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Presidential Documents

Title 3—

The President

Executive Order 14125 of July 24, 2024

Establishing an Emergency Board To Investigate a Dispute Between New Jersey Transit Rail Operations and Its Locomotive Engineers Represented by the Brotherhood of Locomotive Engineers and Trainmen

A dispute exists between the New Jersey Transit Rail Operations and its Locomotive Engineers represented by the Brotherhood of Locomotive Engineers and Trainmen.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended, 45 U.S.C. 151–188 (RLA).

A party empowered by the RLA has requested that the President establish an emergency board pursuant to section 9A of the RLA (45 U.S.C. 159a).

Section 9A(c) of the RLA provides that the President, upon such request, shall appoint an emergency board to investigate and report on the dispute.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States, including section 9A of the RLA, it is hereby ordered as follows:

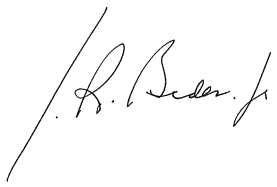
Section 1. *Establishment of Emergency Board (Board).* There is established, effective 12:01 a.m. eastern daylight time on July 25, 2024, a Board composed of a chair and two other members, all of whom shall be appointed by the President to investigate and report on the dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The Board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The Board shall report to the President with respect to the dispute within 30 days of its creation.

Sec. 3. *Maintaining Conditions.* As provided by section 9A(c) of the RLA, for 120 days from the date of the creation of the Board, no change in the conditions out of which the dispute arose shall be made by the parties to the controversy, except by agreement of the parties.

Sec. 4. *Records Maintenance.* The records and files of the Board are records of the Office of the President and upon the Board's termination shall be maintained in the physical custody of the National Mediation Board.

Sec. 5. *Expiration.* The Board shall terminate upon the submission of the report provided for in section 2 of this order.



THE WHITE HOUSE,
July 24, 2024.

[FR Doc. 2024–16740
Filed 7–26–24; 8:45 am]
Billing code 3395–F4–P

Presidential Documents

Memorandum of July 24, 2024

Delegation of Authority Under the Protecting Americans From Foreign Adversary Controlled Applications Act

Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Secretary of Defense[,] the Attorney General[,] the Secretary of Commerce[,] the Secretary of Homeland Security[, and] the Director of National Intelligence

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

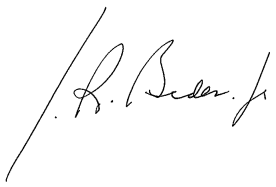
Section 1. (a) I hereby delegate to the Attorney General, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Homeland Security, all authorities vested in the President by the Protecting Americans from Foreign Adversary Controlled Applications Act (Division H of Public Law 118–50).

(b) In exercising the authorities delegated in subsection (a) of this section, the Attorney General may, as appropriate, consult with the Director of National Intelligence and the heads of other relevant executive departments and agencies (agencies).

Sec. 2. (a) There is established a Committee for the Review of Foreign Adversary Controlled Applications (Committee), composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence. Not later than 180 days after the date of this memorandum, the members of the Committee, through a process convened by National Security Council staff consistent with National Security Memorandum 2 of February 4, 2021 (Renewing the National Security Council System), shall determine rules and procedures sufficient for the Committee to exercise the authorities delegated to the Attorney General under section 1 of this memorandum. Upon conclusion of the 180-day period, the Committee shall exercise those authorities in accordance with such rules and procedures.

(b) The Director of National Intelligence and the heads of other relevant agencies, as the Attorney General under section 1 of this memorandum or the Committee under section 2 of this memorandum determines appropriate, shall provide assessments of the threat to national security posed by foreign adversary controlled applications in connection with the discharge of the responsibilities, respectively, of the Attorney General or the Committee. In providing such assessments, the Director of National Intelligence shall solicit and incorporate the views of the Intelligence Community, as appropriate.

Sec. 3. The Attorney General is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, July 24, 2024

[FR Doc. 2024–16741
Filed 7–26–24; 8:45 am]
Billing code 4410–19–P

Rules and Regulations

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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; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a final rule that was published in the **Federal Register** on July 17, 2024, regarding changes to its regulations to incorporate by reference revisions of three regulatory guides, which would approve new, revised, and reaffirmed code cases published by the American Society of Mechanical Engineers. This action is necessary to correct a misspelled word, a grammatical error, an amendatory instruction, and footnote references.

DATES: The correction is effective August 16, 2024.

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 Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** 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, Monday through Friday, except Federal holidays.
- *Technical Library:* The Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, is open by appointment only. Interested parties may make appointments to examine documents by contacting the NRC Technical Library by email at *Library.Resource@nrc.gov* between 8 a.m. and 4 p.m. (ET), Monday through Friday, except Federal holidays.

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: The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2018–0291. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2018–0291); (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

Corrections

In FR Doc. 2024–15288, published at 89 FR 58039 on July 17, 2024, the NRC makes the following corrections:

Preamble

1. On page 58041, in the third column, the sentence ''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.'' is corrected to read ''The NRC will continue to review mid-ISI interval requests in accordance with the existing process described in 10 CFR 50.55a(g)(4)(iv) and 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.''

2. On page 58052, in the first column, under ''Appendix J to 10 CFR part 50,'' remove the last sentence.

Regulatory Text

■ 3. In amendatory instruction 2 for § 50.55a:
■ a. On page 58056, starting in the first column, paragraph (f)(4)(ii) is corrected;
■ b. On page 58056, in the second column, in paragraph (g)(4), ''BPVC'' is corrected to read ''BPV''; and
■ c. On page 58057, in the third column, in paragraph (g)(5)(ii), ''intervalduring'' is corrected to read ''interval during''.

The correction reads as follows:

§ 50.55a [Corrected]

(f) * * *

(4) * * *

(ii) *Applicable IST Code: Successive code of record intervals.* Inservice tests to verify operational readiness of pumps and valves, whose function is required for safety, conducted during successive code of record intervals must comply with the requirements of the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section no more than18 months before the start of the code of record interval (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), subject to the conditions listed in paragraph (b) of this section.

■ 4. On page 58058, in the second column, amendatory instruction 3 and the accompanying regulatory text for appendix J to part 50 is corrected to read:

3. In appendix J to part 50, in section III of option A, revise paragraph D.1.(a) to read 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.[2]

* * * * *

[2] See footnote 1.

* * * * *

Dated: July 22, 2024.

For the Nuclear Regulatory Commission.

Helen Chang,

Acting Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–16404 Filed 7–26–24; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 679

[Docket No. 240715–0195]

RIN 0648–BM40

Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 126 to the Fishery Management Plans for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 114 to the Fishery Management Plan for Groundfish of the Gulf of Alaska To Expand Electronic Monitoring to the Pollock Fisheries

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement amendment 126 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI) and amendment 114 to the FMP for Groundfish of the Gulf of Alaska (GOA). Amendments 126/114 implement an electronic monitoring (EM) program for pelagic trawl pollock catcher vessels and tender vessels delivering to shoreside processors and stationary floating processors in the Bering Sea (BS), Aleutian Islands (AI), and GOA. This final rule is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), amendments 126/114, the BSAI FMP, the GOA FMP, and other applicable laws.

DATES: Effective August 28, 2024.

ADDRESSES: Electronic copies of amendment 126 to the BSAI FMP and amendment 114 to the GOA FMP (collectively, the FMPs) and the Environmental Assessment/Regulatory Impact Review prepared for this action (the analysis), and the Finding of No Significant Impact prepared for this action may be obtained from *https://www.regulations.gov* and the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/region/alaska.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Gretchen Harrington; and to *www.reginfo.gov/public/do/PRAMain.* Find the particular information collection by using the search function.

FOR FURTHER INFORMATION CONTACT: Joel Kraski, 907–586–7228, *joel.kraski@noaa.gov.*

SUPPLEMENTARY INFORMATION: This final rule implements amendments 126/114 to the FMPs. NMFS published a Notice of Availability for amendments 126/114 in the **Federal Register** on January 22, 2024 (89 FR 3902), with public comments invited through March 22, 2024. NMFS published a proposed rule to implement amendments 126/114 in the **Federal Register** on February 5, 2024 (89 FR 7660), with public comments invited through April 5, 2024. The Secretary of Commerce approved amendments 126/114 on April 15, 2024, after considering information from the public and determining that amendments 126/114 are consistent with the BSAI and GOA FMPs, the Magnuson-Stevens Act, and other applicable laws.

Per section 313 of the Magnuson-Stevens Act, NMFS conducted public hearings to accept oral and written comments on the proposed rule in-person for Alaska and virtually for Oregon and Washington. The first public hearing was held on February 28, 2024, in Kodiak, Alaska. The second virtual public hearing took place on March 12, 2024.

NMFS received 17 comment letters on the proposed rule. NMFS considered 25 unique relevant written and oral comments received by the end of the applicable comment period and at a public hearing, whether specifically directed to the FMP amendments or the proposed rule. NMFS considered the 25 unique comments in reaching the approval decision for amendments 126/114. A summary of the comments and NMFS' responses are provided under the heading Comments and Responses section below. NMFS received one comment that was outside the scope of this action.

North Pacific Observer Program

The Observer Program, part of the Fisheries Monitoring and Analysis Division of the Alaska Fisheries Science Center, implements a suite of requirements for observation and reporting of fishing activities that plays an integral role in the management of North Pacific fisheries. The Observer Program was created with the implementation of the Magnuson-Stevens Act in the mid-1970s and has evolved from primarily observing foreign fleets to observing domestic fleets. The Observer Program provides the regulatory framework for NMFS-certified observers (observers) and EM systems to be deployed on board vessels to obtain information necessary for the conservation and management of the groundfish and halibut fisheries.

Integrating Electronic Monitoring Into the Observer Program

The North Pacific Fishery Management Council (Council) and NMFS developed this final action based on input received from the Council's Trawl EM Committee, 3 years of data gathered through the exempted fishing permit (EFP) process, and public input through the Council process and the hearings and comment periods associated with this final rule. The rule provides an option for participants in the partial and full coverage observer categories using pelagic trawl gear to directed fish for pollock, as well as tender vessels delivering pollock to shoreside processors or stationary floating processors, to choose to be in a new category: the trawl EM category.

This final rule makes EM an option for catcher vessels directed fishing for pollock with pelagic trawl gear in the BS, AI, or GOA fisheries (hereinafter ''catcher vessels'') and associated tender

vessels delivering pollock to shoreside processors or stationary floating processors in the BS, AI, and GOA. The preamble to the proposed rule to implement amendments 126/114 (89 FR 7660, February 5, 2024) contains a detailed description of the background for this action, which is not repeated here.

Under this final rule, EM systems installed aboard the catcher vessels and tenders will collect at-sea data that NMFS will use to monitor vessels' compliance with Federal regulations and catch handling requirements. The implementation of EM has the potential to reduce economic and operational costs associated with deploying observers on catcher vessels. EM will improve salmon accounting for all associated species, reduce monitoring costs, and improve the quality of monitoring data.

In consultation with the Council, NMFS has flexibility to provide observer coverage to respond to the scientific and management needs of the fisheries. By integrating EM on catcher vessels directed fishing for pollock with pelagic trawl gear, the Council and NMFS seek to preserve and increase this flexibility by implementing adaptable monitoring plans. With this final rule, NMFS, in consultation with the Council, is able to deploy EM tools tailored to the needs of different fishery sectors, just as it does with observers, through the Annual Deployment Plan (ADP).

Trawl EM Category

This final rule establishes the process to allow owners or operators of catcher vessels and tender vessels in the pelagic pollock fisheries to choose to be in the trawl EM category and, therein, to use an EM system in place of an observer in most cases. Participation in the trawl EM category is voluntary, and a vessel owner or operator could choose on an annual basis to request a vessel's placement in the trawl EM category.

This final rule also establishes the requirements for use of an EM system to monitor whether discards at sea occur. Furthermore, review of EM video footage will be used to verify vessel discard estimates submitted by those catcher vessels using pelagic trawl gear and tender vessels that choose to be in the trawl EM category. For vessels in the trawl EM category, the data collection previously conducted by at-sea observers will be completed by observers stationed at the processor receiving the catch.

In the event NMFS identifies additional data that cannot be collected at the processor when this program is implemented, NMFS retains the authority to deploy at-sea observers on catcher vessels in the trawl EM category. Additionally, some level of in-person at-sea data collection in the pollock fisheries will continue to be necessary to collect certain spatial and biological data. NMFS will make these observer coverage decisions through the ADP process.

In addition to observers stationed at shoreside processors and stationary floating processors, Catch Monitoring Control Plans (CMCPs) and Vessel Monitoring Plans (VMPs) will be used to determine and achieve the sampling objectives NMFS outlines in the ADP. The onboard EM systems will ensure that vessels meet compliance monitoring objectives while also establishing a chain of custody for prohibited species catch (PSC). Observers at shoreside processors or stationary floating processors will then collect species composition, PSC, and biological samples as determined by the Alaska Fisheries Science Center, Fisheries Monitoring and Analysis Division. The flexibility offered by the ADP allows NMFS to achieve transparency, accountability, and efficiency from the Observer Program to meet its various objectives. The ADP process ensures that the best available information is used to evaluate deployment, including scientific review and Council input, to annually determine deployment methods.

For all fishing trips in the trawl EM category, all vessels will be required to improve retention (*i.e.,* minimize discards to the greatest extent practicable) and record all catch handling. All EM data will be submitted as required to NMFS for review to ensure the trawl EM category elements are followed. Failure to meet the program objectives, as outlined in the ADP and VMP, may result in disapproval of further participation in the trawl EM category and enforcement action.

This final rule implements requirements applicable to the following: (1) catcher vessels in the trawl EM category; (2) tender vessels, shoreside processors, and stationary floating processors receiving deliveries from catcher vessels in the trawl EM category; (3) observer providers; and (4) EM service providers for vessels in the trawl EM category.

Under this final rule, a catcher vessel remains subject to observer coverage, described at § 679.51(a)(1) or § 679.51(a)(2), unless NMFS approves a request for placement of the catcher vessel in the trawl EM category. This final rule establishes monitoring requirements for tender vessels that receive deliveries from a catcher vessel in the trawl EM category. Shoreside processors and stationary floating processors are subject to observer coverage requirements at § 679.51(b)(1) or § 679.51(b)(2). This final rule establishes additional observer sampling station and monitoring requirements at § 679.28(g)(7) through (10) for shoreside processors and stationary floating processors. These observer sampling station and monitoring requirements previously existed for shoreside processors and stationary floating processors receiving American Fisheries Act (AFA) deliveries. Under this final rule, those requirements are expanded to any plant receiving trawl EM deliveries to support shoreside observers and include additional requirements, such as updating spatial requirements to allow for new data collections. Additionally, under this final rule, entities intending to provide EM hardware to vessels in the trawl EM category are required to obtain an EM hardware service provider permit as specified at § 679.52(d) and (e).

Annual Request for Placement in the Trawl EM Category and Compliance

Under this final rule, eligible vessel owners or operators of catcher and tender vessels may voluntarily request to participate in the trawl EM category annually through the Observer Declare and Deploy System (ODDS) by November 1 and, if approved, will be subject to coverage requirements as specified by NMFS. Specifically, any owner or operator of a catcher vessel with a pollock pelagic trawl endorsement on their Federal Fisheries Permit (FFP) or a tender vessel receiving deliveries from these catcher vessels may request to be in the trawl EM category.

This final rule establishes responsibilities for the owner or operator of a catcher vessel or tender vessel in the trawl EM category to install and maintain an EM system. Vessels in the trawl EM category are to comply with all provisions of the trawl EM category, including those specified in regulations, the ADP, and in their individual VMPs. This final rule also adds regulations at § 679.51(g) to specify the EM system requirements for vessels using pelagic trawl gear.

A vessel will remain in the trawl EM category for all directed fishing for pollock with pelagic trawl gear for the entirety of the fishing year for which they request to participate in the trawl EM category. This requirement is needed to maintain the sampling design outlined in the ADP. A tender vessel

will remain in the trawl EM category at all times when receiving catch from a catcher vessel in the trawl EM category during the fishing year. A catcher vessel in the trawl EM category must deliver catch only to a tender vessel, shoreside processor, or stationary floating processor that is also approved to participate in the trawl EM category.

Trawl EM Coverage

This final rule establishes two coverage categories within the trawl EM category: (1) full coverage; and (2) partial coverage. Unless otherwise specified, the trawl EM category encompasses both the full coverage and partial coverage trawl EM categories.

Full Coverage Trawl EM Category

The final rule at § 679.51(g)(1)(i)(A)(*2*) defines the full coverage trawl EM category for catcher vessels operating in the BS or Community Development Quota (CDQ) fisheries. These vessels are currently in the Observer Program's full coverage category. For the fishing year, if a catcher vessel is approved to be in the full coverage trawl EM category, that vessel will be subject to this final rule for every fishing trip in which the vessel deploys pelagic trawl gear. This means, in addition to other requirements, that these vessels must ensure their EM systems are operating and actively recording for the duration of every pelagic trawl gear fishing trip and associated offload. The owner or operator of a vessel in the full coverage trawl EM category will be responsible for contracting with a permitted EM hardware service provider, as specified at § 679.51(g)(1)(ix)(B), to procure, install, and maintain EM equipment on their vessel. To pay for video review services for vessels in the full coverage trawl EM category, this final rule establishes a new full coverage EM review fee at § 679.56.

Partial Coverage Trawl EM Category

The final rule at § 679.51(g)(1)(i)(A)(*1*) defines the partial coverage trawl EM category for catcher vessels operating in the GOA or AI. These vessels are currently in the Observer Program's partial coverage category.

Catcher vessels approved to be in the partial coverage trawl EM category must continue to log all trips in ODDS. Access to ODDS is available through the NMFS Alaska Region website (see **ADDRESSES**). For the fishing year, every fishing trip in which a partial coverage catcher vessel deploys solely pelagic trawl gear is considered a part of the trawl EM category. This means that these vessels must, in addition to other requirements, ensure their EM systems are operating and actively recording for the duration of every fishing trip and associated offload. Vessels in the partial coverage trawl EM category are prohibited from deploying non-pelagic trawl gear while on a fishing trip subject to EM coverage. Catcher vessels in the partial coverage trawl EM category are required to deliver catch only to tender vessels or processors in the trawl EM category having a NMFS-approved VMP or CMCP. Vessels in the partial coverage trawl EM category will use NMFS' contracted EM hardware service provider that has been procured through the partial coverage fee program. EM equipment for vessels in the partial coverage trawl EM category are paid for by the observer fees as specified at § 679.55.

Tender Vessels

This final rule adds EM requirements for tender vessels that are used to transport unprocessed groundfish received from a catcher vessel in the trawl EM category to an associated processor. As part of the unprocessed groundfish chain of custody, it is necessary for tender vessels to comply with EM requirements to ensure no sorting of catch occurs before the catch reaches the processor. This final rule at § 679.51(g)(1)(i)(B) allows the owner or operator of a tender vessel to request to be placed in the trawl EM category before receiving any delivery from a catcher vessel in the trawl EM category. A tender vessel that is approved to be in the trawl EM category must comply with applicable vessel responsibilities specified at § 679.51(g)(3) for every delivery received and offloaded subject to the trawl EM category, including ensuring their EM system is operating and actively recording for the duration of every such trip and associated offload.

Shoreside Processors and Stationary Floating Processors

For shoreside processors or stationary floating processors to receive deliveries from vessels in the trawl EM category, this final rule includes additional catch handling requirements. Shoreside processors or stationary floating processors indicate their intent to receive trawl EM category deliveries in the upcoming fishing year during the annual CMCP process. Under this final rule at § 679.28(g)(7), (9), and (10), shoreside processors or stationary floating processors receiving deliveries from vessels in the trawl EM category are required to follow specified salmon sorting and handling procedures to ensure shoreside observers have full access to salmon bycatch. This final rule at § 679.28(g)(9) allows observers at these processors to collect full salmon and Pacific halibut data and necessary biological samples, which are vital in monitoring the health and status of those stocks in Alaska.

Current regulations at § 679.21(f)(15)(ii)(C) require salmon retention and storage for processors in the BS pollock fishery. This final rule moves these existing regulations to § 679.28(g)(9)(ii) and (g)(10) and extends those regulations to shoreside processors and stationary floating processors receiving deliveries from vessels in the trawl EM category in the GOA. Each year, NMFS publishes an Observer Sampling Manual, which contains the comprehensive sampling procedures and methods to be used by observers to collect fishery-dependent data but does not establish the sampling rate. The criteria used to determine the sampling rate required at shoreside processors and stationary floating processors receiving deliveries from vessels in the trawl EM category will be determined annually and published in the ADP.

EM Service Providers

There are currently two types of EM service providers: (1) EM hardware service providers that equip and maintain EM systems aboard vessels; and (2) EM review service providers that receive and review EM data from EM systems. This final rule adds a regulation at § 679.2 to define both kinds ofEM service providers. NMFS may contract with or grant a permit to a prospective EM hardware service provider if their data are able to be reviewed by the current EM service provider NMFS has selected for reviewing EM data.

EM Hardware Service Provider Permit

This final rule at § 679.52(d) adds the procedures for EM hardware service providers to obtain an EM hardware service provider permit and the responsibilities of EM hardware service providers. Prospective EM hardware service providers need to obtain an EM hardware service provider permit. Once approved and issued by NMFS, the EM hardware service provider permit is valid until the provider does not provide EM services for a period of 12 consecutive months to vessels in the trawl EM category or until NMFS removes the permit. Performance of the EM hardware service provider will be assessed annually on the ability of the provider to meet program objectives as outlined in § 679.51 and the ADP.

EM Review Service Providers

An EM data review service provider is a provider that NMFS contracts with, or otherwise has an established business relationship with, to review, interpret, or analyze EM data as required under this final rule at § 679.51. To avoid conflicts of interest, NMFS will select EM data review service providers that do not have a direct financial relationship with vessels in the trawl EM category.

EM Equipment and VMPs

The operator of each catcher vessel or tender vessel approved by NMFS to be in the trawl EM category must make their vessel available to an EM hardware service provider for installation and servicing of all required EM system components according to this final rule at § 679.51(g)(1)(ix). The EM hardware service provider will install the EM system and cameras in locations that meet the monitoring objectives annually specified in the ADP. Full coverage vessels will choose their permitted EM hardware service provider, while NMFS will assign partial coverage catcher vessels or tender vessels a NMFS-permitted EM hardware service provider.

If a vessel already has an EM system installed from a non-permitted EM hardware service provider, the catcher vessel or tender vessel operator will work with a NMFS-permitted EM hardware service provider to modify the EM system as necessary to meet the specifications in the trawl EM category.

After EM equipment has been installed or serviced, the catcher vessel or tender vessel operator will develop a VMP with the EM hardware service provider and submit it to NMFS for approval according to this final rule at § 679.51(g)(2). A VMP is a document that outlines operator responsibilities for the trawl EM category, including requirements for sending EM data to the EM data review service provider for review, restrictions should EM equipment malfunction, and how feedback from NMFS or the EM data review service provider will be communicated to vessel operators. NMFS provides a VMP template for guidance to the EM service provider and the vessel operator on the elements NMFS requires in a final NMFS-approved VMP.

The catcher vessel or tender vessel operator must agree to comply with the components of the VMP, acknowledge as much by signing the VMP, and submit the signed VMP to NMFS. NMFS reviews the VMP for completeness and may request additional clarification. If the VMP meets the requirements established in the VMP template, NMFS will approve the VMP and place the vessel in a trawl EM category for the upcoming fishing year.

A catcher vessel or tender vessel in the trawl EM category is required to maintain a copy of their current NMFS-approved VMP onboard at all times while that catcher vessel conducts fishing activities, or tender vessel receives EM deliveries, as part of the trawl EM category. If NMFS does not approve the VMP, NMFS will issue an initial administrative decision (IAD) to the vessel owner or operator that will explain the basis for the disapproval. The vessel owner or operator may file an administrative appeal under the administrative appeals procedures set out at 15 CFR part 906.

The catcher vessel or tender vessel operator must make the NMFS-approved VMP available upon request by NOAA Office of Law Enforcement (OLE), a NMFS-authorized officer, or other NMFS-authorized personnel (see this final rule § 679.51(g)(4)(iv)).

If NMFS determines that a catcher vessel or tender vessel failed to comply with its VMP, the catcher vessel or tender vessel's application for placement in the trawl EM category may not be approved the following year(s).

Catcher Vessel and Tender Vessel Owner and Operator Responsibilities

Catcher vessel and tender vessel operators and owners in the trawl EM category must comply with all elements of the NMFS-approved VMP and maintain the EM system in working order, including ensuring the EM system is powered and functioning throughout the fishing trip, keeping cameras clean and unobstructed, and ensuring the system is not tampered with, consistent with this final rule at § 679.51(g)(3). Catcher vessel and tender vessel owners and operators are also required to ensure that power is maintained to the EM system at all times when the vessel is under way or the engine is operating on trips monitored using EM. Catcher vessel operators are required to follow EM system procedures prior to deploying gear as specified in this final rule at § 679.7(j)(1). Additionally, catcher vessel and tender vessel operators are required to ensure the EM system is fully functional prior to retrieving gear during the fishing trip or prior to receiving a delivery, consistent with this final rule at § 679.51(g)(4)(iii).

Before fishing gear is retrieved or an offload is received, as applicable, the catcher vessel and tender vessel operators need to verify that all components of the EM system are functioning. Instructions for completing this verification will be provided in the vessel's VMP consistent with this final rule at § 679.51(g)(2)(vi).

Catcher vessel and tender vessel operators will be required to follow landing notice procedures specified in the VMP, consistent with this final rule at § 679.51(g)(3). The landing notice is transmitted by the catcher vessel or tender vessel to the intended shoreside processor or stationary floating processor, consistent with the timeline specified in the VMP prior to returning to port. After receiving the landing notice from the vessel, the processor will relay that information to shoreside observers.

Catcher vessel and tender vessel operators are prohibited from tampering with the EM system and from harassing their EM service provider, EM reviewers, or any other monitoring personnel who may be working with vessel operators in this program. This final rule adds to existing EM prohibitions at § 679.7(j) to ensure EM system functionality and the data from these systems are usable for fisheries management. Other operator responsibilities are identified in the VMP to meet data needs for EM monitoring.

Catcher vessel and tender vessel operators must submit the EM data to the EM data review provider using a method specified in the NMFS-approved VMP. Operators of vessels in the trawl EM category must submit EM data after a specified number of trips, consistent with the vessel's NMFS-approved VMP. The frequency of data submittal will be defined in the VMP and could change based on data needs identified by NMFS, consistent with this final rule at § 679.51(g).

EM System Malfunctions

The EM system must be fully operational as described in the VMP. The VMP will list EM system malfunctions considered contrary to the Observer Program's data collection objectives. The VMP will also describe the procedures to follow if malfunctions occur, including when to contact the EM service provider and OLE. This final rule at § 679.51(g)(4) describes the responsibilities of the catcher vessel and tender vessel operator in case of an EM system malfunction.

Improved Retention of Catch

With trawl EM, catcher vessel operators retain all catch except when doing so would compromise the safety and stability of the vessel (see this final rule at § 679.7(j)(2)).

For all fishing trips, catcher vessels will be expected to avoid sorting and discarding catch to the greatest extent practicable. Unsorted catch must be delivered to a tender vessel, shoreside processor, or a stationary floating processor to ensure observers have access to all catch.

Removing Requirements for Regulatory Discards

To promote retention of catch for catcher vessels in the trawl EM category, this final rule includes exceptions to regulations that otherwise require discarding catch at sea. Namely, under the final rule, catcher vessels in the trawl EM category will not be subject to the prohibition against exceeding Maximum Retainable Amounts (MRAs) in the BS, AI, and GOA; the prohibition against vessels having on board, at any particular time, 20 or more crabs of any species; and the pollock trip limit in the GOA.

This final rule exempts vessels in the trawl EM category from the prohibition at § 679.7(a)(16) pertaining to MRAs that limit retention of incidentally caught species so that total harvest can be managed up to, but not over, the Total Allowable Catch (TAC) by the end of the year. The MRA prohibition at § 679.7(a)(16) requires at-sea discarding of fish above the MRA amount for each species. While the prohibition on exceeding the MRAs is removed for vessels participating in the trawl EM category, under this final rule, NMFS will continue to use MRA regulations at § 679.20(e) to determine whether a vessel is ''directed fishing,'' (see § 679.2 for definition) for a particular species for various purposes (*e.g.,* compliance with § 679.22) and to gauge whether the vessel's behavior has changed, in conjunction with the Trawl EM Incentive Plan Agreement (TEM IPA) discussed below. If NMFS determines an IPA is not effective in preventing vessel behavior changes, NMFS may not allow a vessel to participate in the trawl EM category program in the following year(s).

This final rule also adds an exception for vessels participating in the trawl EM category from the regulation at § 679.7(a)(14) that prohibits vessels in the BSAI and GOA from having on board, at any particular time, 20 or more crabs of any species with a carapace width of more than 1.5 inches (38 millimeters) at the widest dimension. Rather than discarding such crab, the final rule requires catcher vessels to retain all crabs for enumeration by shoreside observers at the processor, as described below in the PSC Retention section of this preamble.

Additionally, this final rule exempts vessels in the trawl EM category from the prohibitions at § 679.7(b)(2) that limit catcher vessels' harvest of pollock in the GOA (commonly referred to as the pollock trip limit). Currently, catcher vessels are subject to a 300,000 lb (136 mt) on-board retention limit on pollock, requiring vessels to discard at sea any pollock in excess of 300,000 lbs (136 mt). The final rule will require catcher vessels in the trawl EM category to retain all such catch.

PSC Retention

Under this final rule, catcher vessels fishing in the trawl EM category are required to retain all species categorized as PSC, including salmon and crab, so that they can be fully enumerated by shoreside observers at the shoreside processor or stationary floating processor as specified at § 679.21(a)(2).

Trawl EM Incentive Plan Agreements (TEM IPA) for Partial Coverage Catcher Vessels

To maintain the controls on the behavior of catcher vessels in the pollock fishery that the MRAs, crab retention limits, and the GOA pollock trip limits provide, this final rule includes provisions for a TEM IPA. An IPA is an industry-developed contractual arrangement that is approved by NMFS.

Under this final rule, in order to be qualified to participate in the trawl EM category, catcher vessels in the partial coverage category will be required to become a party to a TEM IPA. Under this final rule at § 679.57, TEM IPAs are structured to limit changes in vessel behavior as a result of this final rule.

To ensure IPAs are effective, IPA parties will be required to demonstrate to the Council through annual reports that the IPA is accomplishing the Council's intent that each vessel in the trawl EM category limit changes in behavior. The representative of each approved TEM IPA will submit a written annual report to the Council, which will be available to the public. Additionally, NMFS inseason management staff will continue to track bycatch and pollock harvest by vessels in the trawl EM category and provide updates in the Annual Inseason Report to the Council. Upon receipt of the TEM IPA Annual Report and the NMFS Annual Inseason Report, the Council may re-evaluate the goals for the TEM IPA and make adjustments as necessary subject to NMFS' approval.

NMFS will approve a TEM IPA if the IPA meets the criteria specified in this final rule at § 679.57. Each year, NMFS will publish on the NMFS Alaska Region website the approved list of TEM IPAs and NMFS Approval Memorandums, the list of parties to each IPA, approved modifications to the TEM IPAs, and the list of catcher vessels that, on average, harvest bycatch in quantities that would exceed MRAs and catch more than 300,000 lbs (136 mt) of pollock per fishing trip in the GOA. For the sake of clarity, each TEM IPA will define how these averages will be calculated over the fishing year.

Logbooks

Logbooks are necessary for trawl EM data flow, and the trawl EM category does not work without this component. Under this final rule, logbooks are required for all participants in the trawl EM category. Catcher vessels in the trawl EM category may use NMFS-approved paper or electronic logbooks and follow the logbook-related regulations at § 679.5(a).

CMCP

Under this final rule, catcher vessels and tender vessels in the trawl EM category may only deliver fish to a shoreside processor or stationary floating processor that has a NMFS-approved CMCP. Furthermore, processors are prohibited from receiving deliveries from a catcher vessel or tender vessel in the trawl EM category without a NMFS-approved CMCP.

This final rule modifies § 679.28(g) to reorganize CMCP requirements to improve clarity and consistency and to add provisions necessary to facilitate observer data collection for deliveries from vessels in the trawl EM category.

In the ADP, NMFS defines the criteria for determining the necessary number of observers at shoreside processors and stationary floating processors. The criteria for determining the necessary number of observers for a given processor may include tonnage processed, number of deliveries, or processing hours. These criteria apply to all processors receiving deliveries from vessels in the trawl EM category. The specific number of observers necessary to meet sampling objectives are listed in the CMCP, which NMFS may update throughout the year to ensure that the necessary number of observers are present, as processing effort may change seasonally.

Observer Providers

Shoreside processors and stationary floating processors receiving deliveries from vessels in the full coverage trawl EM category procure observer services by arranging and paying for observer services directly from a permitted observer provider consistent with

existing regulations at § 679.51(d). This final rule modifies regulations governing observer provider permitting and responsibilities at § 679.52 to remove fax as an electronic communication method, update how often specific information must be submitted to NMFS (see Observer Program Fees section), and clarify the requirements for observer providers to monitor observer conduct and address observer misconduct.

Observer Program Fees

NMFS is authorized under section 313 of the Magnuson-Stevens Act to require Observer Program participants in any North Pacific fishery to pay a fee for observer and EM monitoring provided the fee does not exceed 2 percent of the fishery's ex-vessel value.

To pay for video review services for vessels in the full coverage trawl EM category, this final rule establishes a new full coverage EM review fee at § 679.56. This new fee will be used by NMFS to pay for the costs of data review, storage, and transmission of EM data for vessels in the full coverage trawl EM category. The annual cost of EM review, data storage, and transmission will be divided among full coverage vessels in the trawl EM category. NMFS will use the pollock catch history (*i.e.,* actual harvest amount) from the previous year to divide the cost equitably among full coverage participants in the trawl EM category for that year. NMFS will send invoices to vessel owners and payment will be required by May 31 each year. Failure to pay the full coverage trawl EM fee will prevent a catcher vessel or tender vessel from being selected for the trawl EM category in the following year as specified in this final rule at § 679.51(g)(1)(4).

Consistent with regulations at § 679.55, NMFS uses funds from the existing observer fees to pay for EM hardware and review services for vessels in the partial coverage category. Catcher vessels and tender vessels in the partial coverage trawl EM category (vessels operating in the GOA and AI pollock fisheries) will continue to pay the existing observer fee as specified at § 679.55. The partial coverage category is funded through a system of fees collected from fishery participants (vessels and processors) under authority of section 313 of the Magnuson-Stevens Act. NMFS uses partial coverage fees to procure shoreside observers, deploy and support EM equipment on selected vessels, and pay for EM video review and data storage.

Other Regulatory Changes

In addition to the regulations necessary to implement the trawl EM category, NMFS revises the following regulations for clarity and efficiency:

- Remove the expired prohibition at § 679.7(a)(17), specifying that neither catcher vessels nor catcher processors could act as a tender vessel until all groundfish or groundfish product was offloaded and that they could not harvest groundfish while operating as a tender vessel. That prohibition was added as part of an emergency rule (66 FR 7276, January 22, 2001), which expired on July 17, 2001. To date, the regulation has not been removed. This final rule removes the expired prohibition at § 679.7(a)(17) to prevent confusion, especially as § 679.7(a)(11) contains a similar prohibition.
- Regulations implementing EM for nontrawl vessels in the partial coverage category of the Observer Program are modified to remove the phrase ''*EM selection pool*'' and to add in its place ''*Nontrawl EM selection pool*'' to clearly identify regulations applicable to the different EM categories. Multiple gear types, excluding trawl, participate in the nontrawl EM selection pool, while only trawl vessels are eligible for the trawl EM category.
- This final rule moves regulations specifying salmon sorting and handling practice from § 679.21(f)(15)(ii)(C)(*2*) through (*6*) to § 679.28(g)(9) and (10). This move is necessary to consolidate all CMCP-related regulations into a single location.
- Replace all instances of ''video data storage device'' with ''EM data'' in § 679.51(f) to broaden the language to allow for future data formats.
- Remove fax numbers in §§ 679.28(g) and 679.51(g) to match current practice that has abandoned fax usage.

Comments and Responses

NMFS received 17 comment letters on the Notice of Availability and the proposed rule. At the public hearings and through the NOA and proposed rule comment periods, NMFS received comments from individuals, fishery observers, and pollock fishery participants including harvesters and processors. NMFS has summarized and responded to the 25 unique comments below.

Indigenous Peoples

Comment 1: Indigenous peoples and other affected parties should be involved in the development of future EM actions.

Response: NMFS acknowledges the comment. This rule was developed through a public process at the Council (*https://www.npfmc.org/*). The Council held multiple meetings over several years to discuss stages of the EFP and this rule as it was developed. All meetings held by the Council are open to the public, announced on the Council's web page, and accept comments and testimony by the public. NMFS seeks to include diverse viewpoints on the development of future EM actions and will continue to improve outreach to notify and engage all interested parties, including Alaska Native Tribes, of actions under development.

Trawl EM Rule Process

Comment 2: Collaborative efforts that are inclusive of agency, industry, scientific, and vendor personnel are essential for addressing the complex topic of implementing EM programs that meet management needs.

Response: NMFS agrees that collaborative efforts were integral to the success of the EFP and development of this rule.

Annual Request

Comment 3: The proposed rule does not allow vessels to return to observer coverage during a fishing year. Vessels should be provided this flexibility in the case of EM system issues and malfunctions that cannot be repaired in a timely manner.

Response: The EM program is voluntary and vessels can opt-in on an annual basis. In order to maintain the sampling design outlined in the ADP, a catcher vessel must remain in the trawl EM category for all directed fishing for pollock with pelagic trawl gear for the entirety of the fishing year and would not be able to leave the trawl EM category during that fishing year. Based on the experience of participants in the EFP, EM systems are reliable and NMFS does not anticipate that malfunctions would limit a vessel's participation in a pollock fishery.

Comment 4: The proposed rule states that NMFS retains the authority to deploy at-sea observers aboard vessels in the EM category, which could be seen as punitive.

Response: NMFS envisions that at-sea observers will be deployed through the established ADP process, which includes a public process through the Council and its associated monitoring committees. The ability for NMFS to deploy at-sea observers for the purpose of collecting biological data necessary for the conservation and management of the fishery is necessary to allow the maximum number of EM vessels to participate in the program each year.

Without this flexibility, NMFS would need to reduce the number of vessels allowed to participate in the trawl EM category and require some vessels to carry observers every year, rather than deploying observers on vessels only as needed to target specific data needs.

Comment 5: The proposed rule at § 679.51(g)(1)(iv) does not specify a date when vessels will receive notification of approval for the trawl EM category. This timeframe is critical to both vessels and EM service providers for planning EM system installations, upgrades, or repairs that must occur prior to the season start.

Response: NMFS agrees that vessels need to be notified in a timely manner. Generally, vessels can expect to receive notification of approval within a month of the November 1 deadline to request to join the trawl EM category.

Catcher Vessels

Comment 6: Please clarify what happens if a vessel indicates that they intend to deploy nonpelagic gear, which puts them into the observer coverage pool, but ultimately only deploys pelagic trawl gear.

Response: A vessel in the trawl EM category that indicates they intend to deploy nonpelagic trawl gear on a trip, but instead deploys only pelagic gear during the trip, would be in violation of the requirement to use EM on all pelagic trawl trips, as specified in the definition of ''Trawl EM category'' at § 679.2. NMFS would view this behavior as a vessel not providing accurate data and therefore not complying with the trawl EM regulations.

Comment 7: Can video data be used to identify vessel personnel for non-fisheries related enforcement action?

Response: No. The video recorded by the vessel EM system is covered by the Magnuson-Stevens Act's confidentiality provisions. NMFS is not authorized to release EM footage unless an exception set forth in section 402(b) of the Magnuson-Stevens Act applies.

Comment 8: Vessels participating in the trawl EM category should be allowed to carry nonpelagic trawl gear while fishing in Type I and II crab closure areas for both trawl EM category and non-trawl EM category trips, where they are currently prohibited to do so. During the EFP, vessels in the trawl EM category were allowed to carry nonpelagic gear when trawling in these areas on trawl EM category trips to test the capabilities of EM for monitoring whether nonpelagic gear was deployed, and no issues were encountered.

Response: NMFS agrees that, on trawl EM category fishing trips, EM will monitor whether a nonpelagic trawl is deployed in a Type I or II crab closure area. NMFS detected no issues during the EFP with participating vessels deploying nonpelagic trawls. Based on this comment, NMFS revised regulations at § 679.22(b)(1)(i) and (ii) to allow vessels in the trawl EM category during trawl EM category fishing trips to carry, but not deploy, nonpelagic trawl gear in these areas. Under this final rule, all EM footage captured by catcher vessels in the EM category will be reviewed. Vessels will be required to indicate in their VMP which of its net reels contain nonpelagic trawl gear, as they did during the EFP. Revising regulations to allow nonpelagic trawl gear to be on board vessels during fishing trips that fall outside of the trawl EM category is beyond the scope of this action.

Tender Vessels

Comment 9: Catcher vessels are required to indicate whether they would like to participate in the trawl EM category by November 1 of each year. This requirement creates difficulties for tender vessels as the associated shoreside processor likely will not know which vessels will be available to participate in the trawl EM category until February of the upcoming fishing year.

Response: The November 1 deadline does not extend to tender vessels. NMFS will specify the anticipated number of tender vessels each year in the ADP based on available funds in the partial coverage category. While the November 1 deadline does not apply, tender vessels must have a NMFS-approved VMP in place prior to receiving catch from trawl EM category catcher vessels.

Shoreside Processors

Comment 10: Under the proposed rule at § 679.7(j)(2)(ii), shoreside processors are prohibited from (1) beginning to sort a trawl EM category offload before an observer has completed biological sampling of all salmon and (2) continuing to sort trawl EM category catch if the salmon storage container is full. These requirements impact current fishery operations associated with open access fisheries, where there is a race to fish. These open access offloads are currently sampled at a 33 percent rate under the EFP, and, as such, the regulations should not prevent further offloading of catch. In the rare instance of conflicting sampling of offloads, the subsequent offload could be selected by the observers.

Response: Based on this comment, NMFS revised this final rule at §§ 679.7(j)(2)(ii)(D), 679.7(j)(2)(ii)(E), and 679.28(g)(9)(ii)(D) to specify these regulations are applicable only to offloads of catch from the BS or CDQ pollock fisheries. This will not change salmon accounting in the partial coverage pollock fisheries in the GOA and AI.

Additionally, for the GOA and AI open access pollock fisheries, NMFS added § 679.28(g)(9)(ii)(E) to this final rule to state: ''Regarding deliveries of pollock from the Gulf of Alaska or Aleutian Islands, observer(s) must be given the opportunity to complete the count of salmon and the collection of scientific data or biological samples from all offloads selected for monitoring. When the observer(s) has completed all counting and sampling duties for the offload, plant personnel must remove the salmon in the presence of the observer(s) from the salmon storage container and location where salmon are counted and biological samples or scientific data are collected.'' This additional requirement does not prevent processors from sorting the next GOA or AI offload if the observer(s) are sampling the previous offload.

Comment 11: Processors providing hardware to support Observer Program software is inefficient as it often requires technology support skills that are outside the scope of a processor's abilities. These required communications could be more efficient if the Observer Program provided the required hardware with the desired technical specifications to processors.

Response: Shoreside processors and stationary floating processors will remain subject to existing regulations requiring them to provide hardware for observers. Any changes to these regulations are outside the scope of this action. Shoreside processors and stationary floating processors receiving pollock from vessels in the trawl EM category fall into either the full or partial coverage categories for observer coverage. Depending on the coverage category of the processor, the observer provider or the processor may be required to supply observers with communication devices. Under the full coverage category, the shoreside processor or stationary floating processor is required to supply communication devices (*i.e.,* phones, computers, etc.). Under the partial coverage category, the observer provider will be required to supply communication devices as outlined in its contract with NMFS.

