vitae, including prior membership on NACOSH and other relevant organizations and associations;

3. The categories that the nominee is qualified to represent;

4. A summary of the background, experience, and qualifications that address the nominee's suitability for membership;

5. A list of articles or other documents the nominee has authored that indicates the nominee's experience in worker safety and health; and

6. A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in NACOSH meetings, and has no conflicts of interest that would preclude membership on NACOSH.

OSHA will conduct a basic background check of candidates before their appointment to NACOSH. The background check will involve accessing publicly available, internet-based sources.

IV. Member Selection

The Secretary of Labor will select four NACOSH members based on their experience, knowledge, and competence in the field of occupational safety and health (29 CFR 1912a.2). Information received through this nomination process, in addition to other relevant sources of information, will assist the Secretary of Labor in appointing members to NACOSH. In selecting NACOSH members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. OSHA will publish a list of NACOSH members in the **Federal Register**.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by 29 U.S.C. 656, 5 U.S.C. 10, 29 CFR parts 1912 and 1912a; 41 CFR part 102–3; and Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020).

Signed at Washington, DC, on July 11, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–15697 Filed 7–16–24; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL CREDIT UNION ADMINISTRATION

Renewal of Agency Information Collections for Comments Request: Proposed Collections

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comments.

SUMMARY: The National Credit Union Administration (NCUA) will submit the following information collection requests 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.

DATES: Written comments should be received on or before September 16, 2024 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dacia Rogers, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314, Suite 5067; Fax No. (703) 519–8579; or email at *PRAComments@NCUA.gov*.

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dacia Rogers at (703) 718–1155.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0138.

Title: Community Development Revolving Loan Fund—Loan and Grant Programs, 12 CFR part 705.

Type of Review: Extension of a previously approved collection.

Abstract: The Fund is used to support credit unions that serve low-income communities by providing loans and technical assistance grants to qualifying institutions. The programs are designed to increase income, ownership, and employment opportunities for low-income residents, and to stimulate economic growth. In addition, the programs provide assistance to improve the quality of services to the community and formulate more effective and efficient operations of credit unions. The information will allow NCUA to assess a credit union's capacity to repay the Funds and/or ensure that the funds are used as intended to benefit the institution and community it serves.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 872.

OMB Number: 3133–0149.

Title: Credit Union Service Organizations (CUSOs) 12 CFR part 712.

Type of Review: Extension of a previously approved collection.

Abstract: Part 712 of NCUA's rules and regulations regulates the relationship between federally insured credit unions (FICUs) and credit union service organizations (CUSOs). The rule requires that FICUs enter into a written agreement with a CUSO (prior to investing in or loaning money to) which stipulates the CUSO will follow general accepted accounting principles (GAAP); prepare quarterly financial statements; grant NCUA access to the CUSO books and records, and annually report directly to NCUA via a CUSO registry.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 3,318.

OMB Number: 3133–0183.

Title: Golden Parachute and Indemnification Payments, 12 CFR part 750.

Type of Review: Extension of a previously approved collection.

Abstract: This rule prohibits, in certain circumstances, a federally insured credit union (FICU) from making golden parachute and indemnification payments to an institution-affiliated party (IAP). Section 750.6 requires requests by a troubled FICU to make a severance or golden parachute payment to an IAP to be submitted in writing to NCUA. The information will be used by the NCUA to determine whether an exception to the general prohibition on golden parachute payments should be approved.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 19.

OMB Number: 3133–0184.

Title: Requirements for Insurance—Interest Rate Risk Policy.

Type of Review: Extension of a previously approved collection.

Abstract: Section 741.3(b)(5) of NCUA's rules and regulations requires federally-insured credit unions with assets of more than $50 million to develop, as a prerequisites for insurability of its member deposits, a written interest rate risk management policy and a program to effectively implement the policy. The need for

FICU to have a written policy to establish responsibilities and procedures for identifying, measuring, monitoring, controlling, and reporting, and establishing risk limits are essential components of safe and sound credit union operations and to ensure the security of the National Credit Union Share Insurance Fund (NCUSIF).

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 773.

OMB Number: 3133–0197.

Title: Safe Harbor; Treatment of Financial Assets Transferred in Connection with a Securitization or Participation.

Type of Review: Extension of a previously approved collection.

Abstract: The rule clarifies the conditions for a safe harbor for securitization or participation and sets forth safe harbor protections for securitizations that do not comply with the new accounting standards for off balance sheet treatment by providing for expedited access to the financial assets that are securitized if they meet the conditions defined in the rule. The conditions contained in the rule will serve to protect the National Credit Union Share Insurance Fund (NCUSIF) and NCUA's interests as liquidating agent or conservator by aligning the conditions for the safe harbor with better and more sustainable lending practices by insured credit unions (FICUs).

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 514.

OMB Number: 3133–0198.

Title: Appeals Procedures—12 CFR 746, Subpart B.

Type of Review: Extension of a previously approved collection.

Abstract: Part 746, subpart B, will govern most authorized appeals to the Board of adverse determinations made at program office levels under agency regulations that permit such an appeal. The procedures are intended to result in greater efficiency, consistency, and better understanding of the way in which matters under covered regulations may be appealed to the Board.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 440.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) 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 the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2024–15708 Filed 7–16–24; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–320, 50–295, 50–304, and 72–1037; NRC–2024–0126]

Issuance of Multiple Exemptions Regarding Security Notifications, Reports, and Recordkeeping

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemptions; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a single notice to announce the issuance of two exemptions in response to requests from two licensees. These exemptions were requested as a result of a change to NRC's regulations published in the **Federal Register** on March 14, 2023.

DATES: During the period from June 1, 2024, to June 30, 2024, the NRC granted two exemptions in response to requests submitted by two licensees from December 20, 2023, to December 22, 2023.

ADDRESSES: Please refer to Docket ID NRC–2024–0126 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–2024–0126. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ed Miller, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2481, email: *Ed.Miller@nc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

During the period from June 1, 2024, to June 30, 2024, the NRC granted two exemptions in response to requests submitted by the following licensees: TMI–2 Solutions; and Constellation Energy Generation, LLC.

These exemptions temporarily allow the licensee to deviate from certain requirements of part 73 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Physical Protection of Plants and Materials,'' subpart T, ''Security Notifications, Reports, and Recordkeeping.'' In support of their exemption requests, the licensees agreed to effect site-specific administrative controls that maintain the approach to complying with 10 CFR part 73 in effect prior to the NRC's issuance of a final rule, ''Enhanced Weapons, Firearms Background Checks, and Security Event Notifications,'' which was published in the **Federal Register** on March 14, 2023, and became effective on April 13, 2023 (88 FR 15864).

II. Availability of Documents

The tables in this notice provide transparency regarding the number and

type of exemptions the NRC has issued and provide the facility name, docket number, document description, document date, and ADAMS accession number for each exemption issued. Additional details on each exemption issued, including the exemption request submitted by the respective licensee and the NRC's decision, are provided in each exemption approval listed in the following tables. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

TMI–2 SOLUTIONS; THREE MILE ISLAND NUCLEAR STATION, UNIT 2; DOCKET NO. 50–320

Document description	ADAMS accession No.	Document date
TMI–2 Solutions [Three Mile Island Nuclear Station, Unit 2]—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23354A206	December 20, 2023.
TMI–2 Solutions [Three Mile Island Nuclear Station, Unit 2], Supplement to Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML24113A021	April 18, 2024.
Three Mile Island Nuclear Station, Unit 2—Exemption from Select Requirements of 10 CFR part 73.	ML24135A197	June 13, 2024.

CONSTELLATION ENERGY GENERATION, LLC; ZION NUCLEAR POWER STATION, UNITS 1 AND 2 INDEPENDENT SPENT FUEL STORAGE INSTALLATION; DOCKET NOS. 50–295, 50–304, 72–1037

Document description	ADAMS accession No.	Document date
Constellation Energy Generation, LLC [Zion Nuclear Power Station, Units 1 and 2 Independent Spent Fuel Storage Installation]—Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation.	ML23356A007	December 22, 2023.
Zion Independent Spent Fuel Storage Installation—Exemption from Select Requirements of 10 CFR part 73.	ML24136A239	June 11, 2024.

Dated: July 12, 2024.

For the Nuclear Regulatory Commission.

Yoira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–15715 Filed 7–16–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–302 and 72–1035; NRC–2024–0124]

Accelerated Decommissioning Partners Crystal River Unit 3, LLC; Crystal River Nuclear Power Station, Unit 3; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a finding of no significant impact (FONSI) and accompanying environmental assessment (EA) regarding the NRC's consideration of a license amendment request by Accelerated Decommissioning Partners Crystal River Unit 3, LLC (ADP) to approve the License Termination Plan (LTP) for the Crystal River Nuclear Power Station, Unit 3 (CR3), located in Citrus County, Florida. If approved, the amendment would add a license condition to the ADP license reflecting the NRC's approval of its LTP and establishing criteria for determining when changes to the LTP require prior NRC approval. ADP would use the LTP to meet the requirements for terminating the license and releasing the site for unrestricted use. Based on the EA, the NRC staff has concluded that there will be no significant impacts to environmental resources from the requested license amendment, and therefore, a FONSI is appropriate.

DATES: The EA and FONSI referenced in this document are available on July 17, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0124 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–2024–0124. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Amy Minor, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 816–200–1454; email: *Amy.Hesterminor@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of a license amendment request to approve the LTP for the CR3, located in Citrus County, Florida, as part of ADP's part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' Facility Operating License No. DPR–72. If granted, the license amendment would add a condition to ADP's license reflecting the NRC's approval of ADP's LTP and establishing criteria for determining when changes to the LTP require prior NRC approval. As required by 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC prepared an EA. Based on the results of the EA, the NRC has determined not to prepare an environmental impact statement for the license amendment request and is issuing a FONSI.

Construction of the CR3 began in 1968, and the NRC issued an operating license to Duke Energy Florida (DEF) in 1977. The CR3 began commercial operation in March 1977. The CR3 stopped operations in 2009 and was officially retired on February 5, 2013.

On December 2, 2013, DEF submitted a Post-Shutdown Decommissioning Activities Report (PSDAR) to NRC selecting SAFSTOR as the plant decommissioning strategy. SAFSTOR is a method of decommissioning in which the nuclear facility is placed and maintained in a safe stable condition for a number of years until it is subsequently decontaminated and dismantled to levels that permit license termination. During SAFSTOR, a facility is left intact, but the fuel has been removed from the reactor vessel and radioactive liquids have been drained from systems and components and then processed. Radioactive decay occurs during SAFSTOR period, thus reducing the quantity of contaminated and radioactive material that must be disposed of during decontamination and dismantlement. In January 2018, DEF certified to the NRC that DEF had removed all spent fuel assemblies from the CR3 spent fuel pool and loaded the final storage cask used to store spent fuel at the CR3 Independent Spent Fuel Storage Installation.

In 2020, the NRC approved the requested transfer of the CR3 from DEF to ADP to commence decontamination, dismantlement, and demolition. On October 1, 2020, ADP updated the PSDAR to change the plant decommissioning strategy from SAFSTOR to DECON, which is an option for reactor decommissioning in which the equipment, structures, and portions of a facility and site containing radioactive contaminants are removed or decontaminated to a level that permits termination of the license shortly after cessation of operations. ADP submitted the LTP on December 12, 2022, in accordance with 10 CFR 50.82(a)(9), and submitted an updated LTP on March 29, 2024.

II. Environmental Assessment

Description of the Proposed Action

The proposed action is the review and subsequent approval, if appropriate, of a license amendment to ADP to approve the LTP for the CR3. If approved, the amendment would add a license condition to the ADP license reflecting the NRC's approval of the LTP and establishing criteria for determining when changes to the LTP require prior NRC approval. The proposed action is described in ADP's 2022 LTP application, as supplemented by the updated 2024 LTP, and responses to requests for additional information dated May 9, 2024.

Purpose and Need for the Proposed Action

The purpose of and need for the proposed action is to allow completion of decommissioning of the CR3 site by ADP, termination of the CR3 operating license by the NRC, and subsequent release of the site for unrestricted use. The NRC regulation at 10 CFR 50.82 sets forth the process for the licensee to decommission its nuclear power plant, including submission of the LTP. The NRC will approve the LTP, provided that the LTP meets the criteria in 10 CFR 50.82(a)(10).

Environmental Impacts of the Proposed Action

The NRC staff considered the potential impacts of the proposed action on land use; visual and scenic resources/aesthetics; climatology, meteorology, and air quality; noise; geology and soils; water resources; historic and cultural resources; ecological resources; socioeconomics; public and occupation health; transportation and traffic; environmental justice; and waste management. The Decommissioning Generic Environmental Impact Statement (GEIS) (NUREG–0586, Supplement 1, Volume 1) generically addressed many of the potential environmental impacts of decommissioning at the CR3. During its review of the LTP, the NRC concluded that the impacts for most resource areas—onsite land use; water resources; air quality; ecology, not including threatened and endangered species or outside the operational area; socioeconomics; historic and cultural resources within the operational area; aesthetics; noise; and transportation—were still bounded by the Decommissioning GEIS. Therefore, the NRC does not expect impacts associated with these issues beyond those discussed in the GEIS, which concluded that the impact level for these issues was SMALL.

Although the Decommissioning GEIS did evaluate radioactive waste management, the NRC staff determined that the GEIS had underestimated the volume of low-level radioactive waste that the CR3 would produce. Consequently, the NRC staff determined the effects of the proposed action of radioactive waste management for CR3 on a site-specific basis.

In the Decommissioning GEIS, the NRC staff concluded that it could not necessarily determine the environmental impacts of decommissioning generically for six environmental resource areas (offsite land use, threatened and endangered species, aquatic ecology beyond the operational area, terrestrial ecology beyond the operational area, environmental justice, and historic and cultural resources beyond the operational area). The Decommissioning GEIS determined that for these six resource areas a site-specific analysis would be required as was done in the CR3 EA. In addition, topics not included in the Decommissioning GEIS that the NRC staff evaluated in the CR3 EA include the affected environment, climate change, cumulative impacts, and nonradioactive waste management.

In the CR3 EA, the NRC staff evaluated the potential environmental impacts on the six site-specific environmental resource areas as well as the four resource areas not evaluated in the Decommissioning GEIS and did not identify any significant impacts. For the proposed action there are no planned activities outside of the operational area, and ADP plans to use best management practices and obtain all necessary licenses from Federal or State agencies to limit potential impacts and protect surrounding lands. Therefore, the proposed action would result in no significant impacts and there would be no significant cumulative effects when added to the past, present, or reasonably foreseeable future actions at the CR3 site.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered the ''no-action'' alternative. Under the no-action alternative, the NRC would not approve the LTP or the license amendment request because regulatory requirements have not been met.

If the NRC was unable to approve the LTP because the regulatory requirements were not met, ADP would need to take additional actions to prepare an LTP that meets the requirements in 10 CFR 50.82(a)(10). Under that scenario, ADP would resubmit the LTP, activities at the CR3 would likely continue, and the environmental impacts would not change as a result of the additional time required for the LTP resubmission.

Agencies and Persons Consulted

On May 20, 2024, the NRC staff provided a copy of the draft EA to the Florida Department of Health for its review and comment. In a letter dated June 7, 2024, the State responded with no comments on the draft EA.

NRC staff conducted National Historic Preservation Act consultation pursuant to 36 CFR 800.8(c), including submitting required notification to the Florida State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation (ACHP). The NRC staff solicited comments from the public on the historic and cultural resources sections of the draft EA and findings. Staff published the draft sections on the NRC website and electronically notified the four Federally recognized Indian Tribes with historic and ancestral ties to the project vicinity, the Florida SHPO, and members of the public who have indicated their interest in the CR3. No members of the public commented on the historic and cultural resources sections of the draft EA and findings. The NRC staff received a response from the Seminole Tribe of Florida indicating that the Tribe had no objections or other comments. The NRC staff did not receive a response from the other Indian Tribes it contacted. Staff made a determination of no historic properties affected and has received SHPO concurrence and no objections from other parties. The Florida SHPO responded on May 20, 2024, with its concurrence with NRC staff's determination. The ACHP responded on May 20, 2024, confirming receipt of NRC's notification pursuant to 36 CFR 800.8(c).

III. Finding of No Significant Impact

Based on its review of the proposed license amendment request, in accordance with the requirements of 10 CFR part 51, the NRC staff has determined that issuing the requested amendment, if appropriate, amending ADP's DPR–72 license would not significantly affect the quality of human environment. No significant radiological or non-radiological impacts are expected from the proposed action. Therefore, the NRC staff has determined that pursuant to 10 CFR 51.31, ''Determinations based on environmental assessment,'' preparation of an EIS is not required for the proposed action, and pursuant to 10 CFR 51.32, ''Finding of no significant impact,'' a FONSI is appropriate. In accordance with 10 CFR 51.32(a)(4), this FONSI incorporates the EA set forth in this notice by reference.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession No.
ADP CR3, LLC, License Amendment Request, Addition of License Condition 2.C.21, ''License Termination Plan,'' dated December 12, 2022	ML22355A441.
ADP CR3, LLC, Response to Request for Additional Information Regarding the LTP, dated March 29, 2024	ML24089A036.
ADP CR3, LLC, Response to Request for Additional Information for the EA of the LTP, dated May 9, 2024	ML24131A075.
Crystal River LTP Environmental Assessment	ML24081A068.
NUREG–0586, Supplement 1, Volume 1 GEIS on Decommissioning Nuclear Facilities	ML023470304.
Crystal River Unit 3—Post-Shutdown Decommissioning Activities Report, dated December 2, 2013	ML13340A009.
Crystal River Unit 3—30-Day Spent Fuel Cask Registration and Certification of Permanent Removal of All Spent Fuel Assemblies from the Spent Fuel Pools, dated January 15, 2018	ML18015A006.
Transmittal of Draft EA to Florida Department of Health, dated May 20, 2024	ML24143A024.
Florida Department of Health Comments on Draft EA, dated June 7, 2024	ML24159A779.
Request to initiate Section 106 Consultation Regarding the License Termination Plan for Crystal River, Unit 3, April 2, 2024	ML24054A076 (Package).
Florida SHPO Response to initiate Section 106 Consultation Regarding the License Termination Plan for Crystal River, Unit 3, dated May 20, 2024	ML24143A021.
ACHP Response to initiate Section 106 Consultation Regarding the License Termination Plan for Crystal River, Unit 3, dated May 20, 2024	ML24143A013.
NRC Request for Concurrence with Endangered Species Act Determinations for Crystal River Unit 3 Nuclear Generating Plant License Termination Plan, dated February 29, 2024	ML24060A086.
Supplemental to Request for Concurrence with Endangered Species Act Determinations for Crystal River Unit 3 Nuclear Generating Plant License Termination Plan, dated June 18, 2024	ML24190A138.
RAI2 NRC Response to FWS ESA Crystal River Unit 3 LTP, dated July 3, 2024	ML24191A423.
FWS Concurrence for Crystal River Unit 3	ML24190A191.

Dated: July 12, 2024.

For the Nuclear Regulatory Commission.

Christopher M. Regan,

Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–15712 Filed 7–16–24; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

January 2024 Pay Schedules

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The President adjusted the rates of basic pay and locality payments for certain Federal civilian employees effective in January 2024. The Executive Order authorizes a 4.7 percent across-the-board increase for statutory pay systems and locality pay increases costing approximately 0.5 percent of basic payroll, reflecting an overall average pay increase of 5.2 percent. This

notice serves as documentation for the public record.

FOR FURTHER INFORMATION CONTACT: Tameka Gillis; Pay, Leave, and Workforce Flexibilities; Workforce, Policy and Innovation; Office of Personnel Management; (202) 606–2858 or *paypolicy@opm.gov.*

SUPPLEMENTARY INFORMATION: On December 21, 2023, the President signed Executive Order (E.O.) 14113 (88 FR 89259), which implemented pay adjustments for certain Federal civilian employees in January 2024. E.O. 14113 provides an overall average pay increase of 5.2 percent for the statutory pay systems. This is consistent with the President's alternative pay plan issued under 5 U.S.C. 5303(b) and 5304a on August 31, 2023. The pay rates in E.O. 14090 have been superseded.

The publication of this notice satisfies the requirement in Section 5(b) of E.O. 14113 that the Office of Personnel Management (OPM) publish appropriate notice of the 2024 locality payments in the **Federal Register**.

Schedule 1 of E.O. 14113 provides the rates for the 2024 General Schedule (GS) and reflects a 4.7 percent increase from 2023. Executive Order 14113 also includes the percentage amounts of the 2024 locality payments. (See Section 5 and Schedule 9 of Executive Order 14113.)

General Schedule employees receive locality payments under 5 U.S.C. 5304. Locality payments apply in the United States (as defined in 5 U.S.C. 5921(4)) and its territories and possessions. In 2024, locality payments ranging from 16.82 percent to 45.41 percent apply to GS employees in the 58 locality pay areas. The 2024 locality pay area definitions [1] can be found on OPM's website.

The 2024 locality pay percentages became effective the first day of the first pay period beginning on or after January 1, 2024 (January 14, 2024). An employee's locality rate of pay is computed by increasing his or her scheduled annual rate of pay (as defined in 5 CFR 531.602) by the applicable locality pay percentage. (See 5 CFR 531.604 and 531.609.)

Executive Order 14113 establishes the new Executive Schedule (EX), which incorporates a 4.6 percent increase required under 5 U.S.C. 5318 (rounded to the nearest $100). By law, Executive Schedule officials are not authorized to receive locality payments.

Executive Order 14113 establishes the 2024 range of rates of basic pay for members of the Senior Executive Service (SES) under 5 U.S.C. 5382. The minimum rate of basic pay for the SES is $147,649 in 2024. The maximum rate of the SES rate range is $221,900 (level II of the Executive Schedule) for SES members who are covered by a certified SES performance appraisal system and $204,000 (level III of the Executive Schedule) for SES members who are not covered by a certified SES performance appraisal system.

The minimum rate of basic pay for the senior-level (SL) and scientific and professional (ST) rate range was increased by 4.7 percent ($147,649 in 2024), which is the amount of the across-the-board GS increase. The applicable maximum rate of the SL/ST rate range is $221,900 (level II of the Executive Schedule) for SL or ST employees who are covered by a certified SL/ST performance appraisal system and $204,000 (level III of the Executive Schedule) for SL or ST employees who are not covered by a certified SL/ST performance appraisal system. Agencies with certified performance appraisal systems for SES members and employees in SL and ST positions must also apply a higher aggregate limitation on pay—up to the Vice President's salary ($284,600 in 2024.)

Note that section 747 of title VII of division B of the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47, March 23, 2024), contains a provision that continues the freeze on the payable pay rates for the Vice President and certain senior political appointees at the rates of pay and applicable limitations on payable rates of pay throughout calendar year 2024. Unless extended by new legislation, the pay freeze will end on the last day of the last pay period that begins in calendar year 2024 (*i.e.,* January 11, 2025, for those on the standard biweekly payroll cycle.) Future Congressional action will determine whether the pay freeze continues beyond that date. OPM guidance on the continued pay freeze for certain senior political officials can be found in CPM 2024–09.[2] OPM also provided guidance on the continued pay freeze for certain senior political officials in CPM–2024–02 [3] and CPM–2024–07.[4]

Executive Order 14113 provides that the rates of basic pay for administrative law judges (ALJs) under 5 U.S.C. 5372 are increased by 4.7 percent (rounded to the nearest $100) in 2024 (except for those at AL–1 who received a 4.6 percent increase). The rate of basic pay for AL–1 is $191,900 (equivalent to the rate for level IV of the Executive Schedule). The rate of basic pay for AL–2 is $187,300. The rates of basic pay for AL–3/A through 3/F range from $128,200 to $177,600.

The rates of basic pay for members of Contract Appeals Boards are calculated as a percentage of the rate for level IV of the Executive Schedule. (See 5 U.S.C. 5372a.) Therefore, these rates of basic pay are increased by 4.6 percent in 2024.

On November 29, 2023, OPM issued a memorandum [5] on behalf of the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and OPM) that continues GS locality payments for ALJs and certain other non-GS employee categories in 2024. By law, EX officials, SES members, employees in SL/ST positions, and employees in certain other equivalent pay systems are not authorized to receive locality payments. (*Note:* An exception applies to certain grandfathered SES, SL, and ST employees stationed in a nonforeign area on January 2, 2010. See CPM 2009–27).[6]

On December 21, 2023, OPM issued a memorandum (CPM 2023–20) [7] on the 2024 pay adjustments. The memorandum transmitted Executive Order 14113 and provided the 2024 salary tables, locality pay areas and percentages, and information on general pay administration matters and other related guidance. The 2024 ''Salaries &

[1] Office of Personnel Management. ''2024 Locality Pay Area Definitions.'' *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2024/locality-pay-area-definitions/.*

[2] Office of Personnel Management. ''Continued Pay Freeze for Certain Senior Political Officials.'' *https://www.chcoc.gov/content/continued-pay-freeze-certain-senior-political-officials-12.*

[3] Office of Personnel Management. ''Continued Pay Freeze for Certain Senior Political Officials.'' *https://www.chcoc.gov/content/continued-pay-freeze-certain-senior-political-officials-9.*

[4] Office of Personnel Management. ''Continued Pay Freeze for Certain Senior Political Officials.'' *https://www.chcoc.gov/content/continued-pay-freeze-certain-senior-political-officials-11.*

[5] Office of Personnel Management. ''Continuation of Locality Payments for Non-General Schedule Employees.'' *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2023/extension-of-locality-payments-for-non-general-schedule-employees-november-29-2023.pdf.*

[6] Office of Personnel Management. ''Nonforeign Area Retirement Equity Assurance Act.'' *https://www.chcoc.gov/content/nonforeign-area-retirement-equity-assurance-act.*

[7] Office of Personnel Management. ''January 2024 Pay Adjustments.'' *https://chcoc.gov/content/january-2024-pay-adjustments.*

Wages'' posted on OPM's website [8] are the official rates of pay for affected employees and are hereby incorporated as part of this notice.