Comment 12: The workload at shoreside processors will change drastically under the trawl EM category. With the increases to daily workload, there will be an increased chance for observers to experience illness and

physical injuries while working 12 hours a day for the duration of a 90 day contract. Previously, observers with minor injuries were able to be placed at a shoreside processor due to the light amount of physical work.

Response: Observer safety is the top priority of this final rule. The trawl EM category shifts observer sampling duties from at-sea catcher vessels to shoreside processors and stationary floating processors, thereby reducing risks to observers associated with working on commercial fishing vessel decks, where they are exposed to many of the same hazards as commercial harvesters. NMFS encourages observers to work directly with their employer on full coverage deployment assignments to best match their physical, mental, and professional needs. For example, an extended deployment to an AFA shoreside processor or stationary floating processor may not suit all observers at all times.

NMFS encourages observers to report injuries and illnesses that may impact their ability to carry out their sampling duties, including the need to take time off for health reasons. Such incidents are not uncommon given that observing is often mentally and physically challenging. In the event that an observer is unable to work, NMFS staff will communicate with observers through inseason advisors and field office staff to reassess and, if necessary, alter or reduce sampling requirements for the processor at issue. The expectation is not to increase the workload of other observers at that processor, but rather to guide the remaining observers to assess the workload and determine which sampling priorities can be completed in the absence of an injured or ill observer. Completing the full suite of sampling duties may not be possible. The health and wellbeing of observers takes precedence over sampling duties at all times. This action does not alter the ability for observer provider companies to re-assign observers to accommodate health conditions.

EM Service Providers

Comment 13: There needs to be oversight for when EM hardware service providers introduce new hardware and technology for monitoring to ensure that the dependability and monitoring needs of this program are met.

Response: NMFS agrees that substantive changes to approved EM hardware or software would necessitate approval by NMFS. Based on this comment, NMFS revised this final rule at § 679.52(d)(3)(ii) to include the following: ''At any time after initial approval of the EM hardware service provider permit, this testing requirement must be applied to and met by any EM system requiring new, or significantly updated, hardware or software installed onboard the vessel.''

EM Equipment and VMPs

Comment 14: The proposed rule states that a vessel operator must verify all cameras are recording and that all sensors and other EM system components are functional prior to hauling back. Clarify the extent to which a vessel should troubleshoot the EM system in situations that may necessitate immediate haulback.

Response: Vessel owners and operators are required to ensure their EM systems are fully functional, regardless of fishing activities, as specified in this final rule at § 679.51(g)(3). The VMP indicates the actions a vessel must take if a malfunction occurs.

Comment 15: A vessel operator may not be aware of some EM system malfunctions that occur and should not be responsible or subject to enforcement action in the event of a malfunction. The EM hardware service provider may be aware of issues that the vessel is unaware of. Please clarify how this information will be communicated to vessels, service providers, and OLE when feedback from the EM review provider occurs.

Response: Vessels are obligated to actively monitor their EM systems as specified in this final rule at § 679.51(g)(3). If an issue is discovered during the EM review process, OLE will assess, among other things, whether the vessel had the ability to address it by following their VMP.

Vessels should work with their EM hardware service provider to ensure that they have all the information necessary to meet regulatory requirements. EM hardware service providers and vessels will receive EM review feedback as review is completed throughout a fishing year by NMFS's chosen EM review service provider. In any case, ultimately, it is the responsibility of the vessel owner and vessel operator to understand and comply with the regulations governing their participation in the trawl EM program.

Improved Retention

Comment 16: The proposed rule at § 679.7(j)(2)(i)(B) states that there is a prohibition on ''codend dumping'' and ''codend bleeding.'' Under the EFP, vessels were allowed to ''bleed'' their codends if necessary to maintain the safety and stability of the vessel. This prohibition will compromise a vessel's ability to use salmon excluders and methods to control catch for vessel safety.

Response: The intent of § 679.7(j)(2)(i)(B) is to not allow discards except for those necessary to maintain the safety and stability of the vessel. Codend dumping or bleeding are commonly used to maintain vessel safety and stability. Based on this comment, NMFS removed the phrase ''This includes 'codend dumping' or 'codend bleeding' '' from this final rule at § 679.7(j)(2)(i)(B) for clarity.

Removing Requirements for Discards

Comment 17: Remove any reference to ''directed fishing'' as a metric to evaluate and penalize a vessel for its fishing behavior and instead require the IPAs to monitor this.

Response: NMFS disagrees and is choosing to retain the references to ''directed fishing.'' Directed fishing is defined in § 679.2 to mean ''unless indicated otherwise, any fishing activity that results in the retention of an amount of a species or species group on board a vessel that is greater than the maximum retainable amount for that species or species group as calculated under § 679.20.'' The term directed fishing is used in various NMFS Alaska regulations that are not affected by this final rule (*e.g.,* closure areas under § 679.22).

Furthermore, under this final rule, whether a trawl EM category vessel is directed fishing for a species other than pollock—that is, whether a vessel conducts fishing activity that exceeds the MRA for a non-pollock species—will be used to gauge whether, alongside the TEM IPA, there have been changes in vessel behavior, even though the vessel is exempt from the MRA prohibition at § 679.7(a)(16). And, for clarity, exceeding an MRA does not necessarily indicate a change in behavior for purposes of the TEM IPA. For example, if all vessels directed fishing for pollock in a given area exceed the MRA for Pacific ocean perch, that would not necessarily be seen as a change in behavior. If potential changes of behavior, such as directed fishing for non-pollock species, are indicated by MRA calculations, NMFS will contact the TEM IPA representative. This is a collaborative process that seeks to identify the cause of concern and effect changes to fishing behavior to address the concern. If NMFS determines that an IPA is not effective in preventing vessel behavior changes, NMFS may elect not to allow a vessel to participate in the trawl EM category in the following year(s).

Comment 18: Exemptions from the prohibitions regarding exceeding MRAs at § 679.7(a)(16), the GOA catcher vessel harvest limit for pollock at § 679.7(b)(2), and the trawl gear performance standard at § 679.7(a)(14) enable participating vessels to exceed established limits without consequences and incentivize fishing for species that are closed to pelagic trawl gear. Catch that exceeds MRAs should be prohibited from entering commerce, as industry-managed IPAs are not effective at protecting closed stocks. Catch that exceeds MRAs will impact the closure of seasons and areas for the protection of endangered Steller sea lions.

Response: Improved retention of catch is necessary to provide observers stationed at shoreside processors with unsorted catch for collection of biological samples and to minimize potential biases in data collection. Improved retention greatly reduces at-sea discards and improves catch accounting, resulting in improved estimates of catch and bycatch in the pollock fisheries.

It is necessary to remove prohibitions regarding discards, such as MRAs, GOA pollock trip limit, and the crab standard, in order to improve retention. Vessels in the trawl EM category will deliver catch to processors that would otherwise be discarded at sea, thereby reducing the overall waste in the fishery while improving catch accounting of PSC due to sampling at shoreside processors and stationary floating processors. As discussed above, NMFS will still calculate MRAs to determine whether a vessel is directed fishing for non-pollock species and whether their behavior has changed under this final rule.

The TEM IPA was modeled on the current salmon bycatch IPAs (§ 679.21(f)(12)), which have proven to be a successful method for the BS pollock fleet to modify its behavior to meet NMFS management goals. In addition, the TEM IPAs were implemented as part of the EFP process and proved effective at controlling changes in vessel behavior. If NMFS or the Council determines that an IPA is not effective in preventing vessel behavior changes, NMFS may not allow a vessel to participate in the trawl EM category in the following year(s).

This final rule does not affect the harvest limits, season dates, areas fished, or fishing gear requirements that trawl EM vessels must comply with. Therefore, this action is not expected to change fishery activities in a way that would negatively affect any Endangered Species Act-listed species through increased potential for competition for prey, disturbance, or incidental takes.

Nevertheless, in response to this comment, NMFS added two new regulations for greater clarity. First, in this final rule at § 679.7(j)(2)(i)(F), NMFS added the following prohibition to make clear that it is unlawful for any person to ''Use a catcher vessel in the trawl EM category to deploy trawl gear in an area that is closed, for any reason, to directed fishing for pollock.'' This additional provision will ensure that vessels in the trawl EM category will remain prohibited from fishing in closure areas they otherwise would not be eligible to fish in if they were not participating in the trawl EM category. Second, at § 679.57(f)(2)(iii)(E), this final rule adds the following to the list of information the TEM IPA Annual Report must contain: ''Identification of and the TEM IPA's response to vessels directed fishing in conflict with harvest specifications or directed fishing for Steller Sea Lion forage species within closed Steller Sea Lion protection areas.''

TEM IPAs

Comment 19: The IPA representative for the GOA will need the aggregated non-confidential data to perform the analysis for the annual IPA report.

Response: NMFS is committed to working with the TEM IPA representatives in the formation of the TEM IPA Annual Reports.

PSC Retention

Comment 20: Accounting for PSC both at-sea and shoreside is important. Cameras aboard the vessel may not be able to identify the species of crab aboard a vessel in the event of an at-sea discard.

Response: NMFS agrees that accounting for catch of all species, including crab, is important. While the EM system aboard these vessels is not able to identify crab to a species level, since all crab will be retained, any crab catch will be accounted for at the shoreside processor. Participation in the trawl EM category requires vessels to minimize discards to the greatest extent practicable, including PSC, except where doing so would compromise the safety and stability of the vessel. This requirement will ensure that all catch, with the exception of jellyfish and large organisms (*e.g.,* sharks and marine mammals), will be delivered to the shoreside processor where they will be subject to shoreside observer sampling. At-sea discards of species that may be PSC will be reported during the EM review process and through shoreside processor landing reports.

CMCP

Comment 21: Sample station requirements at shoreside processors should be clearly defined to ensure the observer's safety and ability to collect samples. Details of the sample station requirements should be specifically listed and easily comparable to other sample station requirements. Communication expectations of shoreside processors should be clearly outlined and should utilize current technology to ensure the observer receives all necessary information.

Response: The CMCP is a flexible tool that can be adjusted throughout the year through an amendment process. This mechanism allows NMFS to work with the shoreside processor to alter sampling stations to meet observer sampling needs. Additionally, NMFS will review CMCPs on an annual basis and amend them as necessary. Each shoreside processor is unique, requiring a flexible tool to address each situation. This action includes requirements for the location of the observer sampling station, platform scale, minimum workspace, table size, and diverter board. The CMCP will clearly outline PSC handling requirements, specifically for salmon and halibut.

The CMCP will also facilitate communication between the vessels, shoreside processors, and the observers by requiring that all necessary information be supplied to the observers.

Observer Program Fees

Comment 22: Full coverage vessels will be responsible for paying costs associated with EM video review. Therefore, they should be able to choose between EM review service providers similar to how EM hardware service providers are selected. This would require NMFS to contract with more than one EM review service provider.

Response: NMFS has not received any new resources to establish EM programs and does not have the additional staff capacity to administer multiple EM review service provider contracts. The trawl EM program is voluntary; there is no requirement for a vessel to participate in the program if they prefer a different EM review provider.

Comment 23: The Council deliberations during the development of this program made clear that observer fees should cover the GOA processors' observer costs. Please clarify that the partial coverage fee will cover these additional costs.

Response: The partial coverage fee will be used to pay for observers stationed at non-AFA shoreside

processors and stationary floating processors.

Comment 24: Please define how trawl EM category costs would be covered for vessels participating in both the full and partial coverage pollock fisheries.

Response: Vessels participating in the AFA pollock fishery, for any number of trips, are considered to be full coverage vessels and are subject to the EM service requirements for full coverage vessels as specified in this final rule at § 679.51(g)(1)(ix)(B). Full coverage catcher vessels and tender vessels will procure their EM hardware service provider and pay the EM review fee.

Vessels participating only in the partial coverage pollock fishery are considered to be partial coverage vessels and are subject to the EM service requirements for partial coverage vessels as specified at § 679.51(g)(1)(ix)(A). Partial coverage catcher vessels and tender vessels will be covered by the existing observer fee.

Unrelated to This Rule

Comment 25: Close salmon fisheries to protect Southern Resident killer whales.

Response: This rule pertains to the BS, AI, GOA, and CDQ pollock fisheries, which do not overlap with any salmon fishery. In any event, this action improves salmon bycatch accounting in the pollock fisheries.

Changes From Proposed to Final Rule

This final rule includes the following substantive changes from the proposed rule to address public comments and clarify regulatory language. Throughout the regulatory text, NMFS also made technical and grammar edits to correct regulatory cross references, use consistent terms, remove redundancy, and promote clarity.

At § 679.2 NMFS revised the definition for ''Trawl EM category'' by removing the phrase ''the defined group of'' and adding the phrase ''when those vessels are directed fishing for, or receiving deliveries of, pollock.'' This revision was necessary to ensure that catcher vessels in the trawl EM category are only subject to the trawl EM category regulations when they are directed fishing for pollock with pelagic trawl gear.

At § 679.7(j)(2)(i)(B), and as explained in more detail in response to comment 16, NMFS removed the phrase ''This includes 'codend dumping' or 'codend bleeding' '' to clarify that bled codends are not prohibited if necessary to maintain the safety and stability of the vessel.

As explained in more detail in response to comment 18, NMFS added § 679.7(j)(2)(i)(F) to make it unlawful for any person to ''Use a catcher vessel in the trawl EM category to deploy trawl gear in an area that is closed, for any reason, to directed fishing for pollock.''

At § 679.7(j)(2)(iii)(B), NMFS moved the words ''without an approved VMP'' within the sentence for clarity.

At § 679.7(j)(2)(ii)(D) and (E), and as explained in more detail in response to comment 10, NMFS added language to clarify that the prohibitions on stopping or delaying offloads due to observer salmon sampling duties would not apply to the GOA or AI pollock fisheries. The GOA and AI pollock fisheries are open access and delaying offloads may cause economic inefficiencies. Instead, § 679.7(j)(2)(ii)(D) and (E) apply to the BS and CDQ full coverage pollock fisheries where all offloads are sampled.

At § 679.22(b)(1)(i) and (ii), and as explained in more detail in response to comment 8, NMFS added language that allows vessels in the trawl EM category to have nonpelagic trawl gear aboard the vessel on trawl EM category fishing trips while fishing in Type I and Type II areas in Figure 5 to part 679. The EM system aboard the vessel allows the EM review service provider to monitor whether nonpelagic gear is deployed in these areas. Vessels will indicate in their VMP which net reel contains the nonpelagic trawl gear. NMFS used this approach during the EFP, during which vessels were allowed to fish in these areas with a nonpelagic trawl aboard the vessel, and detected no issues. This clarification is consistent with the Analysis and fishery operations under the EFP.

NMFS revised § 679.28(g)(5) added the words ''up to'' to state that the CMCP may be approved for up to 1 year. This change was made to reflect the current state of CMCPs, which may be temporarily approved for less than one year while required changes are being made.

NMFS revised § 679.28(g)(7)(ix)(C) to include the phrase ''The workspace must include flooring that prevents slipping and drains well, adequate lighting, and a hose that supplies fresh or sea water to the observer.'' This phrase was previously required under § 679.28(d)(6) and was inadvertently removed in the proposed rule.

NMFS revised § 679.28(g)(7)(x)(G) to read, ''Estimated start time of each vessel offload;'' to clarify intent. This regulation is intended to provide observers with the anticipated start time for each trawl EM category offload.

At § 679.28(g)(9)(ii)(D), NMFS revised wording for consistency with the changes at § 679.7(j)(2)(ii)(D) and (E).

As explained in more detail in response to comment 10, NMFS added § 679.28(g)(9)(ii)(E), which states ''Regarding the deliveries of pollock from the Gulf of Alaska or Aleutian Islands, the observer(s) must be given the opportunity to complete the count of salmon and the collection of scientific data or biological samples from all offloads selected for monitoring. When the observer(s) has or have completed all counting and sampling duties for the offload, plant personnel must remove the salmon in the presence of the observer(s) from the salmon storage container and location where salmon are counted and biological samples or scientific data are collected.'' This revision will not affect salmon accounting in the GOA and AI pollock fisheries and is consistent with the Analysis and fishery operations under the EFP.

At § 679.51(g)(1)(i)(A)(*1*) and (*2*), NMFS removed the word ''targeting'' and added in its place the phrase ''directed fishing for'' to clarify that vessels must be ''directed fishing,'' as defined at § 679.2, for pollock to operate in the trawl EM category.

At § 679.51(g)(1)(v)(B), NMFS added wording to clarify that vessels that are not operating in the trawl EM category on a particular fishing trip will remain subject to observer coverage as specified at § 679.51(a)(1)(i) and (a)(2)(i).

At § 679.51(g)(3)(iv), NMFS removed the phrase ''conducted under paragraph (g)(5) of this section'' and added the phrase ''trawl EM category'' to clarify that all vessels must comply with their VMP regardless of their coverage category.

At § 679.52(d)(3)(ii), and as explained in more detail in response to comment 13, NMFS added the phrase ''At any time after initial approval of the EM hardware service provider permit, this testing requirement must be applied to and met by any EM system requiring new, or significantly updated, hardware or software is installed onboard a vessel.'' to clarify that approval of one system does not transfer to significant variations of that system or to a new EM system.

At § 679.52(d)(3)(iv), NMFS added the phrase ''if a corporation'' to be consistent with (d)(3)(v).

At § 679.52(d)(3)(vii), NMFS added the phrase ''to do so'' for additional clarity.

At § 679.56(a)(4)(ii), NMFS removed the phrase ''make electronic payment to NMFS'', leaving the words ''submit payment.'' This is to clarify that the method of payment may change as technology advances.

NMFS revised wording at § 679.57(b)(4)(ii), (f)(2)(iii)(A), and (e)(3)(i) for consistency replacing the words ''retain'' and ''land'' with ''harvesting.'' At § 679.57(b)(4)(ii) and (f)(2)(iii)(A), NMFS also replaced the word ''ensure'' with ''discourage'' to better clarify the intent of incentive measures.

As explained in more detail in response to comment 18, NMFS added § 679.57(f)(2)(iii)(E), which states ''Identification of, and the TEM IPA's response to, vessels directed fishing in conflict with harvest specifications or directed fishing for Steller Sea Lion forage species within closed Steller Sea Lion protection areas.''

Classification

NMFS is issuing this rule pursuant to sections 304(b) and 305(d) of the Magnuson-Stevens Act, which provides the specific authority for implementing this action. Pursuant to Magnuson-Stevens Act section 305(d), this action is necessary to carry out amendment 126 to the BSAI FMP, amendment 114 to the GOA FMP, other provisions of the Magnuson-Stevens Act, and other applicable law and to revise regulations associated with the Observer Program for clarity and technical consistency. The NMFS Assistant Administrator has determined that this final rule is consistent with the FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

Regulatory Impact Review

A Regulatory Impact Review was prepared to assess the costs and benefits of available regulatory alternatives. A copy of this analysis is available from NMFS (see **ADDRESSES**). The Council recommended and NMFS approved these regulations based on those measures that maximize net benefits to the Nation.

Certification Under the Regulatory Flexibility Act

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

Paperwork Reduction Act

This final rule contains collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). This final rule revises existing collection-of information requirements for OMB Control Numbers 0648–0213 (Alaska Region Logbook and Activity Family of Forms); 0648–0330 (NMFS Alaska Region Scale and Catch Weighing Requirements); 0648–0515 (Alaska Interagency Electronic Reporting System); and 0648–0711 (Alaska Cost Recovery and Fee Programs) and revises and extends 0648–0318 (North Pacific Observer Program). Because of a concurrent action for 0648–0213, the revision to that collection of information for this final rule has been assigned a temporary control number, OMB Control Number 0648–0819, that will later be merged into 0648–0213. OMB Control Numbers 0648–0812 (Electronic Logbook: Pacific Cod Trawl Cooperative Program Catcher Vessels Less Than 60 Ft. LOA) and 0648–0815 (Bering Sea/Aleutian Islands Pot Gear Catcher/Processor Monitoring) are being merged into 0648–0515 and 0648–0318, respectively, and 0648–0812 and 0648–0815 will be discontinued upon issuance of this final rule. The public reporting burden estimates provided below for the collections of information include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

OMB Control Number 0648–0819

This final rule revises the collection of information under OMB Control Number 0648–0213, associated with paper logbooks. Due to a concurrent action for that collection, the collection-of-information requirements have been assigned a temporary control number, OMB Control Number 0648–0819, that will later be merged into OMB Control Number 0648–0213. This final rule requires logbooks to be submitted by all catcher vessels in the trawl EM category. Catcher vessels in the trawl EM category may use either NMFS-approved paper logbooks (OMB Control Number 0648–0213) or electronic logbooks (OMB Control Number 0648–0515). Catcher vessels greater than 60 feet (18.3 meters) LOA already are required to maintain logbooks. Some catcher vessels less than 60 feet (18.3 meters) LOA that are not currently required to submit a logbook will need to begin doing so to participate in the trawl EM category; therefore, this final rule will increase the number of vessels required to submit a logbook. The temporary control number covers the revisions necessary to 0648–0213 for the catcher vessels that choose to submit paper logbooks. The public reporting burden per response is estimated to average 18 minutes for the Catcher Vessel Trawl Daily Fishing Logbook.

OMB Control Number 0648–0318

NMFS revises and extends for three years the existing requirements for OMB Control Number 0648–0318, which is associated with the North Pacific Observer Program. Additionally, OMB Control Number 0648–0815 is being merged into 0648–0318 and will be discontinued upon issuance of this final rule. OMB Control Number 0648–0815 was established as a temporary collection (88 FR 77228, November 9, 2023) because 0648–0318 was being revised by a concurrent action and was intended to be merged into 0648–0318 following the completion of that action. OMB Control Number 0648–0318 will be revised to include the following due to this final rule.

The owner or operator of a catcher vessel or tender vessel is required to use ODDS to request placement in the trawl EM category. Catcher vessels in the trawl EM category are required to log all fishing trips in ODDS. The public reporting burden per response is estimated to average 5 minutes to submit the request through ODDS and 15 minutes to log a fishing trip in ODDS.

The vessel owner or operator of a catcher vessel or tender vessel in the trawl EM category is required to submit a VMP to NMFS. The public reporting burden per response for the VMP is estimated to average 48 hours.

Vessel operators in the trawl EM category are required to submit EM data and associated documentation identified in their vessel's VMP to NMFS. The public reporting burden per response is estimated to average 1 hour.

Vessels in the trawl EM category are required to communicate catch information to the shoreside processor or stationary floating processor that would be receiving the catch. The public reporting burden per response is estimated to average 5 minutes for the landing notice for EM pollock trawl offloads.

A catcher vessel owner or operator is required to be a party of a TEM IPA to be approved for the trawl EM partial coverage category. The TEM IPA representative submits the final TEM IPA to NMFS. The representative of

each approved TEM IPA is required to submit a written annual report to the Council. The public reporting burden per response is estimated to average 40 hours for the TEM IPA and 40 hours for the TEM IPA annual report.

Prospective EM hardware service providers need to apply, and be approved, for an EM hardware service provider permit. The public reporting burden to obtain this permit is estimated to average 8 hours.

An administrative appeal may be submitted if NMFS issues an IAD to deny a request to place a vessel in the trawl EM category, an IAD to disapprove a final TEM IPA, or an IAD for expiration of an EM hardware services provider permit. The public reporting burden per response for an administrative appeal is estimated to average 4 hours.

The submission time of the observer deployment/logistics report is changed to within 24 hours of the observer assignment or daily by 4:30 p.m., Pacific Time, each business day with regard to each observer. Fax is removed as a submission method for this report, and this final rule will continue to allow submission by email or any other methods specified by NMFS. This report is no longer required to include the location of any observer employed by the observer provider who is not assigned to a vessel, shoreside processor, or stationary floating processor. These changes are not expected to change the average response time for this report. The public reporting burden per response is estimated to average 7 minutes.

This final rule allows for electronic submission of the reports that are submitted by an observer provider and used by NMFS to monitor and enforce standards of observer conduct and identify problems on deployments that may compromise the observer's health or well-being. This final rule also requires the provider's responses to the violation in the report. These changes are not expected to change the average response time for these reports. The public reporting burden per response is estimated to average 2 hours.

This final rule removes fax as an electronic communication method and continues to allow submission by email or other methods specified by NMFS for other observer provider responsibilities. The public reporting burden per response to these requirements is estimated to average 60 hours for the observer provider permit application; 8 hours for college transcripts; 1 hour for observer training registration; 7 minutes each for observer briefing registration and projected observer assignments; 5 minutes each for physical examination verification and updates to observer provider information; 12 minutes for certificates of insurance; and 30 minutes each for observer debriefing registration, observer provider contracts, and observer provider invoices.

OMB Control Number 0648–0330

The information collection for 0648–0330 is revised because this final rule requires all shoreside processors and stationary floating processors receiving pollock from vessels in the trawl EM category to have NMFS-approved CMCPs in place before receiving deliveries from catcher vessels or tender vessels in the trawl EM category. Some processors that do not currently submit a CMCP will need to begin doing so; therefore, this requirement will increase the number of respondents that submit a CMCP. The public reporting burden per response is estimated to average 40 hours for the new participants required to submit a CMCP and initially in the first 2 years after implementation for existing CMCPs, but in the following years the burden will be reduced.

OMB Control Number 0648–0515

The information collection for 0648–0515 is revised due to this final rule. Additionally, OMB Control Number 0648–0812 is being merged into 0648–0515 and will be discontinued upon issuance of this final rule. OMB Control Number 0648–0812 was established as a temporary collection (88 FR 53704, August 8, 2023) because 0648–0515 was being revised by concurrent actions and was intended to be merged into 0648–0515 following the completion of those actions. This final rule requires logbooks to be submitted by all catcher vessels in the trawl EM category. Catcher vessels in the trawl EM category may use either NMFS-approved electronic logbooks (OMB Control Number 0648–0515) or paper logbooks (OMB Control Number 0648–0213). Catcher vessels greater than 60 feet (18.3 meters) LOA already are required to maintain logbooks. Some catcher vessels less than 60 feet (18.3 meters) LOA that are not currently required to submit a logbook will need to begin doing so to participate in the trawl EM category; therefore, this final rule will increase the number of vessels required to submit a logbook. The revision to this collection of information due to the rule adds the catcher vessels less than 60 feet (18.3 meters) LOA that choose to submit electronic logbooks. The public reporting burden per response is estimated to average 15 minutes per day into the Catcher Vessel Electronic Logbook.

OMB Control Number 0648–0711

The information collection for 0648–0711 is revised because this final rule requires the owner of a catcher vessel in the full coverage trawl EM category to submit the new full coverage trawl EM fee. The public reporting burden per response is estimated to average 1 minute for the fee payment.

Public Comment

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. Written comments are recommendations for this information collection should be submitted at the following website *www.reginfo.gov/public/do/PRAMain.* Find these particular information collections by using the search function and entering either the title of the collection or the OMB Control Number.

Notwithstanding any other provisions of the law, no person is required to respond or, nor shall any person by subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: July 15, 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 15 CFR part 902 and 50 CFR part 679 as follows:

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

■ 2. Amend § 902.1, in the table in paragraph (b), under ''50 CFR'', by:
■ a. Revising the entry for ''679.5(a)''; and
■ b. Adding in numerical order entries for ''679.28(g)(2)(iv)'', ''679.56'', and ''679.57''.

The revision and additions read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

CFR part or section where the information collection requirement is located	Current OMB control No. (all numbers begin with 0648–)
* * * * *	
50 CFR.	
* * * * *	
679.5(a)	–0213, –0269, –0515, and –0272.
* * * * *	
679.28(g)(2)(iv)	–0330.
* * * * *	
679.56	–0711.
679.57	–0318.
* * * * *	

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 3. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281.

■ 4. Amend § 679.2 by:
■ a. Removing the definition of ''EM selection pool'';
■ b. Revising the definition of ''EM service provider'' and paragraph (3)(iv) of the definition ''Fishing trip''; and
■ c. Adding in alphabetical order the definition of ''Nontrawl EM selection pool'', ''Trawl EM category'', and ''Trawl EM Incentive Plan Agreement (TEM IPA)''

The revisions and additions read as follows:

§ 679.2 Definitions.

* * * * *

EM service provider means any person, including their employees or agents, that NMFS contracts with, or grants an EM hardware service provider permit to under § 679.52(d), to provide EM services, or to collect, review, interpret, or analyze EM data, as required under § 679.51. The two types of EM service providers are as follows:

(1) *EM hardware service provider* is a provider that NMFS grants a permit under § 679.52(d) and is authorized to deploy and service EM hardware aboard vessels in an EM category as specified in § 679.51.

(2) *EM data review service provider* is a provider that NMFS contracts with, or otherwise has an established business relationship with, to review, interpret, or analyze EM data as required under § 679.51.

* * * * *

Fishing trip means:

* * * * *

(3) * * *

(iv) For a vessel in any EM category, the period of time that begins when the vessel with an empty hold departs a port or tender vessel until the vessel returns to a port or tender vessel and offloads or delivers all fish.

* * * * *

Nontrawl EM selection pool means the defined group of vessels from which NMFS will randomly select the vessels required to use an EM system under § 679.51(f).

* * * * *

Trawl EM category means catcher vessels and tender vessels with a NMFS-approved VMP that are required to use an EM system as specified under § 679.51(g)(1) when those vessels are directed fishing for, or receiving deliveries of, pollock.

Trawl EM Incentive Plan Agreement (TEM IPA) means a voluntary private contract in writing, approved by NMFS under § 679.57, that establishes incentives for partial coverage catcher vessels in the trawl EM category to keep catch within the limits to which vessels not in the trawl EM category are subject. These limits include the catcher vessel harvest limit for pollock in the Gulf of Alaska (§ 679.7(b)(2)) and MRAs (§ 679.20(e)).

* * * * *

■ 5. Amend § 679.5 by adding paragraph (a)(1)(iii)(H) and revising paragraph (a)(4)(i) to read as follows:

§ 679.5 Recordkeeping and reporting (R&R).

(a) * * *

(1) * * *

(iii) * * *

If harvest made under . . . program	Record the . . .	For more information, see . . .
* * * * * * *		
(H) Trawl EM Category (TEM)	Management program modifier as TEM	§ 679.51.

* * * * *

(4) * * *

(i) *Catcher vessels less than 60 ft (18.3 m) LOA.* The owner and operator of a catcher vessel less than 60 ft (18.3 m) LOA are required to comply with the vessel activity report described at paragraph (k) of this section, but otherwise are not required to comply with the R&R requirements of this section, except for:

(A) Vessels using pot gear as described in paragraph (c)(3)(i)(B)(*1*) of this section;

(B) Vessels participating in the PCTC Program as described in paragraph (x) of this section; and

(C) Catcher vessels in the trawl EM category as described in § 679.51(g).

* * * * *

■ 6. Amend § 679.7 by:
■ a. Adding paragraph (a)(11)(iii);
■ b. Revising paragraphs (a)(14) and (a)(16);
■ c. Removing and reserving paragraph (a)(17); and
■ d. Revising paragraphs (b)(2)(i) through (iii), and (j).

The addition and revisions read as follows:

§ 679.7 Prohibitions.

(a) * * *

(11) * * *

(iii) *Tender vessel.* Use a catcher vessel or catcher/processor to harvest groundfish while operating as a tender vessel.

* * * * *

(14) *Trawl gear performance standard*—(i) *BSAI.* Except for catcher vessels in the trawl EM category, use a vessel to participate in a directed fishery for pollock using trawl gear and have on board the vessel, at any particular time, 20 or more crabs of any species that have a carapace width of more than 1.5 inches (38 mm) at the widest dimension.

(ii) *GOA.* Except for catcher vessels in the trawl EM category, use a vessel to participate in a directed fishery for pollock using trawl gear when directed fishing for pollock with nonpelagic trawl gear is closed and have on board

the vessel, at any particular time, 20 or more crabs of any species that have a carapace width of more than 1.5 inches (38 mm) at the widest dimension.

* * * * *

(16) *Retention of groundfish bycatch species.* Except for catcher vessels in the trawl EM category, exceed the maximum retainable amount established under § 679.20(e).

* * * * *

(b) * * *

(2) * * *

(i) Except for catcher vessels in the trawl EM category, retain more than 300,000 lb (136 mt) of unprocessed pollock on board a catcher vessel issued a FFP at any time during a fishing trip as defined at § 679.2;

(ii) Except for catcher vessels in the trawl EM category, land more than 300,000 lb (136 mt) of unprocessed pollock harvested in any GOA reporting area from a catcher vessel issued a FFP to any processor or tender vessel during a calendar day as defined at § 679.2; and

(iii) Except for catcher vessels in the trawl EM category, land a cumulative amount of unprocessed pollock harvested from any GOA reporting area from a catcher vessel issued a FFP during a directed fishery that exceeds the amount in paragraph (b)(2)(ii) of this section multiplied by the number of calendar days that occur during the time period the directed fishery is open in that reporting area.

* * * * *

(j) *North Pacific Observer Program—Electronic Monitoring.*—(1) *General.*

(i) Fish without an EM system when a vessel is required to carry an EM system under § 679.51.

(ii) Fish with an EM system without a copy of a valid NMFS-approved VMP on board when directed fishing in a fishery subject to EM coverage.

(iii) Fail to comply with a NMFS-approved VMP when directed fishing in a fishery subject to EM coverage.

(iv) Fail to ensure an EM system is functioning prior to departing port on a fishing trip as specified at § 679.51(f)(5)(vi)(A).

(v) Fail to ensure an EM system is functional prior to departing on a fishing trip as specified at § 679.51(g)(3)(v).

(vi) Depart on a fishing trip without a functional EM system, per the VMP, unless approved to do so by NMFS, after the procedures at § 679.51(f)(5)(vi)(A)(*1*), or § 679.51(g), have been followed.

(vii) Fail to follow procedures related to EM system malfunctions as described at § 679.51(f)(5)(vi)(B) or § 679.51(g) prior to deploying each set of gear on a fishing trip selected for EM coverage.

(viii) Fail to make the EM system, associated equipment, logbooks, and other records available for inspection upon request by NMFS, OLE, or other NMFS-authorized officer.

(ix) Fail to submit EM data as specified under § 679.51(f)(5)(vii) or § 679.51(g).

(x) Tamper with, bias, disconnect, damage, destroy, alter, or in any other way distort, render useless, inoperative, ineffective, or inaccurate any component of the EM system, associated equipment, or data recorded by the EM system when the vessel is directed fishing in a fishery subject to EM coverage, unless the vessel operator is directed to make changes to the EM system by NMFS, the EM service provider, or as directed in the troubleshooting guide of the VMP.

(xi) Assault, impede, intimidate, harass, sexually harass, bribe, or interfere with an EM service provider.

(xii) Interfere with or bias the sampling procedure employed in the EM selection pool, including either mechanically or manually sorting or discarding catch outside of the camera view or inconsistent with the NMFS-approved VMP.

(xiii) Fail to meet the vessel owner and operator responsibilities when using an EM system as specified at § 679.51(f)(5) or § 679.51(g)(5).

(2) *Trawl EM category*—(i) *Catcher vessels in the trawl EM category.* (A) Use a catcher vessel in the partial coverage trawl EM category to fish without being party to an approved trawl EM incentive plan agreement established under § 679.57;

(B) Use a catcher vessel in the trawl EM category to discard catch from the codend before it is brought on board the vessel unless required to maintain the safety and stability of the vessel;

(C) Use a catcher vessel in the trawl EM category to deploy a nonpelagic trawl;

(D) Use a catcher vessel in the trawl EM category to land catch to a tender vessel that is not in the trawl EM category or does not have a NMFS-approved VMP;

(E) Use a catcher vessel in the trawl EM category to land catch to a shoreside processor or stationary floating processor that does not have a NMFS-approved CMCP; or

(F) Use a catcher vessel in the trawl EM category to deploy trawl gear in an area that is closed, for any reason, to directed fishing for pollock.

(ii) *Shoreside processors and stationary floating processors.* (A) Receive any delivery from a vessel in the trawl EM category without being issued and following a NMFS-approved Catch Monitoring Control Plan as described in § 679.28(g).

(B) Store any non-salmon species in a designated salmon storage container as described in a NMFS-approved Catch Monitoring Control Plan per § 679.28(g).

(C) Allow any salmon species to be placed into any location other than the designated salmon storage container described in a NMFS-approved Catch Monitoring Control Plan per § 679.28(g) at a shoreside processor or stationary floating processor.

(D) Begin sorting a trawl EM category offload from the Bering Sea or CDQ pollock fisheries before an observer has completed the count of all salmon and the collection of scientific data and biological samples from the previous offload.

(E) Continue to sort trawl EM category catch from the Bering Sea or CDQ pollock fisheries if the salmon storage container described in a NMFS-approved Catch Monitoring Control Plan per § 679.28(g) is full.

(F) Allow any PSC harvested or delivered by a vessel in the trawl EM category to be sold, purchased, bartered, or traded.

(iii) *Tender vessels.* (A) Operate a tender vessel in the trawl EM category and receive a delivery from a catcher vessel in the trawl EM category and a catcher vessel not in the trawl EM category during the same fishing trip.

(B) Operate a tender vessel in the trawl EM category without an approved VMP and receive a delivery from a catcher vessel in the trawl EM category.

* * * * *

■ 7. Amend § 679.20 by revising paragraph (d)(2) to read as follows:

§ 679.20 General limitations.

* * * * *

(d) * * *

(2) *Groundfish as prohibited species closure.* When the Regional Administrator determines that the TAC of any target species specified under paragraph (c) of this section, or the share of any TAC assigned to any type of gear, has been or will be achieved prior to the end of a year, NMFS will publish notification in the **Federal Register** requiring that target species be treated in the same manner as a prohibited species, as described under § 679.21(a), for the remainder of the year, except:

(i) Rockfish species caught by catcher vessels using hook-and-line, pot, or jig gear as described in paragraph (j) of this section; and

(ii) Catcher vessels in the trawl EM category.

* * * * *

■ 8. Amend § 679.21 by adding paragraphs (a)(2)(ii)(A) and (B), and revising paragraph (f)(15)(ii)(C) to read as follows:

§ 679.21 Prohibited species bycatch management.

(a) * * *
(2) * * *
(ii) * * *

(A) Vessels in the trawl EM category must retain all prohibited species catch for sampling by an observer.

(B) [Reserved]

* * * * *

(f) * * *
(15) * * *
(ii) * * *

(C) Shoreside processors and stationary floating processors must comply with the requirements in § 679.28(g)(9) and (10) for the receipt, sorting, and storage of salmon from deliveries of catch from the BS pollock fishery.

* * * * *

■ 9. Amend § 679.22 by revising paragraph (b)(1)(i) and (ii) to read as follows:

§ 679.22 Closures.

* * * * *

(b) * * *
(1) * * *

(i) *Type I closures.* No person may trawl in waters of the EEZ within the vicinity of Kodiak Island, as shown in Figure 5 to this part as Type I areas, from a vessel having any trawl other than a pelagic trawl either attached or on board, except as follows. Vessels in the trawl EM category may have a trawl other than a pelagic trawl either attached or on board, but may not deploy a trawl other than a pelagic trawl in a Type I area.

(ii) *Type II closures.* From February 15 to June 15, no person may trawl in waters of the EEZ within the vicinity of Kodiak Island, as shown in Figure 5 to this part as Type II areas, from a vessel having any trawl other than a pelagic trawl either attached or on board, except as follows. Vessels in the trawl EM category may have a trawl other than a pelagic trawl either attached or on board, but may not deploy a trawl other than a pelagic trawl in a Type II area.

* * * * *

■ 10. Amend § 679.28 by:
■ a. Revising paragraphs (d)(10)(i) and (g)(1);
■ b. Adding paragraph (g)(2)(iv);
■ c. Revising paragraphs (g)(3) through (6);
■ d. Adding (g)(7) introductory text;
■ e. Revising (g)(7)(v);
■ f. Removing paragraph (g)(7)(vi)(C);
■ g. Revising paragraphs (g)(7)(vii) through (xi); and
■ h. Adding paragraphs (g)(8) through (10).

The revisions and additions read as follows:

§ 679.28 Equipment and operational requirements.

* * * * *

(d) * * *
(10) * * *

(i) *How does a vessel owner arrange for an observer sampling station inspection?* The vessel owner must submit an Inspection Request for Observer Sampling Station with all the information fields accurately filled in to NMFS by emailing (*station.inspections@noaa.gov*), or completing the online request form, at least 10 working days in advance of the requested date of inspection. The request form is available on the NMFS Alaska Region website.

* * * * *

(g) * * *

(1) *What is a CMCP?* A CMCP is a plan submitted by the owner and manager of a processing plant, and approved by NMFS, detailing how the processor will meet the applicable catch monitoring and control standards detailed in paragraphs (g)(7) through (10) of this section.

(2) * * *

(iv) Any shoreside processor or stationary floating processor receiving any delivery from catcher vessels or tender vessels in the trawl EM category as defined at § 679.2.

(3) *How is a CMCP approved by NMFS?* NMFS will approve a CMCP if it meets all the applicable requirements specified in paragraphs (g)(7) through (10) of this section. The processor may be inspected by NMFS prior to approval of the CMCP to ensure that the processor conforms to the elements addressed in the CMCP. NMFS will complete its review of the CMCP within 14 working days of receipt. If NMFS disapproves a CMCP, the processor owner or manager may resubmit a revised CMCP or file an administrative appeal as set forth under the administrative appeals procedures described at § 679.43.

(4) *How is a CMCP inspection arranged?* The processor must submit a request for a CMCP inspection. The time and place of a CMCP inspection may be arranged by submitting a written request to NMFS, Alaska Region, or other method of electronic communication designated by NMFS. NMFS will review the inspection request within 10 working days after receiving a complete application for an inspection. The inspection request must include:

(i) Name of the person submitting the application and the date of the application;

(ii) Address, telephone number, and email address of the person submitting the application; and

(iii) A proposed CMCP detailing how the processor will meet each of the applicable performance standards in paragraphs (g)(7) through (10) of this section.

(5) *For how long is a CMCP approved?* NMFS will approve a CMCP for up to 1 year if it meets the applicable performance standards specified in paragraphs (g)(7) through (10) of this section. An owner or manager must notify NMFS in writing if changes are made in plant operations or layout that do not conform to the CMCP.

(6) *How do I make changes to my CMCP?* An owner and manager may change an approved CMCP by submitting a CMCP addendum to NMFS. NMFS will approve the modified CMCP if it continues to meet the applicable performance standards specified in paragraphs (g)(7) through (10) of this section. Depending on the nature and magnitude of the change requested, NMFS may require a CMCP inspection as described in paragraph (g)(3) of this section. A CMCP addendum must contain:

(i) Name of the person submitting the addendum;

(ii) Address, telephone number, and email address of the person submitting the addendum; and

(iii) A complete description of the proposed CMCP change.

(7) *Catch monitoring and control standards.* For all shoreside processors or stationary floating processors accepting any delivery from the fisheries listed in paragraph (g)(2) of this section:

* * * * *

(v) *Delivery point.* Each CMCP must identify a single delivery point. The delivery point is the first location where fish removed from a delivering catcher vessel can be sorted or diverted to more than one location. If the catch is pumped from the hold of a catcher vessel or a codend, the delivery point normally will be the location where the pump first discharges the catch. If catch is removed from a vessel by brailing, the delivery point normally will be the bin or belt where the brailer discharges the catch. The CMCP must describe how the catch will be offloaded at the delivery point.

* * * * *

(vii) *Scale Drawing of the Plant.* The CMCP must be accompanied by a scale drawing of the plant showing:

(A) The delivery point;
(B) Flow of fish;
(C) The observation area;
(D) The observer sampling station described in paragraph (g)(7)(ix) of this section;
(E) The location of each scale used to weigh catch;
(F) Each location where catch is sorted including the last location where sorting could occur; and
(G) Information to meet other requirements of this part, if requested by NMFS.

(viii) *Reasonable assistance.* Shoreside processors and stationary floating processors must provide reasonable assistance as described in § 679.51(e)(2)(vi), to observer(s) and to the Rockfish CMCP specialist. The CMCP must identify staff responsible for ensuring reasonable assistance is provided.

(ix) *Observer sampling station.* Each CMCP, except for the Rockfish Program, must identify and include an observer(s) sampling station for the exclusive use of observer(s). Unless otherwise approved by NMFS, the sampling station must meet the following criteria:

(A) *Location of observer sampling station.* (*1*) The observer sampling station must be located in an area protected from the weather where the observer has access to unsorted catch.