Office of Personnel Management.

Kayyonne Marston,

Federal Register Liaison.

[FR Doc. 2024–15653 Filed 7–16–24; 8:45 am]

BILLING CODE 6325–39–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–262; MC2024–423 and CP2024–430]

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:* July 19, 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).:* CP2024–262; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, USPS Ground Advantage & Parcel Select Contract 5, Filed Under Seal; *Filing Acceptance Date:* July 11, 2024; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Arif Hafiz; *Comments Due:* July 19, 2024.

2. *Docket No(s).:* MC2024–423 and CP2024–430; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 157 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 11, 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:* July 19, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–15722 Filed 7–16–24; 8:45 am]

BILLING CODE 7710–FW–P

[8] Office of Personnel Management. ''Salaries & Wages.'' *http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/*

[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).

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2023–56; MC2024–418 and CP2024–425; MC2024–419 and CP2024–426; MC2024–420 and CP2024–427; MC2024–421 and CP2024–428; MC2024–422 and CP2024–429]

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:* July 18, 2024.

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

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

SUPPLEMENTARY INFORMATION:

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I. Introduction
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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).:* CP2023–56; *Filing Title:* USPS Notice of Amendment to Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 88, Filed Under Seal; *Filing Acceptance Date:* July 10, 2024; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* July 18, 2024.

2. *Docket No(s).:* MC2024–418 and CP2024–425; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 152 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 10, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* July 18, 2024.

3. *Docket No(s).:* MC2024–419 and CP2024–426; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 153 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 10, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* July 18, 2024.

4. *Docket No(s).:* MC2024–420 and CP2024–427; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 154 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 10, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* July 18, 2024.

5. *Docket No(s).:* MC2024–421 and CP2024–428; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 155 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 10, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* July 18, 2024.

6. *Docket No(s).:* MC2024–422 and CP2024–426; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 156 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 10, 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:* July 18, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–15660 Filed 7–16–24; 8:45 am]

BILLING CODE 7710–FW–P

[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).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100494; File No. SR–CboeEDGX–2024–040]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

July 11, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 28, 2024, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[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 EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') 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/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 its fee schedule for its equity options platform (''EDGX Options'') relating to logical connectivity fees.[3]

By way of background, the Exchange offers a variety of logical ports, which provide users with the ability within the Exchange's System to accomplish a specific function through a connection, such as order entry, data receipt or access to information. The Exchange currently assesses, among other things, the following logical port connectivity fees on a monthly basis: $500 per port for Logical Ports;[4] $500 per port for Multicast PITCH Spin Server Ports

[3] The Exchange initially filed the proposed fee change on January 2, 2024 (SR–CboeEDGX–2024–006). On March 1, 2024, the Exchange withdrew that filing and submitted SR–CboeEDGX–2024–017. On April 30, 2024, the Exchange withdrew that filing and submitted SR–CboeEDGX–2024–023. On June 28, 2024, the Exchange will be withdrawing that filing and submitting this filing.

[4] Logical Ports include FIX and BOE ports (used for order entry), drop logical port (which grants users the ability to receive and/or send drop copies) and ports that are used for receipt of certain market data feeds.

(''Spin Ports'') and GRP Ports; [5] and $600 per port for Ports with Bulk Quoting Capabilities [6] (''Bulk Ports''). The Exchange proposes to increase the monthly fees for the forgoing ports to the following rates: $750 per port for Logical Ports, Spin Ports and GRP Ports and $1,000 per port for Bulk Ports. The Exchange notes the proposed fee change better enables it to continue to maintain and improve its market technology and services and also notes that the proposed fee amount, even as amended, continues to be in line with, or even lower than, amounts assessed by other exchanges for similar connections, including the Exchange's affiliated options exchanges.[7]

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.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [9] 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) [10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) [11] of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed fee is reasonable as it is still in line with, or even lower than, amounts assessed by other exchanges for similar connections.[12] Indeed, the Exchange believes assessing fees that are a lower rate than fees assessed by other exchanges for analogous connectivity (which were similarly adopted via the rule filing process and filed with the Commission) is reasonable. Additionally, the Exchange believes the proposed fee increase is reasonable in light of recent and anticipated connectivity-related upgrades and changes. The Exchange and its affiliated exchanges recently launched a multi-year initiative to improve Cboe Exchange Platform performance and capacity requirements, including for its U.S. options markets, to increase competitiveness, support growth and advance a consistent world class platform. The goal of the project, among other things, is to provide faster and more consistent order handling and matching performance for options, while ensuring quicker processing time and supporting increasing volumes. For example, the Exchange is currently performing order handler and matching engine hardware upgrades across its markets to advance this goal. The Exchange anticipates that upgrades to its matching engines may result in a latency reduction up to 40% to 50% on the Exchange and that upgrades to its order handlers may offer lower variability in the processing of message, which can reduce the time a message takes to get to the matching engine. The Exchange expended, and will continue to expend, resources to innovate and modernize technology so that it may benefit its Members and continue to compete among other options markets. The Exchange also notes that neither it—nor its options exchange affiliates—have passed through or offset current or projected costs associated with these upgrades. The ability to continue to innovate with technology and offer new products to market participants allows the Exchange to remain competitive in the options space which currently has 17 options markets and potential new entrants. The Exchange also notes market participants may continue to choose the method of connectivity based on their specific needs, and no broker-dealer is required to become a Member of, let alone connect directly to, the Exchange. There is also no regulatory requirement that any market participant connect to any one particular exchange. Market participants may voluntarily choose to become a member of one or more of a number of different exchanges, of which, the Exchange is but one choice. Additionally, any Exchange member that is dissatisfied with the proposal is free to choose not to be a member of the Exchange and send order flow to another exchange. Moreover, direct connectivity is not a requirement to participate on the Exchange. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other options exchanges to which a market participant may connect in lieu of the Exchange and/or trading of any options product, such as within the Over-the-Counter (OTC) markets, which do not require connectivity to the Exchange. Indeed, there are currently 17 registered options exchanges that trade options (13 of which are not affiliated with Cboe), some of which have similar or lower connectivity fees.[13] Based on publicly available information, no single options exchange has more than approximately 17% of the market share.[14] 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. For example, there are 4 exchanges that have been added in the U.S. options markets in the last 5 years (*i.e.,* Nasdaq MRX, LLC, MIAX Pearl, LLC, MIAX Emerald LLC, and most recently MEMX LLC), with a fifth options exchange anticipated to added in 2024 (MIAX Sapphire, LLC).

As for market participants that determine to continue to maintain membership or to join the Exchange for business purposes, those business reasons presumably result in revenue capable of covering the proposed fee. Further, for such market participants that choose to connect to the Exchange, the Exchange believes the proposed fees continue to provide flexibility with respect to how to connect to the Exchange based on each market participants' respective business needs. For example, the amount and type of

[5] Spin Ports and GRP Ports are used to request and receive a retransmission of data from the Exchange's Multicast PITCH data feeds.

[6] Bulk Quoting Capabilities Ports provide users with the ability to submit and update multiple bids and offers in one message through logical ports enabled for bulk-quoting.

[7] *See, e.g.,* Cboe C2 Options Exchange Fee Schedule, Options Logical Port Fees, Cboe BZX Options Exchange Fee Schedule, Options Logical Port Fees and Cboe Exchange Fees Schedule, Logical Connectivity Fees; *see also* The Nasdaq Stock Market Options Pricing Schedule, Section 3 Nasdaq Options Market—Ports and Other Services.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] 15 U.S.C. 78f(b)(4).

[12] *See, e.g.,* Cboe C2 Options Exchange Fee Schedule, Options Logical Port Fees, Cboe BZX Options Exchange Fee Schedule, Options Logical Port Fees and Cboe Exchange Fees Schedule, Logical Connectivity Fees; *see also* The Nasdaq Stock Market Options Pricing Schedule, Section 3 Nasdaq Options Market—Ports and Other Services.

[13] *Id.*

[14] *See* Cboe Global Markets U.S. Options Market Volume Summary (June 21, 2024), available at *https://markets.cboe.com/us/options/market_statistics/.*

logical ports are determined by factors relevant and specific to each market participant, including its business model, costs of connectivity, how its business is segmented and allocated and volume of messages sent to the Exchange. Moreover, the Exchange notes that it does not have unlimited system capacity and the proposed fees are also designed to encourage market participants to be efficient with their respective logical port usage and discourage the purchasing of large amounts of superfluous ports. There is also no requirement that any market participant maintain a specific number of logical ports and a market participant may choose to maintain as many or as few of such ports as each deems appropriate. Further, market participants may reduce or discontinue use of these ports in response to the proposed fees. Indeed, when the Exchange last increased pricing for logical ports in 2018, the Exchange observed within the first two months that market participants did in fact reduce the number of logical ports they maintained. Particularly, Logical Port quantities were reduced by approximately 20%. The Exchange similarly saw a decline in logical port quantities after the current proposed rate change in January 2024. Specifically, as of May 2024, Logical Port quantities have been reduced by approximately 8% since the announcement of the proposed fee change. This demonstrates that market participants can and do choose to disconnect, or reduce, their connectivity from the Exchange, including in response to fee increases. The Exchange also does not assess any termination fee for a market participant to drop its connectivity or membership, nor is the Exchange aware of any other costs that would be incurred by a market participant to do so.

As noted above, there is no regulatory requirement that any market participant connect to any one options exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one options exchange whose membership includes every registered broker-dealer. By way of example, while the Exchange has 51 members that trade options, Cboe BZX has 61 members that trade options, and Cboe C2 has 52 Trading Permit Holders (''TPHs'') (*i.e.,* members). There is also no firm that is a Member of EDGX Options only. Further, based on previously publicly available information regarding a sample of the Exchange's competitors, NYSE American Options has 71 members,[15] and NYSE Arca Options has 69 members,[16] MIAX Options has 46 members [17] and MIAX Pearl Options has 40 members.[18] Accordingly, excessive fees would simply serve to reduce demand for these products, which market participants are under no regulatory obligation to utilize.

The Exchange lastly notes that it is not required by the Exchange Act, nor any other rule or regulation, to undertake a cost-of-service or rate-making approach with respect to fee proposals. Moreover, Congress's intent in enacting the 1975 Amendments to the Act was to enable competition—rather than government order—to determine prices. The principal purpose of the amendments was to facilitate the creation of a national market system for the trading of securities. Congress intended that this ''national market system evolve through the interplay of *competitive forces* as unnecessary regulatory restrictions are removed.'' [19] Other provisions of the Act confirm that intent. For example, the Act provides that an exchange must design its rules ''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.'' [20] Likewise, the Act grants the Commission authority to amend or repeal ''[t]he rules of [an] exchange [that] impose any burden on competition not necessary or appropriate in furtherance of the purposes of this chapter.'' [21] In short, the promotion of free and open competition was a core congressional objective in creating the national market system.[22] Indeed, the Commission has historically interpreted that mandate to promote competitive forces to determine prices whenever compatible with a national market system. Accordingly, the Exchange believes it has met its burden to demonstrate that its proposed fee change is reasonable and consistent with the immediate filing process chosen by Congress, which created a system whereby market forces determine access fees in the vast majority of cases, subject to oversight only in particular cases of abuse or market failure. The Exchange also believes that, even if it were possible as a matter of economic theory, cost-based pricing for the proposed fee would be so complicated that it could not be done practically. Indeed, the Exchange believes that classification of costs could likely not be done without on-going debate over formulas for allocation,[23] continual auditing, and considerable expense. The Exchange also believes cost-based analysis could create disincentives to reduce costs through efficient operation or innovation. Moreover, the industry could experience frequent rate increases based on escalating expense levels. The Exchange lastly cautions that as disputes arise regarding the appropriate measure and calculation of relevant costs and allocation of common costs, the Commission could find itself engaging in the kind of rigid ratemaking not contemplated by Section 11A of the Exchange Act and which the Commission has historically sought to avoid.

The Exchange also believes that the proposed fee change is not unfairly

[15] *See https://www.nyse.com/markets/american-options/membership#directory.*

[16] *See https://www.nyse.com/markets/arca-options/membership#directory.*

[17] *See https://www.miaxglobal.com/sites/default/files/page-files/MIAX_Options_Exchange_Members_April_2023_04282023.pdf.*

[18] *See https://www.miaxglobal.com/sites/default/files/page-files/MIAX_Pearl_Exchange_Members_01172023_0.pdf.*

[19] *See* H.R. Rep. No. 94–229, at 92 (1975) (Conf. Rep.) (emphasis added).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78f(8).

[22] *See also* 15 U.S.C. 78k–l(a)(1)(C)(ii) (purposes of Exchange Act include to promote ''fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets''); Order, 73 FR at 74781 (''The Exchange Act and its legislative history strongly support the Commission's reliance on competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs and the national market system.'').

[23] *See, e.g.,* letter from Brian Sopinsky, General Counsel, Susquehanna International Group, LLP (''SIG''), to Vanessa Countryman, Secretary, Commission, dated February 7, 2023, letters from Gerald D. O'Connell, SIG, to Vanessa Countryman, Secretary, Commission, dated March 21, 2023, May 24, 2023, July 24, 2023 and September 18, 2023, *and* letters from John C. Pickford, SIG, to Vanessa Countryman, Secretary, Commission, dated January 4, 2024, and March 1, 2024 and letters from Thomas M. Merritt, Deputy General Counsel, Virtu Financial, Inc. (''Virtu''), to Vanessa Countryman, Secretary, Commission, dated November 8, 2023 and January 2, 2024. *See also* Securities Exchange Act Release No. 93883 (December 30, 2021), 87 FR 523 (January 5, 2022) (SR–IEX–2021–14) (Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Its Fee Schedule for Market Data Fees) and Securities Exchange Act Release No. 94888 (May 11, 2022), 87 FR 29892 (May 17, 2022) (SR–PEARL–2022–18) (Notice of Filing of a Proposed Rule Change To Amend the MIAX PEARL Options Fee Schedule To Increase Certain Connectivity Fees and To Increase the Monthly Fees for MIAX Express Network Full Service Port; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change).

discriminatory because it would be assessed uniformly across all market participants that purchase the respective logical ports. All Members have the option to select any connectivity option, and there is no differentiation among Members with regard to the fees charged for the services offered by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed fee change will not impact intramarket competition because it will apply to all similarly situated market participants equally (*i.e.,* all market participants that choose to purchase the relevant logical ports).

The Exchange believes the proposed fees will not impact intermarket competition because they are also in line with, or even lower than some fees for similar connectivity on other exchanges, and therefore may stimulate intermarket competition by attracting additional firms to connect to the Exchange or at least should not deter interested participants from connecting directly to the Exchange. Further, if the changes proposed herein are unattractive to market participants, the Exchange can, and likely will, see a decline in usage of these ports as a result. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect directly to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative venues that they may participate on and direct their order flow, including 13 (soon to be 14) non-Cboe affiliated options markets, as well as off-exchange venues, where competitive products are available for trading. 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.'' [24] 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'. . . .''.[25] Accordingly, the Exchange does not believe its proposed 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 Act [26] and paragraph (f) of Rule 19b–4 [27] 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–CboeEDGX–2024–040 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–2024–040. 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–2024–040 and should be submitted on or before August 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15665 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

[24] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[25] *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)).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100507; File No. SR–NSCC–2024–005]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Add Paperless Replacements and Producer Authorization Service Offerings to I&RS and Make Certain Clarification Changes in the Rules

July 11, 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 July 3, 2024, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] Rule 19b–4(f)(2) [4] and Rule 19b–4(f)(4) thereunder.[5] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of modifications to Insurance & Retirement Services (''I&RS'') in order to (i) provide for two new service offerings relating to replacements of insurance contracts and producer authorizations, and related fees for each new service offering, (ii) update the descriptions of I&RS service offerings and certain defined terms in Rule 57 and Addendum A of NSCC's Rules & Procedures (''Rules''). and (iii) make other clarification changes, as described in greater detail below.[6]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change consists of modifications to the Rules in order to (i) provide for two new service offerings relating to replacements of insurance contracts and producer authorizations, and related fees for each new service offering, (ii) update the descriptions of I&RS offerings and certain defined terms in Rule 57 and Addendum A, and (iii) make other clarification changes, as described in greater detail below.

The objectives and expected impacts of the proposed rule change to I&RS Members [7] would be to make available two new optional service offerings that would provide more efficient methods for I&RS Members to choose to transmit, view and retrieve I&RS Data and improve Members' understanding of the Rules relating to I&RS.

The proposed new service offerings discussed below were developed at the request of and in consultation with industry participants, and the proposed fees for such service offerings were designed to pay for the costs of developing and maintaining such offerings in a manner that would fulfill the requirements expected from industry participants consistent with NSCC's cost-based plus markup fee model.[8] Based on financial projections of development and maintenance costs and anticipated participation by I&RS Members, it is anticipated that the costs and revenues would result in a slight increase in the overall operating margin percentage of I&RS. NSCC anticipates recouping the costs of building the service offerings within approximately two years of implementing the fees.

I&RS Services

I&RS allows I&RS Members to transmit I&RS Data [9] among each other, including data relating to annuity and life insurance policy applications and premiums, licensing and appointments, commission payments, reporting of client positions and valuations, asset pricing, financial activity reporting and annuity customer account transfers. I&RS also allows certain I&RS Members to settle payments relating to I&RS Eligible Products. NSCC does not act as a central counterparty with respect to I&RS and I&RS are not guaranteed by NSCC.

Paperless Replacements Processing (RPL)

NSCC is proposing to establish a new service offering intended to support the transmission of I&RS Data regarding the transfer, exchange or replacement of existing insurance or annuity contracts (''Paperless Replacements''). Clients of I&RS Members holding insurance or annuity contracts replace existing contracts with new contracts from time to time. These replacements involve transfer of asset forms such as 1035 forms [10] and other such forms or documents to document the requests and the authorization for a replacement. Currently, for Carriers, there is no centralized automated process for replacements and such replacements are a manual process involving exchanging paperwork often between different Carriers using facsimile, mail, email or other means. Paperless Replacements would provide for a data-only transmission relating to such replacements between Carriers, automating the current manual process and decreasing the administrative burden on and risk to Carriers of processing these replacements.

There also may be movement of funds associated with these replacements. Settlement Processing for Insurance, an existing settlement feature of I&RS supporting the settlements of payments

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] 17 CFR 240.19b–4(f)(4).

[6] Terms not defined herein are defined in the Rules, *available at www.dtcc.com/legal/rules-and-procedures.*

[7] I&RS Members include (i) insurance companies that are Insurance Carrier/Retirement Services Members (''Carriers''); and (ii) Carriers' intermediaries, such as broker-dealers, banks and insurance agencies, that are Members, Mutual Fund/Insurance Services Members and Data Services Only Members that distribute participating Carriers' insurance products (collectively, ''Distributors,'' and, together with ''Carriers,'' collectively referred to herein as ''I&RS Members'').

[8] NSCC has in place procedures to control costs and to regularly review pricing levels against costs of operation. NSCC's fees are cost-based plus a markup as approved by its Board of Directors. This markup is applied to recover development costs and operating expenses and to accumulate capital sufficient to meet regulatory and economic requirements. *See* NSCC Disclosure Framework for Covered Clearing Agencies and Financial Market Infrastructures, *available at www.dtcc.com/-/media/Files/Downloads/legal/policy-and-compliance/NSCC_Disclosure_Framework.pdf,* at 124.

[9] ''I&RS Data'' means data and information relating to I&RS Eligible Products. *See* Rule 57, *supra* note 6. ''I&RS Eligible Product'' means an insurance product or a retirement or other benefit plan or program included in the list for which provision is made in Section 1.(d) of Rule 3 of the Rules. *See* definition of I&RS Eligible Product, Rule 1, *supra* note 6.

[10] 1035 forms are forms required to process a 1035 exchange which is an exchange made pursuant to a provision in the Internal Revenue Service tax code allowing for a tax-free transfer of certain insurance and annuity products.

relating to I&RS Eligible Products,[11] currently supports the settlement of payments related to such replacements and would continue to do so following the addition of Paperless Replacements. The settlement feature, together with Paperless Replacements, would provide for an automated process for processing forms and documents for replacements of such contracts and associated funds. In order to adopt this service offering, NSCC would amend Rule 57 to describe Paperless Replacements, as described below.

NSCC would also amend Addendum A to adopt a fee for Paperless Replacements of $1.85 per request. The fee would only be charged to the I&RS Member submitting the replacement request.

Producer Authorization (PAR)

NSCC is proposing to establish a new feature (''Producer Authorization'') to allow I&RS Members to confirm credentials of insurance producers. Insurance producers are insurance agents or brokers that are licensed by state insurance authorities to sell insurance related products on behalf of Carriers. In the process of selling insurance related products, Distributors must ensure that producers they use to distribute products are licensed, appointed and trained to sell such products in the markets the Distributors are targeting. Carriers that issue the products maintain data reflecting the licensing information relating to producers that are licensed to sell their products. Currently, there is no standardized method for Distributors to communicate with Carriers to authenticate that producers are authorized to sell the Carriers' products in particular markets. Producer Authorization would provide a standardized data transmission to allow Distributors to confirm with Carriers the credentials of insurance producers to sell specific products. NSCC would amend Rule 57, as described below, to describe the Producer Authorization service.

NSCC would also amend Addendum A to adopt fees for the Producer Authorization. The fees would consist of a monthly fee, ranging from $250 to $5,000 per month, that is based on the number of messages received during the month. The fees would only be charged to the Carriers receiving the Producer Authorization requests.

Clarifications to Rule 57 and Addendum A

NSCC would reorganize and clarify Rule 57 and Addendum A to more clearly describe the existing service offerings and incorporate descriptions for Paperless Replacements and Producer Authorization, as described above. Rule 57 is currently organized such that Section 1 of Rule 57 applies to all I&RS and Sections 2 through 10 of Rule 57 list out the separate service offerings within I&RS. Some service offerings, such as I&RS settlement, are only described in Section 1 and some service offerings are not specifically named in Rule 57 or are described within other named service offerings. NSCC is proposing to reorganize the sections of Rule 57 such that each service offering is separately listed in alphabetical order in newly numbered sections 2 through 17. The proposed list of such service offerings would include certain service offerings that are currently described within sections for other service offerings in the Rules. NSCC would move these descriptions into stand-alone sections of Rule 57 to better align the descriptions of all the service offerings with current NSCC marketing of such service offerings.

NSCC is also proposing to update the descriptions of I&RS features and certain defined terms in Rule 57 and Addendum A to align the Rules with conventional descriptions used by NSCC and I&RS Members and make other clarification changes. NSCC would update Rule 57 to ensure that consistent defined terms are used to describe I&RS Members and I&RS features.

NSCC is also proposing to update Rule 57 and Addendum A to add a three-letter designation for certain service offerings and fees to match descriptions of such service offerings and fees in current NSCC marketing descriptions.

Proposed Rule Changes

In order to implement the proposal, NSCC would move the defined term ''I&RS Members'', which describes all membership types that can use I&RS, from Section 10 to Section 1(a) of Rule 57 and consistently use the defined term throughout Rule 57 to describe all membership types that can use I&RS. In addition, NSCC would add a definition of ''I&RS Payments'' in Section 1(a) of Rule 57 to mean payments related to I&S Eligible Products to better describe the payments that that are processed in I&RS.

NSCC would also reorganize description of I&RS to align the description of such services with conventional uses and current marketing descriptions. Specifically, NSCC would make the following changes:

- move the description of settlement services provided by I&RS, currently primarily in subsections (k) and (l) of Section 1 of Rule 57, to a new Section 16, entitled ''Settlement Processing for Insurance (STL)'' to clarify the name of the settlement services provided by I&RS and reflect that it is marketed as a separate service offering.
- reorganize the descriptions of the service offerings of I&RS in alphabetical order in Rule 57.
- add three -letter abbreviations in the title of each service offering consistent with current conventional descriptions.
- remove the phrase ''I&RS Data regarding'' in the ACAT/Transfers section that is being moved because the phrase is redundant.
- capitalize the word ''Premiums'' in the phrase ''Applications and premiums'' in part (b) of the Applications and Premiums section to refer to the correct defined term ''Applications and Premiums'' used in part (a) of that section.
- move a description of transmission of Subaccount Data, currently in Section 8 of Rule 57 in the Financial Activity Reporting description, to a new Section 7 and refer to that service offering as ''Financial Activity For Asset Managers (FAM)'' consistent with current descriptions of that service offering and make a corresponding change to the fee description of the service in Addendum A.[12]
- add descriptions for Paperless Replacements and Producer Authorization consistent with the descriptions above in new Sections 12 and 14, respectively.
- remove the quotes around ''IIEX'' in the title Insurance Information Exchange in Section 10 and add a defined term ''IIEX'' into the body of Section 10 to conform the listing of the four-letter abbreviation of the service in the title with listing of the abbreviations of other services in Rule 57.
- Add a description of the Producer Management Portal (PMP) as a separate service offering in a new Section 15 of Rule 57.[13]

[11] *See* subsections (k) and (l) of Section 1 of Rule 57, *supra* note 6.

[12] Transactions relating to subaccount data were added to I&RS as part of Financial Activity Reporting in 2018 as a method for financial managers to get access to subaccount data relating to variable products. *See* Securities Exchange Act Release No. 83774 (Aug. 3, 2018), 83 FR 39481 (Aug. 9, 2018) (SR–NSCC–2018–005). That service offering is now being marketed as ''Financial Activity for Asset Managers.''

[13] Licensing and Appointments (''LNA'') is a service offering that allows I&RS Members to

• Add a description of Subsequent Premiums (SUB) as a separate service offering in a new Section 17 of Rule 57 and change the description from ''Subsequent Activity'' to ''Subsequent Premiums'' in Section IV.H.2.e of Addendum A consistent with current descriptions of that service offering [14]

NSCC would also clarify the Rules by deleting a provision currently in Section 3 of Rule 57 ''Applications and Premiums'' that refers to the ability of Members and Mutual Fund/Insurance Services Member to submit a cancel instruction. The Applications and Premiums section currently provides that if such I&RS Members submit a cancellation instruction prior to a time established by NSCC for such purposes, the settlement transaction will be canceled and removed from I&RS. When Applications and Premiums was implemented, NSCC included functionality to allow I&RS Members to submit a cancel instruction. However, I&RS Members never use the instruction and instead have developed functions outside of NSCC to provide for such cancellations. I&RS Members have not indicated plans to use the cancellation instruction and so NSCC removed the functionality. NSCC would remove the cancellation instruction language in Applications and Premiums to reflect that the cancellation instruction functionality has been removed from Applications and Premiums.

NSCC would also clarify the Rules by more clearly stating which fees are per transaction and per side. Currently, footnote 6 of Addendum A states that unless otherwise noted, transaction fees are per side, and both sides are charged for each item. However, in the description of certain fees, there is also a note that fees are per side. This note is repetitive of footnote 6, which states that all fees are per side unless otherwise noted. In addition, certain fee descriptions contain a note that such fees are ''per transaction'', ''per inquiry'' or ''per request'' or similar designations and such usage is not consistent. NSCC would add in footnote 6 of Addendum A that unless otherwise noted, all fees for I&RS are per transaction, per side and remove the similar descriptions in each fee description where the general designation applies for consistency.

NSCC would change the title in Section IV.H.3 of Addendum A from ''Other Service Fees'' to ''Other Transaction Fees'' to conform to the description of transaction fees in Section IV.H.2 of Addendum A and would change the heading ''TIER'' listed in Section IV.H.3 to ''PRICE TIER'' to conform how those pricing tiers are described in other marketing materials and to avoid confusion that those tiers are related to transaction volumes. NSCC would change the three-letter designation for Licensing and Appointments from ''L&A'' to ''LNA'' in Section IV.H.3 of Addendum A to reflect current marketing descriptions.

NSCC would also delete a reference to ''Producer Management Portal (per inquiry)'' currently listed under TIER 4 in Section IV.H.3 of Addendum A. The description of the fees for Producer Management Portal were moved from Section IV.H.3 to Section IV.H.2.h of Addendum A and the reference to Producer Management Portal was intended to be deleted from Section IV.H.3 in 2019 from a rule filing filed in 2018 (''2018 Filing'') [15] but due to a clerical mistake the change was not made in the Rules. NSCC would delete the reference from Section IV.H.3 as contemplated by the 2018 Filing.

Implementation Timeframe

NSCC would implement the proposed changes in three phases. NSCC would implement the clarifications to Rule 57 and Addendum A discussed above upon filing. NSCC would adopt the Producer Authorization service offering, associated fees and related changes to the Rules by no later than July 31, 2024. NSCC would implement the Paperless Replacements service offering, associated fees and related changes to the Rules by no later than September 30, 2024.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act, requires, that the Rules be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.[16]

The proposed addition of Paperless Replacements and Producer Authorization service offerings would provide a standardized method to communicate I&RS Data among I&RS Members relating to (i) replacements of insurance and annuity contracts and related settlement of funds and (ii) producer credentials related to specific products, each as discussed above. The addition of Paperless Replacements discussed above would enhance Carriers' ability to send and receive required information relating to replacements of insurance or annuity contracts and related settlement of funds by providing an automated data only transmission relating to such replacements between Carriers and bring greater efficiency to the transfer and settlement of those products as set forth above. The addition of Producer Authorization discussed above would enhance Distributors' ability to confirm with Carriers the credentials of insurance producers to sell specific products by providing a standardized method to communicate such information and bring greater efficiency and expediency to the buying, selling and settlement of such I&RS Eligible Products among I&RS Members. Providing a more efficient and streamlined process with respect to transmitting and receiving such I&RS Data would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of Section 17A(b)(3)(F) of the Act.[17]

The clarifications to Rule 57 and Addendum A would enhance the clarity and transparency of the Rules with respect to services offered by NSCC. Specifically, these rule changes would allow I&RS Members to have a better understanding of the Rules relating to I&RS. The use of the defined terms ''I&RS Members'' and ''I&RS Payments'' throughout the rules and the reorganization of Section 1 of Rule 57 and the descriptions of the service offerings discussed above would reflect current uses of the terms used within I&RS. Removing the language regarding the ability of I&RS Members to submit a cancel instruction in the Applications and Premiums section which is no longer applicable would remove unnecessary language in the Rules. Having clear and accurate Rules would help I&RS Members to better understand their rights and obligations regarding NSCC's services. NSCC believes that when I&RS Members better understand their rights and obligations regarding NSCC's services, they can act in accordance with the Rules. NSCC believes that better enabling I&RS Members to comply with the Rules

transmit data among themselves regarding licensing and appointment authorizations and activity relating to producers. *See* Section 4 of Rule 57, *supra* note 6. In 2014, NSCC broadened LNA's scope to specify that LNA authorization and activities included insurance-related training of a licensee or appointee in connection with a new feature being added, the Producer Management Portal. *See* Securities Exchange Act Release No. 72488 (June 27, 2014), 79 FR 38098 (July 3, 2014) (SR–NSCC–2014–08). Producer Management Portal is now marketed as a separate service offering.

[14] Subsequent Premiums is a service offering that enables Distributors to transmit I&RS Data to Carriers regarding subsequent premiums. Previously, it has been part of Applications and Premiums but is now marketed as a separate service offering as ''Subsequent Premiums (SUB).''

[15] *See* Securities Exchange Act Release No. 84771 (Dec. 10, 2018), 83 FR 64393 (Dec. 14, 2018) (SR–NSCC–2018–002).

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] *Id.*

would promote the prompt and accurate clearance and settlement of securities transactions by NSCC consistent with the requirements of the Act, in particular Section 17A(b)(3)(F) of the Act.[18]

Section 17A(b)(3)(D) of the Act[19] requires that the Rules provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. NSCC believes the proposed fees for Paperless Replacements and Producer Authorization would align with the cost of building and delivering the proposed service offerings, consistent with this provision of the Act. NSCC believes the proposed changes to the fees are equitable because they would apply uniformly to all I&RS Members that utilize the service offerings. NSCC believes the proposed changes are reasonable because they would be commensurate with the costs of resources allocated by NSCC in developing and maintaining the service offerings. Based on financial projections of development and maintenance costs and anticipated participation by I&RS Members, it is anticipated that the Paperless Replacements and Producer Authorization costs and revenues would result in a slight increase in the overall operating margin percentage of I&RS and allow NSCC to recoup the costs of building the enhancements within approximately two years of implementing the fees. Therefore, by establishing fees that align with the cost of delivery of these service offerings and allocating those fees equitably among the subscribing users, the proposed rule change would provide for the equitable allocation of reasonable dues, fees and other charges among its participants consistent with the requirements of Section 17A(b)(3)(D) of the Act.[20]

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule changes would have any adverse impact, or impose any burden, on competition.

The proposed changes to adopt the Paperless Replacements and Producer Authorization service offerings would add optional functions to NSCC's services to provide more efficient methods by which subscribing Carriers and Distributors may transmit, view and retrieve I&RS Data. Such changes would not affect services for I&RS Members that do not subscribe to such service offerings and non-subscribing I&RS Members would transmit, view and retrieve I&RS Data in the same manner as they currently transmit, view and retrieve I&RS Data. The fees proposed for each of these service offerings were designed to be reasonable and align with the projected cost of building and operating such service offerings and would be charged ratably based on each I&RS Members' use of such service offerings. Therefore, the proposed changes to implement such optional service offerings and the associated fees would not disproportionally impact any I&RS Members, have any effect on existing NSCC services other than to add a new method of transmitting, viewing and retrieving I&RS Data, nor have any adverse impact on competition.

Moreover, because the proposed rule changes would improve the efficiency by which subscribing I&RS Members may view, transmit and retrieve I&RS Data, the proposed rule change may have a positive effect on competition among Carriers and Distributors. The proposed features would provide these firms with a faster, more streamlined method of transmitting and receiving I&RS Data, and therefore could enable I&RS Eligible Products to be marketed more quickly. Specifically, I&RS Members could have the ability to distribute I&RS Eligible Products into the market to consumers more quickly because I&RS Members would have the ability to obtain information with respect to these products in a quicker, more efficient manner.

NSCC does not believe the clarifications to Rule 57 and Addendum A would impact competition. Such changes would help clarify the Rules. In addition, the changes would facilitate I&RS Members' understanding of the Rules and their obligations thereunder. The proposed changes would not affect NSCC's operations or the rights and obligations of the membership. As such, NSCC believes these proposed rule changes would not have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

NSCC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)[21] of the Act and paragraph (f)[22] of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSCC–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.

All submissions should refer to File Number SR–NSCC–2024–005. This file number should be included on the subject line if email is used. To help the Commission process and review your

[18] *Id.*

[19] 15 U.S.C. 78q–1(b)(3)(D).

[20] *Id.*

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

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 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NSCC and on DTCC's website (*dtcc.com/legal/sec-rule-filings*). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–NSCC–2024–005 and should be submitted on or before August 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15677 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100496; File No. SR–CboeEDGX–2024–041]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Introduce New Transaction Fee Tiers

July 11, 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 July 1, 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, 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

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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/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 its Fee Schedule applicable to its equities trading platform (''EDGX Equities'') by: (1) introducing a new Add Volume Tier and (2) introducing a new Market Quality Tier. The Exchange proposes to implement these changes effective July 1, 2024.

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,[3] no single registered equities exchange has more than 17% 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.[4] For orders in securities priced below $1.00, the Exchange provides a standard rebate of $0.00003 per share for orders that add liquidity and assesses a fee of 0.30% of the total dollar value for orders that remove liquidity.[5] 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.

Market Quality Tier

Under footnote 1 of the Fee Schedule, the Exchange currently offers various Add/Remove Volume Tiers that provide enhanced rebates for orders yielding fee codes B,[6] V,[7] Y,[8] 3,[9] and 4.[10] In particular, the Exchange offers one Market Quality Tier that provides an enhanced rebate where a Member

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (May 22, 2024), available at *https://www.cboe.com/us/equities/market_statistics/*.

[4] *See* EDGX Equities Fee Schedule, Standard Rates.

[5] *Id.*

[6] Fee code B is appended to orders that add liquidity to EDGX in Tape B securities.

[7] Fee code V is appended to orders that add liquidity to EDGX in Tape A securities.

[8] Fee code Y is appended to orders that add liquidity to EDGX in Tape C securities.

[9] Fee code 3 is appended to orders that add liquidity to EDGX in Tape A or Tape C securities during the pre and post market.

[10] Fee code 4 is appended to orders that add liquidity to EDGX in Tape B securities during the pre and post market.

reaches certain add and remove volume-based criteria. The Exchange now proposes to introduce a new Market Quality Tier. In conjunction with the introduction of a new Market Quality Tier 1, the Exchange also proposes to renumber the current Market Quality Tier 1 as Market Quality Tier 2. The proposed criteria for proposed Market Quality Tier 1 is as follows:

• Proposed Market Quality Tier 1 provides a rebate of $0.0025 per share for securities priced above $1.00 for qualifying orders (*i.e.,* orders yielding fee codes B, V, Y, 3, or 4) where (1) Member adds or removes an ADV [11] ≥0.36% of the TCV; [12] and (2) Member has a retail remove ADV (yielding fee codes ZM [13] or ZR [14]) ≥800,000; and (3) Member has a non-retail remove ADV (excluding fee codes ZM and ZR) ≥0.08% of the TCV.

Add/Remove Volume Tiers

Also under footnote 1, the Exchange offers various Add/Remove Volume Tiers that provide enhanced rebates for orders yielding fee codes B, V, Y, 3, and 4, where a Member reaches certain add or remove volume-based criteria. The Exchange now proposes to introduce a new Tier 6. In conjunction with the introduction of a new Tier 6, the Exchange also proposes to renumber the current Tiers 6–8. The proposed criteria for proposed Tier 6 is as follows:

• Proposed Tier 6 provides a rebate of $0.0031 per share for securities priced above $1.00 for qualifying orders (*i.e.,* orders yielding fee codes B, V, Y, 3, or 4) where (1) MPID adds an ADV (excluding fee codes ZA [15] and ZO [16]) ≥20,000,000; and (2) MPID has a QDP ADV (*i.e.,* yielding fee codes DQ [17] or DX [18]) ≥3,500,000.

The proposed introductions of proposed Market Quality Tier 1 and proposed Tier 6 are intended to provide Members an opportunity 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. Incentivizing an increase in liquidity adding and removing volume through enhanced rebate opportunities encourages Members on the Exchange to contribute to a deeper, more liquid market, 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.[19] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [20] 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) [21] 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) [22] 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 introduce a new Market Quality Tier 1 and a new Tier 6 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 a new Market Quality Tier 1 and a new Tier 6 is not a significant departure from existing criteria, is reasonably correlated to the enhanced rebates offered by the Exchange and other competing exchanges,[23] 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,[24] including the Exchange,[25] 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 of 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 introduce a new Market Quality Tier 1 and a new Tier 6 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 introduce a new Market Quality Tier 1 and a new Tier 6 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

[11] ADV means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis.

[12] 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.

[13] Fee code ZM is appended to Retail Orders entered with a time-in-force of Day/RHO or GTX that remove liquidity from EDGX upon arrival.

[14] Fee code ZR is appended to Retail Orders that remove liquidity from EDGX.

[15] Fee code ZA is appended to Retail Orders that add liquidity to EDGX.

[16] Fee code ZO is appended to Retail Orders that add liquidity to EDGX in the pre- and post-market.

[17] Fee code DQ is appended to QDP orders that add liquidity to EDGX.

[18] Fee code DX is appended to QDP orders that remove liquidity to EDGX.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *Id.*

[22] 15 U.S.C. 78f(b)(4).

[23] *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, Liquidity Provision Tiers, available at *https://info.memxtrading.com/equities-trading-resources/us-equities-fee-schedule/.*

[24] *See, e.g.,* BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

[25] *See, e.g.,* EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

improve market quality, for all investors.

The Exchange believes that its proposed introduction of proposed Market Quality Tier 1 and proposed Tier 6 is reasonable as it does 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 will be eligible for the proposed new tier and have the opportunity to meet the tier's 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 the new proposed tiers. While the Exchange has no way of predicting with certainty how the proposed changes will impact Member activity, based on the prior months volume, the Exchange anticipates that at least one Member will be able to satisfy proposed Market Quality Tier 1 and at least one Member will be able to satisfy proposed Tier 6. 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 changes would 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 introduction of proposed Market Quality Tier 1 and proposed Tier 6 will apply to all Members equally in that all Members are eligible for the tiers, have a reasonable opportunity to meet the tiers' criteria and will receive the enhanced rebate on their qualifying orders if such criteria is met. The Exchange does not believe the proposed change burdens competition, but rather, enhances competition as it is intended to increase the competitiveness of EDGX 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 17% of the market share.[26] 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.'' [27] 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'. . . .''.[28] 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 Act [29] and paragraph (f) of Rule 19b–4 [30] 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:

[26] *Supra* note 3.

[27] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[28] *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)).

[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f).

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–2024–041 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–2024–041. 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–2024–041 and should be submitted on or before August 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–15667 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100495; File No. 4–820]

Options Price Reporting Authority; Notice of Designation of a Longer Period for Commission Action on a Proposed Amendment To Modify Section 5.2(c)(iii) of the OPRA Plan Relating to Dissemination of Exchange Proprietary Data Information

July 11, 2024.

On November 8, 2023, the Cboe BZX Exchange, Inc. (''BZX Options''), Cboe Exchange, Inc. (''Cboe Options''), Cboe C2 Exchange, Inc. (''C2 Options''), and Cboe EDGX Exchange, Inc. (''EDGX Options'') (collectively, the ''Sponsors'' or ''Cboe'') filed with the Securities and Exchange Commission (''Commission'') a proposed amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA Plan''). The proposed amendment was published for comment in the **Federal Register** on January 22, 2024.[1]

On April 19, 2024, the Commission instituted proceedings pursuant to Rule 608(b)(2)(i) of Regulation NMS [2] under the Exchange Act to determine whether to approve or disapprove the proposed amendment or to approve the proposed amendment with any changes or subject to any conditions the Commission deems necessary or appropriate after considering public comment.[3] Rule 608(b)(2)(i) of Regulation NMS provides that such proceedings shall be concluded within 180 days of the date of publication of notice of the plan or amendment and that the time for conclusion of such proceedings may be extended for up to 60 days (up to 240 days from the date of publication of notice of the plan or amendment) if the Commission determines that a longer period is appropriate and publishes the reasons for such determination or the plan participants consent to a longer period.[4] The 180th day after publication of the Notice for the proposed amendment is July 20, 2024. The Commission is extending this 180-day period.

The Commission finds that it is appropriate to designate a longer period within which to conclude proceedings regarding the proposed amendment so that it has sufficient time to consider the proposed amendment and the comments received. Accordingly, pursuant to Rule 608(b)(2)(i) of Regulation NMS,[5] the Commission designates September 18, 2024, as the date by which the Commission shall conclude the proceedings to determine whether to approve or disapprove the proposed amendment or to approve the proposed amendment with any changes or subject to any conditions the Commission deems necessary or appropriate (File No. 4–820).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15666 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

[1] *See* Options Price Reporting Authority; Notice of Filing of Proposed Amendment to Modify Section 5.2(c)(iii) of the OPRA Plan Relating to Dissemination of Exchange Proprietary Data Information, Securities Exchange Act Release No. 99345 (Jan. 16, 2024), 89 FR 3963 (Jan. 22, 2024) (''Notice''). Comments received in response to the Notice can be found on the Commission's website at *https://www.sec.gov/comments/4-820/4-820.htm.*

[2] 17 CFR 242.608(b)(2)(i).

[3] *See* Options Price Reporting Authority; Order Instituting Proceedings to Determine Whether to Approve or Disapprove a Proposed Amendment To Modify Section 5.2(c)(iii) of the OPRA Plan Relating to Dissemination of Exchange Proprietary Data Information, Securities Exchange Act Release No. 99994 (Apr. 19, 2024), 89 FR 31785 (Apr. 25, 2024). Comments received in response to the Order Instituting Proceedings can be found on the Commission's website at *https://www.sec.gov/comments/4-820/4-820.htm.*

[4] *See* 17 CFR 242.608(b)(2)(i).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(85).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100505; File No. SR–BOX–2024–17]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule for Trading on the BOX Options Market LLC Facility (''BOX'')

July 11, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2024, BOX Exchange LLC (the ''Exchange'') 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 Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule on the BOX Options Market LLC (''BOX'') options facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *https://rules.boxexchange.com/rulefilings.*

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 the Fee Schedule for trading on BOX to include FLEX Open Outcry (''FOO'') volume toward the Qualified Contingent Cross (''QCC'') Growth Rebate.[5]

Currently, BOX offers a QCC Rebate and a QCC Growth Rebate.[6] Specifically, a QCC Rebate is paid to the Participant that entered the order into the BOX system when at least one party to the QCC transaction is a Broker Dealer or Market Maker. The Participant receives a per contract rebate on QCC transactions according to the tier achieved. Volume thresholds are calculated on a monthly basis by totaling the Participant's QCC Agency Order volume on BOX. When only one side of the QCC transaction is a Broker Dealer or Market Maker, Rebate 1 applies. When both parties to the QCC transaction are a Broker Dealer or Market Maker, Rebate 2 applies. The Exchange notes that the QCC Rebate is intended to incentivize the sending of QCC Orders to BOX.

The QCC Rebate tier structure is as follows:

Tier	QCC agency order volume on BOX (per month)	Rebate 1 (per contract)	Rebate 2 (per contract)
1	0 to 749,999 contracts	($0.14)	($0.22)
2	1,000,000[*sic*] to 1,499,999 contracts	(0.16)	(0.25)
3	1,500,000+ contracts	(0.17)	(0.27)

Additionally, the QCC Growth Rebate allows Participant's to qualify for the rebates listed in Tier 3 of the QCC Rebate if a Participant's QCC Agency Order volume on BOX achieves Tier 2 of the QCC Rebate in the month AND the Participant's total QCC volume combined with total Qualified Open Outcry (''QOO'') volume exceeds 5 million contracts per month. Strategy QOO Orders and Strategy QCC Orders are not counted toward the QCC Growth Rebate volume.[7]

The Exchange now proposes that FOO volume be counted toward the QCC Growth Rebate. Specifically, the Exchange proposes that if a Participant's QCC Agency Order volume on BOX achieves Tier 2 of the QCC Rebate in the month AND the Participant's total QCC volume combined with total QOO and FOO volume exceeds 5 million contracts per month, then the Participant will qualify for the rebates listed in Tier 3 of the QCC Rebate (''QCC Growth Rebate qualifications''). Strategy QOO Orders, Strategy FOO Orders, and Strategy QCC Orders will not be counted toward the QCC Growth Rebate volume. Further, Participants are entitled to one QCC Rebate in a given month, which would be the greater of the QCC Rebate in Section IV.D.1.a, or the QCC Growth Rebate detailed in Section IV.D.1.b, but not both.

The Exchange notes that a similar rebate currently exists at another options exchange.[8] Further, the Exchange believes that the proposal will encourage Participants to send increased QCC, FOO, and QOO order flow to BOX in order to achieve a higher rebate.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5)of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange's proposal to include FOO volume toward the QCC Growth Rebate is reasonable because this rebate will provide additional incentives for BOX Participants to engage in substantial amounts of trading activity which would serve to bring additional open outcry liquidity to the Trading Floor and QCC order flow to BOX's electronic market.

As discussed above, the Exchange notes that a similar QCC rebate currently exists at another exchange.[10] The Exchange believes that the proposed QCC Growth Rebate qualifications are reasonable because they offer Participants an additional opportunity to achieve a higher QCC rebate. Additionally, the Exchange's proposal to include FOO volume toward the QCC Growth Rebate is equitable and not unfairly discriminatory because any

[5] The Exchange recently established transaction fees and rebates applicable to the FOO Order type on the BOX Trading Floor. *See* Securities Exchange Act Release No. 100396 (June 21, 2024), 89 FR 53693 (June 27, 2024) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend the Fee Schedule for Trading on the BOX Options Market LLC Facility).

[6] *See* BOX Fee Schedule Section IV.D.1.

[7] *See* BOX Fee Schedule Section IV.D.1.b.

[8] *See* NYSE American LLC (''NYSE American'') Fee Schedule (Section I.F.QCC Fees & Credits). Although the NYSE American Fee Schedule does not reference FLEX options, the Exchange believes that FLEX options are included in the Section I.F.QCC Fees & Credits calculation of manual billable sides, which provides a QCC Billable Bonus Rebate. The Exchange notes that the structure and rebates differ, however, the concept of combining manual billable (including FLEX options) and QCC billable volume to determine rebates is similar to the proposal.

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] *See supra* note 8.

Participant may qualify for this rebate.[11] All BOX Participants may enter order flow to obtain a QCC Growth Rebate.

The Exchange believes the proposal will create an incentive for Participants to bring liquidity to BOX—both electronically and on the Trading Floor. The Exchange believes that if the proposed incentive is effective, then an ensuing increase in trading activity on BOX will improve the quality of the market to the benefit of all market participants. Further, to the extent this proposal attracts new Participant volume to BOX, all market participants should benefit through increased liquidity and more trading opportunities. The Exchange believes this proposal is designed to increase participation on BOX and reward those Participants for the unique role they play in ensuring a robust market.

The Exchange's exclusion of QCC, FOO, and QOO strategy transactions is reasonable as Strategy QCC transactions are not currently assessed a fee and Strategy QOO and Strategy FOO transactions are subject to the fee caps and rebates detailed in Section V.D of the BOX Fee Schedule. The Exchange also notes that other exchanges exclude strategy transactions from certain rebates.[12] Further, the exclusion of strategy transactions from the QCC Growth Rebate is equitable and not unfairly discriminatory as this exclusion will be uniformly applied to all Participant types.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The proposal does not impose an undue burden on intermarket competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact its business. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges. Because competitors are free to modify their own fees and rebates in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

The Exchange believes that the QCC Growth Rebate as amended will encourage market participants to send greater amounts of QCC orders, FOO Orders, and QOO Orders to BOX for execution in order to obtain greater rebates and lower their costs. Further, the proposed QCC Growth Rebate should incentivize a greater amount of floor transactions on BOX, thereby allowing BOX to compete more effectively with other options floor models. The Exchange believes that the additional liquidity will enhance the quality of BOX's market and increase certain trading opportunities on BOX's Trading Floor.

The Exchange believes that its proposal will not place any category of market participant at a competitive disadvantage and therefore does not impose an undue burden on intra-market competition. The Exchange notes that any market participant may send an order to a BOX Floor Broker for execution on BOX's Trading Floor.

The Exchange's exclusion of FOO strategy transactions from the volume counted toward the QCC Growth Rebate does not impose an undue burden on competition as the exclusion will be uniformly applied to all Participant types.