(*2*) The observer sampling station must be adjacent to the location where salmon will be counted and biological samples or scientific data are collected.

(*3*) Clear, unobstructed passage must be provided between the observer sampling station and observer sample collection point. The observer(s) must be able to monitor the collection and transport of unsorted catch to the observer sampling station.

(B) *Proximity of observer sampling station.* The observer sampling station must be located within 4 meters of the observer sample collection point without encountering safety hazards, or, reasonable assistance must be given to move samples into the observer sampling station upon request.

(C) *Minimum workspace requirements.* The observer sampling station must include: A working area of at least 4.5 square meters. The observer(s) must be able to stand upright and have a sampling area at least 0.9 meters deep in front of the table and scale. The workspace must include flooring that prevents slipping and drains well, adequate lighting, and a hose that supplies fresh or sea water to the observer.

(D) *Clear, unobstructed passage.* A clear and unobstructed passage is required between the observer sample collection point and sampling station, and within the observer sampling station. Passageways must be at least 65 centimeters wide at their narrowest point, and be free of tripping or head bumping hazards.

(E) *Table.* The observer sampling station must include a table at least 0.6 meters deep, 1.2 meters wide, 0.9 meters high, and no more than 1.1 meters high. The entire surface area of the table must be available for use by the observer(s). Any area used for the observer sampling scale is in addition to the minimum space requirements for the table specified at paragraph (g)(7)(ix)(B) of this section. The observer sampling table must be secure, and stable.

(F) *Observer Platform scale.* The observer sampling station must include a platform scale as described in paragraph (c)(4) of this section, and must meet the requirements specified in paragraph (c)(3)(v) of this section when tested by the observer. The platform scale must be located within 1 meter of the observer sampling table. The scale must be mounted so that the weighing surface is no more than 0.7 meters above the floor.

(G) *Lockable cabinet.* The observer work station must include a secure and lockable cabinet or locker of at least 0.5 cubic meters, and must be for the exclusive use of the observer(s).

(x) *Communication with observer.* The CMCP, except for the Rockfish Program, must describe what communication equipment such as radios or cellular phones is used to facilitate communications within the plant. The plant owner must ensure that the plant manager provides the observer(s) with the same communications equipment used by plant staff. The plant owner or plant manager must communicate the following information to the observer(s), including:

(A) Daily schedule of expected landings;
(B) Vessel name;
(C) Identify which management areas the vessel was operating in;
(D) If the delivering vessel is operating under the trawl EM category;
(E) Estimated tonnage onboard the vessel;
(F) If there is a deckload;
(G) Estimated start time of each vessel offload;
(H) Estimated time to complete the offload;
(I) If the vessel offload will be interrupted for any reason; and
(J) Any other information required by the applicable CMCP or VMP.

(xi) *Processor liaison.* The CMCP must designate a processor liaison. The processor liaison is responsible for:

(A) Orienting new observer(s) to the plant and providing a copy of the NMFS-approved CMCP and any subsequent addendums or revisions; and
(B) Assisting in the resolution of observer(s) concerns.

(8) *Rockfish Program.* In addition to compliance with requirements set forth at paragraph (g)(7) of this section, all shoreside processors or stationary floating processors receiving deliveries of groundfish harvested under the authority of a rockfish CQ permit must:

(i) *Rockfish CMCP specialist notification.* Describe how the Rockfish CMCP specialist will be notified of deliveries of groundfish harvested under the authority of a rockfish CQ permit.

(ii) [Reserved]

(9) *Processors receiving AFA pollock, CDQ pollock, and trawl EM category deliveries.* In addition to compliance with requirements set forth at paragraph (g)(7) of this section, all shoreside processors and stationary floating processors receiving deliveries from the fisheries described in paragraphs (g)(2)(i),(ii), and (iv) of this section, must comply with the following:

(i) *Salmon storage container.* (A) A salmon storage container must be designated for the exclusive purpose of storing salmon during an offload;

(B) The observer(s) must have a clear, unobstructed view of the salmon storage container to ensure no salmon of any species are removed without the observer's knowledge;

(C) The CMCP must describe the process of sorting and storing salmon; and

(D) The scale drawing of the plant must include the location of the salmon storage container.

(ii) *Salmon sorting and handling practices.* (A) Sort and transport all salmon to the salmon storage container identified in the CMCP (see paragraphs (g)(7)(vi)(C) and (g)(7)(x)(F) of this section). The salmon must remain in that salmon storage container and within the view of the observer(s) at all times during the offload;

(B) If, at any point during the offload, salmon are too numerous to be contained in the salmon storage container, cease the offload and all sorting and give the observer(s) the opportunity to count and collect scientific data or biological samples from all salmon in the storage bin. The counted salmon then must be removed from the area by plant personnel in the presence of the observer(s);

(C) At the completion of the offload, give the observer(s) the opportunity to count the salmon and collect scientific data or biological samples;

(D) When receiving deliveries of pollock from the Bering Sea or CDQ pollock fisheries, give the observer(s) the opportunity to complete the count of salmon and the collection of scientific data or biological samples from the previous offload of catch before sorting of the next offload of any catch may begin. When the observer(s) has completed all counting and sampling duties for the offload, plant personnel must remove the salmon in the presence of the observer(s), from the salmon storage container and location where salmon are counted and biological samples or scientific data are collected; and

(E) Regarding deliveries of pollock from the Gulf of Alaska or Aleutian Islands, the observer(s) must be given the opportunity to complete the count of salmon and the collection of scientific data or biological samples from all offloads selected for monitoring. When the observer(s) has completed all counting and sampling duties for the offload, plant personnel must remove the salmon in the presence of the observer(s), from the salmon storage container and location where salmon are counted and biological samples or scientific data are collected.

(iii) *Observer sample collection point.* The observer sample collection point is the location where the observer collects unsorted catch.

(A) The observer sample collection point (see paragraph (g)(7)(ix)(A)(*3*) of this section) must have a diverter mechanism to allow fish to be diverted from the belt directly into the observer's sampling baskets. The location and design of the diverter mechanism must be described in the CMCP; and

(B) The scale drawing of the plant, specified at paragraph (g)(7)(vii) of this section, must include the location of the observer sample collection point.

(iv) *Observer sampling scales and test weights.* (A) Identify by serial number each observer sampling scale in the CMCP;

(B) Provide observer sampling scales that are accurate and within the limits specified in paragraph (c)(4)(v) of this section;

(C) Test weights must be made available for the observer(s) use, be kept in good condition, be made of stainless steel or other corrosion-resistant material, and must meet requirements specified in paragraph (c)(4)(iii) of this section;

(D) List the serial numbers of the test weights to be used to test the observer sampling scale in the CMCP; and

(E) The CMCP must identify where the test weights will be stored. Test weights must be stored within the observer sampling station or reasonable assistance must be provided upon observer(s) request to move the weights from the storage location to the observer sampling scale.

(10) *AFA pollock and CDQ pollock.* In addition to paragraphs (g)(7) and (9) of this section, all shoreside processors and stationary floating processors accepting deliveries described in paragraph (g)(2)(i) of this section have the following additional requirements:

(i) Ensure no salmon of any species pass beyond the last point where sorting of fish occurs, as identified in the scale drawing of the plant, paragraph (g)(7)(vii) of this section, in the CMCP;

(ii) The CMCP must describe the process that will be used to sort salmon, including the procedures for handling salmon that have passed beyond the last point where sorting of fish occurs; and

(iii) Meet all salmon handling requirements as described in (g)(9) of this section.

* * * * *

■ 11. Amend § 679.51 by:

■ a. Removing the words ''NMFS Alaska Region website at *https://alaskafisheries.noaa.gov/*'', ''NMFS Alaska Region website *https://alaskafisheries.noaa.gov/*'', ''NMFS Alaska Region website at *http://alaskafisheries.noaa.gov*'', ''NMFS Alaska Region website at *http://alaskafisheries.noaa.gov*'', and ''NMFS Alaska Region website (*http://alaskafisheries.noaa.gov*)'' wherever they appear, and, adding in their place, the words ''NMFS Alaska Region website'';

■ b. Adding paragraph (a)(1)(iv);

■ c. Revising paragraphs (a)(2)(ii) and (b)(2)(i);

■ d. Adding paragraph (b)(3);

■ e. In paragraph (c)(3), removing the phrase ''transmitted by facsimile to 206–526–4066'' and adding in its place the phrase ''other method specified by NMFS on the NMFS Observer Program website'';

■ f. In paragraph (f), removing the words ''EM selection pool'' wherever they appear and adding in their place the words ''nontrawl EM selection pool'';

■ g. Revising paragraph (f)(2) paragraph heading;

■ h. In paragraph (f)(3)(ii), removing the phrase ''the video data storage devices'' and adding in its place the phrase ''EM data'';

■ i. Revising paragraph (f)(4)(v);

■ j. Adding paragraph (f)(4)(vi);

■ k. In paragraph (f)(5)(vii), removing the phrase ''the video data storage device'' and adding in its place the words ''EM data''; and

■ l. Adding paragraph (g).

The additions and revisions read as follows:

§ 679.51 Observer and Electronic Monitoring System requirements for vessels and plants.

(a) * * *

(1) * * *

(iv) *Observer workload at shoreside processors and stationary floating processors.* Regarding shoreside processors and stationary floating processors, the time required for an observer to complete sampling, data recording, and data communication duties, per this paragraph (a)(1), may not exceed 12 hours in each 24-hour period.

(2) * * *

(ii) *Observer coverage requirements.* A vessel listed in paragraphs (a)(2)(i)(A) through (C) of this section must have at least one observer aboard the vessel at all times. Some fisheries require additional observer coverage in accordance with paragraph (a)(2)(vi) of this section. The following exceptions apply:

(A) A vessel subject to the partial observer coverage category as per paragraph (a)(1)(i) of this section;

(B) A vessel approved to be in the full coverage trawl EM category; vessels in the full coverage trawl EM category are subject to observer coverage if NMFS determines that at-sea coverage is necessary in the Annual Deployment Plan.

* * * * *

(b) * * *

(2) * * *

(i) *Coverage level.* (A) An AFA inshore processor must provide an observer for each 12-consecutive-hour period of each calendar day during which the processor takes delivery of, or processes, groundfish harvested by a vessel engaged in a directed pollock fishery in the BS. An AFA inshore processor that, for more than 12 consecutive hours in a calendar day, takes delivery of or processes pollock harvested in the BS directed pollock fishery must provide two observers for each such day.

(B) The owner and operator of an AFA shoreside or stationary floating processor receiving deliveries from a catcher vessel in the trawl EM category must provide the necessary number of observers to meet the criteria prescribed by NMFS in the Annual Deployment Plan for each calendar day during which the processor takes delivery of, or processes, groundfish harvested by a vessel engaged in a directed pollock fishery in the BS.

* * * * *

(3) *Shoreside processor and stationary floating processor receiving a delivery from catcher or tender vessels in the trawl EM category*—(i) *Deadline to submit a request to receive trawl EM deliveries.* A shoreside processor and stationary floating processor must submit a request to NMFS by November 1 of the year prior to the fishing year in which they intend to receive deliveries from catcher vessels or tender vessels in the trawl EM category.

(ii) [Reserved]

* * * * *

(f) * * *

(2) *Notification of nontrawl EM trip selection.*

* * * * *

(4) * * *

(v) If, at any time, changes are required to the VMP to improve the data collection of the EM system or address fishing operation changes, the vessel owner or operator must work with NMFS and the EM service provider to amend the VMP. The vessel owner or operator must sign the amended VMP and submit these changes to the VMP to NMFS prior to departing on the next fishing trip selected for EM coverage.

(vi) The VMP will require information regarding:

(A) Vessel and contact information;

(B) Gear used;

(C) EM hardware functionality requirements;

(D) Requirements for meeting program objectives as specified in the Annual Deployment Plan;

(E) List of potential solutions for hardware malfunctions;

(F) Images of camera locations and camera views;

(G) EM hardware service provider information;

(H) Valid signatures from the EM hardware service provider and vessel owner or operator; and

(I) Any other information required by the applicable VMP.

* * * * *

(g) *Trawl EM category*—(1) *Vessel placement in the trawl EM category*—(i) *Applicability.* (A) The owner or operator of a catcher vessel with a pollock trawl endorsement (PTW) on their FFP in the partial coverage category under paragraph (a)(1)(i) of this section, or in the full coverage category in paragraph (a)(2)(i) of this section, may request to be placed in the trawl EM category.

(*1*) *Partial coverage trawl EM category.* Catcher vessels directed fishing for pollock with pelagic trawl gear in the GOA or AI fisheries.

(*2*) *Full coverage trawl EM category.* Catcher vessels directed fishing for pollock with pelagic trawl gear in the BS or CDQ fisheries.

(B) The owner or operator of a tender vessel must request to be placed in the trawl EM category before receiving a delivery from a catcher vessel in the trawl EM category.

(ii) *How to request placement in the trawl EM category.* The owner or operator of a vessel must complete the trawl EM category request and submit it to NMFS using ODDS. Access to ODDS is available through the NMFS Alaska Region website. ODDS is described in paragraph (a)(1)(ii) of this section.

(iii) *Deadline to submit a trawl EM category request.* A vessel owner or operator must submit an annual trawl EM category request in ODDS by November 1 of the year prior to the fishing year in which the vessel would be placed in the trawl EM category.

(iv) *Approval for placement in the trawl EM category.* NMFS may approve a vessel for placement in the trawl EM category based on criteria specified by NMFS in the Annual Deployment Plan, available through the NMFS Alaska Region website. Criteria for disapproval may include actions by the vessel leading to data gaps, noncompliance with program elements such as discarding of catch, vessel configuration or fishing practices that cannot provide the necessary camera views to meet data collection goals, failure to follow the trawl EM category VMP, and/or failure to adhere to an incentive plan agreement as specified in § 679.57 for partial coverage catcher vessels or § 679.21(f)(12) for full coverage catcher vessels. For the trawl EM application to be considered complete, all fees due to NMFS from the owner or authorized representative of a catcher vessel subject to the fees specified at § 679.56 at the time of application must be paid.

(v) *Notification of approval for placement in the trawl EM category.* (A) NMFS will notify the owner or operator through ODDS of approval for the trawl EM category for the following fishing year. Catcher vessels remain subject to observer coverage under paragraphs (a)(1)(i) or (a)(2)(i) of this section unless and until NMFS approves the request for placement of the catcher vessel in the trawl EM category.

(B) Once NMFS notifies the catcher vessel owner or operator that their request to be placed in the trawl EM category has been approved, the vessel owner or operator must comply with the responsibilities in paragraphs (g)(2) and (3) of this section and all further instructions set forth in ODDS when they operate in the trawl EM category. When a catcher vessel approved for placement in the trawl EM category does not operate in the trawl EM category on a particular fishing trip, the vessel remains subject to observer coverage under paragraphs (a)(1)(i) or (a)(2)(i) of this section.

(vi) *Initial Administrative Determination (IAD).* If NMFS denies a request to place a vessel in the trawl EM category, NMFS will provide an IAD to the vessel owner, which will explain the basis for the denial.

(vii) *Appeal.* If the vessel owner wishes to appeal NMFS' denial of a request to place the vessel in the trawl EM category, the owner may appeal the determination under the appeals procedure set out at 15 CFR part 906.

(viii) *Duration.* Once NMFS approves a vessel for placement in the trawl EM category, that vessel will remain in the trawl EM category for the following upcoming fishing year or until:

(A) NMFS disapproves the vessel's VMP under paragraph (g)(2) of this section; or

(B) The vessel no longer meets the trawl EM category criteria specified by NMFS.

(ix) *Procurement of EM services.* (A) In the partial coverage category, the owner or operator of a vessel approved for the trawl EM category must use the EM hardware service provider as outlined by NMFS in the Annual Deployment Plan.

(B) In the full coverage category, the owner or operator of a vessel approved for the trawl EM category must arrange and pay for EM service provider services from a permitted EM hardware service provider.

(2) *Vessel Monitoring Plan (VMP).* Once approved for the trawl EM category, and prior to the first trawl EM fishing trip in the fishing year, the vessel owner or operator must develop a VMP with the EM hardware service provider following the VMP template available through the NMFS Alaska Region website.

(i) *VMP Submission.* The vessel owner or operator must sign and submit the VMP to NMFS each fishing year.

(ii) *VMP Approval.* NMFS may approve the VMP for the fishing year if it meets all the requirements specified in the VMP template available through the NMFS Alaska Region website.

(iii) *VMP Resubmission.* If the VMP does not meet all the requirements specified in the VMP template, NMFS will provide the vessel owner or operator the opportunity to submit a revised VMP that meets all the requirements specified in the VMP template.

(iv) *VMP Disapproval.* If NMFS does not approve the revised VMP, NMFS will issue an IAD to the vessel owner or operator that will explain the basis for the disapproval. The vessel owner or

operator may file an administrative appeal under the administrative appeals procedures set out at 15 CFR part 906.

(v) *VMP Revision.* If, at any time, changes must be made to the VMP to improve the data collection of the EM system or address fishing operation changes, the vessel owner or operator must work with NMFS and the EM hardware service provider to amend the VMP. The vessel owner or operator must sign the updated VMP and submit those changes to NMFS. NMFS must approve the amended VMP prior to departing on the next fishing trip selected for EM coverage.

(vi) *VMP Components.* The VMP will require information regarding:

(A) Vessel and contact information;

(B) Gear used;

(C) EM hardware functionality requirements;

(D) Requirements for meeting program objectives as specified in the Annual Deployment Plan;

(E) List of potential solutions for hardware malfunctions;

(F) Images of camera locations and camera views;

(G) EM hardware service provider information;

(H) Valid signatures from the EM hardware service provider and either the vessel owner or operator; and

(I) Any other information required by the applicable VMP.

(3) *Responsibilities.* To use an EM system under this section the vessel owner and operator must:

(i) *Installation.* Make the vessel available for the installation of EM equipment by an EM hardware service provider;

(ii) *Access.* Provide access to the vessel's EM system and reasonable assistance to the EM hardware service provider;

(iii) *Copy.* Maintain a copy of a NMFS-approved VMP onboard the vessel at all times when the vessel is directed fishing in a fishery subject to EM coverage;

(iv) *Compliance.* Comply with all elements of the VMP during trawl EM category fishing trips;

(v) *Maintenance.* Maintain the EM system, including by doing the following:

(A) Ensure the EM system is functioning before departing on a fishing trip.

(B) Ensure power is maintained to the EM system for the duration of a trawl EM category fishing trip;

(C) Ensure the system is functioning for the entire fishing trip, camera views are unobstructed and clear in quality, and discards may be completely viewed, identified, and quantified; and

(D) Ensure EM system components are not tampered with, disabled, destroyed, or operated or maintained improperly.

(vi) *Communication.* Communicate catch information to the shoreside processor or stationary floating processor receiving catch through a NMFS approved system. The following information must be transmitted as outlined in the VMP:

(A) Vessel name;

(B) Identify which Management areas the vessel was operating in;

(C) Most precise estimate available of tonnage aboard the vessel;

(D) Estimated deckload size, if present;

(E) Estimated time of arrival at shoreside processor or stationary floating processor; and

(F) Information to meet other requirements of this part, if requested by NMFS.

(4) *EM coverage duration and duties.* (i) *Beginning a Fishing Trip.* A fishing trip in the trawl EM category may not begin until all previously harvested fish have been landed.

(ii) *Ending a Fishing Trip.* At the end of the fishing trip in the trawl EM category, the vessel operator must follow the instructions in the VMP and submit the EM data and associated documentation identified in the VMP.

(iii) *Daily Tests.* The vessel operator must complete daily tests of equipment functionality as instructed in the vessel's VMP.

(A) During a fishing trip in the trawl EM category, before each haul is retrieved, the vessel operator must verify all cameras are recording and all sensors and other required EM system components are functioning as instructed in the vessel's VMP.

(*1*) If a malfunction is detected prior to retrieving the haul the vessel operator must attempt to correct the problem using the instructions in the vessel's VMP.

(*2*) If the malfunction cannot be repaired at sea, the vessel operator must notify the EM hardware service provider of the malfunction at the end of the fishing trip. The malfunction must be repaired prior to departing on the next fishing trip in the trawl EM category.

(B) [Reserved]

(iv) *Inspection.* Make the EM system and associated equipment available for inspection upon request by OLE, a NMFS-authorized officer, or other NMFS-authorized personnel.

(5) *ODDS requirements for trawl EM category catcher vessels in the partial coverage category*—(i) *EM trips.* Prior to embarking on each fishing trip, the operator of a catcher vessel in the partial coverage trawl EM category with a NMFS-approved VMP must register the anticipated trip with ODDS. The owner or operator must specify the use of pelagic trawl gear to determine trawl EM category participation for the upcoming fishing trip.

(ii) [Reserved]

* * * * *

■ 12. Amend § 679.52 by:

■ a. Revising paragraphs (b)(1)(iii)(A), (b)(1)(iii)(B)(*2*), and (b)(3)(i) introductory text;

■ b. In paragraph (b)(11) introductory text removing ''**,** fax'';

■ c. Revising paragraphs (b)(11)(iv) and (b)(11)(vii) introductory text;

■ d. In paragraph (b)(11)(ix), removing the word ''fax'' and adding in its place the phrase ''electronic submission (email or online through NMFS-designated electronic system)'';

■ e. In paragraph (b)(11)(x) introductory text, removing the phrase ''fax or email'' and adding in its place the phrase ''electronic submission (email or online through NMFS-designated electronic system)'';

■ f. Revising paragraph (b)(11)(x)(B); and

■ g. Adding paragraphs (d) and (e).

The revisions and additions read as follows:

§ 679.52 Observer provider permitting and responsibilities.

* * * * *

(b) * * *

(1) * * *

(iii) * * *

(A) That all of the observer's in-season catch messages (data) between the observer and NMFS are submitted to the Observer Program as outlined in the current Observer Sampling Manual.

(B) * * *

(*2*) The observer does not at any time during his or her deployment travel through a location where an Observer Program employee is available for an in-person data review and the observer completes a phone, email, or other NMFS-specified method for mid-deployment data review, as described in the Observer Sampling Manual; and

* * * * *

(3) * * *

(i) An observer provider must develop, maintain, implement, and enforce a policy addressing observer conduct and behavior for their employees that serve as observers. The policy shall address the following behavior and conduct regarding:

* * * * *

(11) * * *

(iv) *Observer deployment/logistics report.* An accurate deployment/logistics report must be submitted

within 24 hours of the observer assignment, or daily by 4:30 p.m., Pacific time, each business day with regard to each observer. The deployment/logistics report must include the observer's name, cruise number, current vessel, shoreside processor or stationary floating processor assignment and vessel/processor code, embarkation date, and estimated or actual disembarkation dates.

* * * * *

(vii) *Observer provider contracts.* Observer providers must submit to the Observer Program a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under § 679.51(a)(2) and (b)(2), by February 1 of each year. Observer providers must also submit to the Observer Program, upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. The copies must be submitted by electronic transmission (email or through an electronic system as designated by NMFS) or other method specified by NMFS within 5 business days of the request for the contract at the address listed in § 679.51(c)(3). Signed and valid contracts include the contracts an observer provider has with:

* * * * *

(x) * * *

(B) Within 72 hours after the observer provider determines that an observer violated the observer provider's conduct and behavior policy described at paragraph (b)(3)(i) of this section; these reports shall include the underlying facts, circumstances, and provider responses to the violation, including the steps taken to enforce the provider's conduct and behavior policy.

* * * * *

(d) *EM hardware service provider permit.*—(1) *Permit.* The Regional Administrator may issue a permit authorizing a person's participation as an EM hardware service provider for operations requiring EM system coverage per § 679.51(f) and (g). Persons seeking to provide EM services under this section must obtain an EM hardware service provider permit from the NMFS Alaska Region.

(2) *EM hardware service provider.* An applicant seeking an EM hardware service provider permit must submit a completed application to the Regional Administrator for review. This application can be found on the NMFS Alaska Region website.

(3) *Contents of application.* An application for an EM hardware service provider permit must contain the following:

(i) *Contact information.* (A) The permanent phone number and email address of the owner(s) of the EM hardware service provider.

(B) Current physical location, business mailing address, business telephone, and business email address for each office of the EM hardware service provider.

(ii) *Hardware and software testing.* Description of testing conducted to ensure that the EM hardware is capable of withstanding environmental conditions in the North Pacific Ocean. NMFS will provide specifications for EM hardware upon request. At any time after initial approval of the EM hardware service provider permit, this testing requirement must be applied to and met by any EM system requiring new, or significantly updated, hardware or software installed onboard a vessel.

(iii) *Data review.* Provide a sample of EM data to NMFS that can be reviewed by NMFS EM data review software for compliance with program objectives as specified in § 679.51(f) and (g).

(iv) *Conflict of interest.* A statement signed under penalty of perjury from each owner or, if the owner is an entity, each board member and officer, if a corporation, that they have no conflict of interest as described in paragraph (c) of this section.

(v) *Criminal convictions and Federal contracts.* A statement signed under penalty of perjury from each owner or, if the owner is an entity, each board member and officer, if a corporation, describing:

(A) Any criminal convictions; and

(B) Any Federal contracts they have had and the performance rating they received for each such contract.

(vi) *Prior experience.* A description of any prior experience the EM hardware service provider may have in placing individuals in remote field and/or marine work environments. This includes recruiting, hiring, deployment, working with fishing fleets, and operations in remote areas.

(vii) *Responsibilities and duties.* A description of the EM hardware service provider's ability to carry out the responsibilities and duties of an EM hardware service provider as set out under paragraph (e) of this section and the arrangements to be used to do so.

(4) *Application evaluation.* NMFS staff will evaluate the completeness of the application, the application's consistency with needs and objectives of the EM program, and other relevant factors. NMFS will provide specifications for EM hardware upon request.

(5) *Agency determination on an application.* NMFS will send the Agency's determination on the application to the EM hardware service provider. If an application is approved, NMFS will issue an EM hardware service provider permit to the applicant. If an application is denied, the reason for denial will be explained in the electronic determination.

(6) *Transferability.* An EM hardware service provider permit is not transferable. To prevent a lapse in authority to provide EM hardware services, a provider that experiences a change in ownership that involves a new person may submit a new permit application prior to sale and ask to have the application approved under this paragraph (a) prior to date of sale.

(7) *Expiration of EM hardware service provider permit.*—(i) *Permit duration.* An EM hardware service provider permit will expire after a period of 12 continuous months during which no EM services are provided to vessels in an EM category.

(ii) *Permit expiration.* The Regional Administrator will provide a written initial administrative determination (IAD) of permit expiration to a provider if NMFS records indicate that the provider has not provided EM services to vessels in an EM category during a period of 12 continuous months. A provider who receives an IAD of permit expiration may appeal the IAD under § 679.43. A provider that appeals an IAD will be issued an extension of the expiration date of the permit until after the final resolution of the appeal.

(8) *Removal of permit.* Performance of the EM hardware service provider will be assessed annually on the ability of the provider to meet program objectives as outlined in § 679.51 and the Annual Deployment Plan. If the EM hardware service provider is unable to meet program objectives, the permit will be removed.

(e) *Responsibilities of EM hardware service providers.* Responsibilities of EM hardware service providers are specified in section § 679.51(f) and (g).

■ 13. Add §§ 679.56 and 679.57 to subpart E to read as follows:

§ 679.56 Full coverage trawl Electronic Monitoring category fee.

(a) *Full coverage trawl electronic monitoring (EM) category fee*—(1) *Responsibility.* The owner of a catcher vessel in the full coverage trawl EM category must comply with the requirements of this section. Subsequent opting out of the trawl EM category does not affect the FFP permit holder's liability for paying the full coverage trawl EM category fee for any fishing year in which the vessel was approved to be in the full coverage trawl EM category and made pollock landings. Subsequent transfer of an AFA catcher vessel or AFA permit does not affect the catcher vessel owner's liability for non-compliance with this section.

(2) *Landings subject to the observer fee.* The full coverage trawl EM fee is assessed on pollock landings by catcher vessels in the full coverage trawl EM category as specified in § 679.51(g).

(3) *Fee collection.* The owner of a catcher vessel (as identified under paragraph (a)(1) of this section) is responsible for paying the full coverage trawl EM fee for all pollock landings.

(4) *Payment.*—(i) *Payment due date.* The owner of a catcher vessel (as identified under paragraph (a)(1) of this section) must submit all full coverage trawl EM fee payments to NMFS no later than May 31 of the fishing year following the year in which the pollock landings occurred.

(ii) *Payment recipient and method.* The owner of a catcher vessel (as identified under paragraph (a)(1) of this section) must submit payment and related documents as instructed on the fee submission form. Payments must be made electronically through the NMFS Alaska Region website. Instructions for electronic payment will be made available on both the payment website and a fee liability summary letter mailed to each permit holder.

(b) *Full coverage standard ex-vessel value determination and use.* NMFS will use the standard prices calculated for AFA cost recovery per § 679.66(b).

(c) *Full coverage fee percentages.*—(1) *Established percentages.* The trawl EM fee percentage is the amount as determined by the factors and methodology described in paragraph (c)(2) of this section. These amounts will be announced by publication in the **Federal Register** in accordance with paragraph (c)(3) of this section.

(2) *Calculating fee percentage value.* Each year NMFS will calculate and publish the trawl EM fee percentage for the full coverage trawl EM category catcher vessels according to the following factors and methodology:

(i) *Factors.* NMFS will use the following factors to determine the fee percentages:

(A) The catch to which the full coverage trawl EM fee will apply;

(B) The ex-vessel value of that catch; and

(C) The costs directly related to the EM data collection, EM data review, VMP approval, and trawl EM category data.

(ii) *Methodology.* NMFS will use the following equations to determine the trawl EM fee percentage: $100 \times DPC \div V$, where:

(A) *DPC* equals the trawl EM category costs for the directed full coverage pollock fisheries for the most recent fiscal year (October 1 through September 30) with any adjustments to the account from payments received in the previous year.

(B) *V* equals the total of the standard ex-vessel value of the catch subject to the trawl EM fee liability for the current year.

(iii) *Program costs.* Trawl EM category costs will be calculated only for catcher vessels that NMFS approves to be in the full coverage trawl EM category.

(3) *Publication.*—(i) *General.* NMFS will calculate and announce the trawl EM fee percentage in a **Federal Register** notice by December 1 of the year following the year in which the full coverage pollock landings were made. NMFS will calculate the trawl EM fee percentage based on the calculations described in paragraph (c)(2) of this section.

(ii) *Effective period.* NMFS will apply the calculated trawl EM fee percentage to all full coverage trawl EM category directed pollock landings made by vessels in the trawl EM category between January 1 and December 31 of the previous year.

(4) *Applicable percentage.* A designated representative must use the AFA fee percentage applicable at the time a Bering Sea directed pollock landing is debited from an AFA pollock fishery allocation to calculate the AFA fee liability for any retroactive payments for that landing.

§ 679.57 Trawl EM incentive plan agreements.

(a) *Parties to a trawl EM Incentive Plan Agreement (TEM IPA)*—(1) *TEM IPA.* A catcher vessel owner or operator must be a party to a TEM IPA to be approved for the trawl EM partial coverage category.

(2) *Compliance.* Once a party to a TEM IPA, a catcher vessel owner or operator cannot withdraw from the TEM IPA and must comply with the terms of the TEM IPA for the duration of the fishing year.

(b) *Request for approval of a proposed TEM IPA.* The TEM IPA representative must submit a proposed TEM IPA to NMFS. The proposed TEM IPA must contain the following information:

(1) *Affidavit.* The TEM IPA must include an affidavit affirming that each party to the TEM IPA is subject to the same terms and conditions.

(2) *Name of the TEM IPA*—(3) *Representative.* The TEM IPA must include the name, telephone number, and email address of the TEM IPA representative who is responsible for submitting the proposed TEM IPA on behalf of the TEM IPA parties, any proposed amendments to the TEM IPA, and the annual report required under paragraph (f) of this section.

(4) *Incentive plan.* The TEM IPA must contain provisions that address or contain the following:

(i) Restrictions, penalties, or performance criteria that will limit changes in fishing behavior.

(ii) Incentive measures to discourage catcher vessels from harvesting pollock catch in excess of 300,000 (136 mt) pounds during a fishing trip, on average in the GOA, and an explanation of how the incentive(s) encourage vessel operators to limit harvest in excess of 300,000 (136 mt) pounds of pollock per fishing trip in the GOA.

(iii) Incentive measures to prevent catcher vessels from exceeding the MRAs established in § 679.21(e) and how the incentives encourage vessel operators to avoid bycatch and avoid exceeding the maximum retainable amounts established in § 679.20(e).

(iv) Acknowledgment by the parties that NMFS will disclose to the public their vessels' performance under the TEM IPA and any restrictions, penalties, or performance criteria imposed under the TEM IPA by vessel name.

(5) *Compliance agreement.* The TEM IPA must include a provision that all parties to the TEM IPA agree to comply with all provisions of the TEM IPA.

(6) *Signatures.* The name and signature of the owner or operator for each vessel that is a party to the TEM IPA.

(c) *Deadline and duration.*—(1) *Deadline for proposed TEM IPA.* A proposed TEM IPA must be received by NMFS no later than 1700 hours, A.l.t., on December 1 of the year prior to the fishing year for which the TEM IPA is proposed to be effective.

(2) *Duration.* Once approved, a TEM IPA is effective starting January 1 of the fishing year following the year in which NMFS approves the IPA, unless the TEM IPA is approved between January 1 and January 19, in which case the TEM IPA is effective starting in the year

in which it is approved. Once approved, a TEM IPA is effective until December 31 of the first year in which it is effective or until December 31 of the year in which the TEM IPA representative notifies NMFS in writing that the TEM IPA is no longer in effect, whichever is later. A TEM IPA may not expire mid-year. No party may leave a TEM IPA once it is approved, except as allowed under paragraph (d)(3) of this section.

(d) *NMFS review of a proposed TEM IPA.*—(1) *Approval.* A TEM IPA will be approved by NMFS if the TEM IPA meets the following requirements:

(i) Complies with the submission requirements of paragraphs (b) and (c) of this section; and

(ii) Contains the information required in paragraph (b) of this section.

(2) *Amendments to a TEM IPA.* Amendments in writing to an approved TEM IPA may be submitted to NMFS at any time and will be reviewed under the requirements of paragraph (b) of this section. An amendment to an approved TEM IPA is effective when NMFS notifies the TEM IPA representative in writing of NMFS approval.

(3) *Disapproval.* (i) NMFS will disapprove a proposed TEM IPA or a proposed amendment to a TEM IPA:

(A) If the proposed TEM IPA fails to meet any of the requirements of paragraph (b) of this section; or

(B) If a proposed amendment to a TEM IPA would cause the TEM IPA to no longer comply with the requirements of paragraph (b) of this section.

(ii) [Reserved]

(4) *Initial Administrative Determination (IAD).* If NMFS identifies deficiencies in the proposed TEM IPA, NMFS will notify the applicant in writing that the proposed TEM IPA will not be approved. The TEM IPA representative will be provided one 30-day period to address, in writing, all deficiencies identified by NMFS. Additional information or a revised TEM IPA received by NMFS after the expiration of the 30-day period specified by NMFS will not be considered. NMFS will evaluate any additional information submitted by the TEM IPA representative within the 30-day period. If the Regional Administrator determines that the additional information addresses the deficiencies in the proposed TEM IPA, the Regional Administrator will approve the proposed TEM IPA under paragraph (d) of this section. However, if NMFS determines that the proposed TEM IPA does not comply with the requirements of paragraph (b) of this section, NMFS will issue an IAD providing the reasons for disapproving the proposed TEM IPA.

(5) *Appeal.* A TEM IPA representative who receives an IAD disapproving a proposed TEM IPA may appeal under the procedures set forth at 15 CFR part 906. If the TEM IPA representative fails to timely file an appeal of the IAD pursuant to 15 CFR part 906, the IAD will become the final agency action. If the IAD is appealed and the final agency action approves the proposed TEM IPA, the TEM IPA will be effective as described in paragraph (c) of this section.

(6) *Pending approval.* While appeal of an IAD disapproving a proposed TEM IPA is pending, proposed parties to the TEM IPA subject to the IAD, which are not currently parties to an approved TEM IPA, are not authorized to participate in trawl EM category.

(e) *Public release of a TEM IPA and performance metrics.* Each fishing year NMFS will release to the public and publish on the NMFS Alaska Region website:

(1) *Approvals.* Approved TEM IPAs and Approval Memos;

(2) *Parties.* List of parties to each approved TEM IPA; and

(3) *Names.* Names of vessels covered by each approved TEM IPA that:

(i) On average, harvesting pollock catch in excess of 300,000 pounds (136 mt) per fishing trip in the GOA;

(ii) Harvest bycatch in quantities that exceed MRAs; and

(iii) Vessels' performance under the TEM IPA and any restrictions, penalties, or performance criteria imposed under the TEM IPA by vessel name.

(f) *TEM IPA Annual Report.* The representative of each approved TEM IPA must submit a written annual report to the Council at the address specified in § 679.61(f). The Council will make the annual report available to the public.

(1) *Submission deadline.* The TEM IPA Annual Report must be received by the Council no later than May 15 of the following fishing year.

(2) *Information requirements.* The TEM IPA Annual Report must contain the following information:

(i) A comprehensive description of the incentive measures in effect in the previous year;

(ii) A description of how these incentive measures affected individual vessels;

(iii) An evaluation of whether incentive measures were effective in limiting changes in vessel behavior including the effectiveness of:

(A) Measures to discourage participating vessels, on average, from harvesting pollock catch in excess of 300,000 pounds (136 mt) per fishing trip in the GOA;

(B) Measures that incentivize participating vessels to avoid exceeding MRAs established in § 679.20(e) applicable to non-EM vessels;

(C) Restrictions, penalties, or performance criteria that were imposed to prevent vessels from consistently exceeding catcher vessel harvest limit for pollock in the GOA or MRAs relative to non-EM vessels by vessel name (see §§ 679.7(b)(2) and 679.20(e));

(D) The frequency of vessels exceeding the catcher vessel harvest limit for pollock in the GOA and MRA limits relative to non-EM vessels (see §§ 679.7(b)(2) and 679.20(e)); and

(E) Identification of, and the TEM IPA's response to, vessels directed fishing in conflict with harvest specifications or directed fishing for Steller Sea Lion forage species within closed Steller Sea Lion protection areas.

(iv) A description of any amendments to the TEM IPA that were approved by NMFS since the last annual report and the reasons that the amendments to the TEM IPA were requested.

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BILLING CODE 3510–22–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1143]

Schedules of Controlled Substances: Temporary Placement of N-Desethyl Isotonitazene and N-Piperidinyl Etonitazene in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Temporary amendment; temporary scheduling order.

SUMMARY: The Administrator of the Drug Enforcement Administration is issuing this temporary order to schedule two synthetic benzimidazole-opioid substances, as identified in this order, in schedule I of the Controlled Substances Act. This action is based on a finding by the Administrator that the placement of these two substances in schedule I is necessary to avoid imminent hazard to the public safety. This order imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle these two specified controlled substances.

DATES: This temporary scheduling order is effective July 29, 2024, until July 29, 2026. If this order is extended or made permanent, DEA will publish a document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Ph.D., Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION: The Drug Enforcement Administration (DEA) issues a temporary scheduling order [1] (in the form of a temporary amendment) to add the following two substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible, to schedule I under the Controlled Substances Act (CSA):

- *N*-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (commonly known as *N*-desethyl isotonitazene), and
- 2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1*H*-benzimidazole (commonly known as either *N*-piperidinyl etonitazene or etonitazepipne).

Legal Authority

Under 21 U.S.C. 811(h)(1), the Attorney General, as delegated to the Administrator of DEA (Administrator) pursuant to 28 CFR 0.100, has the authority to temporarily place a substance in schedule I of the CSA for two years without regard to the evaluation requirements of 21 U.S.C. 811(b), if the Administrator finds that such action is necessary to avoid an imminent hazard to the public safety.[2] In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1) while the substance is temporarily controlled under section 811(h), the Attorney General may extend the temporary scheduling for up to one year.[3]

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355.[4]

[1] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this action adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary scheduling order.'' No substantive change is intended.

[2] 21 U.S.C. 811(h)(1).

[3] 21 U.S.C. 811(h)(2).

[4] 21 U.S.C. 811(h)(1); 21 CFR part 1308.

Background

The CSA requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of an intent to place a substance in schedule I of the CSA temporarily (*i.e.,* to issue a temporary scheduling order).[5] The Administrator transmitted the required notice to the Assistant Secretary for Health of HHS (Assistant Secretary),[6] by letter dated April 3, 2023, regarding *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene. The Assistant Secretary responded to this notice by letter dated May 11, 2023, and advised that based on a review by the Food and Drug Administration (FDA), there are currently no investigational new drug applications (IND) or approved new drug applications (NDA) for *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene. The Assistant Secretary also stated that HHS had no objection to the temporary placement of these substances in schedule I. *N*-Desethyl isotonitazene and *N*-piperidinyl etonitazene currently are not listed in any schedule under the CSA, and no exemptions or approvals under 21 U.S.C. 355 are in effect for these substances.

DEA has taken into consideration the Assistant Secretary's comments as required by subsection 811(h)(4). DEA has found the control of *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene in schedule I on a temporary basis is necessary to avoid an imminent hazard to the public safety.

As required by 21 U.S.C. 811(h)(1)(A), DEA published a notice of intent (NOI) to temporarily schedule *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene on October 25, 2023.[7] That NOI discussed findings from DEA's three-factor analysis dated January 2023, which DEA made available on *www.regulations.gov*.

To find that temporarily placing a substance in schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator must consider three of the eight factors set forth in 21 U.S.C. 811(c): the substance's history and current pattern of abuse; the scope, duration, and significance of abuse; and what, if any, risk there is to the public health.[8] Consideration of these factors includes any information indicating actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution of these substances.[9]

Substances meeting the statutory requirements for temporary scheduling may only be placed in schedule I.[10] Substances in schedule I have high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.[11]

Two Benzimidazole-Opioids: N-desethyl isotonitazene and N-piperidinyl etonitazene

The continued encounter of novel psychoactive substances (NPS) on the recreational drug market poses a threat to public safety. Following the class-wide scheduling of fentanyl-related substances,[12] there has been an increase in the emergence of synthetic opioids that are not structurally related to fentanyl. Beginning in 2019, a new class of synthetic opioids known as benzimidazole-opioids, commonly referred to as ''nitazenes,'' emerged on the recreational drug market. This class of substances was first synthesized in the 1950s by CIBA Aktiengesellschaft in Switzerland, and it has a similar pharmacological profile to fentanyl, morphine, and other mu-opioid receptor agonists. Between August 2020 and April 2022, DEA temporarily controlled eight benzimidazole-opioids because they posed a threat to public safety.[13]

Recently, additional benzimidazole-opioids have been identified within the rapidly expanding class of ''nitazene'' compounds on the recreational drug market. *N*-Desethyl isotonitazene and *N*-piperidinyl etonitazene are some of the recently encountered ''nitazene''

[5] 21 U.S.C. 811(h)(4).

[6] The Secretary of HHS has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460 (July 1, 1993).

[7] 88 FR 73293 (Oct. 25, 2023).

[8] 21 U.S.C. 811(h)(3).

[9] *Id.*

[10] 21 U.S.C. 811(h)(1).

[11] 21 U.S.C. 812(b)(1).

[12] On February 6, 2018, pursuant to 21 U.S.C. 811(h), the then Acting Administrator of Drug Enforcement Administration temporarily placed fentanyl-related substances in schedule I of the Controlled Substances Act (CSA) (83 FR 5188) to avoid an imminent hazard to public safety. Through the Temporary Reauthorization and Study of Emergency Scheduling of Fentanyl Analogues Act, Public Law 116–114, which became law on February 6, 2020, Congress extended the temporary control of fentanyl-related substances until May 6, 2021. This temporary order was subsequently extended multiple times, most recently through the Consolidated Appropriations Act of 2023, Public Law 117–328, which extended the order until December 31, 2024.