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 Exchange Act[13] and Rule 19b–4(f)(2) thereunder,[14] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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–BOX–2024–17 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–BOX–2024–17. 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

[11] The Exchange notes that all BOX Participants may transact options business electronically or on the BOX Trading Floor with a registered Trading Permit. The Exchange notes further that any market participant may send an order to a BOX Floor Broker for execution on BOX's Trading Floor.

[12] *See* Nasdaq PHLX LLC (''Nasdaq PHLX'') Rules, Section 6.B. FLEX Transaction Fees (providing that the Monthly Firm Fee Cap, Monthly Market Maker Cap, Strategy Caps and the Options Surcharge in BKX, described in Options 7, Section 4 will apply to this Section 6.B. No other fees described in Options 7, Section 4 will apply to this Section 6.B.). The Exchange notes that Nasdaq PHLX Options 7, Section 4 includes QCC Rebates which are inapplicable to Section 6.B FLEX Transaction Fees by its terms. *See also* NYSE American Fee Schedule (Section III.E.1.Floor Broker Incentive and Rebate Programs). The Exchange notes that NYSE American's Manual Billable Rebate Program does not include volume calculated to achieve the Strategy Execution Fee Cap, regardless of whether the cap is achieved.

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

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–BOX–2024–17 and should be submitted on or before August 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15675 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100506; File No. SR–NYSEARCA–2024–58]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

July 11, 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 July 1, 2024, NYSE Arca, Inc. (''NYSE Arca'' or the ''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 NYSE Arca Equities Fees and Charges (''Fee Schedule'') to expand the application of providing an additional calculation for purposes of determining whether an ETP Holder qualifies for fees and credits that pertain to providing liquidity. The Exchange proposes to implement the fee change effective July 1, 2024. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to expand the application of providing an additional calculation for purposes of determining whether an ETP Holder qualifies for fees and credits that pertain to providing liquidity. More specifically, the proposed additional calculation would apply to the following pricing tier in Section VII. of the Fee Schedule: Tape B Tiers.[3] The Exchange proposes to implement the fee change effective July 1, 2024.

Background

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 16 exchanges,[6] numerous alternative trading systems,[7] and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange currently has more than 20% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange currently has less than 12% market share of executed volume of equities trading.[9]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which the firm routes order flow. Accordingly, competitive forces compel the Exchange to use exchange transaction fees and credits because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Proposed Rule Change

The Exchange currently provides ETP Holders with various tiered credits for executing orders that add liquidity to the Exchange and charges them various fees for executing orders that remove liquidity from the Exchange, as set forth in Section VII. of the Fee Schedule, titled ''Tier Rates—Round Lots and Odd Lots. The fees and credits enumerated in Section VII. apply to all securities priced at $1 or more that are executed on the Exchange. ETP Holders may qualify for tiers of discounted fees and premium credits based, in part, upon the volume of their activities on the Exchange as a percentage of total ''Consolidated Average Daily Volume'' or ''CADV.''

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Tape B Tiers refers to Tiers 1 through 3 and the Step Up tiers under the Tape B Tiers pricing tier table on the Fee Schedule.

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[6] *See* Cboe U.S Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share.*

[7] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] *See id.*

Pursuant to Section I. of the Fee Schedule, the term ''CADV'' means, unless otherwise stated, the United States consolidated average daily volume of transactions reported to a securities information processor (''SIP''). Transactions that are not reported to a SIP are not included in the CADV. If CADV is preceded by a reference to a Tape or to Sub-Dollar, then CADV would refer to all consolidated average daily volume of transactions reported to a SIP for all securities in that Tape or to all Sub-Dollar securities. Per the Fee Schedule, trade activity on days when the market closes early and on the date of the annual reconstitution of the Russell Investment Indexes does not count toward volume tiers.[10] For purposes of determining trade related fees and credits based on CADV, the Exchange may exclude any day that (1) the Exchange is not open for the entire trading day and/or (2) a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours.[11]

Generally, the ratio of consolidated volumes in securities priced at or above $1 (''dollar plus volume'') relative to consolidated volumes inclusive of securities priced below a dollar is usually stable from month to month, such that ''CADV'' has been a reasonable baseline for determining tiered incentives for ETP Holders that execute dollar plus volume on the Exchange. However, there have been a few months where volumes in securities priced below a dollar (''sub-dollar volume'') have been elevated, thereby impacting the ratio mentioned above.

Anomalous rises in sub-dollar volume stand to have a material adverse impact on ETP Holders' qualifications for pricing tiers/incentives because such qualifications depend upon ETP Holders achieving threshold percentages of volumes as a percentage of CADV, and an extraordinary rise in sub-dollar volume stands to elevate CADV. As a result, ETP Holders may find it more difficult, if not practically impossible, to qualify for or to continue to qualify for their existing incentives during months where there are such rises in sub-dollar volumes, even if their dollar plus volumes have not diminished relative to prior months.

The Exchange believes that it would be unfair for ETP Holders that execute significant dollar plus volumes on the Exchange to fail to achieve or to lose their existing incentives for such volumes due to anomalous behavior that is extraneous to them. To address the anomalous activity in sub-dollar volume, the Exchange recently adopted an additional calculation methodology for purposes of determining whether an ETP Holder qualifies for fees and credits that pertain to providing liquidity for the following pricing tiers in Section VII. of the Fee Schedule: Adding Tiers, Limit Non-Display Step Up Tier and Tape C Tiers for Adding.[12] For those pricing tiers, the Exchange calculates an ETP Holder's equity volume and total equity CADV twice. First, the Exchange calculates an ETP Holder's equity volume and total equity CADV inclusive of volume that consists of executions in securities priced less than $1. Second, the Exchange calculates an ETP Holder's equity volume and total equity CADV exclusive of volume that consists of executions in securities priced less than $1. The Exchange then assesses which of these two calculations would qualify the ETP Holder for the most advantageous fees and credits for the month and the Exchange then applies those to the ETP Holder.

The Exchange now proposes to expand the application of providing the additional calculation described above for purposes of determining whether an ETP Holder qualifies for fees and credits that pertain to providing liquidity under the Tape B Tiers pricing tier. With this proposed rule change, the Exchange is expanding the remedy so that it can efficiently allocate its limited resources for incentives while seeking to avoid extraordinary spikes in sub-dollar volumes from adversely affecting an ETP Holder's qualification of incentives for their dollar plus stock executions.

The proposed expansion of providing an additional calculation of CADV is intended to limit the cost impact on the Exchange, while still providing some relief to ETP Holders in months with extraordinary spikes in sub-dollar volumes. It is appropriate for the Exchange to devote to incentive programs in a meaningful way and to reallocate these incentives periodically in a manner that best achieves the Exchange's overall mix of objectives.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market. 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.'' [15] As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market.

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including credits and fees that apply based upon members achieving certain volume thresholds. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, the Exchange's fees are reasonably constrained by competitive alternatives and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange believes that the proposal to amend the Fee Schedule is reasonable and equitable because, in its absence, ETP Holders may experience material adverse impacts on their ability to qualify for certain incentives during

[10] *See* Fee Schedule, Footnote 1.

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 100350 (June 14, 2024), 89 FR 52153 (June 21, 2024) (SR–NYSEArca–2024–50).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] *See* Regulation NMS, *supra* note 5, 70 FR at 37499.

a month with an anomalous rise in sub-dollar volumes. The Exchange does not wish to penalize ETP Holders that execute significant volumes on the Exchange due to anomalous and extraneous trading activities of a small number of firms in sub-dollar securities. The proposed rule would seek to provide a means for ETP Holders that provide liquidity to avoid such a penalty by determining whether calculating ETP Holder equity volume and total equity CADV to include or exclude sub-dollar volume would result in ETP Holders qualifying for the most advantageous fees and credits, and then applying the calculations that would result in the incentives for providing liquidity that are most advantageous to each ETP Holder. The Exchange believes it is reasonable to expand the application of the additional calculation to incentives that pertain to providing liquidity to additional pricing tiers because the pricing tiers that are the subject of this proposed rule change have also been impacted by anomalous spikes in sub-dollar volumes, and applying the additional calculation to the specified pricing tiers would alleviate burden on ETP Holders from being disadvantaged by trading over which it has little or no control. The Exchange believes that the proposed rule change is an equitable allocation and is not unfairly discriminatory because the Exchange does not intend for the proposal to advantage any particular ETP Holders and the Exchange will apply the additional calculation to all similarly situated ETP Holders.

On the backdrop of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt by the Exchange to maintain, if not improve its market share relative to its competitors.

Finally, the submission of orders to the Exchange is optional for ETP Holders in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard. The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[16] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition. The Exchange does not believe that its proposal would place any category of Exchange participant at a competitive disadvantage. The Exchange intends for its proposed changes to the fees and credits to reallocate its limited resources more efficiently and to align them with the Exchange's overall mix of objectives. The proposed rule change is intended to help avoid pricing disadvantages due to anomalous spikes in sub-dollar volumes and is not intended to provide a competitive advantage to any one particular ETP Holder. The additional calculation would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchanges and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's market share of intraday trading (*i.e.,* excluding auctions) is currently less than 12%. In such an environment, the Exchange must continually review, and consider adjusting its fees and credits to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)[17] of the Act and paragraph (f) thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2024–58 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–NYSEARCA–2024–58. 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 10:00 a.m. and 3:00 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

[16] 15 U.S.C. 78f(b)(8).

[17] 15 U.S.C. 78s(b)(3)(A).

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–NYSEARCA–2024–58, and should be submitted on or before August 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15676 Filed 7–16–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100501; File No. SR-CboeEDGX–2024–042]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

July 11, 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 July 1, 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 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 its Fees 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/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 its Fees Schedule, effective July 1, 2024. 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 17 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 15% of the market share.[3] Thus, in such a low-concentrated and highly competitive market, no single options exchange, including the Exchange, possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange's Fees Schedule sets forth standard rebates and rates applied per contract. For example, the Exchange provides standard rebates ranging from $0.01 up to $0.22 per contract for Customer orders in Penny and Non-Penny Securities. The Fee Codes and Associated Fees section of the Fees Schedule also provides for certain fee codes associated with certain order types and market participants that provide for various other fees or rebates. For example, the Exchange provides a rebate of $0.01 per contract for Customer orders that remove liquidity, in Non-Penny Securities, yielding fee code NC; provides a rebate of $0.01 per contract for Customer orders that remove liquidity, in Penny Securities, yielding fee code PC; and provides a rebate of $0.01 per contract for Customer (contra Non-Customer) orders that add liquidity, yielding fee code CA.

Customer Volume Tiers

The Exchange proposes to amend Footnote 1 (Customer Volume Tiers), applicable to orders yielding fee codes PC, NC, and CA.[4] Pursuant to Footnote 1 of the Fee Schedule, the Exchange currently offers five Customer Volume Tiers that provide rebates between $0.10 and $0.22 per contract for qualifying customer orders yielding fee codes PC, NC and CA where a Member meets required criteria. The Exchange proposes to amend this Customer Volume Tier program to add a new Customer Volume Tier, specifically a Customer Cross-Asset Tier, which requires participation on the Exchange's equities platform (''EDGX Equities''). Under the proposed tier, the Exchange would provide a rebate of $0.18 per contract if a Member has (1) an ADV in Customer orders of ≥1.75% of average OCV; (2) an ADAV in Simple Customer Non-Crossing orders yielding fee code CA ≥0.55% of average OCV; (3) an ADV in Firm orders ≥0.20% of average OCV; and (4) has on EDGX Equities an ADAV ≥0.45% of average TCV.[5]

The Exchange believes that the proposed changes to the Customer Volume Tier program are designed overall to incentivize more Customer order flow and to direct an increase of order flow to the EDGX Options Order Book. The Exchange believes that an increase in Customer order flow and overall order flow to the Exchange's Book creates more trading opportunities, which, in turn attracts Market Makers. A resulting increase in Market Maker activity may facilitate tighter spreads, which may lead to an additional increase of order flow from

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Cboe Global Markets U.S. Options Market Monthly Volume Summary (June 26, 2024), available at *https://markets.cboe.com/us/options/market_statistics/*.

[4] As part of the proposed rule change, the Exchange proposes to amend ''Required Criteria'' language in Tiers 3, 4, and 5 to conform to new proposed language in Tier 6 and list ''yielding fee code CA'' directly within the requirements (rather than in a parenthetical).

[5] The Exchange notes that the Fee Codes and Associated Fees table already includes a reference to a rebate of $0.18 for fee codes PC and NC (as such amount is also offered under Tier 4 of the Customer Volume Tiers) and as such, no further updates are required with respect to the Fee Codes and Associated Fees table.

other market participants, further contributing to a deeper, more liquid market to the benefit of all market participants by creating a more robust and well-balanced market ecosystem.

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.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] 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)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[9] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

In particular, the Exchange believes the proposed change to the Customer Volume Tier program is reasonable because it provides an additional opportunity for Members to receive a rebate by providing alternative criteria for which they can reach. The Exchange notes that volume-based incentives and discounts have been widely adopted by exchanges,[10] including the Exchange,[11] 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. Additionally, as noted above, the Exchange operates in a highly competitive market. The Exchange is only one of several options venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. Competing options exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon Members achieving certain volume and/or growth thresholds. These competing pricing schedules, moreover, are presently comparable to those that the Exchange provides.

Moreover, the Exchange believes the proposed Customer Cross-Asset Tier is a reasonable means to encourage Members to increase their liquidity on the Exchange and also their participation on EDGX Equities. The Exchange believes that adopting tiers with alternative criteria to the existing Customer Volume Tiers may encourage those Members who could not previously achieve the criteria under existing Customer Volume Tiers to increase their order flow on EDGX Options and Equities.

For example, the proposed Customer Cross-Asset Tier would provide an opportunity for Members who have an ADAV in Simple Customer Non-Crossing orders yielding fee code CA of at least 0.55% of average OCV, but less than the more stringent 0.65% of average OCV (the requirement under current Tier 4) or the more stringent 1.25% of average OCV (the requirement under current Tier 5) orders of at least 0.20% of average OCV and have an ADV in Customer orders of at least 1.75% of average OCV, but less than the more stringent 2.00% of average OCV (the requirement under current Tier 5), to receive a higher rebate than they may currently receive but equal or slightly lower than the rebate they would receive for reaching the more stringent criteria under current Tiers 4 and 5, if they also meet the other threshold requirements, including the threshold requirement based on EDGX Equities participation. Similarly, for Members that participate on both EDGX Options and Equities, and do not currently meet the thresholds under current tiers, but can or do meet the proposed equities thresholds, the proposed tier may incentivize those participants to grow their options volume in order to receive enhanced rebates. Increased liquidity benefits all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. The Exchange also believes that proposed enhanced rebate is reasonable based on the difficulty of satisfying the tier's criteria and ensures the proposed rebate and thresholds appropriately reflect the incremental difficulty to achieve the existing Customer Volume Tiers.

The proposed enhanced rebate amounts also do not represent a significant departure from the enhanced rebates currently offered under the Exchange's existing Customer Volume Tiers. Indeed, the proposed enhanced rebate amount under the proposed Customer Cross-Asset Tier ($0.18) is incrementally higher than current Tiers 1, 2, and 3 ($0.10, $0.13, and $0.17, respectively), which the Exchange believes offer slightly less stringent criteria than the proposed Customer Cross-Asset Tier, but is incrementally lower than the rebate offered under existing Tier 5 ($0.22), which the Exchange believes is more stringent than the proposed criteria under the proposed Customer Cross-Asset Tier. Similarly, the proposed enhanced rebate amount under the proposed Customer Cross-Asset Tier ($0.18) is the same as current Tier 4 ($0.18), which the Exchange believes reflects a similar level of difficulty but using alternative types of criteria. The Exchange also notes that the proposed rebate remains within the range of the enhanced rebates offered under the current Customer Volume Tiers (*i.e.,* $0.10–$0.22).

As noted above, the Exchange believes that the proposed changes to the Customer Volume Tier program will incentivize more Customer order flow and direct an increase of order flow to the EDGX Options Order Book. The Exchange believes that an increase in Customer order flow and overall order flow to the Exchange's Book creates more trading opportunities, which, in turn attracts Market Makers. The Exchange notes that increased Market Maker activity, particularly, facilitates tighter spreads and an increase in overall liquidity provider activity, both of which signal additional corresponding increase in order flow from other market participants, contributing towards a robust, well-balanced market ecosystem. Indeed, increased overall order flow benefits investors across both the Exchange's options and equities platforms by

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

[9] 15 U.S.C. 78f(b)(4).

[10] *See e.g.,* Cboe BZX U.S. Options Exchange Fee Schedule, Footnote 1, Customer Penny Add Volume Tiers, which provide enhanced rebates between $0.35 and $0.53 per contract for certain Customer Penny orders where Members meet certain volume thresholds.

[11] *See e.g.,* Cboe EDGX U.S. Options Exchange Fee Schedule, Footnote 2, Market Maker Volume Tiers which provide enhanced rebates for certain Market Maker Penny and Non-Penny orders where Members meet certain volume thresholds.

continuing to deepen the Exchange's liquidity pool, potentially providing even 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 improving investor protection.

The Exchange believes that the proposal represents an equitable allocation of fees and is not unfairly discriminatory because it applies uniformly to all Members. While the Exchange has no way of knowing whether this proposed rule change would definitively result in any particular Market Maker qualifying for the proposed tiers, the Exchange anticipates that approximately one Market Maker will be able to compete for and achieve the proposed criteria of the Customer Cross-Asset Tier; however, the proposed tier is open to any Market Maker that satisfies the tier's criteria. The Exchange believes the proposed tier could provide an incentive for other Members to submit additional liquidity on EDGX Options and Equities to qualify for the proposed enhanced rebates. To the extent a Member participates on the Exchange but not on EDGX Equities, the Exchange does believe that the proposal is still reasonable, equitably allocated and non-discriminatory with respect to such Member based on the overall benefit to the Exchange resulting from the success of EDGX Equities. Particularly, the Exchange believes such success allows the Exchange to continue to provide and potentially expand its existing incentive programs to the benefit of all participants on the Exchange, whether they participate on EDGX Equities or not. The proposed pricing program is also fair and equitable in that membership in EDGX Equities is available to all market participants, which would provide them with access to the benefits on EDGX Equities provided by the proposed change, even where a member of EDGX Equities is not necessarily eligible for the proposed enhanced rebates on the Exchange.

The Exchange also notes that it does not believe the proposed tier will adversely impact any Member's pricing or ability to qualify for other tiers. Rather, should a Member not meet the proposed criteria, the Member will merely not receive the proposed enhanced rebate, and has five alternative choices to aim to achieve under the Customer Volume Tiers. Furthermore, the proposed enhanced rebate would apply to all Members that meet the required criteria under proposed tier.

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 the proposed changes to the Customer Volume Tiers will impose any burden on intramarket competition. Particularly, the proposed change applies uniformly to all Members. As discussed above, to the extent a Member participates on the Exchange but not on EDGX Equities, the Exchange notes that the proposed changes can provide an overall benefit to the Exchange resulting from the success of EDGX Equities. Such success enables the Exchange to continue to provide and potentially expand its existing incentive programs to the benefit of all participants on the Exchange, whether they participate on EDGX Equities or not. The proposed pricing program is also fair and equitable in that membership in EDGX Equities is available to all market participants. Additionally, the proposed change is designed to attract additional order flow to the Exchange and EDGX Equities. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages Members to send orders, thereby contributing to robust levels of liquidity, which benefits all market participant. As a result, the Exchange believes that the proposed change furthers 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.'' [12]

The Exchange does not believe that the proposed rule changes will 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 16 other options exchanges and off-exchange venues. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single options exchange has more than 15% of the market share.[13] Therefore, no exchange possesses significant pricing power in the execution of option 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.'' [14] 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'. . . .''.[15] 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 Act [16] and paragraph (f) of Rule 19b–4 [17] 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

[12] Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

[13] *See supra* note 3.

[14] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[15] *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)).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGX–2024–042 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–2024–042. 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–2024–042 and should be submitted on or before August 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15671 Filed 7–16–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100504; File No. SR–EMERALD–2024–17]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule for Customer Orders Routed to Another Options Exchange

July 11, 2024.

Pursuant to the provisions of 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 June 28, 2024, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the MIAX Emerald Options Exchange Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/miax-options/rule-filings,* at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the exchange grouping of options exchanges within the routing fee table in Section 1)c) [sic] of the Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange to adjust the groupings of options exchanges.

Background

Currently, the Exchange assesses routing fees based upon (i) the origin type of the order; (ii) whether or not it is an order for standard option classes in the Penny Interval Program[3] (''Penny classes'') or an order for standard option classes which are not in the Penny Interval Program (''Non-Penny classes'') (or other explicitly identified classes); and (iii) to which away market it is being routed. This assessment practice is identical to the routing fees assessment practice currently utilized by the Exchange's affiliates, Miami International Securities Exchange, LLC (''MIAX Options'') and MIAX PEARL, LLC (''MIAX Pearl''). This is also similar to the methodology utilized by the Cboe BZX Exchange, Inc. (''Cboe BZX Options''), a competing options exchange, in assessing routing fees. Cboe BZX Options has exchange groupings in its fee schedule, similar to those of the Exchange, whereby several exchanges are grouped into the same category dependent upon the order's origin type and whether it is a Penny or Non-Penny class.[4]

As a result of conducting a periodic review of the current transaction fees charged by away markets the Exchange has determined to amend the exchange groupings of options exchanges within the routing fee table to better reflect the associated costs and fees of routing customer orders to certain away markets for execution.

Proposal

The Exchange proposes to amend the table in Section 1)b) of the Exchange's Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange.

Under this proposed change, the Exchange will not amend the fees

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 510(c).

[4] *See* Cboe U.S. Options Fee Schedules, BZX Options, effective March 1, 2024, ''Fee Codes and Associated Fees,'' at *https://www.cboe.com/us/options/membership/fee_schedule/bzx/.*

associated with the exchange groupings. This proposal merely seeks to amend the exchange groupings as described in the routing fee table below.

Description	Fees
Routed, Priority Customer, Penny Program, to: NYSE American, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX (except SPY), Nasdaq MRX	$0.15
Routed, Priority Customer, Penny Program, to: BOX	0.30
Routed, Priority Customer, Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, Nasdaq ISE, NOM, Nasdaq PHLX (SPY only), MIAX Pearl, Nasdaq BX Options, MEMX	0.65
Routed, Priority Customer, Non-Penny Program, to: NYSE American, BOX, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX, Nasdaq MRX	0.15
Routed, Priority Customer, Non-Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, MIAX Pearl, Nasdaq GEMX, NOM, Nasdaq BX Options, Nasdaq ISE, MEMX	1.00
Routed, Public Customer that is not a Priority Customer, Penny Program, to: NYSE American, NYSE Arca Options, Cboe BZX Options, BOX, Cboe, Cboe C2, Cboe EDGX Options, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, MIAX, MIAX Pearl, NOM, Nasdaq PHLX, Nasdaq BX Options, MEMX	0.65
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: MIAX, NYSE American, Cboe, Nasdaq PHLX, Cboe EDGX Options, NOM	1.00
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe C2, BOX	1.15
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE Arca Options, Nasdaq GEMX, Nasdaq MRX, MIAX Pearl, MEMX	1.25
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe BZX Options, Nasdaq ISE, Nasdaq BX Options	1.40

Nasdaq MRX

Nasdaq MRX recently amended its fee structure to ''no longer offer Maker Rebates for adding liquidity and instead offer Taker Rebates for removing liquidity. With this new structure, the Exchange [Nasdaq MRX] would continue to assess Priority Customers no Maker Fees for Penny and Non-Penny Symbols to continue to encourage Members to send Priority Customer order flow that adds liquidity to MRX and rests on the order book. The Exchange proposes to begin offering Priority Customer Taker Rebates in Penny and Non-Penny Symbols . . .'' [5] In response to Nasdaq MRX's filing, the Exchange proposes to adjust the grouping of Nasdaq MRX in both the Penny and Non-Penny tiers in the Exchange's routing fee table.

Specifically, the Exchange proposes to amend the ''Routed, Priority Customer, Penny Program'' $0.15 fee tier to remove the ''SPY only'' qualification for orders routed to Nasdaq MRX, so that all Priority Customer orders for Penny Program symbols routed to Nasdaq MRX will be assessed the same $0.15 fee. The Exchange also proposes to amend the ''Routed, Priority Customer, Penny Program'' $0.30 fee tier to remove Nasdaq MRX from the tier completely, as all Priority Customer orders in the Penny Program are now eligible for the $0.15 tier under this proposal. The Exchange also proposes to amend the ''Routed, Priority Customer, Non-Penny Program'' $0.15 tier to add Nasdaq MRX. Finally, the Exchange proposes to eliminate the ''Routed, Priority Customer, Non-Penny Program'' $0.50 tier in its entirety as Nasdaq MRX was the only destination exchange in this tier, and given Nasdaq MRX's recent fee schedule change this tier is now obsolete.

BOX

The Exchange proposes to remove ''BOX (except SPY)'' from the ''Routed, Priority Customer, Penny Program'' $0.15 tier. The Exchange also proposes to amend the ''Routed, Priority Customer, Penny Program'' $0.30 tier to remove the qualification of ''SPY only'' so that all Priority Customer orders for Penny Program symbols routed to BOX will similarly be assessed a $0.30 fee. This change is being made as BOX recently amended its fee schedule and now assesses a $0.10 Taker fee for Public Customer orders that remove liquidity in SPY, QQQ, and IWM.[6]

The purpose of the proposal is to adjust the routing fee groups for orders routed to other exchanges to better reflect the associated costs for that routed execution in Penny and Non-Penny Classes as determined by the fees and rebates assessed at the executing exchange. In determining to amend its groupings the Exchange took into account transaction fees assessed by the away market to which the Exchange routes orders, as well as the Exchange's clearing costs, administrative, regulatory, and technical costs associated with routing orders to an away market. The Exchange uses unaffiliated routing brokers to route orders to the away markets; the costs associated with the use of these services are included in the routing fees specified in the Fee Schedule. This routing fee structure is not only similar to the Exchange's affiliates, MIAX Options and MIAX Pearl, but is also comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[7] The Exchange's routing fee structure approximates the Exchange's costs associated with routing orders to away markets. The per-contract transaction fee amount associated with each grouping closely approximates the Exchange's all-in cost (plus an additional, non-material amount) [8] to execute that corresponding contract at that corresponding exchange.

The Exchange notes that in determining whether to adjust certain groupings of options exchanges in the routing fee table, the Exchange considered the transaction fees assessed by away markets, and determined to amend the grouping of exchanges that assess transaction fees for routed orders within a similar range. This same logic and structure applies to all of the groupings in the routing fee table. By utilizing the same structure that is utilized by the Exchange's affiliates, MIAX Options and MIAX Pearl, the

[5] *See* Nasdaq MRX proposal (SR–MRX–2024–16).

[6] *See* BOX Exchange Fee Schedule, Section IV, Electronic Transaction Fees, A, Non-Auction Transactions.

[7] *See supra* note 4. The Cboe BZX Options fee schedule has exchange groupings, whereby several exchanges are grouped into the same category, dependent on the order's Origin type and whether it is a Penny or Non-Penny class.

[8] This amount is to cover de minimis differences/changes to away market fees (*i.e.,* minor increases or decreases) that would not necessitate a fee filing by the Exchange to re-categorize the away exchange into a different grouping. Routing fees are not intended to be a profit center for the Exchange and the Exchange's goal regarding routing fees and expenses is to be as close as possible to net neutral.

Exchange's Members [9] will be assessed routing fees in a similar manner. The Exchange notes that its affiliates, MIAX Options and MIAX Pearl, will file to make the same proposed routing fee changes contained herein.

Implementation

The proposed rule changes will become effective on July 1, 2024.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [10] in general, and furthers the objectives of Section 6(b)(4) of the Act [11] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [12] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that the proposed changes to the exchange groupings of options exchanges within the routing fee table furthers the objectives of Section 6(b)(4) of the Act and is reasonable, equitable and not unfairly discriminatory because the proposed change will continue to apply in the same manner to all Members that are subject to routing fees. The Exchange believes the proposed changes to the routing fee table exchange groupings furthers the objectives of Section 6(b)(5) of the Act and is designed to promote just and equitable principles of trade and is not unfairly discriminatory because the proposed changes seek to recoup costs that are incurred by the Exchange when routing Priority and Public Customer Orders to away markets on behalf of Members and does so in the same manner for all Members that are subject to routing fees. The costs to the Exchange to route orders to away markets for execution primarily includes transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange believes that the proposed re-categorization of certain exchange groupings would enable the Exchange to better reflect the costs and fees associated with routing orders to other exchanges for execution.

The Exchange places away markets in the fee tier grouping that best approximates the Exchange's costs and fees to route the orders in that segment to that away market. The per-contract transaction fee amount associated with each grouping approximates the Exchange's all-in cost (plus an additional, non-material amount) [13] to execute the corresponding contract at the corresponding exchange. The Exchange believes its tier structure represents the best approach to reflect the costs and fees associated with routing and executing orders on other exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed re-categorization of certain exchange groupings is intended to enable the Exchange to recover the costs it incurs to route orders to away markets. The costs to the Exchange to route orders to away markets for execution primarily includes the transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange does not believe that this proposal imposes any unnecessary burden on competition because it seeks to better reflect the costs and fees incurred by the Exchange when routing orders to away markets on behalf of Members and notes that at least one other options exchange has a similar routing fee structure.[14]

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,[15] and Rule 19b–4(f)(2) [16] 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 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–EMERALD–2024–17 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–EMERALD–2024–17. 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

[9] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78f(b)(5).

[13] *See supra* note 8.

[14] *See supra* note 4.

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

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–EMERALD–2024–17 and should be submitted on or before August 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15674 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100499; File No. SR–LTSE–2024–03]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Transition to a New Trading Platform and Amend Its Trading Rules

July 11, 2024.

On May 9, 2024, Long-Term Stock Exchange, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to transition to a new trading platform and amend its trading rules. The proposed rule change was published for comment in the **Federal Register** on May 28, 2024.[3] The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is July 12, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates August 26, 2024 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–LTSE–2024–03).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–15669 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100503; File No. SR–PEARL–2024–29]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Fee Schedule for Customer Orders Routed to Another Options Exchange

July 11, 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 June 28, 2024, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Pearl Options Fee Schedule (''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/pearl-options/rule-filings* at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the exchange grouping of options exchanges within the routing fee table in Section 1)b) of the Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange to adjust the groupings of options exchanges.

Background

Currently, the Exchange assesses routing fees based upon (i) the origin type of the order; (ii) whether or not it is an order for standard option classes in the Penny Interval Program[3] (''Penny classes'') or an order for standard option classes which are not in the Penny Interval Program (''Non-Penny classes'') (or other explicitly identified classes); and (iii) to which away market it is being routed. This assessment practice is identical to the routing fees assessment practice currently utilized by the Exchange's affiliates, Miami International Securities Exchange, LLC (''MIAX Options'') and MIAX Emerald, LLC (''MIAX Emerald''). This is also similar to the methodology utilized by the Cboe BZX Exchange, Inc. (''Cboe BZX Options''), a competing options exchange, in assessing routing fees. Cboe BZX Options has exchange groupings in its fee schedule, similar to those of the Exchange, whereby several exchanges are grouped into the same category dependent upon the order's origin type and whether it is a Penny or Non-Penny class.[4]

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 100205 (May 21, 2024), 89 FR 46225.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 510(c).

[4] *See* Cboe U.S. Options Fee Schedules, BZX Options, effective March 1, 2024, ''Fee Codes and

As a result of conducting a periodic review of the current transaction fees charged by away markets the Exchange has determined to amend the exchange groupings of options exchanges within the routing fee table to better reflect the associated costs and fees of routing customer orders to certain away markets for execution.

Proposal

The Exchange proposes to amend the table in Section 1)b) of the Exchange's Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange.

Under this proposed change, the Exchange will not amend the fees associated with the exchange groupings. This proposal merely seeks to amend the exchange groupings as described in the routing fee table below.

Description	Fees
Routed, Priority Customer, Penny Program, to: NYSE American, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX (except SPY), Nasdaq MRX	$0.15
Routed, Priority Customer, Penny Program, to: BOX	0.30
Routed, Priority Customer, Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, Nasdaq ISE, NOM, Nasdaq PHLX (SPY only), MIAX Emerald, Nasdaq BX Options, MEMX	0.65
Routed, Priority Customer, Non-Penny Program, to: NYSE American, BOX, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX, Nasdaq MRX	0.15
Routed, Priority Customer, Non-Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, NOM, MIAX Emerald, Nasdaq BX Options, Nasdaq ISE, MEMX	1.00
Routed, Public Customer that is not a Priority Customer, Penny Program, to: NYSE American, NYSE Arca Options, Cboe BZX Options, BOX, Cboe, Cboe C2, Cboe EDGX Options, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, MIAX Emerald, MIAX, NOM, Nasdaq PHLX, Nasdaq BX Options, MEMX	0.65
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE American, MIAX, Cboe, Nasdaq PHLX, Cboe EDGX Options, NOM	1.00
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe C2, BOX	1.15
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE Arca Options, Nasdaq GEMX, Nasdaq MRX, MIAX Emerald, MEMX	1.25
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe BZX Options, Nasdaq ISE, Nasdaq BX Options	1.40

Nasdaq MRX

Nasdaq MRX recently amended its fee structure to ''no longer offer Maker Rebates for adding liquidity and instead offer Taker Rebates for removing liquidity. With this new structure, the Exchange [Nasdaq MRX] would continue to assess Priority Customers no Maker Fees for Penny and Non-Penny Symbols to continue to encourage Members to send Priority Customer order flow that adds liquidity to MRX and rests on the order book. The Exchange proposes to begin offering Priority Customer Taker Rebates in Penny and Non-Penny Symbols . . .'' [5] In response to Nasdaq MRX's filing, the Exchange proposes to adjust the grouping of Nasdaq MRX in both the Penny and Non-Penny tiers in the Exchange's routing fee table.

Specifically, the Exchange proposes to amend the ''Routed, Priority Customer, Penny Program'' $0.15 fee tier to remove the ''SPY only'' qualification for orders routed to Nasdaq MRX, so that all Priority Customer orders for Penny Program symbols routed to Nasdaq MRX will be assessed the same $0.15 fee. The Exchange also proposes to amend the ''Routed, Priority Customer, Penny Program'' $0.30 fee tier to remove Nasdaq MRX from the tier completely, as all Priority Customer orders in the Penny Program are now eligible for the $0.15 tier under this proposal. The Exchange also proposes to amend the ''Routed, Priority Customer, Non-Penny Program'' $0.15 tier to add Nasdaq MRX. Finally, the Exchange proposes to eliminate the ''Routed, Priority Customer, Non-Penny Program'' $0.50 tier in its entirety as Nasdaq MRX was the only destination exchange in this tier, and given Nasdaq MRX's recent fee schedule change this tier is now obsolete.

BOX

The Exchange proposes to remove ''BOX (except SPY)'' from the ''Routed, Priority Customer, Penny Program'' $0.15 tier. The Exchange also proposes to amend the ''Routed, Priority Customer, Penny Program'' $0.30 tier to remove the qualification of ''SPY only'' so that all Priority Customer orders for Penny Program symbols routed to BOX will similarly be assessed a $0.30 fee. This change is being made as BOX recently amended its fee schedule and now assesses a $0.10 Taker fee for Public Customer orders that remove liquidity in SPY, QQQ, and IWM.[6]

The purpose of the proposal is to adjust the routing fee groups for orders routed to other exchanges to better reflect the associated costs for that routed execution in Penny and Non-Penny Classes as determined by the fees and rebates assessed at the executing exchange. In determining to amend its groupings fees the Exchange took into account transaction fees assessed by the away market to which the Exchange routes orders, as well as the Exchange's clearing costs, administrative, regulatory, and technical costs associated with routing orders to an away market. The Exchange uses unaffiliated routing brokers to route orders to the away markets; the costs associated with the use of these services are included in the routing fees specified in the Fee Schedule. This routing fee structure is not only similar to the Exchange's affiliates, MIAX Options and MIAX Emerald, but is also comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[7]

Associated Fees,'' at *https://www.cboe.com/us/options/membership/fee_schedule/bzx/*.

[5] *See* Nasdaq MRX proposal (SR–MRX–2024–16).

[6] *See* BOX Exchange Fee Schedule, Section IV, Electronic Transaction Fees, A, Non-Auction Transactions.

[7] *See supra* note 4. The Cboe BZX Options fee schedule has exchange groupings, whereby several exchanges are grouped into the same category, dependent on the order's Origin type and whether it is a Penny or Non-Penny class. For example, Cboe BZX Options fee code RR covers routed customer orders in Non-Penny classes to NYSE Arca, Nasdaq BX, Cboe C2, Nasdaq ISE, Nasdaq Gemini, MIAX Emerald, MIAX Pearl, NOM, or MEMX with a single fee of $1.25 per contract.

The Exchange's routing fee structure approximates the Exchange's costs associated with routing orders to away markets. The per-contract transaction fee amount associated with each grouping closely approximates the Exchange's all-in cost (plus an additional, non-material amount) [8] to execute that corresponding contract at that corresponding exchange.

The Exchange notes that in determining whether to adjust certain groupings of options exchanges in the routing fee table, the Exchange considered the transaction fees assessed by away markets, and determined to amend the grouping of exchanges that assess transaction fees for routed orders within a similar range. This same logic and structure applies to all of the groupings in the routing fee table. By utilizing the same structure that is utilized by the Exchange's affiliates, MIAX Options and MIAX Emerald, the Exchange's Members [9] will be assessed routing fees in a similar manner. The Exchange notes that its affiliates, MIAX Options and MIAX Emerald, will file to make the same proposed routing fee changes contained herein.

Implementation

The proposed rule changes will become effective on July 1, 2024.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [10] in general, and furthers the objectives of Section 6(b)(4) of the Act [11] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [12] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that the proposed changes to the exchange groupings of options exchanges within the routing fee table furthers the objectives of Section 6(b)(4) of the Act and is reasonable, equitable and not unfairly discriminatory because the proposed change will continue to apply in the same manner to all Members that are subject to routing fees. The Exchange believes the proposed changes to the routing fee table exchange groupings furthers the objectives of Section 6(b)(5) of the Act and is designed to promote just and equitable principles of trade and is not unfairly discriminatory because the proposed changes seek to recoup costs that are incurred by the Exchange when routing Priority and Public Customer Orders to away markets on behalf of Members and does so in the same manner for all Members that are subject to routing fees. The costs to the Exchange to route orders to away markets for execution primarily includes transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange believes that the proposed re-categorization of certain exchange groupings would enable the Exchange to better reflect the costs and fees associated with routing orders to other exchanges for execution.

The Exchange places away markets in the fee tier grouping that best approximates the Exchange's costs and fees to route the orders in that segment to that away market. The per-contract transaction fee amount associated with each grouping approximates the Exchange's all-in cost (plus an additional, non-material amount) [13] to execute the corresponding contract at the corresponding exchange. The Exchange believes its tier structure represents the best approach to reflect the costs and fees associated with routing and executing orders on other exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed re-categorization of certain exchange groupings is intended to enable the Exchange to recover the costs it incurs to route orders to away markets. The costs to the Exchange to route orders to away markets for execution primarily includes the transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange does not believe that this proposal imposes any unnecessary burden on competition because it seeks to better reflect the costs and fees incurred by the Exchange when routing orders to away markets on behalf of Members and notes that at least one other options exchange has a similar routing fee structure.[14]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[15] and Rule 19b–4(f)(2) [16] 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 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–PEARL–2024–29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

[8] This amount is to cover de minimis differences/changes to away market fees (*i.e.,* minor increases or decreases) that would not necessitate a fee filing by the Exchange to re-categorize the away exchange into a different grouping. Routing fees are not intended to be a profit center for the Exchange and the Exchange's goal regarding routing fees and expenses is to be as close as possible to net neutral.

[9] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78f(b)(5).

[13] *See supra* note 8.

[14] *See supra* note 4.

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–PEARL–2024–29. 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–PEARL–2024–29 and should be submitted on or before August 7, 2024

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15673 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100497; File No. SR–NASDAQ–2024–033]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Options 7, Section 2(1)

July 11, 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 July 1, 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 Pricing Schedule at Options 7, Section 2(1), which governs the pricing for Nasdaq Participants using The Nasdaq Options Market (''NOM''), Nasdaq's facility for executing and routing standardized equity and index options. The proposed changes are 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

Pursuant to Options 7, Section 2(1), the Exchange currently assesses NOM Market Makers [3] a $0.35 per contract Fee to Add Liquidity in Non-Penny Symbols. This fee applies unless Participants meet the volume thresholds set forth in note 5. Note 5 currently stipulates that Participants that add NOM Market Maker liquidity in Non-Penny Symbols of 0.05% to 0.07% of total industry customer equity and ETF option ADV contracts per day in a month will be assessed a $0.00 per contract Non-Penny Options Fee for Adding Liquidity in that month. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.07% of total industry customer equity and ETF option ADV contracts per day in a month will receive the Non-Penny Rebate to Add Liquidity for that month instead of paying the Non-Penny Fee for Adding Liquidity. Accordingly, qualifying Participants are offered an opportunity to reduce the $0.35 fee or earn a rebate if they meet the volume-based requirements under note 5.

The Exchange now proposes to amend the volume thresholds and associated pricing in note 5 as follows:

The NOM Market Maker Fee for Adding Liquidity in Non-Penny Symbols will apply unless Participants meet the volume thresholds set forth in this note. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of 0.03% to 0.05% of total industry customer equity and ETF option ADV contracts per day in a month will be assessed a $0.00 per contract Non-Penny Options Fee for Adding Liquidity in that month. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.05% to 0.08% of total industry customer equity and ETF option ADV contracts per day in a month will receive a Non-Penny Rebate to Add Liquidity of $0.20 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.08% of total industry customer equity and ETF option ADV contracts per day in a month will receive a Non-Penny Rebate to Add Liquidity of $0.40 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity.

The Exchange will also amend the related NOM Market Maker Non-Penny pricing chart in Options 7, Section 2(1) to reflect the pricing described above. The Exchange believes that the proposed volume thresholds will incentivize NOM Market Makers to add greater Non-Penny Symbol liquidity on NOM to the benefit of all market participants. With the proposed changes, the Exchange is generally lowering the volume thresholds while increasing the rebate amounts so that NOM Market Makers adding the same amount of liquidity in Non-Penny Symbols today would get more favorable pricing either by qualifying for free executions or receiving a higher

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''NOM Market Maker'' or (''M'') is a Participant that has registered as a Market Maker on NOM pursuant to Options 2, Section 1, and must also remain in good standing pursuant to Options 2, Section 9. In order to receive NOM Market Maker pricing in all securities, the Participant must be registered as a NOM Market Maker in at least one security.

rebate. The only exception is for NOM Market Makers that add liquidity in Non-Penny Symbols of above 0.07% to 0.08% as they would receive a $0.30 per contract rebate today versus $0.20 per contract under this proposal. However, the Exchange believes that its proposal will encourage NOM Market Makers to reach for the highest volume threshold to receive the significantly higher rebate of $0.40 per contract.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed changes to its Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [6]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [7]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options security transaction services. The Exchange is only one of seventeen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange believes that its proposal to amend the volume thresholds in note 5 and related rebates in the manner described above is reasonable because it will incentivize NOM Market Makers to add greater Non-Penny Symbol liquidity on NOM to the benefit of all market participants. As discussed above, the Exchange is generally lowering the volume thresholds while increasing the rebate amounts with the proposed changes. As such, NOM Market Makers adding the same amount of liquidity in Non-Penny Symbols as they do today would generally get more favorable pricing either by qualifying for free executions or receiving a higher rebate. The only exception is for NOM Market Makers that add liquidity in Non-Penny Symbols of above 0.07% to 0.08% as they would receive a $0.30 per contract rebate today versus $0.20 per contract under this proposal. However, the Exchange believes that its proposal will encourage NOM Market Makers to reach for the highest volume threshold to receive the significantly higher rebate of $0.40 per contract.

The Exchange further believes that its proposal is equitable and not unfairly discriminatory. As discussed above, the proposed changes to the note 5 volume thresholds and associated pricing will be applied uniformly to all NOM Market Makers that add liquidity in Non-Penny Symbols. The Exchange does not believe that it is unfairly discriminatory to offer the note 5 incentives to only NOM Market Makers because these market participants add value through continuous quoting and the commitment of capital.[8] Because NOM Market Makers have these obligations to the market and regulatory requirements that normally do not apply to other market participants, the Exchange believes that offering the note 5 incentives to only NOM Market Makers is equitable and not unfairly discriminatory in light of their obligations. Finally, encouraging NOM Market Makers to add greater liquidity benefits all market participants in the quality of order interaction.

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.

In terms of intra-market competition, the Exchange does not believe that its proposal will place any category of market participant at a competitive disadvantage. As discussed above, while the Exchange's proposal targets certain activity on NOM (*i.e.,* NOM Market Makers adding liquidity in Non-Penny Symbols), the proposed changes are ultimately aimed at attracting greater order flow to the Exchange, which benefits all market participants by providing more trading opportunities.

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing exchanges to maintain their competitive standing in the financial markets.

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.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4) and (5).

[6] *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)).

[7] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[8] *See* Options 2, Sections 4 and 5.

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.[9]

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–2024–033 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–2024–033. 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–2024–033 and should be submitted on or before August 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–15668 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100508; File No. SR–MSRB–2024–03]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Granting Approval of a Proposed Rule Change To Amend MSRB Rule G–47, on Time of Trade Disclosure, To Codify and Retire Certain Existing Interpretive Guidance and Add New Time of Trade Disclosure Scenarios

July 11, 2024.

I. Introduction

On April 9, 2024, the Municipal Securities Rulemaking Board (''MSRB'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend MSRB Rules G–47 (''Rule G–47''), on time of trade disclosure, to codify certain existing interpretive guidance and retire certain other existing interpretive guidance, add new time of trade disclosure scenarios, and make technical clarifications (the ''proposed rule change'').[3]

The MSRB will announce the effective date of the proposed rule change in a regulatory notice to be published on the MSRB website no later than 30 days following this approval. The effective date will be no later than nine months following this approval.

The proposed rule change was published for comment in the **Federal Register** on April 18, 2024.[4] The Commission received one comment letter on the proposed rule change.[5] On June 14, 2024, the MSRB responded to the comment letter.[6] As described further below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

A. Background

MSRB Rule G–47 requires brokers, dealers, or municipal securities dealers (''dealers'') to disclose to customers, at or prior to the time of trade, all material information known or available publicly through established industry sources. More specifically, MSRB Rule G–47 requires dealers selling a municipal security to a customer, or purchasing a municipal security from a customer, to disclose to the customer, orally or in writing, at or prior to the time of trade, all material information known about the transaction, as well as information about the municipal security that is reasonably accessible to the market. This obligation exists for both unsolicited and recommended transactions as well as primary and secondary market transactions.[7]

MSRB Rule G–47 Supplementary Material .03 contains examples of information that may be material in specific scenarios and therefore requires time of trade disclosures to a customer. The list of specific scenarios is non-exhaustive and other information not listed in MSRB Rule G–47 Supplementary Material .03 may be material to customers depending upon the specific scenario. In addition to the specific disclosure scenarios listed in MSRB Rule G–47 Supplementary Material .03, various items of MSRB interpretive guidance list other

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–99949 (April 9, 2024), 89 FR 27809 (April 18, 2024) (''Notice'').

[4] *See* Notice, 89 FR at 27809.

[5] See Letter from Leslie M. Norwood, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association (''SIFMA'') (May 9, 2024) (''SIFMA Letter''), available at *https://www.sec.gov/comments/sr-msrb-2024-03/srmsrb202403.htm.*

[6] *See* Letter to Secretary, Commission, from Ernesto A. Lanza, Chief Regulatory and Policy Officer, MSRB, dated June 14, 2024 (''MSRB Letter'').

[7] Dealers are also subject to Commission Rule 15l-1 under the Exchange Act that requires broker-dealers to make certain prescribed disclosures to their retail customer, before or at the time of the recommendation, about the recommended transaction and the relationship between the retail customer and the broker-dealer. *See* 17 CFR 240.15l–1(a)(2)(i).

scenarios that could require a time of trade disclosure obligation to a dealer transacting with a customer.

In summary, the MSRB stated that the proposed rule change would amend MSRB Rule G–47 to:

- Clarify in section (a) of MSRB Rule G–47 that a dealer is not obligated to disclose material information in violation of insider trading rules or procedures; [8]
- Amend and simplify the definition of material information in subsection (b)(ii) of MSRB Rule G–47 and make a conforming amendment to Supplementary Material .01(a); [9]
- Codify into Supplementary Material .03 existing interpretive guidance pertaining to market discount and to zero coupon or stepped coupon securities; [10]
- Add a clarifying example of factor bonds as bonds that prepay principal in Supplementary Material .03(i); [11] and
- Add three new disclosure scenarios to Supplementary Material .03.[12]

The MSRB also stated that proposed rule change would also retire interpretive guidance on conversion costs and secondary market insurance and consolidate existing inter-dealer time of trade disclosure guidance into a single piece of interpretive guidance.[13]

B. Summary of the Proposed Rule Change

i. Disclosure of Material Information

The MSRB has stated that the proposed rule change would redesignate the existing language of MSRB Rule G–47(a) as subsection (i) and add a new subsection (ii) to MSRB Rule G–47(a) clarifying that information that may be material to the transaction would not be required to be disclosed to the customer if, pursuant to the dealer's policies and procedures regarding insider trading and related securities laws, such information is intentionally withheld from the dealer's registered representatives who are engaged in sales to and purchases from customers.[14] The MSRB noted that it would be beneficial to the market to clarify this point in the text of MSRB Rule G–47 given that it is not the MSRB's intent for dealers to violate securities regulations.[15]

ii. Definition of Material Information

Current MSRB Rule G–47(b)(ii) defines the term ''material information'' and explains that information is considered to be material if there is a substantial likelihood that the information would be considered important or significant by a reasonable investor in making an investment decision. According to the MSRB, the proposed rule change would delete the language ''or significant'' in order to streamline and simplify the definition.[16] The MSRB has stated that it does not believe that this would materially alter the definition of material information or impose any additional burdens on dealers.[17] The MSRB further stated that the proposed rule change would make a conforming amendment in Supplementary Material .01(a) to change the word ''significant'' to ''important.'' [18]

iii. Codify Existing Interpretive Guidance on Market Discount and Zero Coupon or Stepped Coupon Securities

The MSRB states that the proposed rule change would codify and retire November 2016 interpretive guidance (the ''Market Discount Guidance'') [19] on market discount.[20] The Market Discount Guidance states that, absent adequate disclosure that a security has market discount, an investor might not be aware that all or a portion of such investor's investment return represented by accretion of the market discount is taxable as ordinary income.[21] The Market Discount Guidance goes on to state that the fact that a security has market discount is material information that is required to be disclosed to a customer under MSRB Rule G–47 at or prior to the time of trade.[22] The MSRB states that the proposed rule change would codify this information into MSRB Rule G–47 Supplementary Material .03(p).[23] Furthermore, the MSRB states that the proposed rule change would retire the Market Discount Guidance upon codification as the MSRB believes that it would not retain any standalone value.[24] The MSRB believes that codifying this information into the text of MSRB Rule G–47 would facilitate compliance and consolidate its rulebook by removing redundant interpretive guidance.[25] The MSRB notes, however, that proposed MSRB Rule G–47 Supplementary Material .03(p) would not require dealers to provide customers with more detailed or personalized information, or to provide any information that could constitute tax advice, with respect to market discount.[26]

The MSRB also states that the proposed rule change would also codify and retain April 1982 interpretive guidance (the ''Zero or Stepped Coupon Guidance'') [27] pertaining to municipal securities with zero coupons or stepped coupons.[28] The Zero or Stepped Coupon Guidance states in the context of discussing zero coupon bonds and stepped coupon bonds that the MSRB is of the view that persons selling such securities to the public have an obligation to adequately disclose the special characteristics of such securities in order to comply with the MSRB's fair practice rules.[29] The MSRB states that the proposed rule change would incorporate this guidance into MSRB Rule G–47 Supplementary Material .03(q) but retain the Zero or Stepped Coupon Guidance as it contains additional standalone value pertaining to MSRB Rule G–12 and MSRB Rule G–15.[30]

iv. Retire Existing Interpretive Guidance on Conversion Costs and Secondary Market Insurance

The MSRB states that the proposed rule change would retire two pieces of interpretive guidance that the MSRB believes have become outdated.[31] The MSRB states that the first interpretive guidance to be retired is interpretive guidance from August 1988 (the ''Conversion Cost Guidance'') [32] stating that transfer agents for some interchangeable securities charge fees for the conversion of registered certificates to bearer form, which can be substantial and, in some cases, prohibitively expensive.[33] The MSRB further states that the Conversion Cost Guidance goes on to state that dealers therefore should ascertain the amount of

[8] *See* Notice, 89 FR at 27809.