[13] Schedules of Controlled Substances: Temporary Placement of Butonitazene, Etodesnitazene, flunitazene, Metodesnitazene, Metonitazene, *N*-Pyrrolidino etonitazene, and Protonitazene in Schedule I, 87 FR 21556 (Apr. 12, 2022); Schedules of Controlled Substances: Temporary Placement of Isotonitazene in Schedule I, 85 FR 51342 (Aug. 20, 2020).

synthetic opioids identified on the illicit drug market.

The continued trafficking and identification of benzimidazole-opioids in toxicology cases pose a significant threat to public health and safety. Adverse health effects associated with the misuse and abuse of synthetic opioids have led to devastating consequences including death. Preclinical pharmacology data demonstrate that *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene have pharmacological profiles similar to those of the potent benzimidazole-opioids etonitazene and isotonitazene, schedule I opioid substances.[14] *N*-Desethyl isotonitazene, an active metabolite of isotonitazene, has been positively identified in at least ten toxicology cases.[15] *N*-Piperidinyl etonitazene has been positively identified in at least three toxicology cases.[16] As the United States continues to experience a high number of opioid-involved overdoses and mortalities, the introduction of new designer opioids further exacerbates the current opioid epidemic.

Available data and information for *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene, summarized below, indicate that these substances have high potentials for abuse, no currently accepted medical uses in treatment in the United States,[17] and a lack of accepted safety for use under medical supervision. *N*-Desethyl isotonitazene and *N*-piperidinyl etonitazene have been positively identified toxicology cases. As the United States continues to experience a high number of opioid-involved overdoses and mortalities, the introduction of new designer opioids further exacerbates the current opioid epidemic Thus, the Administrator concludes that *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene meet the statutory requirements to be temporarily placed in schedule I under the CSA. DEA's three-factor analysis is available in its entirety under ''Supporting and Related Material'' of the public docket for this action at *www.regulations.gov* under Docket Number DEA–1143.

Factor 4. History and Current Pattern of Abuse

In the late 1950s, pharmaceutical research laboratories of the Swiss chemical company CIBA Aktiengesellschaft synthesized a group of structurally unique benzimidazole derivatives with analgesic properties; however, the research effort did not produce any medically approved analgesic products. These benzimidazole derivatives include schedule I substances, such as synthetic opioids clonitazene, etonitazene, and isotonitazene.

Since 2019, there has been an emergence of nitazene compounds on the illicit drug market, which have been positively identified in numerous cases of fatal overdose events. In August 2020, isotonitazene was placed in schedule I of the CSA (85 FR 51342). Subsequently, seven additional benzimidazole-opioids[18] have been placed in schedule I of the CSA.

Recently, two additional benzimidazole-opioids have emerged on the illicit drug market. Law enforcement officers have encountered *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene in several solid forms (*e.g.,* powder and tablets). These substances are not approved pharmaceutical products and are not approved for medical use anywhere in the world. The Assistant Secretary in a letter to DEA dated May 11, 2023, stated that there are no FDA-approved NDAs or INDs for *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene in the United States. There are no legitimate channels for these substances as marketed drug products.

The appearance of benzimidazole-opioids on the illicit drug market is similar to other designer opioid drugs that are trafficked for their psychoactive effects. These substances are likely to be abused in the same manner as schedule I opioids, such as etonitazene, isotonitazene, and heroin.

In 2022, *N*-desethyl isotonitazene was identified in counterfeit tablets in the United States and United Kingdom. Recent reporting by Center for Forensic Science Research and Education (CFSRE) indicates that in the United States, *N*-desethyl isotonitazene was identified in counterfeit oxycodone round blue tablets in Florida. Further, in December 2022, *N*-desethyl isotonitazene was co-identified in ''dope'' samples containing xylazine, fentanyl, *para*-fluorofentanyl, and designer benzodiazepines (*e.g.,* flubromazepam and bromazolam).[19]

In 2021, *N*-piperidinyl etonitazene emerged on the illicit synthetic drug market, as evidenced by its identification in toxicological analysis of biological samples.[20] In addition, there have been encounters of *N*-piperidinyl etonitazene in Europe. As reported in January 2022 by the European Monitoring Center for Drugs

[14] DEA–VA Interagency Agreement. ''In Vitro Receptor and Transporter Assays for Abuse Liability Testing for the DEA by the VA''. Binding and Functional Activity at Delta, Kappa and Mu Opioid Receptors. 2022.

[15] Walton SE, Krotulski AJ, Logan BK. A Forward-Thinking Approach to Addressing the New Synthetic Opioid 2-Benzylbenzimidazole Nitazene Analogs by Liquid Chromatography-Tandem Quadrupole Mass Spectrometry (LC–QQQ–MS). J Anal Toxicol. 2022 Mar 21;46(3):221–231.

[16] Calello DP, Aldy K, Jefri M, Nguyen TT, Krotulski A, Logan B, Brent J, Wax P, Walton S, Manini AF; ToxIC Fentalog Study Group. Identification of a novel opioid, *N*-piperidinyl etonitazene (etonitazepipne), in patients with suspected opioid overdose. Clin Toxicol (Phila). 2022 Sep;60(9):1067–1069.

[17] When finding that placing a substance in schedule I on a temporary basis is necessary to avoid imminent hazard to the public, 21 U.S.C. 811(h) does not require DEA to consider whether the substance has a currently accepted medical use in treatment in the United States. Nonetheless, there is no evidence suggesting that *N*-desethyl isonitazene and etonitazepipne have a currently accepted medical use in treatment in the United States. To determine whether a drug or other substance has a currently accepted medical use, DEA has traditionally applied a five-part test to a drug or substance that has not been approved by the FDA: i. The drug's chemistry must be known and reproducible; ii. there must be adequate safety studies; iii. there must be adequate and well-controlled studies proving efficacy; iv. the drug must be accepted by qualified experts; and v. the scientific evidence must be widely available. See *Marijuana Scheduling Petition; Denial of Petition; Remand,* 57 FR 10499 (Mar. 26, 1992), pet. for rev. denied, *Alliance for Cannabis Therapeutics* v. *Drug Enforcement Admin.,* 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA and HHS applied the traditional five-part test for currently accepted medical use in this matter. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care practitioners operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which part (1) is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that the HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). For purposes of this temporary scheduling action, there is no evidence that health care providers have widespread experience with medical use of N-desethyl isonitazene and etonitazepipne, or that the use of N-desethyl isonitazene and etonitazepipne is recognized by entities that regulate the practice of medicine under either the traditional five-part test or the two-part test.

[18] Butonitazene, etodesnitazene, flunitazene, metodesnitazene, metonitazene, *N*-pyrrolidino etonitazene, and protonitazene. *See* 87 FR 21556 (Apr. 12, 2022).

[19] CFSRE NPS Discovery Public Alert 2023. Case Example—*N*-desethyl isotonitazene. January 2023.

[20] A partnership between the American College of Medical Toxicology (ACMT) and the Center for Forensic Science Research and Education (CFSRE) was established to comprehensively assess the role and prevalence of synthetic opioids and other drugs among suspected overdose events in the United States. CFSRE NPS Monograph. *N*-Piperidinyl etonitazene. November 22, 2021.

and Drug Addiction (EMCDDA), the European Union Early Warning System Network identified *N*-piperidinyl etonitazene in Germany in October 2021. As of January 23, 2023, a total of four European countries have reported identifications of *N*-piperidinyl etonitazene in powder form to the EMCDDA.[21]

Factor 5. Scope, Duration and Significance of Abuse

N-Desethyl isotonitazene and *N*-piperidinyl etonitazene, similar to etonitazene and isotonitazene (schedule I substances), have been described as potent synthetic opioids, and evidence suggests they are abused for their opioidergic effects. The abuse of these benzimidazole-opioids, similar to other synthetic opioids, has resulted in serious adverse health effects. Between October 2019 and January 2020, *N*-desethyl isotonitazene was positively identified as a metabolite of isotonitazene in 13 postmortem samples and 64 driving-under-the-influence-of-drugs (DUID) in the United States. However, beginning in 2023, *N*-desethyl isotonitazene has been identified in 10 toxicology cases.[22] The pharmacological profile of *N*-desethyl isotonitazene demonstrates it is a highly potent synthetic opioid similar to etonitazene, isotonitazene, and fentanyl. As such, the identification of this substance as a parent drug in the recreational drug market is worrisome.

Data from law enforcement suggest that *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene are being abused in the United States as recreational drugs.[23] Since 2022, there have been 14 reports to DEA's National Forensic Laboratory Information System (NFLIS)-Drug[24] (Federal, State, and local laboratories) database pertaining to the trafficking, distribution, and abuse of *N*-desethyl isotonitazene (n = 5) and *N*-piperidinyl etonitazene (n = 9). These five encounters of *N*-desethyl isotonitazene were reported to NFLIS-Drug from Pennsylvania (2), Florida (2) and Kansas (1). Encounters of *N*-piperidinyl etonitazene occurred in Tennessee (8) and Pennsylvania (1).

Based on information collected from NFLIS-Drug, *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene were identified in tablet form or as residue. Reporting from CFSRE show that *N*-desethyl isotonitazene was identified in a counterfeit oxycodone tablet in Florida,[25] suggesting that it might be present as a substitute for heroin or fentanyl and likely abused in the same manner as either of those substances.

The population likely to be harmed by these benzimidazole-opioids appears to be the same as that harmed by prescription opioid analgesics, fentanyl, and other synthetic drugs.[26] This is evidenced by the types of other drugs co-identified in biological samples and law enforcement reports. Law enforcement and toxicology reports demonstrate that *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene are being illicitly distributed and abused. Because users of *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene are likely to obtain these substances through unregulated sources, the identity, purity, and quantity of these substances are uncertain and inconsistent, thus posing significant adverse health risks to the end user. Individuals who initiate (*i.e.,* use a drug for the first time) use of these benzimidazole-opioids are likely to be at risk of developing substance use disorder, overdose, and/or death, similar to that of other opioid analgesics (*e.g.,* fentanyl, morphine, etc.).

Factor 6. What, if Any, Risk There Is to the Public Health

The increase in opioid overdose deaths in the United States has been exacerbated recently by the availability of potent synthetic opioids on the illicit drug market. Data obtained from pre-clinical studies demonstrate that *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene exhibit pharmacological profiles similar to that of etonitazene, isotonitazene, and other mu-opioid receptor agonists.[27] These two benzimidazole-opioids bind to and act as an agonist at the mu-opioid receptors. It is well established that substances that act as mu-opioid receptor agonists have a high potential for addiction and can induce dose-dependent respiratory depression.

Consistent with any mu-opioid receptor agonist, the potential health and safety risks for users of *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene are high. *N*-Desethyl isotonitazene and *N*-piperidinyl etonitazene have been positively identified in toxicology cases. The public health risks attendant to the abuse of mu-opioid receptor agonists are well established. These risks include large numbers of drug treatment admissions, emergency department visits, and fatal overdoses.

N-Piperidinyl etonitazene was detected in suspected opioid overdose cases in three patients from New Jersey over a period of three days in July 2021. Of those patients, two reported the use of cocaine; one reported the use of heroin and alprazolam. Similarly, according to a 2021 CFSRE report, *N*-piperidinyl etonitazene was co-identified with fentanyl in two cases and *para*-fluorofentanyl in one other case.[28]

The pharmacological profile of this substance demonstrates that it is a highly potent synthetic opioid similar to etonitazene, isotonitazene, and fentanyl. As such, the identification of this substance as a parent drug in the recreational drug market is worrisome.

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information summarized above, the uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene pose imminent hazards to public safety. DEA is not aware of any currently accepted medical uses for these substances in the United States. A substance meeting the statutory requirements for temporary scheduling, found in 21 U.S.C.

[21] Email communication with EMCDDA dated January 23, 2023.

[22] CFSRE NPS Opioids Trend Report, 2023 Q1 and Q2. Accessed September 15, 2023.

[23] While law enforcement data are not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. *See* 76 FR 77330, 77332 (Dec. 12, 2011).

[24] NFLIS-Drug represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS-Drug is a comprehensive information system that includes data from forensic laboratories that handle the nation's drug analysis cases. NFLIS-Drug participation rate, defined as the percentage of the national drug caseload represented by laboratories that have joined NFLIS-Drug, is currently 98.5 percent. NFLIS-Drug includes drug chemistry results from completed analyses only. While NFLIS-Drug data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. *See Schedules of Controlled Substances:* Placement of Carisoprodol Into Schedule IV, 76 FR 77330, 77332 (Dec. 12, 2011). NFLIS-Drug data was queried on October 2, 2023.

[25] CFSRE NPS Discovery Public Alert January 2023. Accessed January 25, 2023.

[26] According to the most recent data from the National Survey on Drug Use and Health, as of 2022, an estimated 8.9 million people aged 12 years or older misused opioids in the past year, including 8.5 million prescription pain reliever misusers and 1.0 million heroin users. This population abusing opioids is likely to be at risk of abusing *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene.

[27] DEA–VA Interagency Agreement. ''In Vitro Receptor and Transporter Assays for Abuse Liability Testing for the DEA by the VA''. Binding and Functional Activity at Delta, Kappa and Mu Opioid Receptors. 2022. Unpublished data.

[28] NPS Discovery Program at the Center for Forensic Science Research and Education: Monograph. *N*-Piperidinyl etonitazene Toxicology Analytical Report. November 22, 2021.

811(h)(1), may only be placed in schedule I. Substances in schedule I must have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene indicate that these substances meet the three statutory criteria.

As required by 21 U.S.C. 811(h)(4), the Administrator transmitted to the Assistant Secretary, via letter dated April 3, 2023, notice of her intent to place *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene in schedule I on a temporary basis. HHS had no objection to the temporary placement of these substances in schedule I. DEA subsequently published a NOI in the **Federal Register** on October 25, 2023.[29]

Conclusion

In accordance with 21 U.S.C. 811(h)(1) and (3), the Administrator considered available data and information, herein set forth the grounds for her determination that it is necessary to temporarily schedule *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene in schedule I of the CSA, and finds that placement of these substances in schedule I is necessary to avoid an imminent hazard to the public safety.

This temporary placement of *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene in schedule I of the CSA will take effect on the date the order is published in the **Federal Register** and remain in effect for two years, with a possible extension of one year, pending completion of the regular (permanent) scheduling process.[30]

The CSA sets forth specific criteria for scheduling drugs or other substances. Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures ''on the record after opportunity for a hearing'' conducted pursuant to the provisions of 5 U.S.C. 556 and 557.[31] The regular scheduling process of formal rulemaking affords interested parties appropriate process and the government any additional relevant information needed to make a determination. Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review.[32] Temporary scheduling orders are not subject to judicial review.[33]

Requirements for Handling

Upon the effective date of this temporary order, *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene will be subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, possession of, and engagement in research and conduct of instructional activities or chemical analysis with, schedule I controlled substances, including the following:

1. *Registration.* Any person who handles (possesses, manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with) or desires to handle, *N*-desethyl isotonitazene or *N*-piperidinyl etonitazene must be registered with DEA to conduct such activities, pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312, as of July 29, 2024. Any person who thereafter handles *N*-desethyl isotonitazene or *N*-piperidinyl etonitazene and is not registered with DEA must submit an application for registration and may not continue to handle *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene as of July 29, 2024, unless DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity of these substances in a manner not authorized by the CSA on or after July 29, 2024 is unlawful, and those in possession of any quantity of these substances may be subject to prosecution pursuant to the CSA.

2. *Disposal of stocks.* Any person who does not desire or is unable to obtain a schedule I registration to handle *N*-desethyl isotonitazene or *N*-piperidinyl etonitazene must surrender all currently held quantities of these substances.

3. *Security. N*-Desethyl isotonitazene and *N*-piperidinyl etonitazene are subject to schedule I security requirements and must be handled in accordance with 21 CFR 1301.71–1301.93, as of July 29, 2024.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene must comply with 21 U.S.C. 825 and 958(e) and 21 CFR part 1302. Current DEA registrants will have 30 calendar days from July 29, 2024 to comply with all labeling and packaging requirements.

5. *Inventory.* Every DEA registrant who possesses any quantity of *N*-desethyl isotonitazene or *N*-piperidinyl etonitazene on the effective date of this order must take an inventory of all stocks of these substances on hand pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. Current DEA registrants will have 30 calendar days from the effective date of this order to comply with all inventory requirements. After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene) on hand on a biennial basis pursuant to 21 U.S.C. 827 and 958 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records.* All DEA registrants must maintain records with respect to *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene pursuant to 21 U.S.C. 827 and 958(e) and in accordance with 21 CFR parts 1304, 1312, and 1317, and section 1307.11. Current DEA registrants authorized to handle these two substances shall have 30 calendar days from the effective date of this order to comply with all recordkeeping requirements.

7. *Reports.* All DEA registrants must submit reports with respect to *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304, 1312, and 1317, and sections 1301.74(c) and 1301.76(b), as of July 29, 2024. Manufacturers and distributors must also submit reports regarding these substances to the Automation of Reports and Consolidated Order System pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312.

8. *Order Forms.* All DEA registrants who distribute *N*-desethyl isotonitazene or *N*-piperidinyl etonitazene must comply with order form requirements pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305 as of July 29, 2024.

9. *Importation and Exportation.* All importation and exportation of *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312 as of July 29, 2024.

10. *Quota.* Only DEA-registered manufacturers may manufacture *N*-desethyl isotonitazene and *N*-piperidinyl etonitazene in accordance

[29] Schedules of Controlled Substances: Temporary Placement of *N*-Desethyl Isotonitazene and *N*-Piperidinyl Etionitazene in Schedule I, 88 FR 73293 (Oct. 25, 2023).

[30] 21 U.S.C. 811(h)(1) and (2).

[31] 21 U.S.C. 811.

[32] 21 U.S.C. 877.

[33] 21 U.S.C. 811(h)(6).

with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303, as of July 29, 2024.

11. *Liability.* Any activity involving *N*-desethyl isotonitazene or *N*-piperidinyl etonitazene not authorized by or in violation of the CSA, occurring as of July 29, 2024, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Matters

The CSA provides for expedited temporary scheduling actions where necessary to avoid an imminent hazard to the public safety. Under 21 U.S.C. 811(h)(1), the Administrator, as delegated by the Attorney General, may, by order, temporarily place substances in schedule I. Such orders may not be issued before the expiration of 30 days from: (1) The publication of a notice in the **Federal Register** of the intent to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary, as delegated by the Secretary of HHS.[34]

Inasmuch as section 811(h) directs that temporary scheduling actions be issued by order (as distinct from a rule) and sets forth the procedures by which such orders are to be issued, DEA believes the notice-and-comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, which are applicable to rulemaking, do not apply to this temporary scheduling order. The APA expressly differentiates between orders and rules, as it defines an ''order'' to mean a ''final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency *in a matter other than rule making.*'' 5 U.S.C. 551(6) (emphasis added). This contrasts with permanent scheduling actions, which are subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' and final decisions that conclude the scheduling process and are subject to judicial review. 21 U.S.C. 811(a) and 877. The specific language chosen by Congress indicates its intent that DEA issue *orders* instead of proceeding by rulemaking when temporarily scheduling substances. Given that Congress specifically requires the Administrator (as delegated by the Attorney General) to follow rulemaking procedures for *other* kinds of scheduling actions, *see* 21 U.S.C. 811(a), it is noteworthy that, in section 811(h)(1), Congress authorized the issuance of temporary scheduling actions by order rather than by rule.

Assuming for the sake of argument that this action is subject to section 553 of the APA, the Administrator finds that there is good cause to forgo its notice-and-comment requirements, as any further delays in the process for issuing temporary scheduling orders would be impracticable and contrary to the public interest given the manifest urgency to avoid an imminent hazard to the public safety.

Although DEA believes this temporary scheduling order is not subject to the notice-and-comment requirements of section 553 of the APA, DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Administrator took into consideration comments submitted by the Assistant Secretary in response to the notices that DEA transmitted to the Assistant Secretary pursuant to such subsection.

Further, DEA believes that this temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act. The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking. Therefore, in this instance, since DEA believes this temporary scheduling action is not a ''rule,'' it is not subject to the requirements of the Regulatory Flexibility Act when issuing this temporary action.

In accordance with the principles of Executive Orders (E.O.) 12866, 13563, and 14094, this action is not a significant regulatory action. E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. E.O. 12866, sec. 3(f), as amended by E.O. 14094, sec. 1(b), provides the definition of a ''significant regulatory action,'' requiring review by the Office of Management and Budget. Because this is not a rulemaking action, this is not a significant regulatory action as defined in Section 3(f) of E.O. 12866.

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 13132, it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Signing Authority

This document of the Drug Enforcement Administration was signed on July 16, 2024, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11, add paragraphs (h)(68) and (69) to read as follows:

§ 1308.11 Schedule I

* * * * *

(h) * * *

[34] 21 U.S.C. 811(h)(1).

*	*	*	*	*	*	*	
(68) *N*-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: *N*-desethyl isotonitazene)							9760
(69) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1*H*-benzimidazole, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other names: *N*-piperidinyl etonitazene; etonitazepipne)							9761
*	*	*	*	*	*	*	

* * * * *

[FR Doc. 2024–16391 Filed 7–26–24; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0658]

RIN 1625–AA00

Safety Zone; Demolition of Lock and Dam 3, Monongahela River Mile Marker 23.5 to 24.5, Elizabeth, PA

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

ACTION: Temporary interim rule and request for comments.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Monongahela River from mile marker 23.5 to mile marker 24.5 in Elizabeth, PA. This rule is substantially similar to a temporary safety zone published on June 27, 2024. We must establish this temporary safety zone because of the continuation of lock and dam demolition. This regulation will prohibit entry of vessels or persons into the safety zone to protect personnel, vessels, and the marine environment from potential hazards during demolition activities planned from August 1, 2024, through December 31, 2024.

DATES: This rule is effective from August 1, 2024, through December 31, 2024. Comments and related material must be received by the Coast Guard on or before September 27, 2024.

ADDRESSES: We encourage you to submit comments identified by docket number USCG–2024–0658 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Eyobe Mills, Marine Safety Unit, Pittsburgh, U.S. Coast Guard, at telephone 412–221–0807, email *Eyobe.D.Mills@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 similar rule published at 89 FR 53491 on June 27, 2024. The Coast Guard is issuing this interim temporary rule without prior notice and opportunity to comment pursuant to the 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 because doing so would be impracticable and contrary to public interest. The notice allowing the demolition project to proceed and providing updated timelines for the project was only recently finalized and provided to the Coast Guard, which did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before ethe existing regulation expires. Timely action is needed to respond to the potential safety hazards associated with demolition of the lock and dam, which involves the use of explosives. It would be impracticable and contrary to the public interest to publish an NPRM because we must establish the safety zone to protect the safety of the waterway users, demolition crew, other personnel associated with the project, and the public. A delay of the project to accommodate a full notice and comment period would delay necessary operations, result in increased costs, and delay the completion date of the demolition project and subsequent opening of the navigation channel. We must establish this safety zone by August 1, 2024, and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule.

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**. For the reasons stated in the preceding paragraph, delaying the effective date of this rule is impracticable and contrary to public interest because timely action is needed to respond to the potential safety hazards associated with the demolition of the lock and dam starting August 1, 2024.

Although this regulation is published as an interim rule without prior notice, public comment is nevertheless desirable to ensure that the regulation is both workable and reasonable. Accordingly, persons wishing to comment may do so by submitting written comments as set out under **ADDRESSES** in this preamble. Commenters should include their names and addresses, identify the docket number for the regulation, and give reasons for their comments. If the Coast Guard determines that changes to the temporary interim rule are necessary, we will publish a temporary final rule or other appropriate document.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this temporary interim rule under the authority in 46 U.S.C. 70034. The Captain of the Port Pittsburgh (COTP) has determined that potential hazards associated with this lock and dam demolition will be a safety concern for anyone on the Monongahela River within mile marker 23.5 through 24.5. The use of explosives and other activities involved in demolishing the lock and dam involve inherent risk. To minimize risk to personnel, vessels, property, and the marine environment, no vessel may moor, anchor, transit, or otherwise be present in the designated safety zone at any time during the periods of enforcement unless receiving prior permission from the COTP or their designated representative.

This temporary interim rule is needed to protect personnel, vessels, and the

marine environment in the navigable waters within the safety zone during the lock and dam demolition.

IV. Discussion of the Rule

This temporary interim rule establishes a safety zone from August 1, 2024, through December 31, 2024. The safety zone will cover all navigable waters between mile marker 23.5 and mile marker 24.5 on the Monongahela River in Elizabeth, PA. This rule will prohibit all persons and vessel traffic from the safety zone unless an exception is authorized by the COTP or their designated representative. The COTP will only enforce the safety zone on one or two days per week until December 31, 2024. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled initial demolition of Locks and Dam No. 3 at mile marker 23.8 on the Monongahela River.

The Coast Guard will notify the public and local mariners of this safety zone through appropriate means, which may include, but are not limited to, publication in the **Federal Register**, the Local Notice to Marines, and Broadcast Notice to Mariners via marine Channel 16 (VHF–FM) in advance of any enforcement.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. 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, and duration of the temporary safety zone. This safety zone impacts only a one mile stretch of the Monongahela River starting August 1, 2024, through December 31, 2024. The safety zone will be enforced only during demolition activities, which are anticipated to take place one to two days per week, each week throughout the period. Vessel traffic will be permitted to transit the area at other times. Moreover, the Coast Guard will issue Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs), via VHF–FM marine channel 13 or 16 about the zone and the rule allows vessels to seek permission from the COTP to transit the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that impacts only a one mile stretch of the Monongahela River starting July 8, 2024, at 4 a.m., through July 31, 2024, at 11:59 p.m. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions

on locating the docket, see the ''Public Participation and Request for Comments'' portion of this **SUPPLEMENTARY INFORMATION** section.

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.

VI. 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–2024–0658 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Viewing material in the docket. To view documents mentioned in this 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. We review all comments received, but we will only post comments that address the topic of this 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 information 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 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.T08–0658 to read as follows:

§ 165.T08–0658 Safety Zone; Lock and Dam 3 Demolition, Elizabeth, PA.

(a) *Location.* The following area is a safety zone: All navigable waters on the Monongahela River between mile marker 23.5 and mile marker 24.5.

(b) *Definitions.* As used in this section—

Designated representative means any Coast Guard commissioned, warrant, petty officer, a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel, or any Federal, State, or local law enforcement officer who has been designated by the Captain of the Port Pittsburgh (COTP) to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore, and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of the regulations in this section.

Official patrol vessels mean any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP to enforce this section.

(c) *Regulations.* When the safety zone in paragraph (a) of this section is enforced, the following regulations, along with those contained in 33 CFR 165.23 apply:

(1) No person or vessel may enter the safety zone described in paragraph (a) of this section without the permission of the COTP or the COTP's designated representative.

(2) Any person or vessel permitted to enter the safety zone shall comply with the directions and orders of the COTP or the COTP's designated representative. Any vessel that is granted permission to enter or remain in this zone by the COTP or the COTP's designated representative must proceed through the zone with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules in 33 CFR chapter I, subchapter E.

(3) To seek permission to enter the safety zone, contact the COTP or the COTP's representative by VHF Channel 13 or 16, or through the Marine Safety Unit Pittsburgh at (412) 221–0807.

(d) *Effective period and enforcement period.* The safety zone in paragraph (a) of this section is in effect from August 1, 2024, through December 31, 2024. The section is subject to enforcement at all times during this period. The Coast Guard anticipates the safety zone will be enforced for approximately two days per week throughout the period, but that may be adjusted based on actual demolition activities. The COTP, or a designated representative, will inform the public through written Local Notice to Mariners, and Broadcast Notice to Mariners via VHF–FM marine channel 13 or 16, of the enforcement period of the safety zone.

(e) *Penalties.* Those who violate this section are subject to the penalties set forth in 46 U.S.C. 70036.

Dated: July 23, 2024.

Justin R. Jolley,

Commander, U.S. Coast Guard, Captain of the Port, MSU Pittsburgh.

[FR Doc. 2024–16533 Filed 7–26–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AR18

Center for Innovation for Care and Payment Update

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its medical regulations governing the Center for Innovation for Care and Payment. This final rule is making several technical revisions to revise the organizational alignment of the Center for Innovation for Care and Payment and to revise where evaluation results are posted for public review for the pilot programs.

DATES: This rule is effective July 29, 2024.

FOR FURTHER INFORMATION CONTACT: David Au, Executive Director, VHA

Center for Care and Payment Innovation (14HIL3), 810 Vermont Ave. NW, Washington, DC 20420. (202–461–7002). (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: On June 6, 2018, section 152 of Public Law 115–182, the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (the MISSION Act), amended title 38 of the United States Code (U.S.C.) by adding a new section 1703E. This new section established the Center for Innovation for Care and Payment (the Center) and authorized the conduct of pilot programs designed to develop innovative approaches to testing payment and care models to reduce expenditures while preserving or enhancing the quality of care furnished by VA.

On October 25, 2019, VA published a final rule implementing section 1703E in title 38, Code of Federal Regulations (CFR) 17.450. See 84 **Federal Register** (FR) 57327. This new regulation, which became effective on November 25, 2019, established the parameters for the Center in its conduct of pilot programs. These parameters included, but were not limited to, geographic location decisions, limitations on the number of pilot programs to be operated at the same time, VA's evaluation and reporting on the pilot programs, and when VA may expand, modify, and terminate pilot programs.

As explained in more detail below, we now amend § 17.450 by making several technical revisions. VA is not making any substantive edits to the content of § 17.450.

38 CFR 17.450(a)(2)

Current paragraph (a) of § 17.450 sets forth the purpose and organization of the Center. Paragraph (a)(2) provides that the Center will not operate within any specific administration within VA but rather will operate in VA's corporate portfolio, to ensure the limited number of concurrent pilot programs under § 17.450 are not redundant of or conflicted by ongoing innovation efforts within any specific administration. We explained in the proposed rule for § 17.450 that the Center will be operationally independent from any of VA's three administrations and will be responsible for collaborating across VA to develop and implement pilot programs under this section. 84 FR 36508 (July 29, 2019). As further explained in proposed paragraphs (a)(2) and (3), being operationally independent referred to the decision-making authority of the Center regarding the strategic, procedural, and tactical aspects of managing the pilot programs under this section. Id. However, we received public comments indicating that the proposed language was unclear. See 84 FR 57328–57329 (October 25, 2019). We thus eliminated the reference to and definition of operational independence in proposed paragraph (a)(2) and redesignated paragraph (a)(3) to paragraph (a)(2), which is the language in current 38 CFR 17.450(a)(2). We further clarified in the final rule that the Center is part of VA and acts at the direction of the Secretary, so it is not ''independent'' from VA. 84 FR 57329.

Consistent with paragraph (a)(2), the Center had operated under VA's Office of Enterprise Integration (OEI), which is a VA corporate level office, since November 25, 2019.

However, since April 5, 2021, the Center has operated under the Office of Discovery, Education, and Affiliate Networks (DEAN) under the Veterans Health Administration (VHA). The Center moved from OEI to DEAN to align these pilot programs with other established, complementary innovation programs that are health-care focused initiatives within VHA and to enable more efficient and effective oversight and execution of all pilot programming which enhances care and service delivery for veterans. As a result, this move has facilitated more efficient daily operations, while continuing to maintain Department-wide connections across VA. More specifically, this move has allowed the Center to leverage the well-established practices of advancing innovation through the VA innovation lifecycle developed and maintained by DEAN and the Office of Healthcare Innovation and Learning (HIL) while still permitting VA to ensure that the pilots managed by the Center are not redundant of or conflict with ongoing innovation efforts within VA; DEAN and HIL have several existing partnerships with programs across VA and have established connections to ensure feedback is considered and integrated into pilot-programming decision-making. This has been achieved through formal governance and through structured collaborations with programs across VA's three administrations (that is, health, benefits, and memorial affairs). This facilitates cross-agency communication, prevents redundant or conflicting efforts, and ensures pilots drive transformational change across VA.

Because the organizational alignment of the Center has moved from VA's corporate portfolio to VHA, we now amend § 17.450(a)(2) to reflect that change. However, in order to avoid amending § 17.450(a)(2) in the future in the event that the name of the office under which the Center will operate changes, we will not add the name of DEAN and will instead state in § 17.450(a)(2) that the Center for Innovation for Care and Payment will operate within the Veterans Health Administration. We are also making a technical edit to the last part of § 17.450(a)(2), which currently states in part that concurrent pilot programs under § 17.450 are not redundant of or conflicted by ongoing innovation efforts within any specific administration. We are removing the phrase ''conflicted by'' and replacing it with ''conflicting with'' for clarity. This edit will not change the meaning of the text.

38 CFR 17.450(g)

Current § 17.450(g) establishes evaluation and reporting provisions related to the Center. This paragraph states that VA will evaluate each pilot program operated under this section and report its findings. Such evaluations may be based on quantitative data, qualitative data, or both; and whenever appropriate, evaluations will include a survey of participants or beneficiaries to determine their satisfaction with the pilot program. This paragraph further states that VA will make the evaluation results available to the public on the VA Innovation Center website on the schedule identified in VA's proposal for the pilot program. As part of this rulemaking, we are revising the last sentence of paragraph (g) to state that VA will make the evaluation results available to the public on a VA website on the schedule identified in VA's proposal for the pilot program. We reference a VA website instead of the VA Innovation Center website because the specific name of the website and sub-pages for pilot programs vary, and referencing a VA website provides consistency and avoids the potential need for additional regulatory updates; we believe that the broader identification of a VA website in the regulation will allow VA to more accurately and consistently identify the location of the website where the evaluation results for the relevant pilot program will be published. The website will still be identified on the schedule in the proposal for such pilot program.

Administrative Procedure Act

This final rule will neither amend the substantive content of the regulations cited nor have a substantive impact on the public. We are merely providing technical revisions to revise the

organizational alignment of the Center for Innovation for Care and Payment and to revise the location of the website where evaluation results are posted for public review for the pilot programs. Consequently, this rule is exempt from the notice-and-comment and delayed-effective-date requirements as a rule of agency organization, procedure, or practice pursuant to section 553(b)(A) in Title 5 of United States Code.

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 (Executive Order on Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), and Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review). 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 Regulatory Flexibility Act, 5 U.S.C. 601–612, is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a).

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

Assistance Listing

The Assistance Listing numbers and titles for the programs affected by this document are as follows: 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.016, Veterans State Hospital Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; and 64.022, Veterans Home Based Primary Care.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on July 23, 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.

Consuela Benjamin,

Regulations 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 17 as set forth below:

PART 17—MEDICAL

■ 1. The general authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

■ 2. Amend § 17.450 by revising paragraphs (a)(2) and (g) to read as follows:

§ 17.450 Center for Innovation for Care and Payment.

(a) * * *

(2) The Center for Innovation for Care and Payment will operate within the Veterans Health Administration, which will ensure that the limited number of concurrent pilots under this section are not redundant of or conflicting with ongoing innovation efforts within any specific administration.

* * * * *

(g) *Evaluation and reporting.* VA will evaluate each pilot program operated under this section and report its findings. Evaluations may be based on quantitative data, qualitative data, or both. Whenever appropriate, evaluations will include a survey of participants or beneficiaries to determine their satisfaction with the pilot program. VA will make the evaluation results available to the public on a VA website on the schedule identified in VA's proposal for the pilot program.

* * * * *

[FR Doc. 2024–16601 Filed 7–26–24; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R01–OAR–2024–0325; FRL–12126–01–R1]

Designations of Areas for Air Quality Planning Purposes; Connecticut; Greater Connecticut 2015 8-Hour Ozone Nonattainment Area; Reclassification to Serious

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Clean Air Act (CAA or the ''Act''), the Environmental Protection Agency (EPA) is granting a request from the State of Connecticut to reclassify the Greater Connecticut ozone nonattainment area from ''Moderate'' to ''Serious'' for the 2015 8-hour ozone national ambient air quality standards (NAAQS). This action does not reclassify any areas of Indian country within the boundaries of this ozone nonattainment area.

DATES: This rule is effective on July 29, 2024.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2024–0325. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: Patrick Lillis, Air and Radiation Division (Mail Code 5–MI), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; tel. (617) 918–1067, or by email at *lillis.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Reclassification of the Greater Connecticut Area to Serious Ozone Nonattainment

Effective November 7, 2022 the EPA reclassified the Greater Connecticut area under the CAA from ''Marginal'' to ''Moderate'' for the 2015 8-hour ozone NAAQS. *See* 87 FR 60897 (October 7, 2022).[1] This area is herein referred to as the Greater Connecticut 2015 NAAQS nonattainment area. Classification of this area as a Moderate ozone nonattainment area established a requirement that the area attain the 2015 ozone NAAQS as expeditiously as practicable, but no later than six years from the date of the original designation for the area, *i.e.,* by August 3, 2024. On June 13, 2024, the Connecticut Department of Energy and Environmental Protection requested that the EPA reclassify the Greater Connecticut 2015 ozone NAAQS nonattainment area from Moderate to Serious if EPA either fails to issue a decision on Connecticut's exceptional events demonstration in a timely manner or EPA determines that certain data requested for exclusion does not qualify for exclusion under the Exceptional Events rule.[2] In accordance with Connecticut's June 13, 2024 letter, we are reclassifying the Greater Connecticut 2015 NAAQS nonattainment area to Serious as the State requested.

We are approving Connecticut's reclassification request under section 181(b)(3) of the Act, which provides for ''voluntary reclassification.'' Because the plain language of CAA section 181(b)(3) mandates that we approve such a request, the EPA is granting Connecticut's request for voluntary reclassification under section 181(b)(3) for the Greater Connecticut NAAQS nonattainment area for the 2015 ozone NAAQS, and the EPA is reclassifying the area from Moderate to Serious. Because of this action, the Greater Connecticut 2015 NAAQS nonattainment area must now attain the 2015 ozone NAAQS as expeditiously as practicable, but no later than nine years from the date of the initial designation as nonattainment, *i.e.,* by August 3, 2027. We will propose a schedule for required plan submittals for the Greater Connecticut 2015 ozone NAAQS nonattainment area under the new classification in a separate action.

Within the geographic boundaries of the Greater Connecticut 2015 ozone NAAQS nonattainment area Indian country exists under the jurisdiction of the Mashantucket Pequot Tribal Nation and Mohegan Indian Tribe. Because the State of Connecticut does not have jurisdiction over Indian country located within its borders, Connecticut's request to reclassify the Greater Connecticut 2015 NAAQS nonattainment area does not apply to this area of Indian country. The EPA implements certain Federal CAA programs, including reclassifications, in Indian country consistent with our discretionary authority under sections 301(a) and 301(d)(4) of the CAA. The EPA has not received a reclassification request from any tribe with jurisdiction within the Greater Connecticut 2015 NAAQS nonattainment area. In this action, we are adding regulatory text to 40 CFR part 81 to indicate that the area under the jurisdiction of the Mashantucket Pequot Tribal Nation and Mohegan Indian Tribe will retain the Moderate classification and the areas under the jurisdiction of the states will be reclassified as Serious.

The EPA has determined that this action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation where public notice and comment procedures are ''impracticable, unnecessary or contrary to the public interest.'' The EPA has determined that public notice and comment for this action is unnecessary because our action to approve voluntary reclassification requests under CAA section 181(b)(3) is nondiscretionary both in its issuance and in its content. As such, notice and comment rulemaking procedures would serve no useful purpose.

The EPA also finds that there is good cause under APA section 553(d)(3) for this reclassification to become effective on the date of publication. Section 553(d)(3) of the APA allows an effective date of less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. The schedule for required plan submittals for the Greater Connecticut 2015 NAAQS nonattainment area under the new classification will be proposed in a separate action. For this reason, the EPA finds good cause under APA section 553(d)(3) for this reclassification to become effective on the date of publication.

II. Statutory and Executive Order Reviews

Under the Clean Air Act this action:

[1] *See* 83 FR 25776; June 4, 2018.

[2] A copy of Connecticut's exceptional events demonstration and EPA's decision is included in the docket for this rule.

• Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

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

In addition, this request 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. Connecticut did not evaluate environmental justice considerations as part of its 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 environmental justice for people of color, low-income populations, and Indigenous peoples.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 27, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Ozone.

Dated: July 22, 2024.

David Cash,

Regional Administrator, EPA Region 1.

For the reasons set out in the preamble, the Environmental Protection Agency amends 40 CFR Chapter 1 as set forth below:

PART 81—DESIGNATION FOR AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 2. In § 81.307 the table entitled ''Connecticut—2015 8-Hour Ozone NAAQS [Primary and Secondary]'' is amended by revising the entry ''Greater Connecticut, CT'' and adding the entries ''Mashantucket Pequot Tribal Nation'' and ''Mohegan Indian Tribe'' at the end of the table to read as follows:

§ 81.307 Connecticut.

* * * * *

CONNECTICUT—2015 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Greater Connecticut	.....	Nonattainment	July 29, 2024	Serious.
Litchfield County.				
Hartford County.				
Tolland County.				
Windham County.				
New London County.				

CONNECTICUT—2015 8-HOUR OZONE NAAQS—Continued

[Primary and secondary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
* * * * * * *				
Mashantucket Pequot Tribal Nation		Nonattainment	August 3, 2018	Moderate.
Mohegan Indian Tribe		Nonattainment	August 3, 2018	Moderate.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is August 3, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2024–16415 Filed 7–26–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 201, 202, 204, 206, 209, 215, 217, 225, 230, 232, 242, 243, 245, 249, and 252

[Docket DARS–2024–0001]

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule; technical amendment.

SUMMARY: DoD is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to make needed editorial changes.

DATES: Effective July 29, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer D. Johnson, telephone 703–717–8226.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS to make needed editorial changes to update the name of the Office of the Principal Director, Defense Pricing and Contracting.

List of Subjects in 48 CFR Parts 201, 202, 204, 206, 209, 215, 217, 225, 230, 232, 242, 243, 245, 249, and 252

Government procurement.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, the Defense Acquisition Regulations System amends 48 CFR parts 201, 202, 204, 206, 209, 215, 217, 225, 230, 232, 242, 243, 245, 249, and 252 as follows:

■ 1. The authority citation for 48 CFR parts 201, 202, 204, 206, 209, 215, 217, 225, 230, 232, 242, 243, 245, 249, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 2. Amend section 201.170 by revising paragraphs (a) introductory text, (a)(1) introductory text, (a)(1)(i) and (ii), and (a)(2) to read as follows:

201.170 Peer reviews.

(a) *Defense Pricing, Contracting, and Acquisition Policy peer reviews.* (1) The Office of the Principal Director, Defense Pricing, Contracting, and Acquisition Policy (DPCAP), using the procedures at PGI 201.170, will organize teams of reviewers and facilitate peer reviews for solicitations and contracts as follows:

(i) DPCAP will conduct the preaward peer reviews for competitive procurements prior to the three phases of the acquisition (see PGI 201.170–2(a)) for all procurements with an estimated value of $1 billion or more under major defense acquisition programs for which the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) is the milestone decision authority or USD(A&S) designates as requiring a peer review regardless of value. DoD components may request DPCAP-led peer reviews for acquisitions valued below the $1 billion threshold. DPCAP will conduct these reviews upon approval by the Director, DPCAP (Contract Policy).

(ii) DPCAP will conduct the preaward peer reviews for noncompetitive procurements prior to the two phases of the acquisition (see PGI 201.170–2(b)) for contract actions, *e.g.,* new contracts, modifications to existing contracts, requests for equitable adjustment, claims valued at $1 billion or more, or for any other contract action USD(A&S) designates as requiring a peer review regardless of value. DoD components may request DPCAP-led peer reviews for contract actions valued below the $1 billion threshold. DPCAP will conduct these reviews upon approval by the Director, DPCAP (Price, Cost and Finance).

* * * * *

(2) To facilitate planning for peer reviews, the military departments and defense agencies shall provide a rolling annual forecast of acquisitions that will be subject to DPCAP peer reviews at the end of each quarter (*i.e.,* March 31; June 30; September 30; December 31).