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *See* Notice, 89 FR at 27810.

[17] *Id.*

[18] *Id.*

[19] *See* MSRB Interpretive Guidance, Time of Trade Disclosure—Disclosure of Market Discount (November 22, 2016), available at *https://www.msrb.org/Time-Trade-Disclosure-Disclosure-Market-Discount*.

[20] *See* Notice, 89 FR at 27810.

[21] *See* Market Discount Guidance.

[22] *Id.*

[23] *See* Notice, 89 FR at 27810.

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *See* MSRB Interpretive Guidance, Notice Concerning ''Zero Coupon'' and ''Stepped Coupon'' Securities (April 27, 1982), available at *https://www.msrb.org/Notice-Concerning-Zero-Coupon-and-Stepped-Coupon-Securities*.

[28] *See* Notice, 89 FR at 27810.

[29] *Id.*

[30] *Id.*

[31] *Id.*

[32] *See* MSRB Interpretive Guidance, Confirmation, Delivery and Reclamation of Interchangeable Securities (August 10, 1988), available at *https://www.msrb.org/Confirmation-Delivery-and-Reclamation-Interchangeable-Securities*.

[33] *See* Notice, 89 FR at 27810.

the fee prior to agreeing to deliver bearer certificates and that, if a dealer passes on the costs of converting registered securities to bearer form to its customer, the dealer must disclose the amount of the conversion fee to the customer at or prior to the time of trade and the customer must agree to pay the conversion fee.[34] The MSRB believes that interchangeable securities are a rare occurrence in the marketplace, and as such, the MSRB believes that there is limited utility in retaining this guidance and proposes its retirement.[35]

The MSRB states that the second piece of interpretive guidance to be retired is guidance from March 1984 (the ''Secondary Market Insurance Guidance'') [36] on secondary market insurance.[37] The MSRB states that the Secondary Market Insurance Guidance, in part, reminds the industry that if a security has been insured or if arrangements for insurance have been initiated, the market price of the security would be affected and this information is material and must be disclosed to a customer at or before the execution of a transaction in the security.[38] MSRB Rule G–47 Supplementary Material .03(e) currently includes a disclosure obligation scenario detailing when a security has been insured or arrangements for insurance have been initiated, the credit rating of the insurance company, and information about potential rating actions with respect to the bond insurance company, which, according to the MSRB, effectively makes the comparable portion of the Secondary Market Insurance Guidance superfluous.[39] In addition, the MSRB explained in the Secondary Market Insurance Guidance that it believes that a dealer should advise a customer if evidence of insurance or other credit enhancement features must be attached to the security for effective transference of the insurance or device.[40] However, the MSRB believes that it is no longer common practice to require such evidence of insurance for effective transference, and as a result, the MSRB proposed to retire the Secondary Market Insurance Guidance.[41]

v. Add an Example of a Bond That Prepays Principal

Current MSRB Rule G–47 Supplementary Material .03(i) lists bonds that prepay principal as a specific scenario which may be material and require disclosure at or prior to the time of trade. More specifically, the scenario lists the fact that the security prepays principal and the amount of unpaid principal that will be delivered on the transaction as a scenario that may be material and require a time of trade disclosure. The MSRB states that the proposed rule change would add factor bonds to Rule G–47 Supplementary Material .03(i) as an example of a bond that prepays principal.[42] The MSRB described factor bonds as bonds for which partial distributions are processed by a proportional return of principal to each bondholder.[43] After the partial distribution, the factor must be applied to the face value to determine interest payments as well as the principal amount for each future transaction.[44] The MSRB explains that factor bonds, by their terms, are already subject to this scenario and therefore this addition does not add or remove any disclosure burdens but instead simply provides an example of a potential disclosure obligation currently contained in MSRB Rule G–47 that serves to remind dealers of the applicability of this provision to factor bonds.[45]

vi. Add Three New Disclosure Scenarios

The MSRB states that the proposed rule change would add three new disclosure scenarios to MSRB Rule G–47 Supplementary Material .03's non-exhaustive list of specific scenarios that could be material and require a time of trade disclosure.[46] Specifically, the MSRB states that these three new scenarios are yield to worst, the unavailability of the official statement, and the fact that continuing disclosures are not available.[47]

Yield to Worst. The MSRB indicated that the proposed rule change would add yield to worst as a disclosure scenario to MSRB Rule G–47 Supplementary Material .03 in new clause (r) thereof.[48] MSRB Rule G–15(a)(i)(A)(5) requires the yield at which a transaction is effected for transactions that are computed on the basis of yield to maturity, yield to a call date, or yield to a put date to be disclosed on a customer's confirmation.[49] Furthermore, the MSRB stated that if the computed yield required by MSRB Rule G–15 is different than the yield at which the transaction was effected, the computed yield must also be disclosed on the confirmation.[50] The MSRB explained that this information is typically referred to as yield to worst.[51] The MSRB believes that this information may be material to a customer's investment decision, as it could impact a decision to purchase a municipal security at the current price or yield, and therefore may be required to be disclosed at or prior to the time of trade in addition to being disclosed on a customer's confirmation.[52]

Unavailability of Official Statement for New Issue Customers. The MSRB states that the proposed rule change would add, in the case of sales to customers of new issue municipal securities, the fact that an official statement is unavailable or only available from the underwriter as a disclosure scenario to MSRB Rule G–47 Supplementary Material .03 in new clause (s) thereof.[53] For purposes of this scenario, the MSRB indicated that new issue municipal securities consist of offered municipal securities within the meaning of MSRB Rule G–32, which in general are municipal securities sold in a primary offering until 25 days after the closing of the new issue.[54] In contrast, the MSRB explained that the potential for the lack of an official statement to be material to a customer in a transaction outside of the primary offering disclosure period is considerably lower

[34] *Id.*

[35] *Id.*

[36] *See* MSRB Interpretive Guidance, Application of Board Rules to Transactions in Municipal Securities Subject to Secondary Market Insurance or Other Credit Enhancement Features (March 6, 1984), available at *https://www.msrb.org/Application-Board-Rules-Transactions-Municipal-Securities-Subject-Secondary-Market-Insurance-or.*

[37] *See* Notice, 89 FR at 27810.

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] *Id.*

[42] *Id.*

[43] *Id.*

[44] *Id.*

[45] *See* Notice, 89 FR at 27810–27811.

[46] *See* Notice, 89 FR at 27811.

[47] *Id.*

[48] *Id.*

[49] *Id.* The MSRB noted that, pursuant to MSRB Rule G–15(a)(i)(A)(5)(c)(v), yield is to be calculated in accordance with MSRB Rule G–33, on calculations. *Id.*

[50] *Id.; see also* MSRB Rule G–15(a)(i)(A)(5)(c)(vii).

[51] *See* Notice, 89 FR at 27811.

[52] *Id.*

[53] *Id.*

[54] *Id.* MSRB Rule G–32(c)(vi) defines offered municipal securities as municipal securities that are sold by a dealer during the securities' primary offering disclosure period, including but not limited to municipal securities reoffered in a remarketing that constitutes a primary offering and municipal securities sold in a primary offering but designated as not reoffered. Primary offering disclosure period is defined in MSRB Rule G–32(c)(ix) as the period commencing with the first submission to an underwriter of an order for the purchase of offered municipal securities or the purchase of such securities from the issuer, whichever first occurs, and ending 25 days after the final delivery by the issuer or its agent of all securities of the issue to or through the underwriting syndicate or sole underwriter. Pursuant to MSRB Rule G–32(c)(viii), primary offering means an offering defined in Exchange Act Rule 15c2–12(f)(7) (17 CFR 240.15c2–12(f)(7)), including but not limited to any remarketing of municipal securities that constitutes a primary offering as such subsection (f)(7) may be interpreted from time to time by the Commission.

and therefore normally would not trigger an obligation under MSRB Rule G–47.[55]

Exchange Act Rule 15c2–12[56] requires underwriters to obtain and review an official statement for most primary offerings of municipal securities.[57] MSRB Rule G–32(b)(i)(B) generally requires that the underwriter submit such official statement (as well as any official statement produced for a primary offering exempt from Exchange Act Rule 15c2–12[58]) for posting on the Electronic Municipal Market Access (''EMMA®'')[59] website. If no official statement is posted by an underwriter to EMMA for a primary offering by the closing date, the MSRB notes that the underwriter is generally required under MSRB Rule G–32 to post to EMMA, as applicable, either: (i) notification that no official statement exists pursuant to MSRB Rule G–32(b)(i)(C) or (ii) in the case of a primary offering not subject to Exchange Act Rule 15c2–12[60] by virtue of paragraph (d)(1)(i) thereof (sometimes referred to as a limited offering) and the underwriter has withheld posting the official statement to EMMA pursuant to MSRB Rule G–32(b)(i)(E), contact information for investors to request a copy of the official statement.[61]

Under certain circumstances, the MSRB notes that dealers currently have obligations to inform new issue customers by trade settlement regarding the availability or unavailability of the official statement under MSRB Rule G–32(a)(i) or (a)(iii)(A).[62] The MSRB believes that the fact that an official statement is not available could be material to a new issue investor in making an investment decision and therefore should be included in MSRB Rule G–47's list of scenarios that could trigger a time of trade disclosure.[63] As a result, the MSRB states that the new clause(s) of MSRB Rule G–47 Supplementary Material .03 would accelerate the timing for this disclosure to a point in time where this information would be available to the customer while making such investment decision, rather than merely by settlement of the transaction and thus after such decision has been made.[64]

The MSRB states that dealers generally would be able to rely, for purposes of proposed clause(s), on information posted on EMMA as of the time of trade of a new issue municipal security with regard to whether an official statement is unavailable or available only from the underwriter.[65] In the case of a customer trade by a dealer (other than the underwriter of the municipal security) occurring prior to the posting on EMMA of the official statement or any statement about the official statement's availability,[66] the MSRB states that such dealer may presume that an official statement will become available unless the dealer has knowledge that the official statement will not in fact be posted or will only be made available through the underwriter.[67] Dealers that serve as underwriters for a primary offering would, in contrast, be deemed to know whether or not an official statement will be posted for such offering or will be made available only from such underwriters.[68]

Unavailability of Continuing Disclosure. The MSRB states that the proposed rule change would add, as a disclosure scenario to MSRB Rule G–47 Supplementary Material .03 in new clause (t) thereof, the fact that no issuer of, or other obligated person with respect to, a customer's municipal security has agreed to make continuing disclosures as contemplated under Exchange Act Rule 15c2–12[69] available on EMMA.[70] Exchange Act Rule 15c2–12(b)(5)[71] generally prohibits an underwriter from purchasing or selling municipal securities in most new issue offerings unless the underwriter has reasonably determined that an issuer or obligated person for whom financial or operating data is presented in the final official statement has undertaken in a written agreement or contract to provide certain continuing disclosures to the MSRB as specified in Exchange Act Rule 15c2–12(b)(5). Exchange Act Rule 15c2–12(d)(2)(ii)[72] provides an exemption from Exchange Act Rule 15c2–12(b)(5),[73] but requires a modified version of such continuing disclosure agreement or contract. In addition, Exchange Act Rule 15c2–12(d)(3)[74] provides a partial exemption from Exchange Act Rule 15c2–12(b)(5)[75] but still requires a modified version of such continuing disclosure agreement or contract limited to specified event notices.[76] The MSRB states that this new disclosure scenario in proposed clause (t) would apply to any municipal securities of the foregoing offerings.[77] However, the MSRB notes that certain new issue offerings are wholly exempt from or otherwise not subject to Exchange Act Rule 15c2–12(b)(5)[78] by virtue of paragraph (a) or subparagraph (d)(1) of Exchange Act Rule 15c2–12,[79] and therefore the MSRB states that this new disclosure scenario would not apply to any municipal securities of these specific types of exempt offerings.[80]

The MSRB notes that continuing disclosure documents and related information submitted by issuers and obligated persons to EMMA's continuing disclosure service are made available on the EMMA website.[81] The MSRB states that such continuing disclosures currently are accessible by users of the EMMA website through a variety of means, including on the Disclosure Documents tab of the EMMA Security Details page for each specific municipal security.[82] The MSRB further states that the disclosures provided on such page are generally accompanied by certain information, as applicable, provided to EMMA by the underwriter

[55] *See* Notice, 89 FR at 27811.

[56] 17 CFR 240.15c2–12.

[57] *Id.*

[58] *Id.*

[59] EMMA® is a registered trademark of the MSRB.

[60] 17 CFR 240.15c2–12.

[61] *See* Notice, 89 FR at 27811. MSRB Rule G–32(b)(i)(F) also provides an exemption for certain commercial paper offerings or remarketings from the official statement submission requirement assuming applicable conditions are met.

[62] *See* Notice, 89 FR at 27811.

[63] *Id.*

[64] *Id.*

[65] *Id.*

[66] *Id.* The MSRB indicated that it is common for new issue municipal securities to be traded beginning immediately after the time of first execution within the meaning of MSRB Rule G–34(a)(ii)(C)(1)(b) but before the underwriter timely posts the official statement to EMMA under MSRB Rule G–32(b)(i)(B). *Id.* The MSRB further noted that this gap typically is a result of the time needed to finalize and produce the official statement that incorporates the final terms of a new issue offering. *Id.*

[67] *See* Notice, 89 FR at 27811. The MSRB noted that this is somewhat analogous to the ability of dealers other than the underwriter of a new issue to effectively presume that the underwriter has made the required submissions to EMMA under MSRB Rule G–32(a)(ii)(B). *Id.*

[68] *Id.*

[69] 17 CFR 240.15c2–12.

[70] *See* Notice, 89 FR at 27811.

[71] 17 CFR 240.15c2–12(b)(5).

[72] 17 CFR 240.15c2–12(d)(2)(ii).

[73] 17 CFR 240.15c2–12(b)(5).

[74] 17 CFR 240.15c2–12(d)(3).

[75] 17 CFR 240.15c2–12(b)(5).

[76] *See* Notice, 89 FR at 27812.

[77] *Id.*

[78] *Id.*

[79] 17 CFR 240.15c2–12(a) and (d)(1). In addition, Exchange Act Rule 15c2–12(d)(5) provides an exemption from Exchange Act Rule 15c2–12(b)(5) for municipal securities outstanding on November 30, 2010 so long as they continuously remain in authorized denominations of $100,000 or more and may, at the option of the holder thereof, be tendered to an issuer of such securities or its designated agent for redemption or purchase at par value or more at least as frequently as every nine months until maturity, earlier redemption, or purchase by an issuer or its designated agent. 17 CFR 240.15c2–12(d)(5).

[80] *See* Notice, 89 FR at 27812.

[81] *See* Notice, 89 FR at 27812; *see also* MSRB Information Facility IF–3, on Electronic Municipal Market Access System—EMMA, available at *https://www.msrb.org/Rules-and-Interpretations/MSRB-Rules/Informational/IF-3*.

[82] *See* Notice, 89 FR at 27812.

of the applicable municipal security at the time of its initial issuance regarding any agreement by the issuer or other obligated persons to undertake to provide continuing disclosures.[83]

The MSRB states that dealers generally would be able to rely on such information posted on EMMA by the underwriter regarding an issuer's or other obligated person's continuing disclosure undertaking for purposes of MSRB Rule G–47 Supplementary Material .03(t) unless the dealer has knowledge to the contrary.[84] In addition, the MSRB states that particularly for municipal securities for which no such underwriter-provided information concerning any continuing disclosure agreement may be displayed on EMMA, a review of the official statement or other information available on EMMA typically would indicate whether the issuer or obligated person has undertaken to provide continuing disclosures on the municipal securities.[85]

The MSRB believes that the fact that continuing disclosures are not required to be made available to a customer on EMMA, which is where a customer would typically go to review such information prior to trading a municipal security, will generally be material and therefore should be included in time of trade disclosures provided to a customer.[86] The MSRB states that on occasion, an issuer or obligated person may undertake to provide continuing disclosures not contemplated by Exchange Act Rule 15c2–12[87] (sometimes referred to as voluntary continuing disclosures).[88] The MSRB further states that this proposed scenario is not intended to require disclosures with regard to the existence of an agreement solely in respect of such voluntary continuing disclosures.[89]

vii. Consolidate Existing Inter-Dealer Time of Trade Disclosure Guidance

The MSRB states that the proposed rule change would consolidate three pieces of existing interpretive guidance relating to inter-dealer time of trade disclosure into one standalone interpretive guidance in order to better streamline time of trade disclosure guidance.[90] The MSRB further states that while MSRB Rule G–47 applies to customer transactions and not transactions between dealers,[91] the MSRB has previously discussed a dealer's fair dealing disclosure obligations in connection with inter-dealer transactions in these three pieces of inter-dealer guidance.[92] The MSRB believes that consolidating this existing guidance into a single interpretive guidance would be beneficial to the market and result in a more organized MSRB rulebook.[93] The MSRB does not believe that the three existing pieces of inter-dealer guidance would otherwise retain any standalone value upon consolidation into the new guidance and, therefore, these three pieces of guidance would be retired.[94]

III. Summary of Comments Received to the Proposed Rule Change

The Commission received one comment letter[95] on the proposed rule change, as well as a response[96] from the MSRB to the comment letter.

The commenter stated that the MSRB should ''make clear that a dealer should only be responsible for providing factor information pursuant to the rule if there is an event filing on EMMA which specifies that the factor concept applies, or the dealer otherwise has specific knowledge of factor payments.''[97] The MSRB stated that if factor information that may be material is not known by the dealer or is not reasonably accessible to the market through established industry sources, such factor information would not be required to be disclosed pursuant to the proposed amendment to Supplementary Material .03(i).[98]

The commenter stated that ''it should be made clear that broker dealers neither give tax advice nor should they be perceived to be giving tax advice'' and that the original guidance should be preserved due to the fact that it ''merely requires notification of the existence of a discount'' and dealers are concerned that discount disclosures ''may force dealers to move closer to the line of giving tax advice.''[99] The MSRB responded that the proposed rule change would only require dealers to disclose the fact that the security bears a market discount and that an impact may exist, the proposed new Supplementary Material .03(p) would not require dealers to provide customers with more detailed or personalized information, or to provide any information that could constitute tax advice, with respect to market discount.[100] Thus, the MSRB stated the proposed rule change would not require dealers to calculate the impact or give tax advice.[101]

The commenter stated that ''[d]ealers should be only required to disclose whether bonds are zero coupon bonds or stepped coupon bonds, but not the details of the special characteristics of these features, such as the details of the increases to the interest rates'' due to the fact that information is limited on the MSRB's primary market feed.[102] The MSRB noted that time of trade disclosures, including those related to zero or stepped coupon bonds, are limited to information that dealers know or that is reasonably accessible to the market.[103] Therefore, the MSRB stated, if the information available via established industry sources (including but not limited to the MSRB's primary market feed) is limited or not present, a dealer would not be required to seek out additional information that is not known to the dealer or not reasonably accessible to the market at the time of trade.[104]

The commenter expressed concern that describing a disclosure as ''Yield to Worst'' could be misleading or confusing and ''regulatory examiners and/or customers alike may believe that

[83] *Id. See also* MSRB Rule G–32(b)(i)(A) and (b)(vi)(C)(1)(a).

[84] *See* Notice, 89 FR at 27812. The MSRB states that the ability of a dealer to rely on this posted information for purposes of MSRB Rule G–47 Supplementary Material .03(t) would not conclusively foreclose any other potential disclosure or other obligation of a dealer, under MSRB Rule G–47(a), Exchange Act Rule 15c2–12 (17 CFR 240.15c2–12) or otherwise, that might arise relating to the existence of or the performance or non-performance under any continuing disclosure agreement by an issuer or obligated person, or with regard to the content of such continuing disclosure, depending on the specific facts and circumstances. *Id.*

[85] *See* Notice, 89 FR at 27812.

[86] *Id.*

[87] 17 CFR 240.15c2–12.

[88] *See* Notice, 89 FR at 27812.

[89] *Id.*

[90] *See* Notice, 89 FR at 27812. *See also* MSRB Interpretive Guidance, Notice Concerning Securities that Prepay Principal (March 19, 1991), available at *https://www.msrb.org/Notice-Concerning-Securities-Prepay-Principal;* MSRB Interpretive Guidance, Disclosure of Pricing: Calculating the Dollar Price of Partially Prerefunded Bonds (May 15, 1986), available at *https://www.msrb.org/Disclosure-Pricing-Calculating-Dollar-Price-Partially-Prerefunded-Bonds;* and MSRB Interpretive Guidance, Description Provided at or Prior to the Time of Trade (April 30, 1986), available at *https://www.msrb.org/Description-Provided-or-Prior-Time-Trade.* Any portions of such interpretive pieces relating to customer disclosure standards are already incorporated into MSRB Rule G–47.

[91] *See* MSRB Rule G–47(a).

[92] *See* Notice, 89 FR at 27812.

[93] *Id.*

[94] *Id.*

[95] *See* SIFMA Letter.

[96] *See* MSRB Letter.

[97] *See* SIFMA Letter at 2.

[98] *See* MSRB Letter at 2.

[99] *See* SIFMA Letter at 2.

[100] *See* MSRB Letter at 2.

[101] *Id.*

[102] *See* SIFMA Letter at 3.

[103] *See* MSRB Letter at 3.

[104] *Id.*

this is the computation which accounts for all potential scenarios and represents the absolute worst possible yield a customer may experience when purchasing a municipal security.'' [105] In addition, the commenter requested that ''if the MSRB moves forward with requiring this time of trade disclosure, that the MSRB make clear that the time of trade disclosure it is articulating in the proposed rule change is the same 'Computed Yield' calculation that is required under Rule G15's confirmation requirements and that dealers are not expected to provide any additional or different disclosures in this regard.'' [106] The MSRB responded that the proposed time of trade disclosure lists the required information to be disclosed as the computed yield required by MSRB Rule G–15(a)(i)(A)(5)(c), if different than the yield at which the transaction was effected, and does not contemplate dealers providing any additional or different disclosures in this regard.[107] The MSRB also stated that dealers are not required to refer to such computed yield as ''yield to worst'' to their customers and may appropriately refer to it is a computed yield consistent with the proposed rule change.[108]

The commenter requested that the MSRB remove certain time of trade disclosure requirements related to whether an official statement is unavailable or provide further guidance.[109] The commenter stated that ''the proposed rule change as drafted would provide little to no actionable information for investors in a public offering.'' [110] The MSRB responded that it believes that the fact that an official statement is unavailable is material information that could impact investors' investment decisions, especially retail customers, for whom MSRB Rule G–47 is primarily oriented.

The commenter also requested that the MSRB clarify the application and disclosure requirements of the proposed rule change in four different scenarios.[111] The scenarios were as follows: ''(1) public offerings where it is anticipated that the issuer will produce a Final Official Statement by settlement but a Final Official Statement is not available at the Time of Trade; (2) Rule 15c2–12 exempt offerings where an issuer has drafted and disseminated an offering document that does not technically meet the Final Official Statement requirements of Rule 15c2–12 but would meet the official statement definition of Rule G32(c)(vii); (3) Rule 15c2–12 exempt offerings where the issuer declines to draft an offering document for the offering; and (4) remarketings of municipal securities that may be deemed to be a primary offering of municipal securities under Rule 15c2–12 and Rule G–32.'' (footnotes omitted).[112] he commenter further stated that it ''supports the MSRB proposals that any such time of trade disclosure should be limited to underwriters in new issue trades.'' [113]

The MSRB responded to the four scenarios.[114]

With respect to the first scenario, the MSRB responded that if an underwriter is expected to produce a final official statement, but it is not yet available at the time of trade or it is still in production, a dealer selling a new issue security constituting an offered municipal security within the meaning of Rule G32 would not be required to disclose that there is no official statement available for the municipal security in question.[115] The MSRB further stated that such disclosure requirement only attaches when the underwriter is not expected to produce an official statement at all, which would be evidenced by the required notification by the underwriter, pursuant to MSRB Rule G–32(b)(i)(C), that no official statement will be prepared, which notification is displayed on EMMA.[116] As the MSRB noted in its proposed rule change, dealers (other than the underwriter of a new issue of municipal securities) generally would be able to rely on information posted on EMMA as of the time of trade of such new issue municipal security with regard to whether an official statement is or will be unavailable, while the underwriter for such new issue would be deemed to know whether or not an official statement will be posted for such offering.[117]

With respect to the second scenario, the MSRB responded that the proposed rule change uses the term ''official statement'' for purposes of proposed new Supplementary Material .03(s) with the same meaning as in Rule G–32(c)(vii).[118] The MSRB noted that underwriters have become familiar over many years with the use of the term ''official statement'' as defined under MSRB Rule G–32, including any distinctions that exist between that term in Rule G–32 and the term ''final official statement'' as used in Exchange Act Rule 15c2–12.[119]

With respect to the third scenario, the MSRB responded that there no official statement is anticipated, a dealer selling a new issue security constituting an offered municipal security within the meaning of Rule G–32 would be required to disclose to the customer that there is no official statement.[120] The MSRB noted that this disclosure requirement would attach, and dealers other than the underwriter would be entitled to rely on information posted to EMMA, as described in the preceding paragraph.[121]

With respect to the fourth scenario, the MSRB responded that in sales of new issue securities constituting offered municipal securities within the meaning of Rule G–32 in a remarketing that is deemed to be a primary offering, dealers are required to make a time of trade disclosure if no official statement is available, with such disclosure requirement attaching, and dealers other than the underwriter being entitled to rely on information posted to EMMA, as described above.[122]

The MSRB further stated that the proposed time of trade disclosure would not apply to any sales occurring after the end of the primary offering disclosure period, but such application would not be limited to sales by underwriters of such securities but would apply to any sale by any dealer of such securities during the primary offering disclosure period (although dealers other than underwriters would be entitled to certain reliance on information posted on EMMA in regard to such requirement, as described in the proposed rule change).[123]

The commenter stated that ''disclosing the issuer or obligated person has not agreed to make continuing disclosures with respect to the municipal securities, as contemplated under Securities Exchange Act Rule 15c2–12, that will be available on EMMA should be limited to new issue trades'' and that ''[s]ecurities exempt from 15c2–12 would typically have such a disclosure in an investor letter'' and ''[i]nvestors making secondary market trades can see offering documents, or the lack thereof, on

[105] *Id.*
[106] *Id.*
[107] *See* MSRB Letter at 3.
[108] *Id.*
[109] *See* SIFMA Letter at 4.
[110] *Id.*
[111] *See* SIFMA Letter at 5.
[112] *Id.*
[113] *Id.*
[114] *See* MSRB Letter at 5.
[115] *Id.*
[116] *Id.*
[117] *Id.*
[118] *See* MSRB Letter at 6.
[119] *Id.*
[120] *Id.*
[121] *Id.*
[122] *Id.*
[123] *See* MSRB Letter at 5.

EMMA.'' [124] The MSRB responded that it believes that the fact that continuing disclosures may not be available is material information that may impact an investor's investment decision and is relevant beyond the primary offering disclosure period.[125] In addition, the MSRB noted that while it may be obvious to dealers or sophisticated investors how to determine if continuing disclosures are not available, it may not be so obvious to retail customers for whom MSRB Rule G–47 is primarily oriented.[126]

IV. Discussion and Commission's Findings

The Commission has carefully considered the proposed rule change, the comment letter received, and the MSRB's response thereto. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB.

In particular, the Commission believes that the proposed rule change is consistent with the provisions of Section 15B(b)(2)(C), which provides, in part, that the MSRB's rules shall 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 municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.[127]

The Commission believes the proposed rule change is consistent with Section 15B(b)(2)(C) of the Exchange Act because the proposed rule change would protect investors and the public interest. The proposed rule change would clarify for market participants the meaning of material information under Rule G–47, and better ensure that retail and other customers receive such material information at or prior to the time of trade, allowing them to make a more informed investment decision. The proposed rule change would add new requirements in specific scenarios for dealers to disclose when an official statement is unavailable, when continuing disclosures are not available, and the yield to worst of a transaction, and these new requirements would provide investors with material information when deciding to transact in municipal securities. Finally, consolidating existing interpretive guidance into the text of MSRB Rule G–47 and clarifying existing rule language would also promote compliance by dealers with existing requirements under MSRB Rule G–47 and thereby promote the protection of investors and the public interest by assisting investors, particularly retail customers who may or may not know how or where to access this information, by providing them with material information that could influence an investment decision.

In approving the proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. Section 15B(b)(2)(C) of the Act [128] requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Commission believes the proposed rule change to amend Rule G–47 would not impose any burden on competition and would not have an impact on competition, as the proposed rule change would apply a uniform standard for disclosures required under MSRB Rule G–47. In addition, the proposed rule change would apply equally to all dealers. As all components of the proposed rule change would be applied equally to all registered dealers transacting in municipal securities, the Commission believes that the proposed rule change would not impose any additional burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act.

The Commission also finds that the proposed rule change will not hinder capital formation. As noted above, the proposed rule change ensures a uniform standard for disclosures required under MSRB Rule G–47, and would be applied equally to all dealers. As such, the Commission believes that the proposed rule change would promote clearer regulatory requirements for the disclosures under MSRB Rule G–47 by retiring interpretive guidance on conversion costs and secondary market insurance and consolidating existing inter-dealer time of trade disclosure guidance into a single piece of interpretive guidance. The Commission also finds that the proposed rule change would promote efficiency by retiring guidance no longer in use and consolidating other existing interpretive guidance.

As noted above, the Commission received one comment letter on the filing.[129] The Commission believes that the MSRB, through its response, addressed the commenter's concerns. For the reasons noted above, the Commission believes that the proposed rule change is consistent with the Exchange Act.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[130] that the proposed rule change (SR–MSRB–2024–03) be, and hereby is, approved.

For the Commission, pursuant to delegated authority.[131]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15678 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

[124] *See* SIFMA Letter at 5–6.

[125] *See* MSRB Letter at 6.

[126] *See* MSRB Letter at 6.

[127] 15 U.S.C. 78*o*-4(b)(2)(C).

[128] 15 U.S.C. 78*o*–4(b)(2)(C).

[129] *See* SIFMA Letter.

[130] 15 U.S.C. 78s(b)(2).

[131] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100500; File No. 4–757]

Joint Industry Plan; Notice of Designation of a Longer Period for Commission Action on a Proposed National Market System Plan Regarding Consolidated Equity Market Data

July 11, 2024.

On October 23, 2023, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Investors Exchange LLC, Long Term Stock Exchange, Inc., MEMX LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq ISE, LLC, Nasdaq PHLX LLC, Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., NYSE National, Inc., and Financial Industry Regulatory Authority, Inc. filed with the Securities and Exchange Commission (''Commission'') a proposed new single national market system plan governing the public dissemination of real-time consolidated equity market data for national market system stocks (the ''CT Plan''). The proposed CT Plan was published for comment in the **Federal Register** on January 25, 2024.[1]

[1] *See* Joint Industry Plan; Notice of Filing of a National Market System Plan Regarding

Continued

On April 23, 2024, the Commission instituted proceedings pursuant to Rule 608(b)(2)(i) of Regulation NMS [2] under the Exchange Act to determine whether to approve or disapprove the proposed CT Plan or to approve the proposed CT Plan with any changes or subject to any conditions the Commission deems necessary or appropriate after considering public comment.[3] Rule 608(b)(2)(i) of Regulation NMS provides that such proceedings shall be concluded within 180 days of the date of publication of notice of the plan or amendment and that the time for conclusion of such proceedings may be extended for up to 60 days (up to 240 days from the date of notice publication) if the Commission determines that a longer period is appropriate and publishes the reasons for such determination or the plan participants consent to a longer period.[4] The 180th day after publication of the Notice for the proposed CT Plan is July 23, 2024. The Commission is extending this 180-day period.

The Commission finds that it is appropriate to designate a longer period within which to conclude proceedings regarding the proposed CT Plan so that it has sufficient time to consider the proposed CT Plan and the comments received. Accordingly, pursuant to Rule 608(b)(2)(i) of Regulation NMS,[5] the Commission designates September 21, 2024, as the date by which the Commission shall conclude the proceedings to determine whether to approve or disapprove the proposed CT Plan or to approve the proposed CT Plan with any changes or subject to any conditions the Commission deems necessary or appropriate (File No. 4–757).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15670 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100502; File No. SR–MIAX–2024–28]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule for Customer Orders Routed to Another Options Exchange

July 11, 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 June 28, 2024, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Fee Schedule (''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings*, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the exchange grouping of options exchanges within the routing fee table in Section 1)c) of the Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange to adjust the groupings of options exchanges.

Background

Currently, the Exchange assesses routing fees based upon (i) the origin type of the order; (ii) whether or not it is an order for standard option classes in the Penny Interval Program [3] (''Penny classes'') or an order for standard option classes which are not in the Penny Interval Program (''Non-Penny classes'') (or other explicitly identified classes); and (iii) to which away market it is being routed. This assessment practice is identical to the routing fees assessment practice currently utilized by the Exchange's affiliates, MIAX PEARL, LLC (''MIAX Pearl'') and MIAX Emerald, LLC (''MIAX Emerald''). This is also similar to the methodology utilized by the Cboe BZX Exchange, Inc. (''Cboe BZX Options''), a competing options exchange, in assessing routing fees. Cboe BZX Options has exchange groupings in its fee schedule, similar to those of the Exchange, whereby several exchanges are grouped into the same category dependent upon the order's origin type and whether it is a Penny or Non-Penny class.[4]

As a result of conducting a periodic review of the current transaction fees charged by away markets the Exchange has determined to amend the exchange groupings of options exchanges within the routing fee table to better reflect the associated costs and fees of routing customer orders to certain away markets for execution.

Proposal

The Exchange proposes to amend the table in Section (1)(c) of the Exchange's Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange.

Under this proposed change, the Exchange will not amend the fees

Consolidated Equity Market Data, Securities Exchange Act Release No. 99403 (Jan. 19, 2024), 89 FR 5002 (Jan. 25, 2024) (''Notice''). Comments received in response to the Notice can be found on the Commission's website at: *https://www.sec.gov/comments/4-757/4-757.htm*.

[2] 17 CFR 242.608(b)(2)(i).

[3] *See* Joint Industry Plan; Order Instituting Proceedings to Determine Whether to Approve or Disapprove a National Market System Plan Regarding Consolidated Equity Market Data, Securities Exchange Act Release No. 100017 (Apr. 23, 2024), 89 FR 33412 (Apr. 29, 2024) (''OIP''). Comments received in response to the OIP can be found on the Commission's website at: *https://www.sec.gov/comments/4-757/4-757.htm*.

[4] *See* 17 CFR 242.608(b)(2)(i).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(85).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 510(c).

[4] *See* Cboe U.S. Options Fee Schedules, BZX Options, effective June 13, 2024, ''Fee Codes and Associated Fees,'' at *https://www.cboe.com/us/options/membership/fee_schedule/bzx/*.

associated with the exchange groupings. This proposal merely seeks to amend the exchange groupings as described in the routing fee table below.

Description	Fees
Routed, Priority Customer, Penny Program, to: NYSE American, Cboe, Cboe EDGX Options, Nasdaq PHLX (except SPY), Nasdaq MRX	$0.15
Routed, Priority Customer, Penny Program, to: BOX	0.30
Routed, Priority Customer, Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, Nasdaq ISE, NOM, Nasdaq PHLX (SPY only), MIAX Emerald, MIAX Pearl, Nasdaq BX Options, MEMX	0.65
Routed, Priority Customer, Non-Penny Program, to: NYSE American, BOX, Cboe, Cboe EDGX Options, Nasdaq PHLX, Nasdaq MRX	0.15
Routed, Priority Customer, Non-Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, MIAX Pearl, MIAX Emerald, Nasdaq GEMX, NOM, Nasdaq BX Options, Nasdaq ISE, MEMX	1.00
Routed, Public Customer that is not a Priority Customer, Penny Program, to: NYSE American, NYSE Arca Options, Cboe BZX Options, BOX, Cboe, Cboe C2, Cboe EDGX Options, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, MIAX Pearl, MIAX Emerald, NOM, Nasdaq PHLX, Nasdaq BX Options, MEMX	0.65
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE American, Cboe, Nasdaq PHLX, Cboe EDGX Options, NOM	1.00
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe C2, BOX	1.15
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE Arca Options, Nasdaq GEMX, Nasdaq MRX, MIAX Pearl, MIAX Emerald, MEMX	1.25
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe BZX Options, Nasdaq ISE, Nasdaq BX Options	1.40

Nasdaq MRX

Nasdaq MRX recently amended its fee structure to ''no longer offer Maker Rebates for adding liquidity and instead offer Taker Rebates for removing liquidity. With this new structure, the Exchange [Nasdaq MRX] would continue to assess Priority Customers no Maker Fees for Penny and Non-Penny Symbols to continue to encourage Members to send Priority Customer order flow that adds liquidity to MRX and rests on the order book. The Exchange proposes to begin offering Priority Customer Taker Rebates in Penny and Non-Penny Symbols . . .'' [5] In response to Nasdaq MRX's filing, the Exchange proposes to adjust the grouping of Nasdaq MRX in both the Penny and Non-Penny tiers in the Exchange's routing fee table.

Specifically, the Exchange proposes to amend the ''Routed, Priority Customer, Penny Program'' $0.15 fee tier to remove the ''SPY only'' qualification for orders routed to Nasdaq MRX, so that all Priority Customer orders for Penny Program symbols routed to Nasdaq MRX will be assessed the same $0.15 fee. The Exchange also proposes to amend the ''Routed, Priority Customer, Penny Program'' $0.30 fee tier to remove Nasdaq MRX from the tier completely, as all Priority Customer orders in the Penny Program are now eligible for the $0.15 tier under this proposal. The Exchange also proposes to amend the ''Routed, Priority Customer, Non-Penny Program'' $0.15 tier to add Nasdaq MRX. Finally, the Exchange proposes to eliminate the ''Routed, Priority Customer, Non-Penny Program'' $0.50 tier in its entirety as Nasdaq MRX was the only destination exchange in this tier, and given Nasdaq MRX's recent fee schedule change this tier is now obsolete.

BOX

The Exchange proposes to remove ''BOX (except SPY)'' from the ''Routed, Priority Customer, Penny Program'' $0.15 tier. The Exchange also proposes to amend the ''Routed, Priority Customer, Penny Program'' $0.30 tier to remove the qualification of ''SPY only'' so that all Priority Customer orders for Penny Program symbols routed to BOX will similarly be assessed a $0.30 fee. This change is being made as BOX recently amended its fee schedule and now assesses a $0.10 Taker fee for Public Customer orders that remove liquidity in SPY, QQQ, and IWM.[6]

The purpose of the proposal is to adjust the routing fee groups for orders routed to other exchanges to better reflect the associated costs for that routed execution in Penny and Non-Penny Classes as determined by the fees and rebates at the executing exchange. In determining to amend its groupings the Exchange took into account transaction fees assessed by the away market to which the Exchange routes orders, as well as the Exchange's clearing costs, administrative, regulatory, and technical costs associated with routing orders to an away market. The Exchange uses unaffiliated routing brokers to route orders to the away markets; the costs associated with the use of these services are included in the routing fees specified in the Fee Schedule. This routing fee structure is not only similar to the Exchange's affiliates, MIAX Pearl and MIAX Emerald, but is also comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[7] The Exchange's routing fee structure approximates the Exchange's costs associated with routing orders to away markets. The per-contract transaction fee amount associated with each grouping closely approximates the Exchange's all-in cost (plus an additional, non-material amount) [8] to execute that corresponding contract at that corresponding exchange.

The Exchange notes that in determining whether to adjust certain groupings of options exchanges in the routing fee table, the Exchange considered the transaction fees assessed by away markets, and determined to amend the grouping of exchanges that assess transaction fees for routed orders within a similar range. This same logic and structure applies to all of the groupings in the routing fee table. By utilizing the same structure that is utilized by the Exchange's affiliates, MIAX Pearl and MIAX Emerald, the

[5] *See* Nasdaq MRX proposal (SR–MRX–2024–16).

[6] *See* BOX Exchange Fee Schedule, Section IV, Electronic Transaction Fees, A, Non-Auction Transactions.

[7] *See supra* note 4. The Cboe BZX Options fee schedule has exchange groupings, whereby several exchanges are grouped into the same category, dependent on the order's Origin type and whether it is a Penny or Non-Penny class.

[8] This amount is to cover de minimis differences/changes to away market fees (*i.e.,* minor increases or decreases) that would not necessitate a fee filing by the Exchange to re-categorize the away exchange into a different grouping. Routing fees are not intended to be a profit center for the Exchange and the Exchange's goal regarding routing fees and expenses is to be as close as possible to net neutral.

Exchange's Members [9] will be assessed routing fees in a similar manner. The Exchange notes that its affiliates, MIAX Pearl and MIAX Emerald, will file to make the same proposed routing fee changes contained herein.

Implementation

The proposed rule changes will become effective on July 1, 2024.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [10] in general, and furthers the objectives of Section 6(b)(4) of the Act [11] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [12] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that the proposed changes to the exchange groupings of options exchanges within the routing fee table furthers the objectives of Section 6(b)(4) of the Act and is reasonable, equitable and not unfairly discriminatory because the proposed change will continue to apply in the same manner to all Members that are subject to routing fees. The Exchange believes the proposed changes to the routing fee table exchange groupings furthers the objectives of Section 6(b)(5) of the Act and is designed to promote just and equitable principles of trade and is not unfairly discriminatory because the proposed changes seek to recoup costs that are incurred by the Exchange when routing Priority and Public Customer Orders to away markets on behalf of Members and does so in the same manner for all Members that are subject to routing fees. The costs to the Exchange to route orders to away markets for execution primarily includes transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange believes that the proposed re-categorization of certain exchange groupings would enable the Exchange to better reflect the costs and fees associated with routing orders to other exchanges for execution.

The Exchange places away markets in the fee tier grouping that best approximates the Exchange's costs and fees to route the orders in that segment to that away market. The per-contract transaction fee amount associated with each grouping approximates the Exchange's all-in cost (plus an additional, non-material amount) [13] to execute the corresponding contract at the corresponding exchange. The Exchange believes its tier structure represents the best approach to reflect the costs and fees associated with routing and executing orders on other exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed re-categorization of certain exchange groupings is intended to enable the Exchange to recover the costs it incurs to route orders to away markets. The costs to the Exchange to route orders to away markets for execution primarily includes the transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange does not believe that this proposal imposes any unnecessary burden on competition because it seeks to better reflect the costs and fees incurred by the Exchange when routing orders to away markets on behalf of Members and notes that at least one other options exchange has a similar routing fee structure.[14]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[15] and Rule 19b–4(f)(2) [16] 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 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–MIAX–2024–28 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–MIAX–2024–28. 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

[9] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78f(b)(5).

[13] *See supra* note 8.

[14] *See supra* note 4.

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

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–MIAX–2024–28 and should be submitted on or before August 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–15672 Filed 7–16–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20415 and #20416; IOWA Disaster Number IA–20005]

Presidential Declaration Amendment of a Major Disaster for the State of Iowa

AGENCY: Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Iowa (FEMA–4796–DR), dated 06/24/2024.

Incident: Severe Storms, Flooding, Straight-line Winds, and Tornadoes.

Incident Period: 06/16/2024 and continuing.

DATES: Issued on 07/09/2024.

Physical Loan Application Deadline Date: 08/23/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 03/24/2025.

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: The notice of the President's major disaster declaration for the State of Iowa, dated 06/24/2024, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Woodbury.

Contiguous Counties (Economic Injury Loans Only):

Iowa: Crawford, Monona

Nebraska: Dakota, Thurston

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–15639 Filed 7–16–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; Matching Program

AGENCY: Office of Government Contracting and Business Development, U.S. Small Business Administration.

ACTION: Notice of a new matching program.

SUMMARY: The United States Small Business Administration (SBA) and Department of Veteran Affairs (VA) pursuant to the National Defense Authorization Act for Fiscal Year 2021 and transferred the responsibility for certification of Veteran-Owned Small Businesses (VOSB) and Service-Disabled Veteran-Owned Small Businesses (SDVOSB) to SBA as of January 1, 2023 (Transfer Date). This proposed new Computer Matching program seeks to ensure that applicants for SBA Veteran Small Business Certification Program are eligible as qualifying veterans. This will be accomplished by matching specific VA data with SBA data to determine what applicants and participants meet SBA's Veteran Small Business Certification Program criteria. This new Agreement, between SBA and VA, will terminate the existing Agreement published, December 15, 2022, Computer Matching Agreement Between U.S. Small Business Administration and U.S. Department of Veteran Affairs (VA).

DATES: Submit comments on or before August 16, 2024. This new matching agreement will be effective upon publication and expires 18 months from the date of publication.

ADDRESSES: You may submit comments or inquiries on this proposed matching program, identified by DOCKET NUMBER SBA–2024–0009 or inquiries and comments can be addressed to: Larry Stubblefield, Deputy Associate Administrator, Office of Government Contracting and Business Development, *Larry.Stubblefield@sba.gov,* (202) 205–6572).

FOR FURTHER INFORMATION CONTACT: For general information, please contact: John Perkins, Supervisory Program Specialist, Office of Government Contract Business Development, email: *John.Perkins@sba.gov,* (202) 798–7750 or Jason Hoge, Executive Director, Product Engineering (Acting), email *Jason.Hodge@va.gov* telephone (612) 725–4337; for Security Information: Kelvin Moore, SBA Chief Information Security Officer/Deputy Chief Information Officer (Acting), Office of the Chief Information Officer, email: *Kelvin.Moore@sba.gov,* ((202) 921–6273) and for Privacy related: LaWanda Burnette, Chief Privacy Officer, Office of the Chief Information Officer, email: *LaWanda.Burnette@sba.gov,* (202) 853–0851.

SUPPLEMENTARY INFORMATION: The Agreement between SBA and VA is expected to aid in the transition and identifying qualified veterans. VA maintains a list of veterans and service-disabled veterans and will provide SBA with this data. To accomplish this, VA and SBA will participate in a Computer Matching program to match data to identify what veterans are qualifying veterans and to verify eligibility for SBA's certification program. The average number of records being matched on an annual basis is 21,468.

Participating Agencies: U.S. Department of Veteran Affairs and U.S. Small Business Administration.

Authority for Conducting the Matching Program

1. Section 862 of the National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 134 Stat. 3388 (January 1, 2021) (NDAA 2021), amended 38 U.S.C 8127 and transferred the responsibility for certification of VOSB and SDVOSB for VA procurements to SBA as of January 1, 2023 (Transfer Date). NDAA 2021 also amended Section 36 of the Small Business Act to create a certification requirement for SDVOSBs seeking sole source and set-aside contracts across the Federal Government.

2. Pursuant to section 862(b) of the NDAA 2021, VA shall verify an individual's status as a veteran or a service-disabled veteran and establish a system to permit SBA to access, but not alter, the verification of such status.

3. Pursuant to section 862(d) of the NDAA 2021, upon request by SBA, federal agencies shall provide data that SBA determines to be necessary to carry out the certification of a small business concern owned and controlled by veterans or service-disabled under sections 36 and 36A of the Small Business Act.

Purpose(s): To be eligible for certification in SBA's Veteran Small Business Certification Program, an applicant's small business must be

[17] 17 CFR 200.30–3(a)(12).

owned and controlled by one or more qualifying veterans. A ''qualifying veteran'' is a veteran as defined by 38 U.S.C. 101(2) or a service-disabled veteran. A service-disabled veteran is an individual that possesses either a valid disability rating letter issued by VA, establishing a service-connected rating between 0 and 100 percent, or a valid disability determination from the Department of Defense or is registered in the Beneficiary Identification and Records Locator Subsystem maintained by Department of Veterans Affairs' Veterans Benefits Administration as a service-disabled veteran. Reservists or members of the National Guard disabled from a disease or injury incurred or aggravated in line of duty or while in training status also qualify.

VA maintains a list of veterans and service-disabled veterans and will provide SBA with this data. To accomplish this, VA and SBA will participate in a Computer Matching program to match data in order to identify what veterans are qualifying veterans and to verify eligibility for SBA's certification program.

Categories of Individuals: Small businesses owned and controlled by one or more qualifying veterans.

Categories of Records: Information relating to applicants to the Small Business Administration's Veteran Small Business Certification Program. This is for small business owned or controlled by veterans.

Specific data elements to match from SBA are: Veteran Business Owner applicant's first name, last name, tax identification number (SSN/ITIN), birth date, street address 1, street address 2, city, state, country, zip code, middle name, home phone, mother's maiden name, gender, birthplace city, birthplace state, birthplace country.

VA will respond from match to SBA and return: Veteran's combined disability data (disability rating and combined effective date); Service-connected determination (individual ratings, decision, effective date, rating end date, rating percentage; and Title 38 Veteran status data (veteran status and status not confirmed reason).

System(s) of Records

''Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA (58 VA 21/22/28)'' last amended at 86 FR 61858 (November 8, 2021).

''Veterans Affairs Profile—VA, (192VA30),'' established at 87 FR 36207 (June 15, 2022). ''Veterans Affairs/Department of Defense Identity Repository (VADIR)—VA (138VA005Q),'' last amended at 74 FR 142 (July 27, 2009), is in the process of being republished.

''Government Contracting and Business Development System'', SBA 30 system of records, as provided by 86 FR 19078 modified 88 FR 2748, to verify qualifying veteran status for inclusion in SBA's Veterans' Small Business Certification Program.