(i) Military departments and defense agencies shall submit quarterly forecasts for competitive peer reviews to the Director, DPCAP (Contract Policy), at *osd.pentagon.ousd-a-s.mbx.dpc-cp@mail.mil.*

(ii) Military departments and defense agencies shall submit quarterly forecasts for noncompetitive peer reviews to the Director, DPCAP (Price, Cost and Finance), at *osd.pentagon.ousd-a-s.mbx.dpc-pcf@mail.mil.*

* * * * *

201.201–1 [Amended]

■ 3. Amend section 201.201–1 in paragraph (d)(i)V by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

201.304 [Amended]

■ 4. Amend section 201.304—

■ a. In paragraph (1)(ii) by removing ''Defense Pricing and Contracting (DPC)'' and adding ''Defense Pricing, Contracting, and Acquisition Policy (DPCAP)'' in its place;

■ b. In paragraph (4) by removing ''USD(A&S)DPC'' and adding ''USD(A&S)DPCAP'' in its place;

■ c. In paragraph (5) by removing ''OUSD(A&S)DPC'' and adding ''OUSD(A&S)DPCAP'' in its place; and

■ d. In paragraph (6) by removing ''DPC'' and adding ''DPCAP'' in its place wherever it appears.

■ 5. Amend section 201.402—

■ a. By revising paragraph (1) introductory text; and
■ b. In paragraph (2) introductory text by removing ''OUSD(A&S)DPC'' and adding ''OUSD(A&S)DPCAP'' in its place.

The revision reads as follows:

201.402 Policy.

(1) The Principal Director, Defense Pricing, Contracting, and Acquisition Policy, Office of the Under Secretary of Defense (Acquisition and Sustainment) (OUSD(A&S)DPCAP), is the approval authority within DoD for any individual or class deviation from—

* * * * *

201.404 [Amended]

■ 6. Amend section 201.404 in paragraph (b)(i) by removing ''OUSD(A&S)DPC'' and adding ''OUSD(A&S)DPCAP'' in its place.

PART 202—DEFINITIONS OF WORDS AND TERMS

202.101 [Amended]

■ 7. Amend section 202.101 in the definition of ''Head of the agency'' by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 204—ADMINISTRATIVE AND INFORMATION MATTERS

204.604 [Amended]

■ 8. Amend section 204.604 in paragraph (3) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 206—COMPETITION REQUIREMENTS

206.302–5 [Amended]

■ 9. Amend section 206.302–5 in paragraph (c)(i)(B) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 209—CONTRACTOR QUALIFICATIONS

209.104–1 [Amended]

■ 10. Amend section 209.104–1 in paragraph (g)(ii)(C) introductory text by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

209.406–2 [Amended]

■ 11. Amend section 209.406–2 in paragraph (1)(ii) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 215—CONTRACTING BY NEGOTIATION

215.403–1 [Amended]

■ 12. Amend section 215.403–1 in paragraph (c)(4)(B) by removing ''Defense Pricing and Contracting,'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 217—SPECIAL CONTRACTING METHODS

217.170 [Amended]

■ 13. Amend section 217.170 in paragraph (d)(4) by removing ''Defense Pricing and Contracting (DPC)'' and adding ''Defense Pricing, Contracting, and Acquisition Policy (DPCAP)'' in its place.

217.172 [Amended]

■ 14. Amend section 217.172 in paragraph (h)(7)(iv) by removing ''OUSD(A&S)(DPC)'' and adding ''OUSD(A&S)(DPCAP)'' in its place.

217.7402 [Amended]

■ 15. Amend section 217.7402 in paragraph (b) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

217.7405 [Amended]

■ 16. Amend section 217.7405 in paragraph (b) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 225—FOREIGN ACQUISITION

■ 17. Amend section 225.401 by revising paragraph (a)(2)(A) introductory text to read as follows:

225.401 Exceptions.

(a)(2)(A) If a department or agency considers an individual acquisition of a product to be indispensable for national security or national defense purposes and appropriate for exclusion from the provisions of FAR subpart 25.4, it may submit a request with supporting rationale to the Principal Director, Defense Pricing, Contracting, and Acquisition Policy (DPCAP), Office of the Under Secretary of Defense (Acquisition and Sustainment) (OUSD(A&S)DPCAP). Approval by OUSD(A&S)DPCAP is not required if—

* * * * *

225.403 [Amended]

■ 18. Amend section 225.403 in paragraph (c)(ii) introductory text by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

225.770–5 [Amended]

■ 19. Amend section 225.770–5 in paragraph (c)(1) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

225.871–5 [Amended]

■ 20. Amend section 225.871–5 in paragraph (a) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

225.871–7 [Amended]

■ 21. Amend section 225.871–7 in paragraph (a)(1) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

225.872–5 [Amended]

■ 22. Amend section 225.872–5 in paragraph (a) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

225.7003–3 [Amended]

■ 23. Amend section 225.7003–3 in paragraph (b)(2)(ii) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

225.7301–2 [Amended]

■ 24. Amend section 225.7301–2 by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

■ 25. Amend section 225.7703–2 by revising paragraph (b)(2)(ii) introductory text to read as follows:

225.7703–2 Determination requirements.

* * * * *

(b) * * *

(2) * * *

(ii) The Principal Director, Defense Pricing, Contracting, and Acquisition Policy, and the following officials, without power of redelegation, are authorized to make a determination that applies to an individual acquisition with a value of $100 million or more or to a class of acquisitions:

* * * * *

PART 230—COST ACCOUNTING STANDARDS ADMINISTRATION

230.201–5 [Amended]

■ 26. Amend section 230.201–5—
■ a. In paragraph (a)(1)(A) introductory text by removing ''Defense Pricing and Contracting (DPC)'' and adding ''Defense Pricing, Contracting, and Acquisition Policy (DPCAP)'' in its place; and
■ b. In paragraphs (a)(1)(B) and (e) by removing ''DPC'' and adding ''DPCAP'' in its place wherever it appears.

PART 232—CONTRACT FINANCING

232.006–5 [Amended]

■ 27. Amend section 232.006–5 by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.
■ 28. Amend section 232.070—
■ a. By revising paragraph (a); and
■ b. In paragraph (b) by removing ''OUSD(A&S)DPC'' and adding ''OUSD(A&S)DPCAP'' in its place.

The revision reads as follows:

232.070 Responsibilities.

(a) The Principal Director, Defense Pricing, Contracting, and Acquisition Policy (DPCAP), Office of the Under Secretary of Defense (Acquisition and Sustainment) (OUSD(A&S)DPCAP) is responsible for ensuring uniform administration of DoD contract financing, including DoD contract financing policies and important related procedures. Agency discretion under FAR part 32 is at the DoD level and is not delegated to the departments and agencies. Proposals by the departments and agencies, to exercise agency discretion, shall be submitted to OUSD(A&S)DPCAP.

* * * * *

232.611 [Amended]

■ 29. Amend section 232.611 in paragraph (a) introductory text by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

232.1004 [Amended]

■ 30. Amend section 232.1004 in paragraph (b)(ii) introductory text by removing ''DPC'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

232.7101 [Amended]

■ 31. Amend section 232.7101—
■ a. In paragraph (b) by removing ''Defense Pricing and Contracting (DPC)'' and adding ''Defense Pricing, Contracting, and Acquisition Policy (DPCAP)'' in its place; and
■ b. In paragraph (c) by removing ''DPC'' and adding ''DPCAP'' in its place.

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

242.602 [Amended]

■ 32. Amend section 242.602 in paragraph (c)(2) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

242.771–3 [Amended]

■ 33. Amend section 242.771–3 in paragraph (b)(1) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 243—CONTRACT MODIFICATIONS

243.204–70–1 [Amended]

■ 34. Amend section 243.204–70–1 in paragraph (b) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 245—GOVERNMENT PROPERTY

245.102 [Amended]

■ 35. Amend section 245.102 in paragraph (4)(ii)(C)(*2*) by removing ''Defense Pricing and Contracting (DPC)'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 249—TERMINATION OF CONTRACTS

249.7000 [Amended]

■ 36. Amend section 249.7000 in paragraph (a)(1) by removing ''Defense Pricing and Contracting'' and adding ''Defense Pricing, Contracting, and Acquisition Policy'' in its place.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 37. Amend section 252.225–7004 by revising the clause date and paragraph (c)(5) to read as follows:

252.225–7004 Report of Intended Performance Outside the United States and Canada—Submission after Award.

Report of Intended Performance Outside the United States and Canada—Submission After Award (Jul 2024)

(c) * * *

(5) Shall submit a copy of each report to: Principal Director, Defense Pricing, Contracting, and Acquisition Policy (Contract Policy), OUSD(A&S) DPCAP/CP, Washington, DC 20301–3060.

* * * * *

[FR Doc. 2024–16336 Filed 7–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 523, 531, 533, 535, 536, and 537

[NHTSA–2023–0022]

RIN 2127–AM55

Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027–2032 and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030–2035; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors in the final rule that appeared in the **Federal Register** on June 24, 2024, entitled ''Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027–2032 and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030–2035.'' That document finalized new Corporate Average Fuel Economy (CAFE) standards for passenger cars and light trucks to be manufactured in model years (MYs) 2027–2031, and new fuel efficiency standards for heavy-duty pickup trucks and vans (HDPUVs) to be manufactured in MYs 2030–2035.

DATES: This rule is effective August 23, 2024.

FOR FURTHER INFORMATION CONTACT: Joseph Bayer, CAFE Program Division Chief, Office of Rulemaking, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; email: *joseph.bayer@dot.gov.*

SUPPLEMENTARY INFORMATION: NHTSA has identified a few minor errors in the final rule establishing new CAFE standards for passenger cars and light trucks and new fuel efficiency standards for HDPUVs. Specifically, NHTSA has identified three errors in the final rule related to the minimum domestic passenger car standards (MDPCS) as

well as one incorrect statutory citation. The final rule will continue to be effective on August 23, 2024.

Regarding the MDPCS, in the preamble to the final rule, NHTSA explained that, to account for recent projection errors as a part of estimating the total passenger car fleet fuel economy, NHTSA was retaining the 1.9 percent adjustment that was first used for the MDPCS in the 2020 final rule.[1] However, the MDPCS included in the June 24, 2024 final rule were not calculated using an adjusted projected total passenger car fleet fuel economy. Instead, the MDPCS included in the final rule were calculated at 92 percent of the unadjusted projected fuel economy. To correct this oversight, NHTSA is issuing this notice to correct the inconsistency in the MDPCS listed in two tables in the preamble of the final rule as well as in the regulatory text. These changes properly reflect the agency's original intent as described in the final rule, and do not change the agency's intent regarding manufacturers' compliance obligations.

NHTSA was also made aware of an error on page 52834 in the issue of June 24, 2024. Specifically, there is a sentence that explains that the prohibition on considering the fuel economy of battery electric vehicles ''applies only when NHTSA is making decisions about whether CAFE standards are maximum feasible under 32902(c).'' However, the correct statutory provision that should be referenced is 32902(f) because the rule issues new CAFE standards and does not amend existing standards.

I. Preamble Corrections

In final rule FR Doc. 2024–12864, beginning on page 52540 in the issue of June 24, 2024, make the following corrections, in the **SUPPLEMENTARY INFORMATION** section.

1. On page 52548, the existing Table I–3 is corrected as follows:

TABLE I–3—MINIMUM DOMESTIC PASSENGER CAR STANDARD WITH OFFSET (mpg)

2027	2028	2029	2030	2031	2032 (augural)
54.2	55.2	56.4	57.5	58.7	59.9

2. On page 52568, the existing Table II–1 is corrected as follows:

TABLE II–1—FINAL MINIMUM DOMESTIC PASSENGER CAR STANDARD (MPG)

2027	2028	2029	2030	2031	2032 (augural)
54.2	55.2	56.4	57.5	58.7	59.9

3. On page 52834, in the first and second columns, the sentence ''Which is to say, for purposes of this rulemaking, the prohibition applies only when NHTSA is making decisions about whether the CAFE standards are maximum feasible under 32902(c).'' is corrected to read ''Which is to say, for purposes of this rulemaking, the prohibition applies only when NHTSA is making decisions about whether the CAFE standards are maximum feasible under 32902(f).''

II. Regulatory Language Corrections

In final rule FR Doc. 2024–12864, beginning on page 52540 in the issue of June 24, 2024, make the following corrections, in the Regulatory Text section.

§ 531.5 [Corrected]

■ 1. On page 52948, in the first column, Table 4 to Paragraph (d) is corrected as follows:

TABLE 4 TO PARAGRAPH (d)—MINIMUM FUEL ECONOMY STANDARDS FOR DOMESTICALLY MANUFACTURED PASSENGER AUTOMOBILES, MYS 2011–2031

Model year	Minimum standard
2011	27.8
2012	30.7
2013	31.4
2014	32.1
2015	33.3
2016	34.7
2017	36.7
2018	38.0
2019	39.4
2020	40.9
2021	39.9
2022	40.6
2023	41.1
2024	44.3
2025	48.1
2026	53.5
2027	54.2
2028	55.2
2029	56.4
2030	57.5
2031	58.7

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.5.

Sophie Shulman,

Deputy Administrator.

[FR Doc. 2024–16240 Filed 7–26–24; 8:45 am]

BILLING CODE 4910–59–P

[1] 89 FR 52540 at 52782.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 240506–0128; RTID 0648–XE093]

Pacific Halibut Fisheries of the West Coast; Inseason Action for the 2024 Area 2A Pacific Halibut Directed Commercial Fishery

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS announces inseason action for the 2024 Pacific halibut non-

Tribal directed commercial fishery in the International Pacific Halibut Commission's (IPHC) regulatory Area 2A. This action adds a fishing period, August 6 through August 8, 2024, with a fishing period catch limit of 1,000 pounds (0.45 metric tons (mt)) per vessel, dressed weight. This action is intended to provide opportunity to achieve the 2024 non-tribal directed commercial fishery allocation.

DATES: *Effective date:* August 6, 2024 through December 7, 2024.

FOR FURTHER INFORMATION CONTACT: Heather Fitch, West Coast Region, NMFS, (360) 320–6549, *heather.fitch@noaa.gov.*

SUPPLEMENTARY INFORMATION: On May 10, 2024, NMFS published a final rule implementing fishing periods (*i.e.,* season dates) and fishing period limits (*i.e.,* catch limits), by vessel size class, for the IPHC Area 2A Pacific halibut non-tribal directed commercial fishery that operates south of Point Chehalis, WA (lat. 46°53.30′ N) (89 FR 40417). The Area 2A non-Tribal directed commercial fishery allocation is 249,338 pounds (113 mt), net weight (*i.e.,* the weight of Pacific halibut that is without gills and entrails, head-off, washed, and without ice and slime) (89 FR 19275, March 18, 2024).

The initial fishing periods occurred on June 25–27 and July 9–11, 2024, with fishing period limits ranging from 1,800 pounds to 4,500 pounds (0.816 mt to 2.041 mt), varied by vessel size class. Landings information to date indicates that sufficient allocation remains to warrant an additional fishing period. Approximately 182,778 pounds (82.9 mt), net weight, have been harvested of the 249,338-pound (113 mt) allocation (73 percent), leaving 66,560 pounds (30.2 mt) remaining (27 percent).

NMFS is adopting an additional fishing period not previously implemented in the final rule on May 10, 2024 (89 FR 40417), in accordance with 50 CFR 300.63(e)(1)(iii). Fishing period limits implemented through inseason action are equal across vessel size classes and are based on the allocation estimated to be remaining and the projected participation and catch rates in this additional fishing period.

NMFS has determined the following inseason action is necessary to meet the management objective of attaining the allocation, is not anticipated to risk exceeding the allocation, and is consistent with the inseason management provisions allowing for additional fishing periods.

Inseason Action

This inseason action implements an additional fishing period, beginning August 6, 2024 at 8 a.m. and ending on August 8, 2024 at 6 p.m. This inseason action also implements a fishing period catch limit of 1,000 pounds (0.45 mt) per vessel, dressed weight (head-on, with ice and slime), for all vessel size classes.

Notice of this additional fishing period and fishing period limit will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(e)(1)(iii), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. The California, Oregon, and Washington Departments of Fish and Wildlife provided estimated harvest data to NMFS inseason. As of July 18, 2024, the Area 2A non-Tribal directed commercial fishery had caught only an estimated 73 percent of the fishery allocation. NMFS uses current fishery harvest and participation estimates, and fishing period catches from prior years, to determine if additional fishing periods are necessary to reach the allocation, and to set fishing period limits for those additional fishing periods. Given that harvest in the first two fishing periods is estimated to be well below the allocation, a third fishing period is considered necessary to maximize commercial fishing opportunity to attain the allocation. This action should be implemented as soon as possible for fishery participants to plan for the additional fishing. This fishery has historically had 2 weeks between fishing periods, or as close to 2 weeks between them as is practicable. In 2023, NMFS added a fishing period 3 weeks after the second fishing period and the Council recommended a similar timeline for 2024. The fishery may close no later than December 7, 2024 (89 FR 19275, March 18, 2024). As such, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of an additional fishing period, the fishery allocation is unlikely to be reached, limiting economic benefits to the participants and not meeting the goals of the Catch Sharing Plan. It is necessary that this action be implemented in a timely manner so that planning for the additional fishing period can take place, and for business decision making by the regulated public impacted by this action, which includes commercial fishing operations and associated port businesses, among others. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to fishery participants through a telephone hotline, and via email news release. No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(e)(1)(iii) and in the final rule (89 FR 40417, May 10, 2024).

For the reasons discussed above, there is also good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan, as well as potentially limit the economic opportunity intended by this rule to the associated fishing communities. This inseason action is not expected to result in exceeding the Area 2A Pacific halibut non-tribal directed commercial fishery allocation. NMFS regulations allow the Regional Administrator to add fishing periods and set fishing period limits inseason, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the fishery. NMFS recently received information on the progress of landings in the non-Tribal directed commercial fishery, indicating an additional fishing period with fishing period limits should be implemented in the fishery to ensure optimal and sustainable harvest of the allocation. As stated above, it is in the public interest that this action is not delayed, because a delay in the effectiveness of this additional fishing period would not allow the allocation objectives of the Area 2A Pacific halibut non-Tribal directed commercial fishery to be met.

Authority: 16 U.S.C. 773–773k.

Dated: July 23, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024–16600 Filed 7–25–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 231221–0314; RTID 0648–XE132]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers From New Jersey, Maryland, and Virginia to Massachusetts, Rhode Island, New York, and North Carolina

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

ACTION: Temporary rule; quota transfers.

SUMMARY: NMFS announces that the States of New Jersey and Maryland and the Commonwealth of Virginia are transferring a portion of their 2024 commercial bluefish quota to the Commonwealth of Massachusetts and the States of Rhode Island, New York, and North Carolina. These adjustments to the 2024 fishing year quotas are necessary to comply with the Atlantic Bluefish Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised 2024 commercial bluefish quotas for New Jersey, Maryland, Virginia, Massachusetts, Rhode Island, New York, and North Carolina.

DATES: Effective July 26, 2024, through December 31, 2024.

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

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162, and the final 2024 allocations were published on January 2, 2024 (89 FR 34).

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan (FMP), as published in the **Federal Register** on July 26, 2000 (65 FR 45844), provided a mechanism for transferring bluefish commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: (1) the transfers would not preclude the overall annual quota from being fully harvested; (2) the transfers address an unforeseen variation or contingency in the fishery; and (3) the transfers are consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Regional Administrator has determined these criteria have been met for the transfers approved in this notification.

The donor and recipient states mutually agreed to a multistate transfer divided among the recipient states proportional to their 2024 bluefish allocations (table 1) to ensure that the recipient states would not exceed their 2024 state quotas. Table 1 provides the participating states' revised bluefish quotas for 2024.

TABLE 1—STATE QUOTA TRANSFER AMOUNTS AND REVISED STATE QUOTAS

	Transfer amount (lb)	Transfer amount (kg)	Revised quota (lb)	Revised quota (kg)
Donor States:				
New Jersey	−100,000	−45,359	248,898	112,898
Maryland	−25,000	−11,340	36,471	16,543
Virginia	−50,000	−22,680	175,380	79,551
Recipient States:				
Massachusetts	22,837	10,359	220,862	100,181
Rhode Island	22,376	10,150	216,401	98,158
New York	40,243	18,254	389,190	176,534
North Carolina	89,544	40,616	865,996	392,809

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: July 24, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024–16639 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 89, No. 145
Monday, July 29, 2024

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1897; Project Identifier AD–2023–00774–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–300 and –400 series airplanes. This proposed AD was prompted by a report that flight control rigging tolerances could result in spoiler deflection not reaching the minimal level required to engage the cruise thrust split monitor (MONFD) used by the autothrottle (A/T) system. This proposed AD would require changing certain wire bundles, installing a new housing assembly, removing the mechanical aileron force limiter (MAFL), doing an inspection or records check to determine if certain flight control computers (FCCs) are installed, and applicable on-condition actions. 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 12, 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–2024–1897; 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 material identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.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* by searching for and locating Docket No. FAA–2024–1897.

FOR FURTHER INFORMATION CONTACT: Eric Igama, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 562–627–5388; email *roderick.igama@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–2024–1897; Project Identifier AD–2023–00774–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 Eric Igama, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 562–627–5388; email *roderick.igama@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 has received a report indicating that flight control rigging tolerances could result in spoiler deflection not reaching the minimal level required to engage the MONFD used by the A/T system. The manufacturer reported that the rigging procedure for Boeing Model 737–300 and –400 series airplanes equipped with a MAFL allows for rigging of the autopilot roll authority limit to a minimum of 15 degrees control wheel. However, this control wheel position could result in the spoiler deflection not reaching the 2.5 degree A/T MONFD activation point, which could prevent the A/T MONFD from engaging. This condition, if not addressed, could lead to significant throttle split, leading to asymmetric thrust and the subsequent lack of autothrottle disengagement, which could result in an uncommanded roll and consequent loss of control of the airplane, and reduced ability of the flightcrew to maintain the safe flight and landing of the airplane.

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.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–22A1399 RB, dated April 13, 2023. This material specifies procedures for changing certain wire bundles, installing a new housing assembly, removing the MAFL, doing an inspection or records check to determine if certain FCCs are installed (FCCs that have an electronic aileron limiter (EAL) revision), and applicable on-condition actions. On-condition actions include installing new FCCs or re-installing kept FCCs (the installation includes doing specified tests and applicable corrective actions until the tests are passed).

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**.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2024–1897.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 110 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Wire bundle change, MAFL removal, housing assembly installation, and inspection/ records review.	Up to 10 work-hours × $85 per hour = up to $850.	$0	Up to $850	Up to $93,500.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Installation of FCCs	2 work-hours × $85 per hour = $170	$7,250	$7,420

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2024–1897; Project Identifier AD–2023–00774–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 12, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–300 and –400 series airplanes, certificated in any category, as identified in

Boeing Alert Requirements Bulletin 737–22A1399 RB, dated April 13, 2023.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that flight control rigging tolerances could result in spoiler deflection not reaching the minimal level required to engage the cruise thrust split monitor (MONFD) used by the autothrottle (A/T) system. The FAA is issuing this AD to address failure of the spoiler deflection to engage the MONFD. The unsafe condition, if not addressed, could lead to significant throttle split, leading to asymmetric thrust and the subsequent lack of autothrottle disengagement, which could result in an uncommanded roll and consequent loss of control of the airplane, and reduced ability of the flightcrew to maintain the safe flight and landing of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–22A1399 RB, dated April 13, 2023, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–22A1399 RB, dated April 13, 2023.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–22A1399, dated April 13, 2023, which is referred to in Boeing Alert Requirements Bulletin 737–22A1399 RB, dated April 13, 2023.

(h) Exceptions to Requirements Bulletin Specifications

Where the Compliance Time columns of the table in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–22A1399 RB, dated April 13, 2023, use the phrase ''the original issue date of Requirements Bulletin 737–22A1399 RB,'' this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

(1) For more information about this AD, contact Eric Igama, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: 562–627–5388; email: *roderick.igama@faa.gov.*

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) of this AD.

(k) Material Incorporated by Reference

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

(i) Boeing Alert Requirements Bulletin 737–22A1399 RB, dated April 13, 2023.

(ii) [Reserved]

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

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

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

Issued on July 23, 2024.

Peter A. White,

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

[FR Doc. 2024–16474 Filed 7–26–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1898; Project Identifier AD–2023–01013–E]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Engines

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 CFM International, S.A. (CFM) Model LEAP–1B engines. This proposed AD was prompted by a report of a quality escape involving certain high-pressure compressor (HPC) stage 2 seals manufactured without detailed finish machining, which could result in deeper rubs and mechanical damage to the seal teeth of the stage 3–4 compressor rotor blisk (stage 3–4 blisk) of the mating compressor rotor during initial operation. This proposed AD would require a visual inspection of the HPC stage 2 seal, a visual inspection of the forward arm seal teeth of the stage 3–4 blisk, an eddy current inspection (ECI) of the forward arm seal teeth of the stage 3–4 blisk, and replacement of the HPC stage 2 seal and the stage 3–4 blisk, if necessary. 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 12, 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–2024–1898; 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 CFM material identified in this proposed AD, contact CFM International, S.A., GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Mehdi Lamnyi, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7743; email: *mehdi.lamnyi@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 the **ADDRESSES** section. Include ''Docket No. FAA–2024–1898; Project Identifier AD–2023–01013–E'' 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 revise 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 Mehdi Lamnyi, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA was notified by the manufacturer of a quality escape involving certain HPC stage 2 seals installed on certain CFM Model LEAP–1B21, LEAP–1B23, LEAP–1B25, LEAP–1B27, LEAP–1B28, LEAP–1B28B1, LEAP–1B28B2, LEAP–1B28B2C, LEAP–1B28B3, LEAP–1B28BBJ1, and LEAP–1B28BBJ2 (LEAP–1B) engines. The suspect HPC stage 2 seals were manufactured without detailed finish machining, which could result in deeper rubs and mechanical damage to the seal teeth of the stage 3–4 blisk of the mating compressor rotor during initial operation, which could lead to failure of the stage 3–4 blisk. This condition, if not addressed, could result in uncontained part release, damage to the engine, and damage to the aircraft.

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 Material Under 1 CFR Part 51

The FAA reviewed CFM International, S.A. Service Bulletin LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00, dated January 23, 2024, which specifies procedures for an on-wing borescope inspection (BSI) of the honeycomb structure of the affected stage 2 seals and rotating seal teeth coating condition and provides instructions for determining the serviceability of affected components that fail the BSI. This material also specifies procedures for an in-shop visual inspection of the HPC stage 2 seal and the forward arm seal teeth of the stage 3–4 blisk, an ECI of the forward arm seal teeth of the stage 3–4 blisk, and replacement of the HPC stage 2 seal and the stage 3–4 blisk. 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.

Proposed AD Requirements in This NPRM

This proposed AD would require a visual inspection of the HPC stage 2 seal and the forward arm seal teeth of the stage 3–4 blisk, an ECI of the forward arm seal teeth of the stage 3–4 blisk, and replacement of the HPC stage 2 seal and the stage 3–4 blisk, if necessary.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 31 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visual inspection of HPC stage 2 seal	1 work-hour × $85 per hour = $85	$0	$85	$2,635
Visual inspection of stage 3–4 blisk	1 work-hour × $85 per hour = $85	0	85	2,635
ECI of stage 3–4 blisk	4 work-hours × $85 per hour = $340	0	340	10,540

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of HPC stage 2 seal	8 work-hours × $85 per hour = $680	$55,312	$55,992
Replacement of stage 3–4 blisk	8 work-hours × $85 per hour = $680	518,500	519,180

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:

CFM International, S.A.: Docket No. FAA–2024–1898; Project Identifier AD–2023–01013–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 12, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to CFM International, S.A. (CFM) Model LEAP–1B21, LEAP–1B23, LEAP–1B25, LEAP–1B27, LEAP–1B28, LEAP–1B28B1, LEAP–1B28B2, LEAP–1B28B2C, LEAP–1B28B3, LEAP–1B28BBJ1, and LEAP–1B28BBJ2 engines having an engine serial number (ESN) identified in Table 1 to paragraph (c) of this AD.

TABLE 1 TO PARAGRAPH (c)—APPLICABLE ESNS

ESN	ESN	ESN	ESN	ESN
60A635	60A647	60A662	60A678	60A691
60A639	60A650	60A663	60A679	60A696
60A642	60A653	60A669	60A682	60A702
60A643	60A655	60A670	60A686	.....
60A644	60A656	60A671	60A687	.....
60A645	60A660	60A673	60A689	.....
60A646	60A661	60A676	60A690	.....

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by a report of a quality escape involving certain high-pressure compressor (HPC) stage 2 seals manufactured without detailed finish machining, which could result in deeper rubs and mechanical damage to the seal teeth of the stage 3–4 compressor rotor blisk (stage 3–4 blisk) of the mating compressor rotor during initial operation. The FAA is issuing this AD to prevent uncontained failure of the stage 3–4 blisk. The unsafe condition, if not addressed, could result in uncontained part release, damage to the engine, and damage to the aircraft.

(f) Compliance

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

(g) Required Actions

(1) Before accumulating 2,900 cycles since new (CSN) or within 10 flight cycles after the effective date of this AD, whichever occurs later, perform the following:

(i) A visual inspection of the HPC stage 2 seal in accordance with the Accomplishment Instructions, paragraph 5.B.(3) of CFM Service Bulletin (SB) LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00, dated January 23, 2024 (CFM SB LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00).

(ii) A visual inspection of the forward arm seal teeth of the stage 3–4 blisk in accordance with the Accomplishment Instructions, paragraph 5.B.(4) of CFM SB LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00.

(iii) An eddy current inspection of the forward arm seal teeth of the stage 3–4 blisk in accordance with the Accomplishment Instructions, paragraph 5.B.(5) of CFM SB LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00.

(2) If, during the inspection required by paragraph (g)(1)(i) of this AD, any of the HPC stage 2 seal segments fail to meet the serviceability criteria specified in the Accomplishment Instructions, paragraph

5.B.(3) of CFM SB LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00, before further flight, remove the unserviceable HPC stage 2 seal segments from service.

(3) If, during the inspections required by paragraphs (g)(1)(ii) and (iii) of this AD, the stage 3–4 blisk fails to meet the serviceability criteria specified in the Accomplishment Instructions, paragraph 5.B.(6) of CFM SB LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00, before further flight:

(i) Remove the stage 3–4 blisk from service;

(ii) Remove all four HPC stage 2 seal segments from service; and

(iii) Replace the stage 3–4 blisk in accordance with the Accomplishment Instructions, paragraph 5.B.(7)(a) of CFM SB LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00.

(4) If, during the actions required by paragraphs (g)(2) and (3) of this AD, the HPC stage 2 seal is removed, before further flight, replace the HPC stage 2 seal in accordance with the Accomplishment Instructions, paragraph 5.B.(7)(b) of CFM SB LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Additional Information

For more information about this AD, contact Mehdi Lamnyi, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7743; email: *mehdi.lamnyi@faa.gov.*

(j) 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 the AD specifies otherwise.

(i) CFM International, S.A. Service Bulletin LEAP–1B–72–00–0394–01A–930A–D, Issue 002–00, dated January 23, 2024.

(ii) [Reserved]

(3) For CFM material identified in this AD, contact CFM International, S.A., GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*

(4) You may view this material at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 23, 2024.

Peter A. White,

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

[FR Doc. 2024–16473 Filed 7–26–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1899; Project Identifier MCAI–2023–01169–E]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2023–24–06, which applies to certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000 engines. AD 2023–24–06 requires revising the airworthiness limitation section (ALS) of the operator's existing approved engine maintenance or inspection program, as applicable, to incorporate new or more restrictive tasks and limitations and associated thresholds and intervals for life-limited parts. Since the FAA issued AD 2023–24–06, the manufacturer revised the time limits manual (TLM) to introduce new or more restrictive tasks and limitations and associated thresholds and intervals for life-limited parts, which prompted this AD. This proposed AD would require revisions to the ALS of the operator's existing approved engine maintenance or inspection program, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by September 12, 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–2024–1899; 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; phone: +49 221 8999 000; email: *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Ethan Carlson, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (206) 578–2291; email: *Ethan.M.Carlson@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 the **ADDRESSES** section. Include ''Docket No. FAA–2024–1899; Project Identifier MCAI–2023–01169–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments

received, without change, to *regulations.gov,* 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 Ethan Carlson, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2023–24–06, Amendment 39–22623 (88 FR 89290, December 27, 2023) (AD 2023–24–06), for certain RRD Model Trent 1000–AE3, Trent 1000–CE3, Trent 1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 engines. AD 2023–24–06 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2023–0115, dated June 7, 2023 (EASA AD 2023–0115), to correct an unsafe condition identified as the manufacturer revising the engine TLM life limits of certain critical rotating parts and direct accumulation counting data files.

AD 2023–24–06 requires revisions to the ALS of the operator's existing approved engine maintenance or inspection program. The FAA issued AD 2023–24–06 to prevent the failure of critical rotating parts.

Actions Since AD 2023–24–06 Was Issued

Since the FAA issued AD 2023–24–06, EASA superseded EASA AD 2023–0115 and issued EASA AD 2023–0195, dated November 9, 2023 (EASA AD 2023–0195) (also referred to as the MCAI). The MCAI states that the manufacturer published a revised TLM introducing new or more restrictive tasks and limitations. These new or more restrictive tasks and limitations include introducing a new low-pressure compressor blade part number (P/N) in the list of other mandatory inspections in Revision 27, changing the special tool from UT2100/4 to UT2100/5 in Revision 28, and introducing an overhaul limit for P/N KH28129 and P/N KH28131 standards of intermediate pressure compressor stages 1 and 2 rotor blades in Revision 29.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1899.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2023–0195, which specifies instructions for accomplishing the actions specified in the applicable TLM, including performing maintenance tasks, replacing life-limited parts, and revising the existing approved maintenance or inspection program, as applicable, by incorporating the limitations, tasks, and associated thresholds and intervals described in the TLM. 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

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

Proposed AD Requirements in This NPRM

This proposed AD would retain none of the requirements of AD 2023–24–06. This proposed AD would require accomplishing the actions specified in the MCAI described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Differences Between this Proposed AD and the MCAI.''

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 since coordinated with other manufacturers and CAAs to use this process. As a result, the FAA proposes to incorporate by reference EASA AD 2023–0195 in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2023–0195 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 the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions within the compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2023–0195. Service information required by the EASA AD for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1899 after the FAA final rule is published.

Differences Between This Proposed AD and the MCAI

Where EASA AD 2023–0195 specifies revising the approved aircraft maintenance programme (AMP) within 12 months after the effective date of EASA AD 2023–0195, this proposed AD requires revising the ALS of the existing approved aircraft maintenance or inspection program, as applicable, within 30 days after the effective date of this AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 2 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the ALS	1 work-hours × $85 per hour = $85	$0	$85	$170

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 that the 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 2023–24–06, Amendment 39–22623 (88 FR 89290, December 27, 2023); and

■ b. Adding the following new airworthiness directive:

Rolls-Royce Deutschland Ltd & Co KG: Docket No. FAA–2024–1899; Project Identifier MCAI–2023–01169–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 12, 2024.

(b) Affected ADs

This AD replaces AD 2023–24–06, Amendment 39–22623 (88 FR 89290, December 27, 2023).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000–AE3, Trent 1000–CE3, Trent 1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the engine time limits manual (TLM) required maintenance and inspections. The FAA is issuing this AD to prevent the failure of rotating parts. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2023–0195, dated November 9, 2023 (EASA AD 2023–0195).

(h) Exceptions to EASA AD 2023–0195

(1) Where EASA AD 2023–0195 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not require compliance with paragraph (1), (2), and (4) of EASA AD 2023–0195.

(3) Where paragraph (3) of EASA AD 2023–0195 specifies ''Within 12 months after the effective date of this AD, revise the approved AMP,'' replace that text with ''Within 30 days after the effective date of this AD, revise the airworthiness limitation section (ALS) of the existing approved engine maintenance or inspection program, as applicable.''

(4) This AD does not adopt the ''Remarks'' paragraph of EASA AD 2023–0195.

(i) Provisions for Alternative Actions and Intervals

No alternative actions and associated thresholds and intervals, including life limits, are allowed for compliance with paragraph (g) of this AD unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2023–0195.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Ethan Carlson, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (206) 578–2291; email: *ethan.m.carlson@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 the AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2023–0195, dated November 9, 2023.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +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 FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 23, 2024.

Peter A. White,

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

[FR Doc. 2024–16517 Filed 7–26–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Part 263

[Docket ID ED–2024–OESE–0008]

RIN 1810–AB70

Indian Education Discretionary Grant Programs; Professional Development Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to revise the regulations that govern the Professional Development program, Assistance Listing Number (ALN) number 84.299B, authorized under title VI of the Elementary and Secondary Education Act of 1965, as amended (ESEA), to establish priorities, requirements, and a definition for the program, including a priority for teacher retention projects.

DATES: We must receive your comments on or before August 28, 2024.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at *regulations.gov.* However, if you require an accommodation or cannot otherwise submit your comments via *regulations.gov,* please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *regulations.gov* to submit your comments electronically. Information on using *regulations.gov,* including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Help.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about these proposed regulations, address them to Donna Sabis-Burns, U.S. Department of Education, 400 Maryland Avenue SW, Room 4B–213, Washington, DC 20202–6335. Telephone: (202) 213–9014.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Donna Sabis-Burns, U.S. Department of Education, 400 Maryland Avenue SW, Room 4B–213, Washington, DC 20202–6335. Telephone: (202) 213–9014. Email: *donna.sabis-burns@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding these proposed regulations. To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 13771 and their overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about these proposed regulations by accessing *regulations.gov.* To inspect comments in person, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

Every student deserves access to well-prepared, qualified, and supported educators who reflect the rich diversity of our nation. To support student success, the Department is committed to recruiting, preparing, and retaining a well-prepared educator workforce that is culturally and linguistically diverse. Well before the COVID–19 pandemic, low wages in the education profession, the cost of high quality educator preparation, inequitable funding practices, poor working conditions, and other factors contributed to a decline in new educators entering the field and high rates of educator attrition.[1] The COVID–19 pandemic exacerbated the shortage of education professionals in many communities.[2] The impact of these factors may be especially challenging in schools that serve a high proportion of Indian students, and they are all key challenges that Tribal leaders have reported during Tribal Consultation. In response, as part of its *Raise the Bar: Lead the World* initiative (*https://www.ed.gov/raisethebar/*), the Department is working with State educational agencies (SEAs), Tribal education agencies (TEAs), local

[1] Podolsky, A., Kini, T., Bishop, J., & Darling-Hammond, L. (2016). *Solving the Teacher Shortage: How to Attract and Retain Excellent Educators.* Learning Policy Institute. *https://doi.org/10.54300/262.960.;* Prince, C.D. (2022). *Attracting Well-Qualified Teachers to Struggling Schools.* American Federation of Teachers. *https://www.aft.org/periodical/american-educator/winter-2002/attracting-well-qualified-teachers-struggling.;* Walker, T. (2019). *Educators and Parents Reset the Class Size 'Debate'.* National Education Association. *https://www.nea.org/advocating-for-change/new-from-nea/educators-and-parents-reset-class-size-debate.*

[2] U.S. Department of Education. (2023). *Raise the Bar Policy Brief: Eliminating Educator Shortages through Increased Compensation, High-Quality and Affordable Educator Preparation and Teacher Leadership. https://www.ed.gov/raisethebar/eliminating-educator-shortages-compensation-preparation-leadership.*

educational agencies (LEAs), and others to help them recruit and retain highly qualified and diverse educators by expanding access to high-quality and affordable educator preparation, improving compensation and working conditions, providing high-quality new teacher induction, offering ongoing professional learning, providing opportunities for teacher leadership and career advancement, and increasing educator diversity. For additional information on *Raise the Bar: Eliminate the Educator Shortage,* please see *https://www.ed.gov/raisethebar/educators.*

The Professional Development program can help address the unique needs of Indian students by expanding the proportion of educators who share their cultural and linguistic background. Research indicates that Indian teachers have a significant impact on Indian students. Students who have exposure to teachers who represent their background demonstrate improved academic achievement.[3] While approximately one percent of students were Indian or Alaska Native in school year 2020–2021, 0.5 percent of educators shared this background (for additional information, see *https://nces.ed.gov/programs/coe/indicator/clr*).

Indian teacher education and retention is an investment in Tribal Nations that strengthens their capacity to address community needs.[4] When Indian students in the fourth and eighth grade were asked who taught them most of what they know about their Indian history, language, and traditions, they ranked teachers second only to their families. Yet 60 percent of those students had teachers who reported never attending professional development programs aimed at developing culturally responsive instructional practices for Indian students over the past two years.[5]

The Secretary proposes to revise the regulations in 34 CFR part 263 that govern the Professional Development program to better enable the Department and grantees to meet the objectives of the program, including supporting educator retention efforts. As described in the *Tribal Consultation* section of this document, Tribes favored expanding and increasing efforts to retain high-quality Indian educators. This notice of proposed rulemaking (NPRM) also reflects recent congressional interest in promoting retention of effective educators through Department programs. Accordingly, the Department proposes two new priorities and accompanying requirements for applicants proposing to retain highly effective Indian educators. The Secretary also proposes to revise the payback requirements to be responsive to comments received during Tribal Consultation.

We propose adding two new priorities that respond to the need to retain effective Indian educators. The first is a priority for projects focused on the retention of Indian educators. The second priority is for applications submitted by an SEA, LEA, or Bureau of Indian Education (BIE) school as the lead applicant, in consortium with an institution of higher education (IHE). This priority would support the applicants that are directly responsible for retaining teachers. Note, there is already a priority in § 263.6(a)(1) for applications submitted by an Indian Tribe, Indian organization (including a TEA that meets the definition of ''Indian organization'' in § 263.3), or TCU.

For use in the priority on the retention of Indian educators, we also propose a new definition of ''educator'' that is broad and informed by ESEA sections 6122(a)(2), 8101(42)(A), and 8101(35). The proposed definition includes teachers, principals, administrators, and other school leaders, as well as specialized instructional support personnel (*e.g.,* school psychologists, school counselors, school social workers, librarians, early intervention service personnel), paraprofessionals, and other faculty. A broad definition creates the opportunity for the Department to support communities in addressing a variety of needs facing their schools and classrooms, such as utilizing early intervention service personnel to provide targeted instruction to students and additional support to teachers. At the same time, the definition is structured to allow the Department to focus on particular groups of educators, such as teachers, in a given grant competition.

Applicants addressing the priority on Indian educator retention would propose an educator retention initiative to help address the shortage of Indian educators and expand their impact on Indian students' education. For example, applicants could propose an educator retention initiative providing Indian educators the opportunity to facilitate, lead, or engage in sustained, intensive, job-embedded, data-driven, classroom-focused professional learning that is collaborative and evidence based. Applicants could also propose a retention initiative to support compensated educator leadership models designed to increase the retention of effective, experienced Indian educators who take on leadership responsibilities to help ensure that Indian students gain knowledge and understanding of their communities, languages, histories, traditions, and cultures and support their peers. Applicants addressing the proposed priority for applications from an SEA, LEA, or BIE school would propose an initiative as the lead applicant in consortium with an IHE. This may be especially relevant in circumstances where the SEA, LEA, or BIE school is likely to be the employer, but must still work in partnership with an IHE to meet the statutory eligibility requirements.

In addition, we propose updates to the payback requirements to ensure that more programmatic models are feasible, including by clarifying that payback requirements only apply to pre-service training, distinguishing between the payback requirements for individuals who receive training as full-time or part-time students, and explicitly clarifying that payback may continue after the end of a grant.

We invite comment specifically on the effects of the proposed regulations on small entities, and on whether there may be further opportunities to reduce any potential adverse impacts, or increase potential benefits, resulting from these proposed regulations without impeding the effective and efficient administration of the Indian Education Discretionary Grant programs.

Tribal Consultation

Due to the Federal Government's unique political and legal relationship with Tribes, as set forth in the Constitution of the United States, treaties, Federal law, and Executive orders, the Department held three virtual Tribal consultations relevant to these proposed regulations on June 30, 2022, January 24, 2023, and May 23, 2023. The Department announced the opportunities through various external listservs and social media.

In the sessions on June 30, 2022, and May 23, 2023, the Department sought feedback from elected Tribal leaders on three topics: future priority areas, the

[3] Olson, L. (2023). *Teachers Like Us: Strategies for Increasing Educator Diversity in Public Schools.* FutureEd. Washington, DC: McCourt School of Public Policy, Georgetown University.