Stephen Kucharski,

Acting Chief Information Officer and Senior Agency Official for Privacy, Office of the Chief Information Officer.

[FR Doc. 2024–15684 Filed 7–16–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20447; GEORGIA Disaster Number GA–20009 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Georgia

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Georgia dated 07/10/2024.

Incident: Water Main Breaks.

Incident Period: 05/31/2024 through 06/06/2024.

DATES: Issued on 07/10/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 04/10/2025.

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 EIDL 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: Fulton.

Contiguous Counties:

Georgia: Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Gwinnett

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for economic injury is 204470.

The State which received an EIDL Declaration is Georgia.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2024–15687 Filed 7–16–24; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2024–0024]

Public Availability of Social Security Administration Fiscal Year (FY) 2022 Service Contract Inventory

AGENCY: Social Security Administration.

ACTION: Notice of public availability of FY 2022 Service Contract Inventories.

SUMMARY: In accordance with the Consolidated Appropriations Act of 2010, we are publishing this notice to advise the public of the availability of the FY 2022 Service Contract inventory.

FOR FURTHER INFORMATION CONTACT: Ronnetta Mason, Office of Budget, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401. Phone (410) 597–1955, email *Ronnetta.Mason@ssa.gov.*

SUPPLEMENTARY INFORMATION: This inventory provides information on FY 2022 service contract actions over $25,000. We organized the information by function to show how we distribute contracted resources throughout the agency. We developed the inventory in accordance with guidance issued on December 19, 2011, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/service-contract-inventory-guidance.pdf.* You can access the inventory and summary of the inventory on our

homepage at the following link: *https://www.ssa.gov/sci/.*

Chad Poist,

Deputy Commissioner for Budget, Finance, and Management, Social Security Administration.

[FR Doc. 2024–15739 Filed 7–16–24; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Delegation of Authority No. 479–2]

Delegation of the Authority of the Assistant Secretary for Western Hemisphere Affairs To Invoke the Deliberative-Process Privilege

ACTION: Delegation of authority.

SUMMARY: The State Department is publishing a Delegation of Authority signed by Assistant Secretary for Western Hemisphere Affairs on July 10, 2024.

SUPPLEMENTARY INFORMATION: Brian A. Nichols, Assistant Secretary for Western Hemisphere Affairs, signed the following ''Delegation of Authority to the Deputy Assistant Secretaries, for Western Hemisphere Affairs'' on July 10, 2024. The State Department maintains the original document.

(Begin text.)

By virtue of the authority vested in me by the Secretary of State in Delegation of Authority No. 479, dated December 17, 2019, and to the extent authorized by law, I hereby re-delegate to the Deputy Assistant Secretaries of State for Western Hemisphere Affairs the authority to assert the deliberative-process privilege in judicial and administrative proceedings.

Nothing in this delegation of authority shall be deemed to supersede or otherwise affect any other delegation of authority. This delegation shall expire upon the entry upon duty of a subsequently appointed or designated Assistant Secretary for Western Hemisphere Affairs, unless sooner revoked.

This document will be published in the **Federal Register**.

(End text.)

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2024–15646 Filed 7–16–24; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2024–0053]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to approve a new 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 August 16, 2024.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0053 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: Julie Johnston, (202) 591–5858, Office of Preconstruction, Construction and Pavements, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 4 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 May 9, 2024, at [89 FR 39679]. The comments and FHWA's responses are below:

The document was published for a 60-day notice in the **Federal Register**. The document citation is 89 FR 39679. There were seventeen (17) comments during this comment period, many of which were identical. In summary, each comment stated how important the Value Engineering Program is and the data collection is an important part of demonstrating good stewardship of public funds. Each comment encouraged the continuation of the data collection, and that the data shows that the Value Engineering program is effective.

FHWA acknowledges these comments.

Several commenters encouraged FHWA to collect more data, and to ask OMB to reinstate all federal agencies reporting associated with OMB Circular A–131. One commenter stated that they would like to have access to data reported by other states.

In an effort to reduce the burden on state DOT's, FHWA streamlined the data collection process to highlight the cost expended, cost savings and return on investment that comes from Value Engineering. All state's data is available on FHWA's Value Engineering website for public review *https://www.fhwa.dot.gov/ve/vereport.cfm.* Commenters are encouraged to reach out to OMB about reinstating OMB Circular A–131.

Two commenters suggested that FHWA develop an electronic database that allows for the entry of the requested information and allow this database to be viewable by the public so that they can compare data.

In 2023, FHWA created an electronic form for state DOT's to input their annual data. This form populates the summary information that is available to the public on FHWA's Value Engineering website. This information is sortable by state, fiscal year, costs, and a number of other factors. Users can also download this information in to a PDF for their use.

Title: Annual Value Engineering Call for Data.

Background: Value Engineering (VE) is defined as a systematic process of review and analysis of a project, during the concept and design phases, by a multidiscipline team of persons not involved in the project, that is conducted to provide recommendations for providing the needed functions safely, reliably, efficiently, and at the lowest overall cost; improving the value and quality of the project; and reducing the time to complete the project. Applicable projects requiring a VE analysis include Projects on the National Highway System (NHS) receiving Federal assistance with an estimated total cost of $50,000,000 or more; Bridge projects on the NHS receiving Federal assistance with an estimated total cost of $40,000,000 or more; any major project, as defined in

23 U.S.C. 106(h), located on or off the NHS, that utilizes Federal-aid highway funding in any contract or phase; and other projects as defined in 23 CFR 627.5. 23 U.S.C. 106(e)(4)(iv) and 23 CFR 627.7(3) require States to monitor, evaluate, and annually submit a report that describes the results of the value analyses that are conducted, and the recommendations implemented on applicable projects. The FHWA annually submits a National Call for VE Data in order to monitor and assess the VE Program and meet the requirements of 23 U.S.C. 106(h).

Respondents: 52, including 50 State Transportation Departments, the District of Columbia, the Commonwealth of Puerto Rico.

Frequency: Annually.

Estimated Average Burden per Response: Approximately 2 hours per participant over a year.

Estimated Total Annual Burden Hours: Approximately 104 hours per year.

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: July 11, 2024.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2024–15638 Filed 7–16–24; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2024–0054]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to approve a new 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 August 16, 2024.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0054 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: Frances Ramirez, (202) 961–8605 FHWA, Office of Federal Lands Highway, Office of Federal Lands Programs, 22001 Loudoun County Parkway, Building E1, Suite 150, Ashburn, VA 20147. Office hours are from 8 a.m. to 4 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 May 9th, 2024, at 89 FR 39678. The comments and FHWA's responses are below: One comment was submitted on July 8, 2024, and no contact information was provided. In summary, the comment requested monthly cleaning of highways, fix potholes and mandate wildlife corridors, also known as green corridors on highways, in each state. The comment describes the benefits of wildlife corridors; including, safe passage during migrations, promote genetic diversity by avoiding habitat fragmentation, prevents animal-vehicle collisions creating safe corridors for big and small animals, and minimizes human-animal interaction. The NSFLTP Program supports wildlife crossings infrastructure and may be eligible as long the project is a single continuous project on a Federal Lands transportation facility, a Federal Lands access transportation facility, or a Tribal transportation facility (as defined in 23 U.S.C. 101) (FAST Act, section 1123(c)(1), (d)).

Title: Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program.

Background: The NSFLTP Program was authorized under section 1123 of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94) and amended by section 11127 of the BIL. The NSFLTP Program funds are to be awarded on a competitive basis for the construction, reconstruction, and rehabilitation of nationally significant projects within, adjacent to, or accessing Federal and Tribal lands. The NSFLTP Program provides an opportunity to address significant challenges across the Nation for transportation facilities that serve Federal and Tribal lands.

Respondents: Eligible applicants include Federal Land Management Agencies (FLMA); Tribal Governments; and States, counties, and units of local government may also apply, but only if sponsored by an FLMA or Tribal Government. On average, there are about 1,011 respondents.

Frequency: Annually.

Estimated Average Burden per Response: The average burden hours per response varies from 15 minutes to 10 hours depending on the form the applicant completes.

Estimated Total Annual Burden Hours: Total estimated average annual burden is 2,392 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: July 12, 2024.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2024–15744 Filed 7–16–24; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2023–01; Evaluation of Policies and Procedures Related to the Use and Maintenance of Hot Bearing Wayside Detectors (Second Supplement)

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Safety Advisory; Notice No. 3.

SUMMARY: FRA is issuing this Second Supplement to Safety Advisory 2023–01 to reiterate and expand upon the recommendations in its previously published Safety Advisories related to hot bearing wayside detectors (HBDs). This Safety Advisory reiterates FRA's previous recommendations in Safety Advisory 2023–01 and its June 14, 2023 Supplement, and expands on the recommendations to incorporate the findings of FRA's ongoing evaluations by emphasizing: the importance of trend analysis and the opportunity to integrate wayside detector data types to evaluate railcar health; the need to establish and follow appropriate processes in analyzing and responding to HBD data; the need for railroads to ensure that adequate staff are assigned to monitor and respond to wayside detector data; and the need for railroads to maximize the use of HBD data, including sharing wayside detector data between railroads, as a train travels from one railroad's tracks to another railroad's track.

FOR FURTHER INFORMATION CONTACT: For further information concerning this Safety Advisory, please contact Karl Alexy, Associate Administrator for Railroad Safety and Chief Safety Officer, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 493–6282. *Disclaimer:* This Safety Advisory is considered guidance pursuant to DOT Order 2100.6A (June 7, 2021). Except when referencing laws, regulations, policies, or orders, the information in this Safety Advisory does not have the force and effect of law and is not meant to bind the public in any way. This document revises and expands upon the previously issued guidance in Safety Advisory 2023–01 published on March 3, 2023 and the first supplement to that Safety Advisory published on June 14, 2023.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 2023, in response to a series of rail accidents, including the February 3, 2023, Norfolk Southern Railway Company (NS) train derailment in East Palestine, Ohio, U.S. DOT Secretary Pete Buttigieg, while calling on the freight rail industry and Congress to take action to improve rail safety, reiterated the Department's commitment to enhancing rail safety through specific targeted actions.[1] In addition to various regulatory and other activities FRA already had underway at the time of Secretary Buttigieg's announcement, one of the actions announced included a focused inspection program of routes over which high-hazard flammable trains (HHFTs)[2] and other trains transporting large volumes of hazardous materials travel (Route Assessment). Subsequently, consistent with the commitments in the Secretary's call to action and in response to continued derailments and the death of an NS worker, FRA launched a supplemental safety assessment of NS and issued multiple safety advisories and safety bulletins,[3] calling attention to the risks FRA identified in recent accidents.

On March 3, 2023, FRA published Safety Advisory 2023–01 (88 FR 13494) and on June 14, 2023, FRA published a Supplement to that Safety Advisory (88 FR 38933). Both Safety Advisory 2023–01 and the June 14, 2023, Supplement to that Safety Advisory recommended that railroads take certain actions relative to HBDs to enhance the mechanical reliability of their rolling stock and improve the overall safety of railroad operations. Since publication of those advisories, FRA has continued to evaluate railroads use of HBDs and investigate accidents relating to journal bearings on railcars.

Additionally, FRA proposed a task statement to the Rail Safety Advisory Committee (RSAC) to lead the development of best practices in the use of wayside detectors that may include recommendations to update existing regulations and guidance, and/or develop new regulations and guidance regarding wayside detector equipment and operations.

HHFT Route Assessment

As noted above, in March 2023, FRA initiated the Route Assessment, a nationwide comprehensive assessment of the rail routes over which HHFTs and other trains carrying large volumes of hazardous materials are transported. The Route Assessment included all FRA technical safety disciplines (*i.e.,* hazardous materials, track, signal and train control, mechanical, operating practices, and grade crossing). The Route Assessment was designed to evaluate the overall condition of the rail infrastructure (including, but not limited to, track, rolling stock, signal systems, and other equipment that affects or monitors the safety of rail operations) and railroads' compliance with both FRA safety regulations and the regulations of the Pipeline and Hazardous Materials Safety Administration.

FRA published the High-Hazard Flammable Train Route Assessment & Legacy Tank Car Focused Inspection Program Summary Report on January 2024 (Summary Report).[4] This Summary Report identified areas where improvements are needed in railroads' practices, processes, and procedures relating to the use of wayside detector technology to help ensure effective use of that technology. For example, FRA found inconsistencies in railroads' processes and procedures for handling wayside detector data and recommended railroads develop and share with industry best practices related to the inspection and maintenance policies and procedures relating to wayside detectors. Similarly, FRA found that the lack of detector data-sharing among railroads was preventing individual railroads from identifying trends in equipment condition as equipment is interchanged between railroads. The Summary Report also highlighted the need for railroads to ensure sufficient resources and infrastructure are in place to effectively process and communicate detector data and alerts to all those involved in the movement of trains.

Supplemental Safety Assessment of NS

On March 15, 2023, FRA initiated a supplemental safety assessment of NS (NS Assessment), with a specific focus on safety culture and training, as well as a deep dive into compliance with selected regulations and the status of

[1] *See https://www.transportation.gov/briefing-room/us-department-transportation-fact-sheet-steps-forward-freight-rail-industry-safety.*

[2] An HHFT is ''a single train transporting 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block or a single train carrying 35 or more loaded tank cars of a Class 3 flammable liquid throughout the train consist.'' 49 CFR 171.8.

[3] *https://railroads.dot.gov/elibrary/safety-advisory-2023-01-evaluation-policies-and-procedures-related-use-and-maintenance-hot; https://railroads.dot.gov/elibrary/safety-advisory-2023-02-train-makeup-and-operational-safety-concerns; https://railroads.dot.gov/elibrary/safety-advisory-2023-03-accident-mitigation-and-train-length; https://railroads.dot.gov/elibrary/safety-bulletin-2023-01-switching-operation-accident; https://railroads.dot.gov/sites/fra.dot.gov/files/2023-03/Safety%20Bulletin%202023-02%20%28031623%29.pdf.*

[4] *Available at: https://railroads.dot.gov/sites/fra.dot.gov/files/2024-01/HRA%20Final%20Report_01.22.24.pdf.*

NS's responses to FRA recommendations resulting from FRA's 2022 System Audit of the railroad.[5] In August 2023, FRA published its findings resulting from the NS Assessment [6] that included several areas of concern relating to NS's use of HBDs and included recommendations to improve the resiliency of NS's processes and procedures for monitoring and responding to bearing health information from the railroad's system of HBDs.[7]

RSAC Wayside Detector Working Group

On April 21, 2023, RSAC accepted FRA's proposed task statement related to wayside detectors (RSAC Task No. 2023–01).[8] The RSAC working group charged with carrying out this task includes representatives from railroads, suppliers, and labor organizations. The working group is analyzing current railroad processes and procedures, as well as current industry standards and historical safety data. This ongoing RSAC task is intended to lead to the development of best practices in the use of wayside detectors that may include recommendations to update existing regulations and guidance, and/or develop new regulations and guidance regarding wayside detector equipment and operations. FRA anticipates that the RSAC task will be completed by the end of 2024.

Analysis of Recent Accidents and Safety Trends

Since publication of the first supplement to Safety Advisory 2023–01 on June 14, 2023, five (5) FRA-reportable accidents suspected to be caused by or attributable to a burnt journal bearing(s) have occurred.[9] Of these accidents, at least three might have been prevented by improved decision-making processes or analyses using the HBD data. Further, despite railroads reporting an increase in the use of HBDs in recent years, the rate of bearing related accidents (including reportable and non-reportable accidents) has remained relatively constant over the years and shows no sign of improvement.

Recommended Railroad Actions

In light of the above discussion and in response to FRA's ongoing investigation of the derailment in East Palestine, Ohio, FRA is supplementing the recommendations included in Safety Advisory 2023–01 and its June 14, 2023, Supplement to expand upon recommendations nos. 3 and 5 as well as adding two additional recommendations. For ease of reference, FRA's existing recommendations nos. 1 through 5 are reproduced below, with changes to recommendations no. 3 and no. 5 and including the new recommendations nos. 6 and 7. Accordingly, FRA recommends that railroads take the following actions:

1. Review existing HBD system inspection and maintenance policies and procedures for compliance with existing industry standards and manufacturer recommendations for HBDs.

2. Review existing procedures to train and qualify personnel responsible for installing, inspecting, and maintaining HBDs to ensure they have the appropriate knowledge and skills. Railroads should also develop and implement appropriate training on the inspection and maintenance requirements for HBDs and provide that training at appropriate intervals to ensure the required knowledge and skill of inspection and maintenance personnel. Further, railroads should evaluate their training content and training frequency to ensure any employee who may be called upon to evaluate a suspect bearing has the necessary training, experience, and qualifications. FRA also encourages railroads to ensure these individuals are available at all hours of operations across a railroad's network.

3. Review current HBD detector trending logic and thresholds considering recent derailments, and all other relevant available data (including data from any close calls or near misses), to determine the adequacy of the railroad's current trend analysis and thresholds levels. Thresholds should be established for single measurement as well as multiple measurements of individual bearings to enable temperature trend analysis. Railroads should maximize the opportunity for journal bearing trending and seek opportunities to integrate wayside detector data types to evaluate railcar health and action critical issues, including risks associated with burnt journal bearings.

4. Review current procedures governing actions responding to HBD alerts to ensure required actions are commensurate with the risk of the operation involved. With regard to trains transporting any quantity of hazardous materials, FRA recommends railroads adopt the procedures outlined in AAR's OT–55 for key trains as an initial measure.

5. Rigorously evaluate the resiliency and accuracy of the overall process used to monitor and act upon information from wayside detectors, with specific focus on steps and tasks that, if not performed or performed incorrectly, could mislead decision makers. The process of monitoring, reporting, inspecting, analyzing, and acting on information from detectors includes tasks that, if incorrectly executed, could introduce risk. Railroads should also evaluate each step and task performed by railroad personnel to pinpoint any HBD reporting failures to report potential problems and implement appropriate safeguards to minimize their impact when monitoring, analyzing, and responding to detector information. For example, relating to the May 10, 2023, NS derailment in New Castle, PA referenced in the June 14, 2023, Supplement to Safety Advisory 2023–01, although the investigation is still ongoing, FRA is probing the communication and timing of the alarm and alerts to both the locomotive, wayside detector desk and the dispatch center, and if there was a failure of the railroad's process that contributed to the accident.

6. Ensure that desks for monitoring wayside detector reports, advisories, and alerts are staffed during all hours of railroad operation, including back-up personnel to ensure coverage when personnel take breaks or step away from the desk to perform other duties. All personnel that monitor the desks should be trained and knowledgeable in railcar health and wayside detector capabilities, capable of reviewing alerts and trends and corresponding with train crews regarding potential unsafe conditions.

7. Maximize the use of HBD data, as well as data from other types of wayside detectors, sharing data between railroads as a train travels from one railroad's tracks to another railroad's track, s including advising a receiving railroad when a railcar has a trending journal bearing or other potentially unsafe conditions.

Conclusion

As noted in Safety Advisory 2023–01 and its June 14, 2023 Supplement, the issues identified in this second

[5] FRA Audit No. 2022–NS Special Audit –01–1 *available at https://railroads.dot.gov/elibrary/fra-audit-report-norfolk-southern-railway-company.*

[6] *https://railroads.dot.gov/about-fra/communications/newsroom/press-releases/supplemental-safety-assessment-norfolk-southern.*

[7] *https://railroads.dot.gov/sites/fra.dot.gov/files/2023-08/2023%20NS%20Safety%20Culture%20Assessment_08.09.23.pdf.*

[8] *https://rsac.fra.dot.gov/tasks.*

[9] The five derailments since publication of Safety Advisory 2023–01 Supplement on June 14, 2023, include the May 21, 2023, UP derailment in Mecca, CA; the July 6, 2023, NS derailment in Elliston, VA; the November 22, 2023, CSX derailment in Livingston, KY; the February 10, 2024, CSX derailment in Aurora, NC; and the February 17, 2024, CSX derailment in Pee Dee, SC.

supplement to Safety Advisory 2023–01 are indicators of a railroad's safety culture. Implementing procedures to ensure safety and adequately train personnel so that those procedures become second nature, is vital. Equally important is the commitment, throughout a railroad's organization, to safety and empowerment of personnel to live up to that commitment. Further, railroads must work together to maximize the use of wayside detector data and information, sharing this information openly to maximize safety.

FRA encourages railroads to take actions consistent with Safety Advisory 2023–01, as originally published, as supplemented, and as further amended in this second supplemental notice, as well as any other complementary actions, to ensure the safety of rail transportation. FRA may modify this notice, issue additional safety advisories, or take other actions necessary to ensure the highest level of safety on the Nation's railroads, including pursuing other corrective measures under its authority.

Issued in Washington, DC.

Amitabha Bose,

Administrator.

[FR Doc. 2024–15691 Filed 7–16–24; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0036]

Denial of Motor Vehicle Defect Petition, DP24–002

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of a petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a defect petition, DP24–002, submitted by Ms. Elizabeth Margulies (the Petitioner) to NHTSA (the Agency) by a letter dated February 15, 2024. The petition requests that the Agency initiate a safety defect investigation into loss of motive power incidents attributed to vehicles manufactured by Kia America, Inc. (Kia) equipped with 3.3 L Lambda-II engines. After conducting a technical review of the petition and other information, NHTSA's Office of Defects Investigation (ODI) has concluded that that the issues raised by the petition do not warrant a new defect investigation. Peer vehicles equipped with the 3.3 L Lambda-II engine are already being considered in an open investigation into allegations of loss of motive power for Model Year (MY) 2016–2017 Kia Sorento vehicles equipped with the same 3.3 L Lambda-II engine. Accordingly, the Agency has denied the petition as moot.

FOR FURTHER INFORMATION CONTACT: David Engel, Vehicle Defect Division C, Office of Defects Investigation, NHTSA, 1200 New Jersey Avenue SE, Washington, DC, 20590. Telephone: 202–366–0385. Email: *david.engel@dot.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

Interested persons may petition NHTSA requesting that the Agency initiate an investigation to determine whether a motor vehicle or an item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a defect that relates to motor vehicle safety. 49 U.S.C. 30162(a)(2); 49 CFR 552.1. Upon receipt of a properly filed petition, the Agency conducts a technical review of the petition, material submitted with the petition and any additional information. 49 U.S.C. 30162(a)(2); 49 CFR 552.6. The technical review may consist solely of a review of information already in the possession of the Agency or it may include the collection of information from a motor vehicle manufacturer and/or other sources. After conducting the technical review and considering appropriate factors, which may include, but are not limited to, the nature of the complaint, allocation of Agency resources, Agency priorities, the likelihood of uncovering sufficient evidence to establish the existence of a defect and the likelihood of success in any necessary enforcement litigation, the Agency will grant or deny the petition. *See* 49 U.S.C. 30162(a)(2); 49 CFR 552.8.

Background Information

The Office of Defects Investigation (ODI) received a petition dated February 15, 2024, requesting a defect investigation into an alleged defect of the 3.3L Lambda-II engine equipped in Kia vehicles.[1] The Petitioner owns a MY 2016 Kia Sedona with a 3.3 L Lambda-II engine and addresses concerns with that vehicle, as well as others with that same engine.

Summary of Petition

The petition cites allegations of a sudden loss of motive power, often resulting in an engine seizure. The stall is preceded by a knocking sound, sudden loss of all oil, and no warning lights.

Office of Defects Investigation Analysis

On November 13, 2023, ODI opened PE23–019 to address allegations of loss of motive power, on the 3.3L V6 Lambda-II engine for MY 2016–2017 Kia Sorento. Even though the failure mechanism could be considered different between DP24–001 and PE23–019, the hazard at which it progresses is the same. PE23–019 includes the MY 2016 Kia Sedona, the Petitioner's vehicle, as a peer vehicle. The investigation addresses as peer vehicles all MY 2014–2015 and 2018–2020 Kia Sorento, 2014–2020 Kia Cadenza, and 2015–2021 Kia Sedona vehicles with 3.3 L engines manufactured for sale or lease in the United States.

The investigation seeks to identify any hazards associated with this failure mode and will consider if the allegations cited by the Petitioner present a risk to vehicle safety. This investigation includes quantifying the severity and frequency of the alleged loss of motive power in the peer vehicles.

This investigation is ongoing and addresses the potential safety-related defect raised by the Petitioner. In view of the open investigation, PE23–019, ODI is denying the petition as moot. The Agency will evaluate through PE23–019 if a safety-related defect exists.

Authority: 49 U.S.C. 30162(d) and 49 CFR part 522; delegation of authority at 49 CFR 1.95(a).[2]

Eileen Sullivan,

Associate Administrator for Enforcement.

[FR Doc. 2024–15642 Filed 7–16–24; 8:45 am]

BILLING CODE 4910–59–P

[1] The letter also included a request for rulemaking with the stated goal of ensuring Kia vehicles equipped with the engine at issue adhere to safety standards that ''effectively mitigate and rectify the identified defect.'' NHTSA interprets this request as a part of the Petitioner's request for a defect investigation. The Vehicle Safety Act provides for a petition to request that NHTSA ''prescribe a motor vehicle safety standard.'' 49 U.S.C. 30162(a)(1); *see* 49 CFR 552.3(a). Federal Motor Vehicle Safety Standards (FMVSS) are requirements that apply to new vehicles at the time of manufacture. *See* 49 U.S.C. 30111, 30115. The Petitioner is instead requesting NHTSA take action with respect to an alleged defect in vehicles already manufactured and certified as compliant with the FMVSS. A defect petition is the appropriate mechanism to address the substance of Petitioner's request.

[2] The authority to determine whether to approve or deny defect petitions under 49 U.S.C. 30162(d) and 49 CFR part 552 has been further delegated to the Associate Administrator for Enforcement.

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