[4] Anthony-Stevens, V., Moss, I., Como Jacobson, A., Boysen-Taylor, R., & Campbell-Daniels, S. (2022). Grounded in relationships of support: Indigenous teacher mentorship in the Rural West. *The Rural Educator, 43(1), 88–104. https://doi.org/10.35608/ruraled.v43i1.1209.*

[5] Rampey, B.D., Faircloth, S.C., Whorton, R.P., and Deaton, J. (2021). *National Indian Education Study 2019* (NCES 2021–018). U.S. Department of Education. Washington, DC: Institute of Education Sciences, National Center for Education Statistics.

needs of Indian students, and future budget development. In these sessions, the Department posed 10 specific questions to Tribal leaders or their proxies to inform the design of future competitions. Tribal Consultation with elected Tribal leaders or their officially designated proxies informed the proposed priorities, requirements, and definition.

To begin, the Department requested input on future priority areas and funding levels for programs with Tribal implications. The majority of Tribal leaders expressed the need for educator, principal, school leader, and administrator retention and recruitment support, including professional development, housing, and access to mental and emotional health resources for both educators and students. Particularly in rural areas, Tribal leaders emphasized retention and ''grow your own'' programs to increase the number of effective educators who enter, and stay in, the profession. Several leaders also expressed the need for Native American language and culture revitalization and resources. Additionally, one participant requested reprioritizing doctoral program assistance for Indian students.

The FY 2023 Demonstration Grants for Indian Children competition invited applications to support Native American teacher retention. The priorities proposed in this notice of proposed rulemaking would allow the Department to run future Indian teacher retention competitions under the Professional Development program. Adding these priorities under the Professional Development program would provide more flexibility and agency to SEAs, LEAs, BIE schools, and Tribal applicants to address the variety of factors impacting Indian teacher retention.

During the June 30, 2022, and May 23, 2023, Tribal consultations, the Department also requested input on the fiscal year (FY) 2024 and 2025 budget proposals, data sources to inform the budget, budget presentation, and future budget development. The majority of Tribal leaders highlighted a need to support Native American language programs, technology, and housing in rural areas, and they stressed the difficulty of recruiting and retaining educators without adequate housing.

The majority of written comments submitted for the May 23, 2023, Tribal Consultation echoed the need for language and cultural revitalization, resources for language teaching and training programs, and social supports such as mental health services. Half of the written comments emphasized educator shortages and the need for additional postsecondary education funding. In response to these comments, the Department proposes a priority for projects focused on the retention of Indian educators and proposes the definition of ''educators'' to include specialized instructional support personnel, providing flexibility for SEAs, LEAs, BIE schools, and Tribal applicants to meet the mental and emotional needs of students and educators.

In the development of the FY 2023 Native American Teacher Retention Initiative, the Department held an additional virtual Tribal Consultation on January 24, 2023. The Department requested specific input from Tribal Nations on which of three priority options from the Secretary's Supplemental Priority 3 would best support the initiative.

The majority of Tribal leaders expressed that educator preparation and retention should be prioritized to ensure that teaching is seen as a viable profession for Indian students to pursue. Tribal leaders supported raising salaries and providing other benefits to keep teachers from leaving the profession or finding better opportunities in higher-paying areas. Additionally, Tribal leaders said that exposing Indian students to more Indian educators would help students see teaching as a viable career path. In response to this feedback, the Department proposes a priority for projects focused on the retention of Indian educators and a priority for SEAs, LEAs, or BIE schools applying as lead applicants.

The Department also requested input from Tribal Nations on identifying challenges that impact Indian educator retention, ways to overcome these challenges, and any known innovative educator leadership models to increase retention of effective, experienced Indian educators. The Tribal leaders also described additional barriers to educator retention, such as salaries and housing availability or housing costs that still need to be addressed.

Tribal leaders in all three Tribal consultations stressed the importance of retaining Indian educators as well as ways that strong retention initiatives can improve student achievement, increase school leadership, and create culturally responsive instructional and curricular resources to meet students' needs. In response to these comments, the Department proposes priorities to support SEA, LEA, BIE school, and Tribal applicants in addressing these needs.

Proposed Regulations

We group major proposals according to section of the regulations.

What definitions apply to the Professional Development program? (§ 263.3)

Statute: The program statute addresses the training, development, and retention of school staff who serve Indian students, variously referring to teachers, education professionals, educators, administrators, principals, other school leaders, paraprofessionals, counselors, social workers, and specialized instructional support personnel.

Current Regulations: The program regulations in part 263 restate the program purpose and list school staff including teachers, educators, principals, other school leaders, administrators, teacher aides, paraprofessionals, counselors, social workers, and specialized instructional support personnel.

Proposed Regulations: For use in the Indian educator retention priority, we propose to create an umbrella term for such school staff by establishing a defined term ''educator.''

Reasons: We propose to establish the broad defined term ''educator'' for the purpose of the retention priority, to capture all of the educational professionals currently referenced in the program statute and regulations who serve Indian students and have a hand in their outcomes, using terminology consistent with that used in ESEA section 6122(a). As proposed, the Department would have the flexibility to choose from among these education professionals, in a given competition, which would allow the Department, where appropriate, to target specific kinds of educators in response to local needs or changing priorities.

What are the application requirements for these grants? (§ 263.5)

Statute: ESEA section 6122(e) specifies three application requirements.

Current Regulations: Section 263.5 includes the statutory application requirements and regulatory clarifications.

Proposed Regulations: We propose to revise § 263.5 to distinguish between the application requirements that are required for every competition under the Professional Development program and those that may be applied in any year at the Secretary's discretion and as appropriate to the competition.

Reasons: The proposed changes would allow the Department to tailor

the application requirements to the type of priority used in a particular competition. For example, if the Department were to use only the priority for a retention program in a particular competition, we would not require one or more letters of support from LEAs that serve a high proportion of Indian students indicating their plans to consider graduates of the Professional Development program for employment, as that is an application requirement related to the priorities for pre-service training.

What priority is given to certain projects and applicants? (§ 263.6)

Statute: ESEA section 6122(a)(4) provides that one purpose of the Professional Development program is to develop and implement initiatives to promote the retention of effective educators, principals, and school leaders who have a record of success in helping low-achieving Indian students improve their academic achievement, outcomes, and preparation for postsecondary education or employment.

Current Regulations: Section 263.6 contains two competitive preference priorities in paragraphs (a)(1) and (2), and four optional priorities in paragraph (b) that the Secretary may use in any year in which there is a new competition.

Proposed Regulations: We propose to add a priority for projects focused on Indian educator retention to § 263.6(b). We also propose to add a priority for applications submitted by SEA, LEA, or BIE school applicants as lead applicants in consortia with IHEs to § 263.6(b).

Reasons: We propose the new Indian educator retention priority to address the need, heard through Tribal consultation, to support Indian Tribes and Indian organizations (including TEAs), SEAs, LEAs, and BIE schools in addressing the shortage of Indian educators and increasing educators' impact on Indian students' education. The proposed priority for SEA, LEA, and BIE school applicants would provide these applicants more control and flexibility in implementing educator retention initiatives. Because SEAs, LEAs, and BIE school applicants are more likely to be the employers of elementary and secondary educators than are IHEs, their role as the lead applicant can promote strong program implementation, particularly for retention initiatives, that will benefit Indian students in accordance with the purposes described in ESEA section 6122(a). This priority would be in addition to the priority for Tribal lead applicants in § 263.6(a)(1), which applies to TEA applicants that meet the definition of an ''Indian organization'' in § 263.3.

We are not proposing to remove any of the existing priorities from the regulations. The proposed priorities would provide additional options from which the Department may choose for any competition under the Professional Development program. Two of the purposes of the Professional Development program described in ESEA section 6122(a) are to increase the number of qualified Indian teachers and administrators that serve Indian students and to develop and implement initiatives to promote the retention of effective teachers, principals, and school leaders. Adding these proposed priorities would encourage new projects to increase the retention of Indian educators and encourage partnerships between SEAs, LEAs, BIE schools, Tribal applicants, and IHEs to improve the achievement of Indian students by increasing their engagement with highly effective Indian educators.

What are the payback requirements? (§ 263.9)

Statute: Under ESEA section 6122(h), the Secretary must require through regulations a service obligation for individuals who receive training under the Professional Development program. Such work must relate to the training received under the program and benefit Indian students in an LEA that serves a high proportion of Indian students. An individual not performing such work must repay all or a prorated part of the assistance received.

Current Regulations: Section 263.9 establishes payback requirements. The current regulations set the work-related payback requirement equal to the total period of time for which pre-service or in-service training was actually received on a month-for-month basis. The current regulations also describe requirements for a payback agreement, cash payback, and opportunities for payback deferral based on continued education or military service. The current regulations do not specify that payback is only required for pre-service training or distinguish between individuals who receive full-time training through the Professional Development program and those who receive part-time training.

Proposed Regulations: We propose clarifying that pre-service training requires payback and retention activities do not require payback. We also propose to change the required payback time period so that individuals who participate in training under the Professional Development program on a part-time basis incur a payback period equivalent to the accumulated academic years of training the participant received. For example, if a participant completed part-time pre-service training over the course of two years that is equivalent to one academic year, they must complete work-related payback for the number of months that are equivalent to one full academic year at the institution where they received the training (*e.g.,* ten months).

Reasons: These changes would allow the Professional Development program to more fully meet its mission of recruiting qualified Indian individuals to become educators and offer part-time students a service payback option that is equivalent to the accumulated academic-year equivalent of the credit they received through training.

In addition, these updates clarify that individuals who receive services as part of an educator retention program would be beneficiaries of services related to their current roles as educators and not participants in a pre-service training program that requires work payback.

What are the requirements for payback deferral? (§ 263.10)

Statute: Under ESEA section 6122(h)(2), the Secretary must require periodic work-related payback reporting for individuals receiving training under the Professional Development program. An individual not performing such work must repay all or a prorated part of the assistance received.

Current Regulations: Section 263.10 establishes payback deferral requirements. The current regulations permit deferral for military service or continued education and describe the requirements for obtaining deferral under these circumstances.

Proposed Regulations: We propose to expand the circumstances under which the Secretary may grant exceptions to and deferral of the payback requirement for pre-service training. Specifically, we propose to add exceptions for participants who experience permanent disability and deferrals for participants who experience temporary disability, or are serving as a full-time volunteer for an Indian Tribe. We also propose regulations that would establish the process for requesting an exception or deferral based on the underlying reason for the request.

Reasons: Consistent with the Department's administration of other programs with payback or similar requirements, the Department proposes to add an exemption for participants who are unable to meet their obligations due to death or permanent disability. Similarly, we propose to allow participants to defer their payback

obligations in the event of temporary disability. We propose to allow deferral for temporary disabilities for up to 36 months to help ensure that participants have adequate time for recovery and to reacclimate into the workforce, before resuming their statutory payback obligation. An individual experiencing a disability that was initially thought to be temporary but became permanent could request an exception on the basis of a permanent disability any time during the maximum allowable deferral of 36 months. We propose these grounds for exemption and deferral in recognition that many participants face changing life circumstances and to make the payback requirement less daunting and more flexible so grantees can recruit a robust pool of qualified participants.

We propose to allow payback deferral for participants who are full-time volunteers for Indian Tribes for several reasons. First, we believe that encouraging such volunteer experience, while ensuring that payback requirements are still met, will help serve the purpose of the program by providing participants with experience and knowledge that will enhance their ability to effectively serve Indian students. In addition to benefiting the participants and their Indian students, such volunteer work would help to build capacity of Indian Tribes, which has been identified by Tribal leaders as a critical need. Again, we propose to allow this flexibility in recognition that many participants face changing life circumstances and to improve program recruitment. We note that, in recent years, participants and grantees have requested that we provide more flexibility in programs that support Indian Self-Determination, to expand their impact. Together with the current exemption and deferral options, this and the other proposed changes would promote such flexibility, while balancing the need to ensure that the program purpose is served and payback obligations are met.

To ensure that the process for requesting and obtaining such exceptions and deferrals is clear and accessible, we have proposed simple procedures that would ensure the Department has the relevant supporting information without imposing unnecessary burden on applicants.

What are the post-award requirements for grantees providing pre-service training? (§ 263.12)

Statute: Section 6122 and the related portions of title VI of the ESEA require a service payback obligation for individuals who receive training.

Current Regulations: Under § 263.12, prior to providing funds to a participant, a grantee must conduct a payback meeting with the participant to explain related costs and the participant's responsibilities after receiving pre-service training. The grantee must report to the Secretary all participant training and payback information in a manner specified by the Department or its designee.

Proposed Regulations: Under the proposed regulations, prior to providing funds or services to a participant, and for each subsequent year that training funds are disbursed, each grantee would be required to meet with the participant and enter into a written agreement to ensure all parties are informed about the purposes of the participant's compliance with payback requirements; estimated length of the training; total training costs; the total amount of assistance accrued year-to-date; contact information for the Office of Indian Education; and a statement explaining that work must be in an ''LEA that serves a high proportion of Indian students.'' In addition, we propose to include a requirement for exit certification. At the time a participant exits from the training program, the grantee must provide certain information to the participant, including: the name of the institution and the number of the Federal grant that provided the scholarship; the number of months the participant needs to work to satisfy the payment requirements; the total amount of scholarship assistance received; the participant's field of study; and the obligation of the participant to perform the service obligation. Upon receipt from the grantee, the participant must provide written certification that the information provided is correct. The proposed regulations would also require the grantee to develop and publish standards for measuring a participant's progress in their training program and require the grantee to report all participant training and payback information to the Secretary.

Reasons: We propose these changes for several reasons. The proposed changes would increase accountability for both grantees and participants, and give participants more information about their responsibilities under the professional development program. In recent years, an increasing number of participants have requested information about their payback requirements, indicating the need for a more informative approach. Making these changes would provide more capability for the Department to ensure grantee and participant compliance with all requirements of this program.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget (OMB) determines whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866, as amended by Executive Order 14094, defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $200 million or more (as of 2023 but to be adjusted every 3 years by the Administrator of OIRA for changes in gross domestic product); or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise legal or policy issues for which centralized review would meaningfully further the President's priorities, or the principles stated in the Executive order, as specifically authorized in a timely manner by the Administrator of OIRA in each case.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866 (as amended by Executive Order 14094).

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits

(including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these proposed regulations only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that these proposed regulations are consistent with the principles in Executive Order 13563.

We have also determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with these Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Discussion of Costs and Benefits: There would be greater potential benefits while the potential costs associated with the proposed regulatory changes would be minimal.

For Professional Development grants, there will be no additional time or cost for applicants developing an application under the proposed priorities and application requirements. The benefits include allowing the program to more fully meet its mission of recruiting and retaining qualified Indian individuals to become educators. We anticipate no additional time spent reporting full-time participant payback information in the Professional Development Program Data Collection System (PDPDCS). The costs of carrying out these activities would continue to be paid for with program funds.

The benefits include enhancing project design and quality of services to better meet the objectives of the program and the needs of potential grantees with the result being more educators remaining in their current positions and expanding their impact on Indian students and communities and more accurately calculating the length of payback for participants in part-time training. We added deferral payback options for participants who serve as full-time volunteers with Indian Tribes because it will provide them with opportunities to better understand the educational needs of Indian students, while helping to build the capacity of Tribes. These deferral pathways would provide participants more flexibility and help them obtain experience that fulfills their service obligation and provides relief to Tribal communities.

Elsewhere in this section under *Paperwork Reduction Act of 1995,* we identify and explain burdens specifically associated with information collection requirements.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A ''section'' is preceded by the symbol ''§'' and a numbered heading; for example, § 263.3 What definitions apply to the Professional Development program?)
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make these proposed regulations easier to understand, see the instructions in the **ADDRESSES** section.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a substantial economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that would be affected by these proposed regulations are LEAs, IHEs, Tribal Colleges and Universities, Tribes, and Tribally operated schools receiving Federal funds under this program. The proposed regulations would not have a significant economic impact on the small entities affected because the regulations do not impose excessive regulatory burdens or require unnecessary Federal supervision.

However, the Secretary specifically invites comments on the effects of the proposed regulations on small entities, and on whether there may be further opportunities to reduce any potential adverse impact or increase potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of Indian Education Discretionary Grant programs. Commenters are requested to describe the nature of any effect and provide empirical data and other factual support for their views to the extent possible.

Paperwork Reduction Act of 1995

The proposed regulations do not create any new information collection requirements under OMB Control number 1810–0722 and therefore do not change the related information collection.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for

coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Federalism

Executive Order 13132 requires us to ensure meaningful and timely input by State and local elected officials in the development of regulatory policies that have federalism implications. ''Federalism implications'' means substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. These proposed regulations may have federalism implications. We encourage State and local elected officials to review and provide comments on these proposed regulations.

Assessment of Educational Impact

In accordance with section 411 of the General Education Provisions Act, 20 U.S.C. 1221e–4, the Secretary particularly requests comments on whether these proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department. (Assistance Listing Number: 84.299B Professional Development Program.)

List of Subjects in 34 CFR Part 263

Business and industry, College and universities, Elementary and secondary education, Grant programs—education, Grant programs—Indians, Indians—education, Reporting and recordkeeping requirements, Scholarships and fellowships.

Adam Schott,

Deputy Assistant Secretary, For Policy and Programs, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Elementary and Secondary Education.

For the reasons discussed in the preamble, the Secretary of Education proposes to amend part 263 of title 34 of the Code of the Federal Regulations as follows:

PART 263—INDIAN EDUCATION DISCRETIONARY GRANT PROGRAMS

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

Authority: 20 U.S.C. 7441, unless otherwise noted.

■ 2. Amend § 263.3 by adding a definition for ''educator'' in alphabetical order to read as follows:

§ 263.3 What definitions apply to the Professional Development program?

* * * * *

Educator means an individual who is one or more of—

(1) A teacher (including an early education teacher);

(2) A principal or other school leader;

(3) An administrator;

(4) Specialized instructional personnel (*e.g.,* school psychologist, school counselor, school social worker, school nurse, librarian, early intervention service personnel);

(5) A paraprofessional; or

(6) Faculty.

* * * * *

■ 3. Revise § 263.5 to read as follows:

§ 263.5 What are the application requirements?

An applicant must—

(a) Describe how it will—

(1) Recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers, principals, or school leaders, if applicable;

(2) Use funds made available under the grant to support the recruitment, preparation, retention, and professional development of Indian teachers or principals in LEAs that serve a high proportion of Indian students; and

(3) Assist participants who receive pre-service training in meeting the payback requirements under § 263.9(b), if applicable;

(b) If required by the Secretary through a notice inviting applications published in the **Federal Register**, submit one or more letters of support from LEAs that serve a high proportion of Indian students. Each letter must include—

(1) A statement that the LEA agrees to consider program graduates for employment;

(2) Evidence that the LEA meets the definition of ''LEA that serves a high proportion of Indian students''; and

(3) The signature of an authorized representative of the LEA;

(c) If applying as an Indian organization, demonstrate that the entity meets the definition of ''Indian organization'';

(d) If it is an affected LEA that is subject to the requirements of section 8358 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), consult with appropriate officials from Tribe(s) or Tribal organizations approved by the Tribes located in the area served by the LEA prior to its submission of an application, as required under ESEA section 8538; and

(e) Comply with any other requirements in the application package.

■ 4. Amend § 263.6 by adding paragraphs (b)(5) and (6) to read as follows:

§ 263.6 What priority is given to certain projects and applicants?

* * * * *

(b) * * *

(5) *Indian educator retention.* The Secretary establishes a priority for projects that—

(i) Propose an educator retention initiative to help address the shortage of fully certified Indian educators to help ensure that Indian students gain knowledge and understanding of Native communities, languages, histories, traditions, and cultures and expand their impact on Indian students' education; or

(ii) Support compensated educator leadership models designed to increase the retention of effective, experienced Indian educators who take on additional leadership and peer support responsibilities such that Indian teachers have the opportunity to advance in their careers and earn additional compensation.

(6) *State or local educational agencies or Bureau of Indian Education school lead applicants.* The Secretary establishes a priority for applications that are submitted by one or more of the below types of applicants, in consortium with an institution of higher education, which could include a Tribal college or university:

(i) State educational agency.

(ii) Local educational agency.

(iii) Bureau of Indian Education school.

* * * * *

■ 5. Amend § 263.9 by:

■ a. Revising paragraph (a) introductory text and paragraph (b)(2).

■ b. Adding paragraph (b)(5).

■ c. Removing paragraph (c)(4) and redesignating paragraph (c)(5) as paragraph (c)(4).

■ d. Revising the newly redesignated paragraph (c)(4) and the note to § 263.9.

The revisions and addition read as follows:

§ 263.9 What are the payback requirements?

(a) *General.* All participants who receive pre-service training must—

* * * * *

(b) * * *

(2) The period of time required for a work-related payback is determined as follows:

(i) If a participant was a full-time student in a pre-service training program, the work-related payback period is equivalent to the total period of time for which pre-service training under the Professional Development program was actually received on a month-for-month basis.

(ii) If a participant was a part-time student in a pre-service training program, the work-related payback period is proportional to the accumulated academic years for which pre-service training under the Professional Development program was actually received on a month-for-month basis, taking into consideration the typical academic calendar of the institution where the training was received.

(iii) If a participant received pre-service training as a full-time student for a portion of the program and as a part-time student for another portion of the program, the period of work-related payback is prorated accordingly.

* * * * *

(5) The work-related payback period for an individual supported under the Professional Development program may extend beyond the end of the performance period of the Professional Development grant.

(c) * * *

(4) Notwithstanding paragraph (c)(1) of this section, participants who exited or completed a grant-funded pre-service training program in Federal fiscal year 2020 (October 1, 2019–September 30, 2020) who did not submit employment verification within 24 months of program exit or completion, and participants with qualifying employment during Federal fiscal year 2020 who did not submit employment verification for a 24-month period, will automatically be referred for a cash payback unless the participant qualifies for a deferral as described in § 263.10.

Note to § 263.9: For grants that provide pre-service administrator training, a participant who has received administrator training and subsequently works for a Tribal education agency that provides administrative control or direction of public schools (*e.g.,* BIE-funded schools or charter schools) satisfies the requirements of paragraph (b)(1) of this section.

■ 6. Revise § 263.10 to read as follows:

§ 263.10 What are the exceptions to payback requirements and requirements for payback deferral?

(a) *Exceptions to payback.* Based upon sufficient evidence to substantiate the grounds, the Secretary may grant, in whole or in part, an exception to the repayment requirement in § 263.9 as follows:

(1) Repayment is not required if the participant—

(i) Is unable to continue the course of study or perform the service obligation because of a permanent disability that—

(A) Had not been diagnosed at the time the participant executed the initial agreement; or

(B) Did not originally prevent the participant from performing the requirements of the course of study or the service obligation at the time the participant signed the agreement but subsequently the participant's condition has worsened; or

(ii) Has died.

(2) To request an exception to payback under paragraph (a)(1) of this section for oneself or on behalf of another individual, a requestor must submit an explanation of the reason for the exception along with substantiating evidence to the Secretary through the program officer.

(b) *Deferral of payback.* Subject to meeting the requirements of this section, the Secretary may defer payback requirements during the time the participant is—

(1) Continuing education after completing or exiting the Professional Development program, in a full- or part-time course of study without interruption, in a program leading to a degree at an accredited institution of higher education;

(2) Serving on active duty as a member of the Armed Forces of the United States;

(3) Serving as a full-time volunteer for an Indian Tribe;

(4) Experiencing a temporary disability that affects the participant's ability to continue the course of study or perform the work obligation, for a period not to exceed thirty-six months.

(c) *Secretarial exceptions.* Under limited circumstances as determined by the Secretary and based upon evidence submitted by the participant, the Secretary may grant an exception to, or deferral of, the payback requirement under circumstances not specified in this section. These circumstances may include, but are not limited to, the need to care for a disabled spouse, partner, or child, or to accompany a spouse or partner on active duty in the Armed Forces or Bureau of Indian Affairs law enforcement.

(d) *Requesting payback deferral for continuing education.*

(1) To receive a payback deferral under paragraph (b)(1) of this section, a participant must submit a request to the Secretary through the program officer that includes—

(i) The name of the accredited institution the student will be attending;

(ii) A copy of the letter of admission from the institution;

(iii) The degree being sought; and

(iv) The projected date of completion.

(2) If the Secretary approves the deferral of the payback requirement under paragraph (b)(1) of this section, the participant must submit to the Secretary through the program officer a status report from an academic advisor or other authorized representative of the institution of higher education, showing verification of enrollment and status, after every grading period.

(e) *Requesting payback deferral for active duty in the Armed Forces.* If a participant exits the Professional Development program because the participant is called or ordered to active duty status in connection with a war, military operation, or national emergency for more than 30 days as a member of a reserve component of the Armed Forces named in 10 U.S.C. 10101, or as a member of the National Guard on full-time National Guard duty, as defined in 10 U.S.C. 101(d)(5), the Secretary may defer the payback requirement until the participant has completed the military service. Requests for deferral must be submitted to the Secretary through the program officer within 30 days of the earlier of receiving the call to military service or completing or exiting the Professional Development program, and must include—

(1) A written statement from the participant's commanding or personnel officer certifying—

(i) That the participant is on active duty in the Armed Forces of the United States;

(ii) The date on which the participant's service began; and

(iii) The date on which the participant's service is expected to end; or

(2) (i) A true certified copy of the participant's official military orders; and

(ii) A copy of the participant's military identification.

(f) *Requesting payback deferral for volunteer work.*

(1) To receive a payback deferral related to qualifying volunteer work under paragraph (b)(3) of this section, the participant must submit a request to the Secretary through the program officer that includes—

(i) The name of the Indian Tribe at which the participant will be volunteering;

(ii) A copy of the letter appointing the participant as a full-time volunteer at the Indian Tribe;

(iii) A statement of volunteer work to be performed; and

(iv) The projected date of completion.

(2) If the Secretary approves payback deferral under this paragraph (f), the participant must submit to the Secretary through the program officer a status report from an authorized representative from the entity with which the participant is volunteering, showing verification of continued engagement every 12 months. The Secretary may defer the payback requirement until the participant has completed his or her qualifying volunteer work, for a period not to exceed 36 months.

(g) To receive a payback deferral under paragraph (b)(4) of this section, the participant must submit a request to the Secretary through the program officer that includes—

(1) An explanation of the reason for the deferral;

(2) An indication of the length of time for which they are requesting deferral; and

(3) Substantiating evidence.

■ 7. Revise § 263.12 to read as follows:

263.12 What are the post-award requirements for grantees providing pre-service training?

(a) *Requirement for payback meeting.* Prior to providing funds or services to a participant, the grantee must conduct a payback meeting with the participant to explain the costs of training and payback responsibilities following training.

(b) *Requirement for payback agreement.* (1) Prior to providing funds or services to a participant, and for each subsequent year that training funds are disbursed, the grantee must enter into a written agreement with each participant in which the participant agrees to the terms and conditions required by this section.

(2) The payback agreement must explain the Secretary's authority to grant deferrals and exceptions to the service obligation pursuant to § 263.10 and include—

(i) The current Department address for purposes of the participant's compliance with § 263.11, or any other purpose under this part, and other Office of Indian Education contact information;

(ii) The estimated length of training;

(iii) The total training costs;

(iii) The total amount of assistance accrued year-to-date;

(iv) The total number of months in the service obligation year-to-date;

(v) A statement explaining that work must be in an ''LEA that serves a high proportion of Indian students,'' and the regulatory definition of that phrase; and

(vi) Information documenting that the grantee held a payback meeting with the participant that meets the requirements of this section.

(3) A grantee must submit a signed payback agreement to the Department within 30 days of the date on which the payback agreement is fully executed by the grantee and participant. The grantee must provide a copy of the payback agreement to the participant upon execution.

(c) *Exit certification.* At the time of exit from the program, the grantee must provide the below information to the participant. Upon receipt of this information from the grantee, the participant must provide written certification to the grantee that the information is correct:

(1) The name of the institution where the participant received pre-service training and the number of the Federal grant that provided the scholarship.

(2) The number of months the participant needs to work in an LEA that serves a high proportion of Indian students to satisfy the payback requirements in § 263.9.

(3) The total amount of financial assistance received.

(4) The participant's field of study and the obligation of the participant to perform the service obligation with employment that meets the requirements in § 263.9(b).

(d) *Career preparation.* During the grant period, a grantee must conduct activities to assist participants in identifying qualified employment opportunities following completion of the program.

(e) *Information and annual reporting.* The grantee must report to the Secretary all participant training and payback information in a manner specified by the Secretary as well as any other information that is necessary to carry out the Secretary's functions under section 6122 of the ESEA and this part. Each grantee will make annual reports to the Secretary, unless more frequent reporting is required by the Secretary, that are necessary to carry out the Secretary's functions under this part.

(f) *Standards for satisfactory progress.* The grantee must establish, publish, notify participants of, and apply reasonable standards for measuring whether a participant is making satisfactory progress in the training program. The Secretary considers an institution's standards to be reasonable if the standards—

(1) Are the same as the institution's standards for a student enrolled in the same academic program who is not receiving assistance under this program; and

(2) Include the following elements:

(i) Grades, work projects completed, including performance tasks, or comparable factors that are measurable against a norm and are aligned with demonstrating effective practice.

(ii) A maximum timeframe in which the participant must complete the participant's educational objective, degree, or certificate.

(iii) Consistent application of standards to all participants within categories of students, (*e.g.,* full-time, part-time, undergraduate students, and graduate students).

(iv) Specific policies defining the effect of course incompletes, withdrawals, repetitions, and noncredit remedial courses on satisfactory progress.

(v) Specific procedures for appeal of a determination that a participant is not making satisfactory progress and for reinstatement of aid.

(g) *Requirement for Indian Preference.* (1) Under section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638), to the greatest extent feasible, a grantee must—

(i) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(ii) Give to Indian organizations and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant.

(2) For the purposes of this paragraph (g), an Indian is a member of any federally recognized Indian Tribe.

(Authority: 20 U.S.C. 7442, 25 U.S.C. 5304, 5307)

[FR Doc. 2024–16206 Filed 7–26–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 216

[Docket DARS–2024–0023]

RIN 0750–AL80

Defense Federal Acquisition Regulation Supplement: Task Order and Delivery Order Contracting for Architectural and Engineering Services (DFARS Case 2023–D007)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2023 that provides directions for awarding architectural and engineering service task orders and delivery orders under multiple-award contracts.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before September 27, 2024, to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by DFARS Case 2023–D007, using either of the following methods:

○ *Federal eRulemaking Portal: https://regulations.gov.* Search for DFARS Case 2023–D007. Select ''Comment'' and follow the instructions to submit a comment. Please include ''DFARS Case 2023–D007'' on any attached documents.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2023–D007 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly R. Ziegler, telephone 703–901–3176.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is proposing to amend DFARS subpart 216.5, Indefinite-Delivery Contracts, to implement section 802 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 (Pub. L. 117–263), which amends 10 U.S.C. 3406. Section 802 added a requirement at 10 U.S.C. 3406(h)(1) for DoD contracting officers to use qualification-based selections when awarding task orders and delivery orders for architectural and engineering (AE) services in accordance with Federal Acquisition Regulation (FAR) subpart 36.6 and 40 U.S.C. chapter 11 (The Brooks Architect Engineer Act). Section 802 also added, at 10 U.S.C. 3406(h)(2), direction that prevents contracting officers from routinely requesting additional information regarding qualifications when awarding task orders or delivery orders under a multiple-award contract.

The final rule for FAR Case 2004–001, Improvements in Contracting for Architect-Engineer Services, was published in the **Federal Register** at 70 FR 57452 on September 30, 2005, to implement section 1427(b) of the NDAA for FY 2004 (Pub. L. 108–136). Section 1427(b) required the use of FAR subpart 36.6 procedures for the selection of contractors and placement of orders under multiple-award contracts, among other similar requirements. The final rule placed new direction pertaining to AE services at FAR 16.500(d), 16.505(a)(9), and 36.600. The requirement at 10 U.S.C. 3406(h)(1) closely resembles the direction provided at FAR 16.500(d). Since the direction at FAR 16.500(d) applies Governmentwide, DoD is currently complying with 10 U.S.C. 3406(h)(1).

II. Discussion and Analysis

The proposed rule implements 10 U.S.C. 3406(h)(1) by utilizing the existing Governmentwide direction at FAR 16.500(d) and reminds DoD contracting officers, at DFARS 216.500(d)(i), of the applicability of the Governmentwide guidance. This proposed rule adds the DoD-specific statutory guidance required by 10 U.S.C. 3406(h)(2), at DFARS 216.500(d)(ii), to direct contracting officers not to request additional information regarding qualifications unless necessary to determine qualifications for a particular task order or delivery order under a multiple-award contract.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Services and Commercial Products, Including Commercially Available Off-the-Shelf (COTS) Items

This proposed rule does not create any new solicitation provisions or contract clauses. It does not impact any existing solicitation provisions or contract clauses or their applicability to contracts valued at or below the simplified acquisition threshold, for commercial products including COTS items, or for commercial services.

IV. Expected Impact of the Rule

DoD does not expect the proposed rule, when finalized, to have a significant impact on the public because the rule maintains the status quo regarding procedures for awarding task orders or delivery orders for AE services under multiple-award contracts. The FAR currently provides those procedures at subpart 36.6. This DFARS proposed rule points to those procedures.

This proposed rule also adds language to prevent contracting officers from requesting unnecessary information regarding qualifications. Therefore, the proposed rule may reduce the resubmission of qualification information when competing for AE services under multiple-award contracts. Contracting officers will request additional information only when necessary to determine the most qualified offeror for the particular task order or delivery order.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, as amended.

VI. Regulatory Flexibility Act

DoD does not expect this proposed rule, when finalized, to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,*

because the proposed rule reduces the burden on small entities participating on multiple-award contracts for AE services. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

This rule proposes to amend the DFARS to implement section 802 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 (Pub. L. 117–263), which amends 10 U.S.C. 3406. Section 802 requires DoD contracting officers to use qualification-based selections when awarding task orders and delivery orders for architectural and engineering (AE) services (10 U.S.C. 3406(h)(1)), a requirement that is already in Federal Acquisition Regulation (FAR) 16.500(d), 16.505(a)(9), and 36.600. Section 802 also prevents contracting officers from routinely requesting additional information regarding qualifications when awarding task orders or delivery orders under a multiple-award contract (10 U.S.C. 3406(h)(2)).

The objective of the rule is to ensure DoD contracting officers follow the new direction provided by 10 U.S.C. 3406(h)(2) when awarding task orders and delivery orders for AE services in accordance with current regulations and 10 U.S.C. 3406(h)(1). The legal basis of the rule is section 802 of the NDAA for FY 2023.

This proposed rule, when finalized, will apply to small entities performing AE services under multiple-award contracts, which includes indefinite-delivery, indefinite-quantity contracts. The proposed rule is expected to reduce the burden on small entities by preventing contracting officers, when awarding task orders or delivery orders, from requiring the submittal of qualification information that was previously submitted and evaluated for the award of the basic multiple-award contract. The contracting officer may now request qualification information that is necessary to determine the most qualified offer for the particular task order or delivery order.

Data obtained from the Federal Procurement Data System for FY 2020, 2021, and 2022 indicates that DoD awards an average of 4,600 task orders and delivery orders for AE services annually. Of the estimated 4,600 orders, an average of approximately 2,600 awards are made annually to an estimated 453 unique small entities. For each task order or delivery order award, DoD estimates that 3 multiple-award contract awardees will submit an offer in response to a request for proposal. As a result, it is estimated that approximately 1,359 small entities will benefit from any reduction in burden provided by the proposed rule, when finalized.

The proposed rule does not impose any new reporting, recordkeeping, or compliance requirements.

The proposed rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no practical alternatives that will accomplish the objectives of the statute.

DoD invites comments from small business concerns and other interested parties on the expected impact of this proposed rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this proposed rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2023–D007), in correspondence.

VII. Paperwork Reduction Act

This proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 216

Government Procurement.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, the Defense Acquisition Regulations System proposes to amend 48 CFR part 216 as follows:

■ 1. The authority citation for 48 CFR part 216 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 216—TYPES OF CONTRACTS

■ 2. Add section 216.500 to read as follows:

216.500 Scope of subpart.

(d)(i) When awarding task orders or delivery orders for architect-engineer services under a multiple-award contract, follow the procedures for the selection of contractors and placement of orders at FAR 36.6 to implement 10 U.S.C. 3406(h)(1).

(ii) Contracting officers shall not request additional information related to contractor qualifications, unless it is necessary to determine the most highly qualified contractor for the particular task order or delivery order (10 U.S.C. 3406(h)(2)).

[FR Doc. 2024–16335 Filed 7–26–24; 8:45 am]

BILLING CODE 6001–FR–P

Notices

Federal Register
Vol. 89, No. 145
Monday, July 29, 2024

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 28, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program Repayment Demand and Program Disqualification.

OMB Control Number: 0584–0492.

Summary of Collection: This information collection request is associated with initiating collection actions against households who received an over issuance in the Supplemental Nutrition Assistance Program (SNAP), issuing notifications to SNAP households regarding processes related to intentional program violations (IPV), and using disqualified recipient data to ascertain the correct penalty for IPVs, based on prior disqualifications.

Section 13(b) of the Food and Nutrition Act of 2008, as amended (7 U.S.C. 2022(b)), and SNAP regulations at 7 CFR 273.18(a)(2) require State agencies to initiate collection action against households that have been overissued benefits. To initiate collection action, State agencies must provide the affected household with written notification informing the household of the claim and demanding repayment. This process is automated in most State agencies.

SNAP regulations at 7 CFR 273.16(a)(1) require State agencies to investigate any case of suspected fraud and, where applicable, make an IPV determination either administratively or judicially. This activity is vital to protect and enhance the integrity of SNAP.

SNAP regulations at 7 CFR 273.16(i)(4) require State agencies to use disqualified recipient data to ascertain the correct penalty for IPVs, based on prior disqualifications.

Electronic Disqualified Recipient System (eDRS) for Accessing, Reviewing, and Updating Disqualified Recipient Data—SNAP regulations at 7 CFR 273.16(i)(4) require State agencies to use disqualified recipient data to ascertain the correct penalty for IPVs, based on prior disqualifications. State agencies determine this by accessing and reviewing records located in the Electronic Disqualified Recipient System (eDRS). eDRS is an automated system developed by the Food and Nutrition Service (FNS) that contains records of disqualifications in every State. State agencies are also responsible for updating the system, as required at 273.16(i)(2)(i), which includes reporting disqualifications in eDRS as they occur and updating eDRS when records are no longer accurate, relevant, or complete.

Retention of records. Each State agency shall retain all Program records in an orderly fashion for audit and review purposes for no less than 3 years from the month of origin of each record. In addition:

Case records relating to intentional Program violation disqualifications and related notices to the household shall be retained indefinitely until the State agency obtains reliable information that the record subject has died or until FNS advises via the disqualified recipient database system edit report that all records associated with a particular individual, including the disqualified recipient database record, may be permanently removed from the database because of the individual's 80th birthday.

Disqualification records submitted to the disqualified recipient database must be purged by the State agency that submitted them when the supporting documents are no longer accurate, relevant, or complete. The State agency shall follow a prescribed records management program to meet this requirement. Information about this program shall be available for FNS review.

Need and Use of the Information: Initiating Collection Action—The notification must conform to the requirements of 7 CFR 273.18(e)(3)(iv) to include the data The amount of the claim, the intent to collect from all adult household members, the type of and reason for the claim, the time period associated with the claim, how the claim was calculated, a listing of payment procedures and applicable options, a listing of appeal and due process rights, and listing of actions that may be taken if the claim is not timely paid.

Intentional Program Violations (IPV)—A State agency may determine an IPV by the individual accepting the penalty by signing a waiver of right to an administrative disqualification hearing (ADH), the individual signing a disqualification consent agreement in cases of deferred adjudication, or an administrative hearing official or a court of appropriate jurisdiction determining that the individual committed the IPV.

SNAP regulations at 7 CFR 273.16(e)(3) require that State agencies provide written notification of an

impending ADH to the individual suspected of committing an IPV. The notification contains an explanation of the charge against the individual, the potential penalties, and a listing of the rights and options afforded to the individual. A similar notification is sent to individuals who are being prosecuted through the court.

In some State agencies, one of the options available to the individual under 7 CFR 273.16(f)(2) is the ability for the individual to waive the right to an ADH and accept the disqualification penalty. The disqualification waiver may be included in the advance notification or provided as a separate attachment for the individual to sign and submit to avoid having the ADH. Similarly, under 7 CFR 273.16(h)(2), State agencies may establish procedures to provide the accused individual with the option to consent to a Program disqualification to avoid criminal prosecution.

Once a determination is made regarding an IPV, the State agency must send notification to the affected individual of the action taken on the ADH or court decision, as required at 7 CFR 273.16(e)(9). This includes notifying the person that he/she will be disqualified and when the disqualification will become effective. One of the factors used by a State agency to determine the appropriate disqualification penalty to assign to an individual is whether or not the individual was found to have committed any prior IPVs. The way that State agencies determine this is by accessing and checking eDRS. eDRS is an automated system developed by FNS that contains records of disqualifications in every State. Per 7 CFR 273.16(i)(4) State agencies are responsible for checking eDRS to determine the appropriate length of each disqualification.

7 CFR 273.16(i)(2)(i) requires State agencies to update the eDRS system, which includes reporting disqualifications as they occur and removing records which are no longer accurate, relevant, or complete. States have a choice between using a batch process for correcting and resubmitting data or submitting data directly through the eDRS website. Data entry errors are identified at the point of entry and corrections can be made immediately.

Description of Respondents: State Agencies and Individuals.

Number of Respondents: 486,769.

Frequency of Responses: Recordkeeping; Reporting: Occasionally; Annually.

Total Burden Hours: 99,786.9643.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–16592 Filed 7–26–24; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 28, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: The FNS User Access Request Form Data Collection.

OMB Control Number: 0584–0532.

Summary of Collection: The Federal Information Security Modernization Act of 2014 (*Pub. L. 113–283*) and Office of Management and Budget (OMB) Circular A–130, Managing Information as a Strategic Resource, established a minimum set of controls to be included in Federal automated information security programs. Establishing minimum controls over the provisioning of access to sensitive systems and data is directed in OMB Circular A–130.

Need and Use of the Information: The FNS User Access Request Form, FNS–674, is designed for this purpose and can be used in situations where (1) access to the FNCS network or an FNCS information system is required; (2) current access is required to be modified; and (3) access is no longer required and must be revoked. FNCS employees, contractors, State Agencies and partners (Food Banks, etc.) have requested access to FNCS systems via the User Access Request form. FNCS has used the information collected to grant access to the FNCS network and information systems. Information that is collected includes: Name, e-Authentication ID (if applicable), telephone number, email address, contract expiration date, temporary employee expiration date, office address, State/locality codes, system name, form type, type of access, action requested, comments and special instructions.

Description of Respondents: State and Local Government, Private Sector Businesses or other for-profits institutions.

Number of Respondents: 7,200.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2,370.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–16555 Filed 7–26–24; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

[Docket No. RHS–24–CF–0026]

Announcement of the Availability of Community Facilities Program Disaster Grants

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (RHS or Agency), a Rural Development (RD) mission area of the United States Department of Agriculture (USDA), announces the availability of up to $38 million in grant funding through its Community Facilities Program (CF) to repair essential community facilities

damaged by Presidentially Declared Disasters in Calendar Year (CY) 2022 or to repair or replace essential community facilities damaged by Presidentially Declared Disasters in CY 2023 and Other Disasters in CY 2023, to remain available until expended. RHS may at its discretion, increase the total level of funding available from any available source provided the awards meet the requirements of the statute which made the funding available to the Agency. This Notice supersedes the prior Disaster Grant Notice published in the **Federal Register** on July 20, 2023.

DATES: Preapplications and complete applications for the Community Facilities Program Disaster Grants will be accepted on a continual basis by the applicable USDA RD State Office (see **ADDRESSES** section for details), beginning on July 29, 2024, until all funds have been obligated. The applicable USDA RD State Office will conduct an initial review and rating of preapplications and complete applications received by 4:00 p.m. local time on September 12, 2024. Subsequent preapplication and application reviews, rankings, and selections will occur in additional rounds if funds remain. Interested applicants must contact the RD Office for the state where the project is located to discuss potential projects prior to preparing their application.

ADDRESSES: This funding opportunity will be made available on *Grants.gov* for informational purposes only. Preapplications and complete applications must be submitted to the USDA RD State Office for the state where the project is located. Application information may be submitted in paper or electronic format to the appropriate RD State Office and will be accepted on a continual basis until all funds have been obligated.

Applicants must contact their respective RD State Office for information on grant eligibility, the application process, and for an address to submit application information. A list of the USDA RD State Office contacts can be found at: *https://www.rd.usda.gov/about-rd/state-offices.*

FOR FURTHER INFORMATION CONTACT: Surabhi Dabir at *Surabhi.dabir@usda.gov,* Community Facilities Program, RHS, USDA, or call 202–578–9315. Persons with disabilities that require alternative means for communication should contact the Federal Relay Service at 711 Relay Service.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency Name: Rural Housing Service (RHS), USDA.

Funding Opportunity Title: Announcement of the Availability of Community Facilities Program Disaster Grants.

Announcement Type: Notice of Funding Opportunity (NOFO).

Funding Opportunity Number: USDA–RHS–CFDG–2024.

Assistance Listing: 10.766.

Dates: Preapplications and complete applications for the Community Facilities Disaster Grant Program will be accepted on a continual basis by the applicable USDA RD State Office (see **ADDRESSES** section for details), beginning on July 29, 2024, until all funds have been obligated. The applicable USDA RD State Office will conduct an initial review and rating of preapplications and complete applications received by 4:00 p.m. local time on September 12, 2024. Subsequent preapplication and application reviews, rankings, and selections will occur in additional rounds if funds remain. Interested applicants must contact the RD Office for the state where the project is located to discuss potential projects prior to preparing their application.

Rural Development Key Priorities: The Agency encourages applicants to consider projects that will advance the following key priorities (more details available at *https://www.rd.usda.gov/priority-points*):

- *Creating More and Better Market Opportunities:* Assisting rural communities recover economically through more and better market opportunities and through improved infrastructure;
- *Advancing Racial Justice, Place-Based Equity, and Opportunity:* Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects; and
- *Addressing Climate Change and Environmental Justice:* Reducing climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities.

A. Program Description

1. Purpose of the Program

CF offers direct loans, loan guarantees and grants to develop or improve essential public services and facilities in communities across rural America. Public bodies, non-profit organizations and Federally recognized Tribes can use the funds to construct, expand or improve facilities that provide health care, education, public safety, and public services. Projects include fire and rescue stations, village and town halls, health care clinics, hospitals, adult and childcare centers, assisted living facilities, rehabilitation centers, public buildings, schools, libraries, and many other community-based initiatives.

This Notice supersedes the prior Notice titled ''Announcement of the Availability of Community Facilities Program Disaster Repair Grants'' that published in the **Federal Register** [88 FR 46732] on July 20, 2023. This Notice is being issued pursuant to the disaster funds made available by the Disaster Relief Supplemental Appropriations Act, 2023 and amended by General Provision sec. 774 of the Consolidated Appropriations Act, 2024. Grants will be provided to eligible applicants to repair eligible essential community facilities damaged by Presidentially Declared Disasters that occurred in CY 2022 or to repair or replace eligible community facilities damaged by Presidentially Declared Disasters and Other Disasters that occurred in CY 2023. For the most current list of Presidentially Declared Disasters, visit the United States (U.S.) Department of Homeland Security, Federal Emergency Management Agency (FEMA) website at *https://www.fema.gov/disaster/declarations.*

Details on eligible CF applicants and eligible CF projects may be found in Section C. Eligibility Information below.

While RD State Offices will review and process applications received, grant funds will be held in reserve by the USDA Rural Development National Office. State Offices may request funds for obligation as needed. If at any time the demand for grant funds is greater than the amount of grant funds available, a priority ranking scoring system will be used by the RD National Office to determine which projects are selected for further processing.

2. Statutory and Regulatory Authority

The Community Facilities Disaster Grant Program is authorized under Division N—Disaster Relief Supplemental Appropriations Act, 2023 of the Consolidated Appropriations Act, 2023 (Pub. L. 117–328); Sec. 774 of the Consolidated Appropriations Act, 2024 (Pub. L. 118–42); and Section 306(a)(19) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(19)); 2 CFR parts 200 and 400 (uniform Federal grant awards regulations) and 7 CFR part 3570, subpart B, Community Facilities Grant Program regulations.

3. Definitions

In addition to the definitions and abbreviations noted below that are

relevant to this Notice, please refer to 7 CFR 3570.53 [*https://www.ecfr.gov/current/title-7/section-3570.53*] for further additional definitions relevant to this Notice:

Calendar Year (CY). The period of time beginning on January 1 and ending on December 31 for a given year.

Eligible 2022 Disasters. Disasters that occurred in CY 2022 for which a declaration was made by the President in accordance with applicable statutes that a disaster occurred, necessitating assistance in the recovery of the impacted area.

Eligible 2023 Disasters.

(i) Disasters that occurred in CY 2023 for which a declaration was made by the President in accordance with applicable statutes that a disaster occurred, necessitating assistance in the recovery of the impacted area; or

(ii) *Other Disasters:* Events that occurred in CY 2023 that were caused by a natural catastrophe, technological accident, or human-caused event that results in severe property damage, deaths, multiple injuries, and/or severe environmental harm for which:

1. there was a declaration of a disaster or public health emergency by a local, state, or Tribal government in accordance with applicable law;

2. there was a Presidential Executive Order related to the disaster; or

3. there was a multi agency response effort at the Federal and/or Tribal level was undertaken to address the impact of the disaster.

Preapplication. The components of an application and supporting information that will be used to determine applicant eligibility and a proposed project's priority for available funds.

4. Application of Awards

The Agency will review and evaluate applications received in response to this notice based on the eligibility provisions found in 7 CFR 3570.61 and as indicated in this notice. For instance, applicants must be organized as a public body, community-based nonprofit corporation or association, or a Federally recognized Tribe. Further, the proposed project must primarily serve rural areas, be in an eligible rural area, serve a public purpose, and the applicant must be unable to finance the proposed project from its own resources, or other funding resources, or through commercial credit at reasonable rates and terms without the requested grant assistance. Applications will be processed by the USDA RD State Office in the state where the applicant's project is located. Applications under the Community Facilities Disaster Grant Program will be accepted on a continual basis until funds are fully obligated. Applications received by 4:00 p.m. local time on September 12, 2024 will be scored on a priority basis in accordance with criteria outlined in E. Application Review Information in this notice.

If at any time the demand for grant funds is greater than the amount of grant funds available, a priority ranking scoring system will be used to determine which projects are selected for further processing.

B. Federal Award Information

Type of Award: Grants.

Fiscal Year Funds: Funds available until expended.

Available Funds: Up to $38 million. RHS may at its discretion, increase the total level of funding available from any available source provided the awards meet the requirements of the statute which made the funding available to the Agency.

Award Amounts: Grants may cover up to 75 percent of total project cost. There is no minimum or maximum award amount. The Agency will review and evaluate applications received as set forth in this Notice. The Agency will assign points to each application in accordance with the scoring and selection criteria outlined in this Notice.

Anticipated Award Date: It is anticipated that all awards will be made by December 31, 2024. However, funds remain available until fully obligated. Subsequent application reviews, rankings, and selections may occur in additional rounds if funds remain available.

Performance Period: The period of performance will be noted in the Grant Agreement and will extend for 5 years from the date of obligation of funds.

Renewal or Supplemental Awards: None.

Type of Assistance Instrument: Grant.

C. Eligibility Information

1. Eligible Applicants

An eligible CF applicant must:

(a) Be one of the types of entities outlined in 7 CFR 3570.61(a);

(b) Be unable to finance the proposed project from its own resources, or through commercial credit as outlined in 7 CFR 3570.61(c); and

(c) Have the legal authority and responsibility to own, construct, operate, and maintain the proposed Facility as outlined in 7 CFR 3570.61(e).

2. Eligible Projects

An eligible CF project must:

(a) Be an eligible Facility as outlined in 7 CFR 3570.61(b);

(b) Be financially feasible as outlined in 7 CFR 3570.61(d); and

(c) Be for public use as outlined in 7 CFR 3570.61(f).

3. Eligible Uses of Funds

Grant funds must be used to repair essential community facilities damaged by Eligible 2022 Disasters, or to repair or replace essential community facilities damaged by Eligible 2023 Disasters, including the replacement of damaged equipment or vehicles and/or the purchase of new equipment to undertake repairs to damaged facilities and for related purposes as outlined in 7 CFR 3570.62. Such damage may include physical or environmental harm that reduces the value, usefulness, or normal function of an eligible essential community facility.

4. Project Location Eligibility

To be eligible for CF Program Disaster Grants under this Notice:

The eligible project must be located in an eligible rural area (including a rural area of a Reservation for Tribes) impacted by Eligible 2022 Disasters or Eligible 2023 Disasters. The term ''rural and rural area'' is defined in Section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)), as amended, as a city, town or, unincorporated area that has a population of not more than 20,000 inhabitants, and which excludes certain populations pursuant to 7 U.S.C. 1991(a)(13)(H) and (I). The boundaries for unincorporated areas in determining populations will be based on the Census Designated Places (CDP). Data from the 2020 Census will be used in determining population.

For information on determining if a project is located in an area with a Presidential Disaster Declaration go to *https://www.fema.gov/disaster/declarations.*

For information indicating a project is located in an area impacted by Other Disasters in CY 2023, please secure documentation such as a declaration of a disaster or public health emergency by a local, state, or Tribal government in accordance with applicable law; Presidential Executive Order related to the disaster; or demonstration that a multi-agency response effort at the Federal or Tribal level was undertaken to address the impact of the disaster. Your state emergency management agency may be able to assist. Go to *https://www.usa.gov/state-emergency-management* for more information. This documentation should be included with your preapplication.

5. Cost Sharing or Matching

The Community Facilities Program Disaster Grant may fund up to 75

percent of the cost of repair to a damaged Facility. Funding for the balance of the project may consist of other CF financial assistance, applicant contributions, or loans and grants from other sources. In-kind contributions are not an acceptable source of cost-sharing funds. Applicants must utilize cash contributions to fund the remaining project costs and these funds must be expended for an eligible purpose. The Community Facilities Direct Loan Program resources are also available to eligible applicants to satisfy cost sharing requirements. Applicants may request a combination of Community Facilities Direct Loan and Disaster Grants in one application.

6. Other Program Requirements

Grant funds will be administered in accordance with this notice and all applicable statutory and regulatory requirements including eligibility for CF grants. Further, the Agency will consider the applicant's ability to finance the proposed project from its own resources, other funding resources, and/or through commercial credit at reasonable rates and terms.

D. Application and Submission Information

1. Address To Request Application Package

The requirements for submitting an application can be found at 7 CFR 3570.65. Applications will be processed by a USDA RD State Office. Agency state office contact information is available at *https://www.rd.usda.gov/about-rd/state-offices.* Interested applicants must contact the RD Office for the state where the project is located to discuss potential projects prior to preparing their application. Applications will be accepted on a continual basis until funds are fully obligated.

2. Content and Form of Application Submission

An application must contain all the required elements outlined in 7 CFR 3570.65. Applicants must meet applicable statutory and regulatory requirements including environmental, procurement, and construction requirements, including adherence to applicable Tribal, state and local codes and standards. The applicable RD State Office can assist applicants in understanding complete application requirements based on the scope of the proposed project.

Applicants may elect to submit a preapplication or a complete application for funds. Applicants that elect to first submit a preapplication will do so to determine applicant eligibility and the proposed project's priority for available funds. Each preapplication must include an SF–424, ''Application for Federal Assistance'' with project description; evidence of an applicant's legal existence and authority; appropriate clearinghouse agency comments; and financial feasibility report, RD Form 1942–54 ''Applicant's Feasibility Report.'' Preapplications and complete applications must address the criteria presented in E. Application Review Information of this Notice, such as population of the project location, median household income of the population served, whether the project addresses a public healthcare emergency or public safety response at the local, state, national and/or Tribal level, and whether the project is in an area impacted by a disaster that has necessitated a coordinated inter-agency strategic response.

For projects located in an area impacted by an Other Disasters event in CY 2023, applications and preapplications must include documentation such as a declaration of a disaster or public health emergency by a local, state, or Tribal government in accordance with applicable law; a Presidential Executive Order related to the disaster; or documentation demonstrating that a multi-agency response effort at the Federal or Tribal level was undertaken to address the impact of the disaster.

3. System for Award Management and Unique Entity Identifier

(a) At the time of application, each applicant must have an active registration in the System for Award Management (SAM) before submitting its application in accordance with 2 CFR part 25. In order to register in SAM, entities will be required to obtain a Unique Entity Identifier (UEI). Instructions for obtaining the UEI are available at *https://sam.gov/content/entity-registration.*

(b) Applicant must maintain an active SAM registration, with current, accurate and complete information, at all times during which it has an active Federal award or an application under consideration by a Federal awarding agency.

(c) Applicant must ensure they complete the Financial Assistance General Certifications and Representations in SAM.

(d) Applicants must provide a valid UEI in its application, unless determined exempt under 2 CFR 25.110.

(e) The Agency will not make an award until the applicant has complied with all SAM requirements including providing the UEI. If an applicant has not fully complied with the requirements by the time the Agency is ready to make an award, the Agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. Submission Dates and Times

Applications will be accepted on a continual basis, beginning on the publication date of this Notice, until all funds are obligated. The applicable USDA Rural Development State Office will conduct an initial review and rating of complete applications and preapplications received by 4:00 p.m. local time on September 12, 2024. Subsequent application reviews, rankings, and selections may occur in additional rounds if funds remain.

5. Intergovernmental Review

Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many states have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House website: *https://www.whitehouse.gov/omb/management/office-federal-financial-management/.* If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your state has not established a SPOC, you may submit your application directly to the Agency. Applications from Federally recognized Tribes are not subject to this requirement.

6. Funding Restrictions

Grant funds may not be used to fund ineligible purposes per 7 CFR 3570.63.

Grant funds may not be used to:

(a) Pay initial operating expenses or annual recurring costs, including purchases or rentals that are generally considered to be operating and maintenance expenses (unless a CF loan is part of the funding package);

(b) Construct or repair electric generating plants, electric transmission lines, or gas distribution lines to provide services for commercial sale;

(c) Refinance existing indebtedness;

(d) Pay interest;

(e) Pay for facilities located in nonrural areas, except as noted in § 3570.61(b)(1);

(f) Pay any costs of a project when the median household income of the population to be served by the proposed Facility is above 90 percent of the State Nonmetropolitan Median Household Income (SNMHI);

(g) Pay project costs when other loan funding for the project is available at reasonable rates and terms;

(h) Pay an amount greater than 75 percent of the cost to develop the Facility;

(i) Pay costs to construct facilities to be used for commercial rental unless it is a minor part (15 percent or less) of the total floor space of the proposed Facility, provided, however, that the ineligible activity must be related to and enhance the primary purpose of the Facility;

(j) Construct facilities primarily for the purpose of housing State, Federal, or quasi-Federal agencies;

(k) Pay for any purposes restricted by 7 CFR 1942.17(d)(2); and

(l) Pay expenses that have been reimbursed from any other sources or that other sources are obligated to reimburse.

E. Application Review Information

1. Criteria

Application Review Information—Applications and preapplications will be reviewed in accordance with 7 CFR 3570.70 and scored by RD State Offices on a priority basis in accordance with the criteria below. If at any time the demand for grant funds is greater than the amount of grant funds available, the RD National Office will utilize a priority ranking scoring system to determine which projects may proceed with a complete application for funding. Points will be distributed as follows:

(a) *Population priorities.* The proposed project is located in a rural community having a population of:

(1) 5,000 or less—30 points;

(2) Between 5,001 and 12,000, inclusive—20 points; or

(3) Between 12,001 and 20,000, inclusive—10 points.

(b) *Income priorities.* The median household income of the population to be served by the proposed project is below the higher of the poverty line or:

(1) 60 percent of the SNMHI—30 points;

(2) 70 percent of the SNMHI—20 points;

(3) 80 percent of the SNMHI—10 points; or

(4) 90 percent of the SNMHI—5 points.

(c) *Other priorities.* Points will be assigned for one or more of the following:

(1) Project is aligned with a state strategic plan or priorities—10 points;

(2) Project addresses a declared public health emergency by a local, state, or Tribal government in accordance with applicable law—10 points; and/or

(3) Project addresses public safety—10 points.

(d) *Discretionary.*

The State Director may assign up to 15 points to a project in addition to those that may be scored under paragraphs (a) through (c) of this section, in accordance with 7 CFR 3570.67(d)(1). These points are to address unforeseen exigencies or emergencies, such as the loss of a community facility due to an accident or natural disaster or the loss of joint financing if Agency funds are not committed in a timely fashion. In addition, the points will be awarded to projects benefiting from the leveraging of funds in order to improve compatibility and coordination between the Agency and other agencies' selection systems and for those projects that are the most cost effective.

In selecting projects for funding at the National Office level, additional points will be awarded based on the priority assigned to the project by the State Office. Only the three highest priority projects for a State will be awarded points, with the top ranked project receiving 5 points, the next one receiving 3 points, and the third ranked project receiving 1 point.

The Administrator may also assign up to 30 additional points to account for geographic distribution of funds, emergency conditions caused by economic problems, and other initiatives identified by the Secretary.

Due to the competitive nature of this program, complete applications and Preapplications receiving the same score will be competed/ranked based on the Income priority score, and then if necessary, the Population priority score.

2. Review and Selection Process

The Agency reserves the right to offer the applicant less than the grant funding requested.

Applications will be reviewed by RD State Offices in accordance with 7 CFR 3570.70 (a)–(d) and scored on a priority basis in accordance with the criteria outlined in this Notice. If at any time the demand for grant funds is greater than the amount of grant funds available, the RD National Office will use a priority ranking scoring system to determine which projects are invited to submit a complete application. Each request for grant assistance will be carefully scored and prioritized to determine which projects should be selected for further development and funding.

The RD National Office will inform State Office approval officials of the eligible applications with the highest priority score that may proceed with a complete application for funding. When selecting projects, the following circumstances must be considered:

(1) Scoring of project and scores of other applications on hand;

(2) Funds available in the National Office reserve; and

(3) If other Community Facilities financial assistance is needed for the project, the availability of other funding sources.

3. Anticipated Announcement and Federal Award Dates

The applicable USDA Rural Development State Office will conduct an initial review and rating of preapplications and complete applications received by 4:00 p.m. local time on September 12, 2024. Subsequent application reviews, rankings, and selections will occur in additional rounds if funds remain.

F. Federal Award Administration Information

1. Federal Award Notices

Applicants selected for funding will be provided a Letter of Conditions. Upon acceptance of the conditions, the applicant will sign and return to the processing office Forms RD 1942–46, ''Letter of Intent to Meet Conditions'', and RD 1940–1, ''Request for Obligation of Funds''. The grant is approved on the date an Agency signed copy of Form RD 1940–1, ''Request for Obligation of Funds,'' is mailed to the applicant.

Prior to the disbursement of grant funds, applicants approved for funding will be required to sign an Agency approved Grant Agreement, meet any pre-disbursement conditions outlined in the Letter of Conditions, and meet the applicable Statutory or Regulatory authority for this action listed in Section A. Program Description.

In the event the application is not approved, the applicant will be notified in writing of the reasons for rejection and provided applicable review and appeal rights in accordance with 7 CFR part 11.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected to receive Community Facilities Program Disaster Grants can

be found in the Grants and Agreements regulations applicable to the Department of Agriculture and codified in 2 CFR parts 180, 200, 400, 415, 417, 418, 421; 2 CFR parts 25 and 170; and 48 CFR 31.2.

3. Reporting

As outlined in the letter of conditions and grant agreement issued by the Agency, grant recipients will be required to provide performance reports and annual financial statements in accordance with 2 CFR part 200 as adopted by the Agency in 2 CFR part 400. Grant recipients will also provide performance and financial monitoring and reporting information in accordance with 2 CFR part 200, subpart D, ''Post Federal Award Requirements.''

G. Federal Awarding Agency Contacts

For general questions about this announcement, please contact your USDA Rural Development State Office provided in the **ADDRESSES** section of this notice.

H. Other Information

(a) Paperwork Reduction Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection requirements associated with this program, as covered in this notice, have been approved by the Office of Management and Budget (OMB) under OMB Control Number 0575–0173.

(b) National Environmental Policy Act.

All recipients under this Notice are subject to the requirements of 7 CFR part 1970.

(c) *Federal Funding Accountability and Transparency Act.*

All applicants, in accordance with 2 CFR part 25, must be registered in SAM and have a UEI number as stated in Section D.3 of this notice. All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

(d) *Civil Rights Act.*

All grants made under this notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A and section 504 of the Rehabilitation Act of 1973, Title VIII of the Civil Rights Act of 1968, Title IX, Executive Order 13166 (Limited English Proficiency), Executive Order 11246, and the Equal Credit Opportunity Act of 1974).

(e) Equal Opportunity for Religious Organizations.

(1) Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at, and subject to the protections and requirements of, this part and any applicable constitutional and statutory requirements, including *42 U.S.C. 2000bb et seq.* USDA will not, in the selection of recipients, discriminate for or against an organization on the basis of the organization's religious character, motives, or affiliation, or lack thereof, or on the basis of conduct that would not be considered grounds to favor or disfavor a similarly situated secular organization.

(2) A faith-based organization that participates in this program will retain its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws.

(3) A faith-based organization may not use direct Federal financial assistance from USDA to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by USDA, or in their outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

(f) Non-Discrimination Statement.

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

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

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

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

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

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

USDA is an equal opportunity provider, employer, and lender.

Joaquin Altoro,

Administrator, Rural Housing Service.

[FR Doc. 2024–16580 Filed 7–26–24; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–122–2024]

Foreign-Trade Zone 29; Application for Subzone; Catalent Pharma Solutions, LLC; Winchester, Kentucky

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Louisville & Jefferson County Riverport Authority, grantee of FTZ 29, requesting subzone status for the facility of Catalent Pharma Solutions, LLC, located in Winchester, Kentucky. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on July 23, 2024.

The proposed subzone (32.6 acres) is located at 1100 Enterprise Drive, Winchester, Kentucky. A notification of proposed production activity has been submitted and is being processed under 15 CFR 400.37 (Doc. B–34–2024). The

proposed subzone would be subject to the existing activation limit of FTZ 29.

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov*. The closing period for their receipt is September 9, 2024. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 23, 2024.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz*.

For further information, contact Juanita Chen at *juanita.chen@trade.gov*.

Dated: July 23, 2024.

Camille R. Evans,

Acting Executive Secretary.

[FR Doc. 2024–16579 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–815]

Finished Carbon Steel Flanges From Spain: Final Results of Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that sales of finished carbon steel flanges (flanges) from Spain were made at less than normal value (NV) during the period of review (POR) June 1, 2022, through May 31, 2023.

DATES: Applicable July 29, 2024.

FOR FURTHER INFORMATION CONTACT: Jacob Waddell or Mark Flessner, 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) 482–1369 or (202) 482–6312, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 10, 2024, Commerce published the preliminary results of this administrative review of the antidumping duty order on flanges from Spain [1] and invited interested parties to comment.[2] On June 10, 2024, ULMA Forja, S.Coop (ULMA) submitted its case brief.[3] No other interested party filed a case or rebuttal brief. These final results cover the sole mandatory respondent, ULMA. Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). On July 22, 2024, Commerce tolled certain deadlines in this proceeding by seven days.[4] The deadline for the final results is now September 16, 2024

Scope of the Order

The scope of the *Order* covers finished carbon steel flanges from Spain. For a full description of the scope of the *Order, see* the Issues and Decision Memorandum.[5]

Analysis of Comments Received

All issues raised in the case brief filed by ULMA in this review are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is included in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on our analysis of the comments received, and for the reasons explained in the Issues and Decision Memorandum, we made one change to the preliminary weighted-average dumping margin calculations for ULMA.[6]

Final Results of Review

For these final results, we determine that the following weighted-average dumping margin exists for the period June 1, 2022, through May 31, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
ULMA Forja, S.Coop	1.89

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to interested parties within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For ULMA, we calculated importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Where an importer-specific assessment rate is *de minimis* (*i.e.,* less than 0.5 percent), the entries by that importer will be liquidated without regard to antidumping duties. For entries of subject merchandise during the POR produced by ULMA for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[7]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the

[1] *See Finished Carbon Steel Flanges from Spain: Antidumping Duty Order,* 82 FR 27229 (June 14, 2017) (*Order*).

[2] *See Carbon Steel Flanges from Spain: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Review in Part; 2022–2023,* 89 FR 40465 (May 10, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[3] *See* ULMA's Letter, ''ULMA Forja, S. Coop's Case Brief,'' dated June 10, 2024.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[5] *See* Memorandum, ''Issues and Decision Memorandum for Final Results of the Administrative Review of the Antidumping Duty Order on Finished Carbon Steel Flanges from Spain; 2022–2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *Id.*

[7] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective upon publication of this notice for all shipments of flanges from Spain entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for the companies subject to this review will be equal to the company-specific weighted-average dumping margin established in the final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 18.81 percent, the all-others rate established in the less-than-fair-value investigation of this proceeding.[8] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction or return 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 destruction or return of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: July 23, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2024–16581 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 2024–15926]

The President's Advisory Council on Doing Business in Africa; Correction

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Final notice; correction.

SUMMARY: The International Trade Administration is correcting a final notice published in the **Federal Register** on July 19, 2024 regarding an open meeting of the President's Advisory Council on Doing Business in Africa. This correction applies to the date of the open meeting.

FOR FURTHER INFORMATION CONTACT: Giancarlo Cavallo at *giancarlo.cavallo@trade.gov* or 202–766–8044.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 19, 2024, in FR Doc. 2024–15926, at 89 FR 58718, in the second column, correct the **DATES** caption to read:

DATES: August 8, 2024, 9 a.m. eastern time.

Dated: July 23, 2024.

Kimberly White-Bacon,

Program Manager.

[FR Doc. 2024–16573 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–807]

Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: The U.S. Department of Commerce (Commerce) is initiating and issuing preliminary results of a changed circumstances review (CCR) of the antidumping duty (AD) order on circular welded carbon-quality steel pipe (CWP) from the United Arab Emirates (UAE) to determine whether Universal Tube and Pipe Industries FZE (Universal Tube and Pipe), is the successor-in-interest to Universal Tube and Plastic Industries Limited (UTP). Based on information on the record, we preliminarily determine that Universal Tube and Pipe is the successor-in-interest to UTP and should be assigned UTP's cash deposit rate for purposes of the AD order. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 29, 2024.

FOR FURTHER INFORMATION CONTACT: Genevieve Coen, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3251.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2016, Commerce published in the **Federal Register** the AD order on CWP from the UAE.[1] On June 7, 2024, Universal Tube and Pipe requested that Commerce conduct an expedited CCR of the *Order* to determine that Universal Tube and Pipe is the successor-in-interest to UTP, and publish the preliminary results of the review simultaneously with the

[8] *See Order,* 82 FR at 27229.

[1] *See Circular Welded Carbon-Quality Steel Pipe from the Sultanate of Oman, Pakistan, and the United Arab Emirates: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Orders,* 81 FR 91906 (December 19, 2016) (*Order*).

initiation of the CCR.[2] No interested parties filed comments concerning the CCR request. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[3] The deadline for the initiation is now July 29, 2024.

Scope of the Order

The products covered by the *Order* are CWP from the UAE. For a complete description of the scope of the *Order, see* the appendix to this notice.

Initiation of CCR

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(d), Commerce will conduct a CCR of an order upon receipt of information concerning, or a request from an interested party for a review of, an order which shows changed circumstances sufficient to warrant a review of the order. In the past, Commerce has used CCRs to address the applicability of cash deposit rates after there have been changes in the name or structure of a respondent, such as a merger or spinoff (''successor-in-interest'' or ''successorship'' determinations).[4] Commerce finds that the information submitted by Universal Tube and Pipe demonstrates changed circumstances sufficient to warrant such a review. Therefore, in accordance with section 751(b)(1) of the Act and 19 CFR 351.216(d), Commerce is initiating a CCR based on the information contained in Universal Tube and Pipe's request that Commerce determine whether Universal Tube and Pipe is the successor-in-interest to UTP for purposes of the *Order* and AD liability.

Preliminary Results of CCR

If we conclude that an expedited action is warranted, we may combine the notices of initiation and preliminary results of a CCR under 19 CFR 351.221(c)(3)(ii). Commerce has combined the notice of initiation and preliminary results in successor-in-interest cases when sufficient documentation has been provided supporting the request to make a preliminary determination.[5] In this instance, we have the necessary information on the record to make a preliminary finding. Thus, we find that expedited action is warranted and have combined the notices of initiation and preliminary results pursuant to 19 CFR 351.221(c)(3)(ii).

In making a successor-in-interest determination for purposes of AD liability, Commerce examines several factors including, but not limited to, changes in the following: (1) management and ownership; (2) production facilities; (3) supplier relationships; and (4) customer base.[6] While no single factor or combination of these factors will necessarily provide a dispositive indication of a successor-in-interest relationship, Commerce will generally consider the new company to be the successor to the previous company if the new company's operations are not materially dissimilar to those of its predecessor.[7] Thus, if the evidence demonstrates that, with respect to the production and sales of the subject merchandise, the new company operates as essentially the same business entity as the former company, Commerce will assign the new company the cash deposit rate of its predecessor.[8]

In its CCR request, Universal Tube and Pipe provided: (1) a table demonstrating the continuity of ownership and management of managers before and after the takeover; (2) previously registered and newly transferred factory licenses from UTP to Universal Tube and Pipe; (3) a list of suppliers before and after the takeover; (4) a list of customers before and after the takeover; and (5) a corporate organizational structure chart before and after the takeover.[9] The information submitted by Universal Tube and Pipe, discussed below, demonstrates that its request is based solely on a change in the name of the company from ''Universal Tube and Plastic Industries Limited'' to ''Universal Tube and Pipe Industries FZE.''

1. Management and Ownership

There have been no material changes in management and ultimate ownership resulting from the name change. In its CCR Request, Universal Tube and Pipe includes two lists of officers and directors from before and after the name change showing that all existing officers and directors from UTP hold identical positions at Universal Tube and Pipe.[10] Additionally, while UTP was a Bahamas-based company, and Universal Tube and Pipe is a UAE-based company, both the intermediate owner and ultimate individual shareholders of both companies are the same.[11]

2. Products and Production Facilities

There have been no changes in production facilities between Universal Tube and Pipe and UTP.[12] The production facilities used to produce CWP at UTP are the same as those used to produce CWP at Universal Tube and Pipe.[13]

3. Supplier Relationships

Universal Tube and Pipe provided a list of suppliers related to the production of CWP following the name change and other supporting evidence to demonstrate that it maintained the same suppliers as UTP.[14] The top suppliers of the main raw material inputs used in CWP production under UTP from January to February 2024 (*i.e.,* before the name change), remained the same as the top suppliers of Universal Tube and Pipe in March 2024 (*i.e.,* after the name change).[15] Accordingly, Universal Tube and Pipe has demonstrated that supplier relationships have not markedly changed following the reorganization.

4. Customer Base

Universal Tube and Pipe states that there were no material changes in the customer base of UTP as a result of restructuring.[16] Universal Tube and Pipe provided a list demonstrating that

[2] *See* Universal Tube and Pipe's Letter, ''Request for Changed Circumstances Review and Successor-in-Interest Determination,'' dated June 7, 2024 (CCR Request).

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[4] *See, e.g., Diamond Sawblades and Parts Thereof from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 82 FR 51605, 51606 (November 7, 2017) (*Diamond Sawblades from China Preliminary*), unchanged in *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review,* 82 FR 60177 (December 19, 2017) (*Diamond Sawblades from China Final*).

[5] *See, e.g., Diamond Sawblades from Prelim Preliminary,* unchanged in *Diamond Sawblades from China Final; see also Certain Frozen Warmwater Shrimp from India: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 83 FR 37784 (August 2, 2018), unchanged in *Certain Frozen Warmwater Shrimp from India: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 83 FR 49909 (October 3, 2018).

[6] *See, e.g., Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Multilayered Wood Flooring from the People's Republic of China,* 79 FR 48117 (August 15, 2014), unchanged in *Multilayered Wood Flooring from the People's Republic of China: Final Results of Changed Circumstances Review,* 79 FR 58740 (September 30, 2014).

[7] *Id.*

[8] *Id.; see also, e.g., Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India,* 77 FR 64953 (October 24, 2012), unchanged in *Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India,* 77 FR 73619 (December 11, 2012).

[9] *Id.*

[10] *See* CCR Request at 6–7 and Exhibit 2.

[11] *Id.* at 6–7 and Exhibit 7.

[12] *Id.* at 7.

[13] *Id.* at Exhibit 3.

[14] *Id.* at 8 and Exhibit 4.

[15] *Id.* at Exhibit 4.

[16] *Id.* at 8.

it maintained the same domestic and foreign customers before and after the name change.[17]

Based on the foregoing, we preliminarily determine that Universal Tube and Pipe is the successor-in-interest to UTP and that Universal Tube and Pipe should receive the same AD cash deposit rate with respect to subject merchandise as its predecessor, UTP.

Should our final results remain unchanged from these preliminary results, we will instruct U.S. Customs and Border Protection to assign entries of subject merchandise exported by Universal Tube and Pipe the AD cash deposit rate applicable to UTP.

Public Comment

In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 14 days after the date of publication of this notice.[18] Rebuttal briefs, limited to issues raised in case briefs, may be filed not later than five days after the due date for case briefs, in accordance with 19 CFR 351.309(d).[19] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[20] All briefs must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) and must also be served on interested parties. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[21]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this CCR, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[22] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this CCR. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 14 days after the date of publication of this notice.[23] Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Final Results

Consistent with 19 CFR 351.216(e), we intend to issue the final results of this CCR no later than 270 days after the date on which this review was initiated, or within 45 days of publication of these preliminary results, if all parties agree to the preliminary findings, unless the deadline is extended.

Notification to Interested Parties

We are issuing and publishing this initiation and preliminary results notice in accordance with section 751(b)(1) and 777(i)(1) of the Act, and 19 CFR 351.216(b) and 351.221(c)(3).

Dated: July 23, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

The merchandise covered by this *Order* is welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter (O.D.) not more than nominal 16 inches (406.4 mm), regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* American Society for Testing and Materials International (ASTM), proprietary, or other), generally known as standard pipe, fence pipe and tube, sprinkler pipe, and structural pipe (although subject product may also be referred to as mechanical tubing). Specifically, the term ''carbon quality'' includes products in which:

(a) iron predominates, by weight, over each of the other contained elements;

(b) the carbon content is 2 percent or less, by weight; and

(c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 1.80 percent of manganese;
(ii) 2.25 percent of silicon;
(iii) 1.00 percent of copper;
(iv) 0.50 percent of aluminum;
(v) 1.25 percent of chromium;
(vi) 0.30 percent of cobalt;
(vii) 0.40 percent of lead;
(viii) 1.25 percent of nickel;
(ix) 0.30 percent of tungsten;
(x) 0.15 percent of molybdenum;
(xi) 0.10 percent of niobium;
(xii) 0.41 percent of titanium;
(xiii) 0.15 percent of vanadium; or
(xiv) 0.15 percent of zirconium.

Covered products are generally made to standard O.D. and wall thickness combinations. Pipe multi-stenciled to a standard and/or structural specification and to other specifications, such as American Petroleum Institute (API) API–5L specification, may also be covered by the scope of this order. In particular, such multi-stenciled merchandise is covered when it meets the physical description set forth above, and also has one or more of the following characteristics: is 32 feet in length or less; is less than 2.0 inches (50 mm) in outside diameter; has a galvanized and/or painted (*e.g.,* polyester coated) surface finish; or has a threaded and/or coupled end finish.

Standard pipe is ordinarily made to ASTM specifications A53, A135, and A795, but can also be made to other specifications. Structural pipe is made primarily to ASTM specifications A252 and A500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications.

Sprinkler pipe is designed for sprinkler fire suppression systems and may be made to industry specifications such as ASTM A53 or to proprietary specifications.

Fence tubing is included in the scope regardless of certification to a specification listed in the exclusions below, and can also be made to the ASTM A513 specification. Products that meet the physical description set forth above but are made to the following nominal outside diameter and wall thickness combinations, which are recognized by the industry as typical for fence tubing, are included despite being certified to ASTM mechanical tubing specifications:

O.D. in inches (nominal)	Wall thickness in inches (nominal)	Gage
1.315	0.035	20
1.315	0.047	18

[17] *Id.* at Exhibit 5.

[18] Commerce is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

[19] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Final Service Rule*).

[20] *See* 19 CFR 351.309(c)(2) and (d)(2).

[21] *See APO and Final Service Rule.*

[22] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[23] Commerce is exercising its discretion under 19 CFR 351.310(c) to alter the time limit for the filing a request for a hearing.

O.D. in inches (nominal)	Wall thickness in inches (nominal)	Gage
1.315	0.055	17
1.315	0.065	16
1.315	0.072	15
1.315	0.083	14
1.315	0.095	13
1.660	0.055	17
1.660	0.065	16
1.660	0.083	14
1.660	0.095	13
1.660	0.109	12
1.900	0.047	18
1.900	0.055	17
1.900	0.065	16
1.900	0.072	15
1.900	0.095	13
1.900	0.109	12
2.375	0.047	18
2.375	0.055	17
2.375	0.065	16
2.375	0.072	15
2.375	0.095	13
2.375	0.109	12
2.375	0.120	11
2.875	0.109	12
2.875	0.165	8
3.500	0.109	12
3.500	0.165	8
4.000	0.148	9
4.000	0.165	8
4.500	0.203	7

The scope of this *Order* does not include:

(a) pipe suitable for use in boilers, superheaters, heat exchangers, refining furnaces and feedwater heaters, whether or not cold drawn, which are defined by standards such as ASTM A178 or ASTM A192;

(b) finished electrical conduit, *i.e.,* Electrical Rigid Steel Conduit (also known as Electrical Rigid Metal Conduit and Electrical Rigid Metal Steel Conduit), Finished Electrical Metallic Tubing, and Electrical Intermediate Metal Conduit, which are defined by specifications such as American National Standard (ANSI) C80.1–2005, ANSI C80.3–2005, or ANSI C80.6–2005, and Underwriters Laboratories Inc. (UL) UL–6, UL–797, or UL–1242;

(c) finished scaffolding, *i.e.,* component parts of final, finished scaffolding that enter the United States unassembled as a ''kit.'' A kit is understood to mean a packaged combination of component parts that contains, at the time of importation, all of the necessary component parts to fully assemble final, finished scaffolding;

(d) tube and pipe hollows for redrawing;

(e) oil country tubular goods produced to API specifications;

(f) line pipe produced to only API specifications, such as API 5L, and not multi-stenciled; and

(g) mechanical tubing, whether or not cold-drawn, other than what is included in the above paragraphs.

The products subject to this *Order* are currently classifiable in Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting numbers 7306.19.1010, 7306.19.1050, 7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5015, 7306.30.5020, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5030, 7306.50.5050, and 7306.50.5070. The HTSUS subheadings above are provided for convenience and U.S. Customs purposes only. The written description of the scope of the *Order* is dispositive.

[FR Doc. 2024–16637 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Domestic and International Client Export Services and Customized Forms Renewal

AGENCY: International Trade Administration, 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 27, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Katelynn Byers, PRA Process Administrator by email, *Katelynn.Byers@trade.gov* or *PRA@trade.gov.* Please reference OMB Control Number 0625–0143 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Katelynn Byers, PRA Process Administrator by phone, 202–989–5979, and by email, *Katelynn.Byers@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration's (ITA) Global Markets/U.S. Commercial Service (CS) is mandated by Congress to broaden and deepen the U.S. exporter base. The CS accomplishes this by providing counseling, programs, and services to help U.S. organizations export and conduct business in overseas markets. This information collection package enables the CS to provide appropriate export services to U.S. exporters, foreign investors, and international buyers. The CS offers a variety of services to enable clients to begin exporting or to expand existing exporting efforts, as well as to attract foreign direct investment. Clients may learn about our services from business related entities such as the National Association of Manufacturers, Federal Express, State Economic Development offices, the internet, or word of mouth. The CS provides a standard set of services to assist clients with identifying potential overseas partners, establishing meeting programs with appropriate overseas business contacts, and providing due diligence reports on potential overseas business partners. The CS also provides other export-related services considered to be of a ''customized nature'' because they do not fit into the standard set of the CS' export services but are driven by unique business needs of individual clients. The dissemination of international market information and potential business opportunities for U.S. exporters are critical components of the Commercial Service's export assistance programs and services. U.S. companies conveniently access and indicate their interest in these services by completing the appropriate forms via ITA and the CS U.S. Export Assistance Center websites. The CS works closely with clients to educate them about the exporting/importing process and to help prepare them for exporting. When a client is ready to begin the exporting process our field staff provide counseling to assist in the development of an exporting strategy. We provide fee-based, export-related services designed to help clients export. The type of export-related service that is proposed to a client depends upon a client's business goals and where they are in the export process. Some clients are at the beginning of the export process and require assistance with identifying potential distributors, whereas other clients may be ready to sign a contract with a potential distributor and require due diligence assistance. Before the CS can provide export-related services to clients, such as assistance with identifying potential partners or providing due diligence, specific information is required to determine the

client's business objectives and needs. For example, before we can provide a service to identify potential business partners, we need to know whether the client would like a potential partner to have specific technical qualifications, coverage in a specific market, English or foreign language ability or warehousing requirements. This information collection is designed to elicit such data so that appropriate services can be proposed and conducted to most effectively meet the client's exporting goals. Without these forms the CS is unable to provide services when requested by clients. The forms ask U.S. exporters standard questions about their company details, demographic information, export experience, information about the products or services they wish to export and exporting goals. In addition, the CS is seeking approval to collect demographic information to help meet the Executive Order (E.O.) On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. In order to better assist underserved communities as defined by the E.O., the CS plans to ask questions related to equity and underserved communities. CS staff will use this information to gain a better understanding of clients' needs and objectives so that they can provide appropriate and effective export assistance tailored to an exporter's requirements.

II. Method of Collection

Clients will be asked to provide their information on our website (*trade.gov*), web-based survey or form links, or paper-based forms.

III. Data

OMB Control Number: 0625–0143.
Form Number(s): None.
Type of Review: Regular submission, revision of a current information collection.
Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; and Federal government.
Estimated Number of Respondents: 200,000.
Estimated Time per Response: 10 minutes.
Estimated Total Annual Burden Hours: 33,333 hours.
Estimated Total Annual Cost to Public: $1,006,323.27.
Respondent's Obligation: Voluntary.
Legal Authority: US Code: 15 U.S.C. 4724.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–16613 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–301–803]

Citric Acid and Certain Citrate Salts From Colombia: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that Sucroal S.A. (Sucroal) did not sell citric acid and certain citrate salts (citric acid) from Colombia at less than normal value (NV) during the period of review (POR), July 1, 2022, through June 30, 2023. We invite interested parties to comment on these preliminary results.

DATES: Applicable July 29, 2024.

FOR FURTHER INFORMATION CONTACT: T.J. Worthington, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4567.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2018, Commerce published in the **Federal Register** the antidumping duty (AD) order on citric acid from Colombia.[1] On July 3, 2023, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.[2] On September 11, 2023, based on timely requests for review, in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order* covering one company.[3] Pursuant to section 751(a)(3)(A) of the Act, Commerce extended the deadline for the preliminary results until July 30, 2024.[4] On July 22, 2024, Commerce tolled certain deadlines in this proceeding by seven days.[5] The deadline for the preliminary results is now August 6, 2024.

For a complete description of the events that followed the initiation of the review, *see* the Preliminary Decision Memorandum.[6] A list of topics included in the Preliminary Decision Memorandum is included in the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

[1] *See Citric Acid and Certain Citrate Salts from Belgium, Colombia and Thailand: Antidumping Duty Orders,* 83 FR 35214 (July 25, 2018) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List,* 88 FR 42693 (July 3, 2023).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 62322 (September 11, 2023).

[4] *See* Memorandum, ''Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated May 21, 2024.

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Citric Acid and Certain Citrate Salts from Colombia; 2022–2023,'' dated concurrently with, and adopted by, this notice (Preliminary Decision Memorandum).

Scope of the Order

The merchandise subject to the *Order* is citric acid from Colombia. For a complete description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine the following weighted-average dumping margin exists for the period July 1, 2022, through June 30, 2023:

Exporter/producer	Weighted-average dumping margin (percent)
Sucroal S.A	0.00

Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after the date of publication of this notice in the **Federal Register**.[7] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[9]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[10] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results of this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.

Assessment Rates

Upon completion of this administrative review, pursuant to section 751(a)(2)(A) of the Act, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, ADs on all appropriate entries of subject merchandise.

If the weighted-average dumping margin for Sucroal (*i.e.,* the sole individually-examined respondent in this review) is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). If the respondent has not reported entered values, we will calculate a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total quantity associated with those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. Where either a respondent's weighted average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we intend to instruct CBP to liquidate appropriate entries without regard to ADs.[12]

For entries of subject merchandise during the POR produced by Sucroal for which the producer did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate (*i.e.,* 28.48 percent) if there is no rate for the intermediate company(ies) involved in the transaction.[13]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Sucroal will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(d).

[9] *See* 19 351.309(c)(2) and (d)(2).

[10] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[11] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023).

[12] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[13] *See Order,* 83 FR at 35215; *see also Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 28.48 percent.[14] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of ADs prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of ADs occurred and the subsequent assessment of doubled ADs.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213(h)(2), and 19 CFR 351.221(b)(4).

Dated: July 23, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2024–16641 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–DS–P

[14] *See Order,* 83 FR at 35215.

DEPARTMENT OF COMMERCE

International Trade Administration

Harvard University et al.; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). On June 25, 2024, the Department of Commerce published a notice in the**Federal Register** requesting public comment on whether instruments of equivalent scientific value, for the purposes for which the instruments identified in the docket(s) below are intended to be used, are being manufactured in the United States. *See Application(s) for Duty-Free Entry of Scientific Instruments, 89 FR 53045–46, June 25, 2024* (*Notice*). We received no public comments.

Comments: None received. Decision: Approved. We know of no instrument of equivalent scientific value to the foreign instrument described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order.

Docket Number: 24–013. Applicant: Harvard University, 17 Oxford Street, Jefferson 158, Cambridge, MA 02138. Instrument: Narrow linewidth single frequency fiber laser. Manufacturer: Shanghai Precilaser Technology, Co., Ltd., China. Intended Use: According to the applicant, the instrument is intended to be used to study for the high power (15 W), single frequency laser system at 828. 5 nm will be used in a quantum physics experiment at Harvard for optical tweezer trapping of rubidium-87 atoms. The available laser power will allow many more of these atoms (thousands) to be controlled than previously demonstrated (hundreds). This will allow the study of larger quantum systems with properties and fidelities far exceeding smaller systems.

Docket Number: 24–014. Applicant: Drexel University, Rm.-MS 3701, Market Street, RM 470, Central Receiving, 34th & Ludlow Streets, Philadelphia, PA 19104. Instrument: Battery fabrication equipment. Manufacturer: Xiamen TOB New Energy. Intended Use: According to the applicant, the instrument will be used to study and understand how battery electrodes are made, how to improve their processing, and how to make higher performance rechargeable batteries. The battery materials include oxides, and carbons and the phenomena is battery electrode microstructure and performance.

Docket Number: 24–015. Applicant: Harvard University, 17 Oxford Street, Jefferson 158, Cambridge, MA 02138. Instrument: Narrow Linewidth Laser. Manufacturer: Shanghai Precilaser Technology, Co., Ltd., China. Intended Use: According to the applicant, the instrument will be used to study the high power (15 W), narrow-linewidth/ single frequency laser system at 852 nm will be used in a quantum physics experiment at Harvard for optical tweezer trapping of rubidium-87 atoms. Narrow-linewidth operation of the laser is critical to the method of optical tweezer generation we use to trap atoms, and as much power as possible is needed to perform experiments on the largest possible quantum systems. The wavelength of 852 nm is important because it is sufficiently far detuned from the atomic transition to provide long qubit coherence time.

Docket Number: 24–016. Applicant: Cornell University, 377 Pine Tree Rd., Ithaca, NY 14850. Instrument: Closed-cycle cryostat sample manipulator for ultra-low temperature angle-resolved photoemission spectroscopy & electron energy loss spectroscopy. Manufacturer: Fermion Instrument, China. Intended Use: According to the applicant, the instrument will be used to study and conduct two different types of experiments: angle-resolved photoemission spectroscopy (ARPES) and electron energy-loss spectroscopy (EELS). ARPES is a technique which allows us to measure directly the momentum-resolved single-particle electronic structure of materials. EELS is a technique which allows us to measure the energy-resolved collective excitations in materials. We currently have an electron detector that is, in principle, compatible with both techniques.

Dated: July 23, 2024.

Gregory W. Campbell,

Director, Subsidies and Economic Analysis, Enforcement and Compliance.

[FR Doc. 2024–16578 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–858]

Certain Softwood Lumber Products from Canada: Notice of Initiation of Countervailing Duty Changed Circumstances Review

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

SUMMARY: Based on a request from TRAPA Forest Products Ltd. (TRAPA), the U.S. Department of Commerce (Commerce) is initiating a changed circumstances review (CCR) of the countervailing duty (CVD) order on certain softwood lumber products from Canada to determine whether TRAPA is the successor-in-interest (SII) to Trans-Pacific Trading Ltd. (Trans-Pacific).

DATES: Applicable July 29, 2024.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2018, Commerce published the CVD order on certain softwood lumber products from Canada.[1] On April 11, 2024, TRAPA requested that Commerce initiate a CCR of the *Order,* pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 251.221(c)(3).[2] We found TRAPA's CCR request to be deficient and issued a letter to TRAPA on May 8, 2024.[3] On June 7, 2024, TRAPA submitted an amended CCR request providing additional information and documentation.[4] In its CCR request, TRAPA stated that there was a company name change from Trans-Pacific to TRAPA on April 8, 2024, and thus, TRAPA is the SII to Trans-Pacific. TRAPA requests that Commerce assign to TRAPA the same CVD cash deposit rate that it has or may assign to Trans-Pacific and to conduct the CCR on an expedited basis.

On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[5] The deadline for the initiation is now July 29, 2024.

Scope of the Order

The merchandise covered by this *Order* is softwood lumber, siding, flooring and certain other coniferous wood (softwood lumber products). The scope includes:

- Coniferous wood, sawn, or chipped lengthwise, sliced or peeled, whether or not planed, whether or not sanded, or whether or not finger-jointed, of an actual thickness exceeding six millimeters.
- Coniferous wood siding, flooring, and other coniferous wood (other than moldings and dowel rods), including strips and friezes for parquet flooring, that is continuously shaped (including, but not limited to, tongued, grooved, rebated, chamfered, V-jointed, beaded, molded, rounded) along any of its edges, ends, or faces, whether or not planed, whether or not sanded, or whether or not end-jointed.
- Coniferous drilled and notched lumber and angle cut lumber.
- Coniferous lumber stacked on edge and fastened together with nails, whether or not with plywood sheathing.
- Components or parts of semi-finished or unassembled finished products made from subject merchandise that would otherwise meet the definition of the scope above.

Finished products are not covered by the scope of this *Order.* For the purposes of this scope, finished products contain, or are comprised of, subject merchandise and have undergone sufficient processing such that they can no longer be considered intermediate products, and such products can be readily differentiated from merchandise subject to this *Order* at the time of importation. Such differentiation may, for example, be shown through marks of special adaptation as a particular product. The following products are illustrative of the type of merchandise that is considered ''finished,'' for the purpose of this scope: I-joists; assembled pallets; cutting boards; assembled picture frames; garage doors.

The following items are excluded from the scope of this *Order:*

- Softwood lumber products certified by the Atlantic Lumber Board as being first produced in the Provinces of Newfoundland and Labrador, Nova Scotia, or Prince Edward Island from logs harvested in Newfoundland and Labrador, Nova Scotia, or Prince Edward Island.
- U.S.-origin lumber shipped to Canada for processing and imported into the United States if the processing occurring in Canada is limited to one or more of the following: (1) kiln drying; (2) planing to create smooth-to-size board; or (3) sanding.
- Box-spring frame kits if they contain the following wooden pieces—two side rails, two end (or top) rails and varying numbers of slats. The side rails and the end rails must be radius-cut at both ends. The kits must be individually packaged and must contain the exact number of wooden components needed to make a particular box-spring frame, with no further processing required. None of the components exceeds 1″ in actual thickness or 83″ in length.
- Radius-cut box-spring-frame components, not exceeding 1″ in actual thickness or 83″ in length, ready for assembly without further processing. The radius cuts must be present on both ends of the boards and must be substantially cut so as to completely round one corner.

Softwood lumber product imports are generally entered under Chapter 44 of the Harmonized Tariff Schedule of the United States (HTSUS). This chapter of the HTSUS covers ''Wood and articles of wood.'' Softwood lumber products that are subject to this *Order* are currently classifiable under the following ten-digit HTSUS subheadings in Chapter 44: 4406.11.00.00; 4406.91.00.00; 4407.10.01.01; 4407.10.01.02; 4407.10.01.15; 4407.10.01.16; 4407.10.01.17; 4407.10.01.18; 4407.10.01.19; 4407.10.01.20; 4407.10.01.42; 4407.10.01.43; 4407.10.01.44; 4407.10.01.45; 4407.10.01.46; 4407.10.01.47; 4407.10.01.48; 4407.10.01.49; 4407.10.01.52; 4407.10.01.53; 4407.10.01.54; 4407.10.01.55; 4407.10.01.56; 4407.10.01.57; 4407.10.01.58; 4407.10.01.59; 4407.10.01.64; 4407.10.01.65; 4407.10.01.66; 4407.10.01.67; 4407.10.01.68; 4407.10.01.69; 4407.10.01.74; 4407.10.01.75; 4407.10.01.76; 4407.10.01.77; 4407.10.01.82; 4407.10.01.83; 4407.10.01.92; 4407.10.01.93; 4407.11.00.01; 4407.11.00.02; 4407.11.00.42; 4407.11.00.43; 4407.11.00.44; 4407.11.00.45; 4407.11.00.46; 4407.11.00.47; 4407.11.00.48; 4407.11.00.49; 4407.11.00.52; 4407.11.00.53; 4407.12.00.01; 4407.12.00.02; 4407.12.00.17; 4407.12.00.18; 4407.12.00.19; 4407.12.00.20; 4407.12.00.58; 4407.12.00.59; 4407.13.00.00; 4407.14.00.00; 4407.19.00.01; 4407.19.00.02; 4407.19.00.54; 4407.19.00.55; 4407.19.00.56; 4407.19.00.57; 4407.19.00.64; 4407.19.00.65; 4407.19.00.66; 4407.19.00.67; 4407.19.00.68; 4407.19.00.69; 4407.19.00.74; 4407.19.00.75; 4407.19.00.76; 4407.19.00.77; 4407.19.00.82; 4407.19.00.83; 4407.19.00.92; 4407.19.00.93; 4407.19.05.00;

[1] *See Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 83 FR 347 (January 3, 2018) (*Order*).

[2] *See* TRAPA's Letter, ''Request for Expedited Changed Circumstances Review,'' dated April 11, 2024.

[3] *See* Commerce's Letter, ''Response to Changed Circumstances Review Request,'' dated May 8, 2024.

[4] *See* TRAPA's Letter, ''Amended Request for Expedited Changed Circumstances Review,'' dated June 7, 2024 (TRAPA's CCR Request).

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

4407.19.06.00; 4407.19.10.01; 4407.19.10.02; 4407.19.10.54; 4407.19.10.55; 4407.19.10.56; 4407.19.10.57; 4407.19.10.64; 4407.19.10.65; 4407.19.10.66; 4407.19.10.67; 4407.19.10.68; 4407.19.10.69; 4407.19.10.74; 4407.19.10.75; 4407.19.10.76; 4407.19.10.77; 4407.19.10.82; 4407.19.10.83; 4407.19.10.92; 4407.19.10.93; 4409.10.05.00; 4409.10.10.20; 4409.10.10.40; 4409.10.10.60; 4409.10.10.80; 4409.10.20.00; 4409.10.90.20; 4409.10.90.40; 4418.30.01.00; 4418.50.00.10; 4418.50.00.30; 4418.50.0050; and 4418.99.10.00; 4418.99.91.05; 4418.99.91.20; 4418.99.91.40; 4418.99.91.95; 4421.99.98.80.[6]

Subject merchandise as described above might be identified on entry documentation as stringers, square cut box-spring-frame components, fence pickets, truss components, pallet components, flooring, and door and window frame parts. Items so identified might be entered under the following ten-digit HTSUS subheadings in Chapter 44: 4415.20.40.00; 4415.20.80.00; 4418.99.90.05; 4418.99.90.20; 4418.99.90.40; 4418.99.90.95; 4421.99.70.40; and 4421.99.97.80.

Although these HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.[7]

Initiation of Changed Circumstances Review

Pursuant to section 751(b) of the Act, Commerce will conduct a CCR upon receipt of a request from an interested party that shows changed circumstances sufficient to warrant a review of an order. In accordance with 19 CFR 351.216(d), Commerce determines that the information submitted by TRAPA in its request for a CCR constitutes a sufficient basis to conduct a CCR of the *Order.* Therefore, in accordance with section 751(b)(1)(A) of the Act and 19 CFR 351.216(d), we are initiating a CCR based upon the information contained in TRAPA's CCR Request.

Neither the Act, the Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, or Commerce's regulations offer a definition of the term ''changed circumstances,'' nor do they explain what aspects of a determination may be reconsidered in light of such changed circumstances. Commerce has in the past conducted CCRs regarding a variety of issues.[8] Here, TRAPA requests that Commerce initiate a CCR to determine that it is the SII to Trans-Pacific based on a name change.[9]

In the event that Commerce determines an expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits Commerce to combine the notice of initiation of the review and the preliminary results of review into a single notice. However, we are not combining this notice of initiation with the preliminary results, pursuant to 19 CFR 351.221(c)(3)(ii), because Commerce determines that it requires additional time to analyze the CCR request.

Preliminary and Final Results of the CCR

Commerce intends to publish in the **Federal Register** a notice of the preliminary results of this CCR in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i). Commerce will set forth its preliminary factual and legal conclusions in that notice regarding TRAPA's CCR Request. Unless extended, Commerce will issue the final results of this CCR in accordance with the time limits set forth in 19 CFR 351.216(e).

Notification to Interested Parties

We are issuing and publishing this initiation notice in accordance with sections 751(b)(1) and 777(i) of the Act, 19 CFR 351.216(b), and 19 CFR 351.221(b)(1).

Dated: July 23, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–16635 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–DS–P

[6] The following HTSUS numbers have been deleted, deactivated, replaced, or are invalid: 4407.10.0101, 4407.10.0102, 4407.10.0115, 4407.10.0116, 4407.10.0117, 4407.10.0118, 4407.10.0119, 4407.10.0120, 4407.10.0142, 4407.10.0143, 4407.10.0144, 4407.10.0145, 4407.10.0146, 4407.10.0147, 4407.10.0148, 4407.10.0149, 4407.10.0152, 4407.10.0153, 4407.10.0154, 4407.10.0155, 4407.10.0156, 4407.10.0157, 4407.10.0158, 4407.10.0159, 4407.10.0164, 4407.10.0165, 4407.10.0166, 4407.10.0167, 4407.10.0168, 4407.10.0169, 4407.10.0174, 4407.10.0175, 4407.10.0176, 4407.10.0177, 4407.10.0182, 4407.10.0183, 4407.10.0192, 4407.10.0193; and 4418.90.2500. These HTSUS numbers however have not been deactivated in CBP's ACE secure data portal, as they could be associated with entries of unliquidated subject merchandise.

[7] *See Order,* 83 FR at 349.

[8] *See, e.g., Aluminum Extrusions from the People's Republic of China: Initiation and Preliminary Results of Expedited Changed Circumstances Review,* 83 FR 34548 (July 20, 2018) (finding sufficient information to initiate a CCR to recalculate certain cash deposit rates); *see also Certain Steel Nails from Malaysia: Final Results of the Changed Circumstances Review,* 82 FR 34476 (July 25, 2017) (finding sufficient information and ''good cause'' to initiate a CCR to evaluate whether a company was properly utilizing the correct cash deposit rate).

[9] In CVD CCRs involving SII determinations, Commerce follows the practice described in *Certain Pasta from Turkey: Preliminary Results of Countervailing Duty Changed Circumstances Review,* 74 FR 47225 (September 15, 2009), unchanged in *Certain Pasta from Turkey: Final Results of Countervailing Duty Changed Circumstances Review,* 74 FR 54022 (October 21, 2009).

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with June anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable July 29, 2024.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with June anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Respondent Selection

In the event that Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR). We intend to place the CBP data on the record within five days of publication of the initiation

notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event that Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act), the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Notice of No Sales

With respect to AD administrative reviews, we intend to rescind the review where there are no suspended entries for a company or entity under review and/or where there are no suspended entries under the company-specific case number for that company or entity. Where there may be suspended entries, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it may notify Commerce of this fact within 30 days of publication of this notice in the **Federal Register** for Commerce to consider how to treat suspended entries under that producer's or exporter's company-specific case number.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] Section 773(e) of the Act states 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, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a 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) set a deadline for the submission of 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 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 initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single AD deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below.

For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *https://access.trade.gov/Resources/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *https://access.trade.gov/Resources/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than June 30, 2025.

	Period to be reviewed
AD Proceedings	
ARGENTINA: Raw Honey, A–357–823	6/1/23–5/31/24
Algodonera Avellaneda S.A.	
Apicola Danangie.	
Argentik LLC.	
Asociación De Cooperativas Argentinas Cooperativa Limitada.	
Asociación De Cooperativas Argentinas C.L.	
Azul Agronegocios S.A.	
Camino de Circunvalancion y Calle.	
Compania Apicola Argentina S.A.	
Compania Inversora Platense S.A.	
Cooperativa Apicola La Colmena Ltda.	
D'Ambros Maria De Los Angeles D'Ambros Maria Daniela SH.	
D'Ambros Maria de los Angeles y D'Ambros Maria Daniela SRL.	
Gasrroni Srl.	
Gasrroni S.R.L.	
Geomiel SA.	
Gruas San Blas S.A.	
Industrial Haedo S.A.	
Honey and Grains SRL.	
Mieles Cor Pam Srl.	
Naiman S.A.	
Newsan S.A.	
Newsan Food S.A.	
NEXCO S.A.	
Osbo S.A.	
Patagonik Food S.A.	
Promiel Srl (Vicentin S.A.I.C.).	
Terremare Foods S.A.S.	
Villamora S.A.	
BRAZIL: Raw Honey, A–351–857	6/1/23–5/31/24
Annamell Imp. E Exp. De Produtos Apicolas Ltda.	
Apidouro Comercial Exportadora e Importadora Ltda.	
Apiário Diamante Comercial Exportadora Ltda/Apiário Diamante Produção e Comercial de Mel Ltda.	
Apiários Adams Agroindustrial Comercial Exportadora Ltda.	
Apis Nativa Agroindustrial Exportadora Ltda.	
Breyer & Cia Ltda [4].	
Carnauba Do Brasil Ltda.	
Central de Cooperativas Apícolas do Semiárido Brasileiro—CASA APIS [5].	
Conexao Agro Ltda. ME [6].	
Cooperativa Mista Dos Apicultores D.	
Flora Nectar Ind. Comp. Imp. e Exp. de Mel Ltda [7] Lambertucci.	
Matrunita.	

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Melbras Importadora e Exportadora Agroindustria Ltda [8] Minamel Agroindustria Ltda [9].	
Nectar Floral.	
Novomel.	
S&A Honey Ltda EPP [10].	
Safe Logistics.	
Samel Honey.	
STM Trading.	
Wenzel's Apicultura Comercio Industria Importacao Exportacao Ltda. aka Wenzel's Apicultura [11].	
GERMANY: Certain Cold-Drawn Mechanical Tubing and Carbon and Alloy Steel, A–428–845	6/1/23–5/31/24
Benteler Steel/Tube GmbH/Benteler Distribution International GmbH.	
Mubea Fahrwerksfedern GmbH.	
Salzgitter AG.	
Mannesmann Line Pipe GmbH.	
Mannesmann Precision Tubes GmbH.	
INDIA: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel, A–533–873	6/1/23–5/31/24
Goodluck India Limited.	
Tube Investments of India Limited [12].	
Salem Steel N.A., LLC.	
INDIA: Glycine, A–533–883	6/1/23–5/31/24
Aditya Chemicals.	
Avid Organics Private Limited.	
Bajaj Healthcare Limited.	
Eagle Chemical Works.	
Elementis Specialties India Pvt.	
Euroasias Organics Pvt., Ltd.	
Global Merchants.	
Gulbrandsen Technologies (India) Pvt. Ltd.	
J.R. Corporation.	
Kronox Lab Sciences Pvt., Ltd.	
Kumar Industries.	
Lucas Tvs Ltd.	
Medilane Healthcare Pvt., Ltd.	
Mumbai Merchant.	
Natural and Essential Oils Pvt., Ltd.	
Nature Bio.	
Paras Intermediates Private Limited.	
Priya Chemicals.	
Reliance Corporation.	
Rexisize Rasayan Industries.	
Rudraa International.	
Shari Pharmachem Pvt., Ltd.	
Tarkesh Trading Co.	
Valaji Pharma Chem.	
Venus International.	
INDIA: Quartz Surface Products, A–533–889	6/1/23–5/31/24
3HQ Surfaces Pvt. Ltd.	
Advantis Quartz LLP.	
Amazoone Ceramic Ltd.	
Antique Marbonite Pvt Ltd/Prism Johnson Limited/Shivam Enterprises.	
Argil Ceramics.	
ARO Granite Industries Limited.	
Asian Granito India Ltd.	
Baba Super Minerals Pvt Ltd.	
Camrola Quartz Limited.	
Chaitanya International Minerals LLP.	
Classic Marble Company Pvt Ltd.	
Colors of Rainbow.	
Cuarzo.	
Divine Surfaces Pvt Ltd.	
EELQ Stone LLP.	
Esprit Stones Pvt Ltd.	
Evetis Stone (I) Pvt Ltd.	
Geetanjali Quartz Pvt Ltd.	
Global Surfaces Ltd.	
Glowstone Industries Pvt Ltd.	
Hi Elite Quartz LLP.	
INANI Marble and Industries Ltd.	
Keros Stone LLP.	
Krishna Sai Exports.	
Mahi Granites Pvt Ltd.	
Malbros Marbles and Granites Industries.	
Marudhar Quartz Surfaces Private Limited/Marudhar Rocks International Pvt Ltd.	
MQ surfaces Pvt Ltd.	

	Period to be reviewed
Nice Quartz and Stones Pvt Ltd.	
Pacific Industries Limited.	
Pacific Quartz Surfaces LLP.	
Paradigm Granite Pvt Ltd.	
Paradigm Stones India Pvt Ltd.	
Pelican Quartz Stone.	
Pokarna Engineered Stone Limited.	
Pristine Quartz Private Limited.	
Quartzkraft LLP.	
Renshou Industries.	
Rocks Forever.	
Rudra Quartz.	
Safayar Ceramics Pvt Ltd.	
Satya Exports.	
Southern Rocks and Minerals Pvt Ltd.	
Sunex Stone Pvt Ltd.	
SVG Exports Pvt Ltd.	
TAB India Granites Pvt Ltd.	
Universal Quartz & Natural Stone Pvt Ltd.	
Universall Granites.	
Venkata Sri Balaji Quartz Surfaces.	
INDIA: Raw Honey, A–533–903	6/1/23–5/31/24
AA Food Factory.	
Allied Natural Product.	
Alpro.	
Ambrosia Natural Products (India) Private Limited/Ambrosia Enterprise/Sunlite India.	
Agro Producer Co., Ltd.	
Aone Enterprises.	
Apibee Natural Product Private Limited.	
Apl Logistic.	
Bee Hive Farms.	
Brij Honey Pvt., Ltd.	
Dabur India Limited.	
Ess Pee Quality Products.	
Ganpati Natural Products.	
GMC Natural Product.	
Hi Tech Natural Products India Ltd.	
Indocan Honey Pvt., Ltd.	
Infinator Pvt., Ltd.	
Kejriwal Bee Care India (Pvt.) Ltd.	
KK Natural Food Industries LLP.	
Natural Agro Foods.	
NYSA Agro Foods.	
Pearlcot Enterprises.	
Queenbee Foods Pvt. Ltd.	
Salt Range Foods Pvt. Ltd.	
Shakti Apifoods Pvt. Limited [13].	
Shan Organics.	
Shiv Apiaries.	
Sunlite Organic.	
UTMT.	
Vedic Systems.	
Yieppie Internationals.	
ITALY: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel, A–475–838	6/1/23–5/31/24
Dalmine, S.p.A.	
ITALY: Prestressed Concrete Steel Wire Strand, A–475–843	6/1/23–5/31/24
CB Trafilati Acciai S.p.A.	
Siderurgica Latina Martin S.p.A.	
Tensacciai Srl.	
Trafilerie Meridionali S.p.A.	
WBO Italcables Societa Cooperativa.	
JAPAN: Glycine, A–588–878	6/1/23–5/31/24
Megmilk Snow Brand Co., Ltd.	
Nagase & Co., Ltd.	
Resonac Corporation.	
Resonac Holdings Corporation.	
Showa Denko K.K.	
Snow Brand Seed Co., Ltd.	
Yuki Gosei Kogyo Co., Ltd.	
MALAYSIA: Prestressed Concrete Steel Wire Strand, A–557–819	6/1/23–5/31/24
Kiswire Sdn. Bhd.	
Southern PC Steel Sdn. Bhd.	
Southern Steel Sdn. Bhd.	

	Period to be reviewed
Wei Dat Steel Wire Sdn. Bhd.	
SOCIALIST REPUBLIC OF VIETNAM: Raw Honey, A–552–833	6/1/23–5/31/24
Ban Me Thuot Honeybee Joint Stock Company.	
Ban Me Thuot HoneyBee Joint Stock Company.	
Bao Nguyen Honeybee Co., Ltd.	
Bee Honey Corporation of Ho Chi Minh City.	
Daisy Honey Bee Joint Stock Company.	
Daisy Honey Bee JSC.	
Dak Nguyen Hong Exploitation of Honey Company Limited TA.	
Daklak Honeybee Joint Stock Company.	
Daklak Honey Bee JSC.	
Dong Nai Honey Bee Corp.	
Dongnai HoneyBee Corporation.	
Golden Bee Company Limited.	
Golden Honey Co., Ltd.	
Hai Phong Honeybee Company Limited.	
Haiphong Honeybee Co., Ltd.	
Hanoi Honeybee Joint Stock Company.	
Hanoi Honey Bee Joint Stock Company.	
Hanoibee JSCHighlands Honeybee Travel Co., Ltd.	
Hoa Viet Honeybee One Member Company Limited (also known as Hoa Viet Honeybee Co., Ltd.).	
Hoang Tri Honey Bee Company Limited.	
Hoang Tri Honey Bee Company Ltd.	
H.T. Honey Co., Ltd.	
Hoaviet Honeybee Co., Ltd./Hoa Viet Honeybee Co., Ltd.	
Huong Rung Co., Ltd.	
Huong Rung Trading—Investment and Export Company (Hung Rung Co., Ltd.).	
Southern Honey Bee Co., Ltd.	
Huong Viet Honey Co., Ltd.	
Nguyen Hong Honey, Co Ltd.	
Spring Honeybee Co., Ltd.	
Thanh Hao Bees Company Limited.	
Viet Thanh Food Technology Development Investment Company Limited (Viet Thanh Food Co., Ltd.).	
SPAIN: Chlorinated Isocyanurates, A–469–814	6/1/23–5/31/24
Ecros, S.A.	
Electroquímica de Hernani, S.A.	
Industrias Químicas Tamar, S.L.	
SPAIN: Finished Carbon Steel Flanges, A–469–815	6/1/23–5/31/24
ULMA Forja, S.Coop.	
SPAIN: Prestressed Concrete Steel Wire Strand, A–469–821	6/1/23–5/31/24
Global Special Steel Products S.A.U. (d.b.a. Trenzas y Cables de Acero PSC, S.L. (TYCSA)).	
SWITZERLAND: Cold-Drawn Mechanical Tubing, A–441–801	6/1/23–5/31/24
Benteler Rothrist AG.	
Mubea North America Inc.	
Mubea PräzisionsstahlrohrAG.	
THE PEOPLE'S REPUBLIC OF CHINA: Ceramic Tile, A–570–108	6/1/23–5/31/24
Cayenne Corporation Ltd.	
Foshan Qiangshengda Building Material Co. Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Chlorinated Isocyanurates, A–570–898	6/1/23–5/31/24
Heze Huayi Chemical Co. Ltd.	
Juancheng Kangtai Chemical Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Tapered Roller Bearing, A–570–601	6/1/23–5/31/24
C&U Group Shanghai Bearing Co., Ltd.	
Changshan Peer Bearing Co., Ltd.	
Hangzhou C&U Automotive Bearing Co., Ltd.	
Hangzhou C&U Metallurgy Bearing Co., Ltd.	
Huangshi C&U Bearing Co., Ltd.	
Shanghai Tainai Bearing Co., Ltd.	
Sichuan C&U Bearing Co., Ltd.	
UKRAINE: Prestressed Concrete Steel Wire Strand, A–823–817	6/1/23–5/31/24
PJSC Stalkanat.	
CVD Proceedings [14]	
INDIA: Glycine, C–533–884	1/1/23–12/31/23
Aditya Chemicals.	
Avid Organics Pvt. Ltd.	
Bajaj Healthcare Limited.	
Eagle Chemical Works.	
Elementis Specialties India Pvt. Ltd.	
Euroasia Trans Continental.	
Euroasias Ingredients Pvt., Ltd.	
Euroasias Organics Pvt., Ltd.	
Global Merchants.	

	Period to be reviewed
Gulbrandsen Technologies (India) Pvt. Ltd. J.R. Corporation. Kronox Lab Sciences Pvt., Ltd. Kumar Industries, India. Lucas Tvs Ltd. Medilane Healthcare Pvt., Ltd. Natural And Essential Oils Pvt., Ltd. Paras Intermediates Pvt., Ltd. Reliance Corporation. Rexisize Rasayan Industries. Rudraa International. Shari Pharmachem Pvt., Ltd. Tarkesh Trading Co.	
INDIA: Quartz Surface Products, C–533–890	1/1/23–12/31/23
ARO Granite Industries Limited. Camrola Quartz Limited. Esprit Stones Pvt. Ltd. Global Surfaces Ltd. Marudhar Quartz Surfaces Private Limited. Marudhar Rocks International Pvt Ltd. Pacific Industries Limited. Pacific Quartz Surfaces LLP. Pokarna Engineered Stone Limited. SVG Exports Pvt Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Ceramic Tile, C–570–109	1/1/23–12/31/23
Cayenne Corporation Ltd.	
Suspension Agreements	
None.	

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether ADs have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (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). These regulations require any party, when submitting factual information, to specify under

[4] Commerce also received a request for review of ''Breyer E Cia Ltda.,'' which we consider to be the same company.

[5] Commerce also received a request for review of ''Central De Cooperativas Apicolas Do (CASA APIS),'' which we consider to be the same company.

[6] Commerce also received a request for review of ''Conexao Agro LTD.,'' which we consider to be the same company.

[7] Commerce also received a request for review of ''Flora Nectar'' and ''Floranectar Ind. Comp. Imp. E Exp. De Mel,'' which we consider to be the same company.

[8] Commerce also received a request for review of ''Melbras Importadora Agroindústria Ltda.'' and ''Melbras Importadora E Exportadora,'' which we consider to be the same company.

[9] Commerce also received a request for review of ''Minamel,'' which we consider to be the same company.

[10] Commerce also received a request for review of ''S & A Honey Ltda.,'' which we consider to be the same company.

[11] Commerce also received a request for review of ''Wenzel's Apicultura'' and ''Wenzel's Apicultura Comercio Industria Import,'' which we consider to be the same company.

[12] Tube Products of India, Ltd. is a unit of Tube Investments of India Limited, and is included in the review of Tube Investments of India Limited.

[13] On July 16, 2024, Commerce confirmed with counsel that references to ''Shakti Apifoods Pvt. Limited'' and ''Shakti Api Foods Pvt. Limited'' relate to the same company.

[14] In the **Federal Register** notice of initiation of administrative reviews of orders with the anniversary month of May 2024 (89 FR 55567; July 5, 2024), Commerce included an administrative review of the countervailing duty order on polyethylene terephthalate resin from India (C–533–862); however, no party requested an administrative review of this order. As a result, we are clarifying here that we are not initiating an administrative review of the countervailing duty order on polyethylene terephthalate resin from India (C–533–862).

which subsection of 19 CFR 351.102(b)(21) the information is being submitted 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. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule,*[15] available at *https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf,* prior to submitting factual information in this segment. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[16]

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule.*[17] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.[18] In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. 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, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, standalone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: July 24, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–16636 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–DS–P

[15] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[16] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule,* 88 FR 67069 (September 29, 2023).

[17] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[18] *See* 19 CFR 351.302.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE137]

Fisheries of the U.S. Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 84 Assessment Webinar VIII for U.S Caribbean Yellowtail Snapper and Stoplight Parrotfish.

SUMMARY: The SEDAR 84 assessment process of U.S. Caribbean yellowtail snapper and stoplight parrotfish will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 84 assessment webinar VIII will be held August 19, 2024, from 11 a.m. to 1 p.m., Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment webinar VIII are as follows:

Panelists will review, discuss and finalize the assessment modeling for stoplight parrotfish in St. Croix.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 24, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–16625 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE131]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit (EFP) application contains all of the required information and warrants further consideration. The EFP would allow federally permitted fishing vessels to fish outside fishery regulations in support of exempted fishing activities proposed by Blue Planet Strategies.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before August 13, 2024.

ADDRESSES: You may submit written comments by the following method:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''Blue Planet Strategies 2024 On-Demand EFP.''

FOR FURTHER INFORMATION CONTACT: Christine Ford, Fishery Management Specialist, *Christine.Ford@noaa.gov,* (978) 281–9185.

SUPPLEMENTARY INFORMATION: Blue Planet Strategies submitted a complete application for an EFP to conduct commercial fishing activities that the regulations would otherwise restrict. This EFP would exempt the participating vessels from the following Federal regulations:

TABLE 1—REQUESTED EXEMPTIONS

CFR citation	Regulation	Need for exemption
50 CFR 697.21(b)(2)	Gear marking requirements	For trial of lobster gear with no more than one surface marking on trawls of more than three traps.
50 CFR 648.84(b)	Gear marking requirements	For trial of gillnet gear with no more than one surface marking.

TABLE 2—PROJECT SUMMARY

Project title	Testing Technologies for Sub-Surface Gear Marking and Buoyless/On-Demand Trap/Pot and Gillnet Fishing Gear and Data Collection Packages to Help Reduce Entanglement Risk.
Project start	Upon issuance.
Project end	12/31/2025.
Project objectives	To test sub-surface gear marking, on-demand gear, and smart buoy technologies in trap/pot and sink gillnet fisheries.
Project location	Trap/pot: Lobster Management Areas 1 and 3. Gillnet: Statistical Areas 521, 538, and Georges Bank Regulated Mesh Area.
Number of vessels	Trap/pot: 16; gillnet: 4.
Number of trips	Trap/pot: 780; gillnet: 104.
Trip duration (days)	1.
Total number of days	Trap/pot: 780; gillnet: 104.
Gear type(s)	Trap/pot, gillnet.
Number of tows or sets	Trap/pot: 1,560 total; gillnet: 208 total.
Duration of tows or sets	Trap/pot: 2–4 days; gillnet: 6–8 hours.

Project Narrative

This project is a continuation of a project that is trialing on-demand fishing systems and sub-surface gear marking technologies aimed at reducing entanglement risk to protected species, mainly the North Atlantic right whale, in trap/pot and sink gillnet fisheries. The previous EFP allowed up to 16 trap/pot and 4 gillnet vessels to replace up to 4 of their existing trap trawls or gillnet strings with modified gear that replaces 1 or both vertical lines with acoustic on-demand systems and other alternatives to static buoy lines, including grappling. The previous EFP also allowed up to 12 trap/pot vessels to trial fully on-demand gear in the Atlantic Large Whale Take Reduction Plan (ALWTRP) Restricted Areas.

This EFP would support three current projects, funded through the Saltonstall-Kennedy Program, the Bycatch Reduction Engineering Program (BREP; in collaboration with the Northeast Fisheries Science Center (NEFSC)), and the Atlantic States Marine Fisheries

Commission (in collaboration with the NEFSC). The objectives include testing the efficacy of acoustic release devices and other alternatives to static vertical buoy lines in both trap/pot and sink gillnet fisheries; testing and comparing two subsea acoustic marking systems to relocate gear and notify other fishermen to the presence of gear in the absence of surface markings; testing hull-mounted transducers; testing smart buoy technology that signals gear location and movement; and testing the viability of integrating SmartRafts that monitor for whale presence and changing ocean conditions into on-demand gear.

Initially, the researchers would work with 2–4 lobster vessels and 2–3 gillnet vessels, and would expand to the full number of vessels (16 and 4, respectively) in 2025, as additional funding and gear become available. While effort would occur year-round, the researchers anticipate the majority of effort would occur from July through October and fewer than 20 vessels would use on-demand gear at any given time.

For trap/pot gear trials, participants fish between 3 and 50 traps per trawl, in depths ranging from 15 to 122 meters ((m); 50 to 400 feet (ft)). They would modify up to two of their existing trawls to use on-demand devices with either one or no buoy lines. Trials may include the three main acoustic-release devices currently available—lift-bag systems (*e.g.,* SMELTS), buoy and stowed-rope systems (*e.g.,* EdgeTech), and spooled rope systems (*e.g.,* Fiobuoy)—or alternatives, such as grappling. Participants would deploy on-demand trap/pot gear in Lobster Management Area (LMA) 1 and, to a lesser extent, LMA 3, and would target areas that are not as heavily fished by mobile fleets to reduce the risk of gear conflicts.

This EFP would also allow up to 12 trap/pot vessels to trial fully on-demand gear in the ALWTRP Restricted Areas by modifying up to 4 of their existing trawls to use acoustic on-demand devices, for a maximum of 48 trawls in the Restricted Areas. These vessels would fish in the Restricted Areas in addition to, but in coordination with, the vessels authorized under the NEFSC on-demand EFP. Under this EFP, grappling would not be allowed in the ALWTRP Restricted Areas.

For gillnet trials, participants fish a maximum of 21 nets of 91 m (300 ft) or less. They would modify up to 2 of their existing gillnet strings to use on-demand devices with either one or no buoy lines. Currently, gillnet vessels are only testing lift-bag systems, but would also test buoy and stowed-rope systems. Gillnet participants would deploy gear in Statistical Areas 521 and 538, which are in the Georges Bank Regulated Mesh Area.

Some units would be outfitted with EdgeTech acoustic marking technology, acoustic triggers, and software. Other units would be outfitted with Teledyne undersea modem marking technology, acoustic triggers, and software. All units would include smart buoys on each anchoring unit, outfitted with GPS for data collection and lost gear retrieval. Beginning in the Fall of 2024, two units fished by lobster fishermen will be outfitted with a scientific data collection package added to the ropeless gear raft, turning it into a ''SmartRaft''. Instruments will collect acoustic data for whale detection (passive acoustic monitors) and environmental data.

Other than gear markings, all trap trawls and gillnet strings would be consistent with the regulations of the management area where the vessel is fishing. This permit would exempt participating vessels from the specified Federal regulations in Federal waters only. The applicant would be responsible for obtaining any necessary state authorizations. This EFP would not exempt the vessels from any requirements imposed by any state, the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), or any other applicable laws.

Blue Planet Strategies and engineering teams representing the respective prototype would oversee initial deployments of on-demand gear. Researchers and participants may use a GoPro System, or other recording device, on deck or beneath the surface to record the success and/or failures of some or all of the retrievals for review and analysis. Participants would record data on standardized data collection sheets (specific to the relevant sub-project). Blue Planet Strategies would implement the same conditions and requirements as those included in their most recent EFP to minimize the chance of causing injury to right whales and mitigate the risk of gear conflicts, as well as minimize the risk of harm to fishermen and researchers, including:

- All vessels would report all right whale sightings to NMFS via *ne.rw.survey@noaa.gov* or NOAA (866–755–6622) or the U.S. Coast Guard (Channel 16);
- All vessels would provide mandatory, weekly gear loss reports to Blue Planet Strategies; Blue Planet Strategies would provide monthly updates on any gear loss or gear conflicts to the Sustainable Fisheries Division at the Greater Atlantic Region Fisheries Office and summarize all instances of gear conflicts/gear loss in the final report;
- All vessels would retrieve ondemand vertical lines as quickly as possible to minimize time in the water column;
- All vessels would adhere to current approach regulations—a 500-yard (457-m; 1,500-ft) buffer zone created by a surfacing right whale—and must depart immediately at a safe and slow speed, in accordance with current regulations. Hauling gear would cease (by removal) to accommodate the regulation and be reinitiated only after it is reasonable to assume the whale has left the area;
- Vessels would operate within a 10-knot speed limit when transiting Restricted Areas or when whales are observed;
- All vessels would use smart-buoy technology to provide alerts to the fishermen and the research staff within 2 hours of an unplanned release of a stowed line;
- All vessels would use the Trap Tracker or an equivalent application to record positioning details, which would be available to Federal, State, and corresponding enforcement personnel, as well as other fishermen;
- When fishing on-demand trap/pot or gillnet gear without any traditional surface markings, on-demand vertical lines would be marked with unique yellow/black/orange marks above the regional markings, in addition to ALWTRP and Harbor Porpoise Take Reduction Plan regulations (per agreement with the NMFS Atlantic Large Whale Take Reduction Team and Harbor Porpoise Take Reduction Team Coordinator);
- Vessels fishing in ALWTRP Restricted Areas would check real-time right whale sighting information (such as Right Whale Sightings Advisories and Whale ALERT) before setting any gear and avoid areas of high right whale abundance, and all vessels would be recommended to follow this process when setting gear outside the ALWTRP Restricted Areas;
- The principal investigators would update the appropriate regional and state management partners on a regular basis to the level necessary to avoid miscommunication and maintain effective working relationships;
- The principal investigators will proactively communicate the approximate location and intensity of EFP fishing with mobile and fixed gear fleets, with a particular focus on the Restricted Areas. Communications will be tailored to each region and port and may include methods such as in-person meetings with fishermen in ports in advance of research activities to discuss

gear locations, email or text contact with fishing vessels identified by the Vessel Monitoring System as fishing in the research area, Coast Guard notices to mariners, and any other methods to reduce the risk of potential gear conflicts. The principal investigators will make information-sharing decisions while protecting participant confidentiality and managing the risk of negative repercussions to participants; and

• A copy of the final report would be provided to NMFS within 6 months of the expiration of the EFP.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

All comments received are a part of the public record and may be posted for public viewing without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''anonymous'' as the signature if you wish to remain anonymous).

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

Dated: July 23, 2024.

Lindsay Fullenkamp,

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

[FR Doc. 2024–16569 Filed 7–26–24; 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; Foreign Fishing Vessel Permits, Vessel, and Gear Identification, and Reporting Requirements

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 March 20, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Foreign Fishing Vessel Permits, Vessel, and Gear Identification, and Reporting Requirements.

OMB Control Number: 0648–0075.

Form Number(s): N/A.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 4.

Average Hours per Response: 5 hours for reporting requirements for foreign vessels operating in internal waters, 2 hours for foreign fishing and transshipment permit applications, 5 hours for joint venture reporting and recordkeeping requirements, and 5 hours for foreign fishing vessel and gear identification requirements.

Total Annual Burden Hours: 17.

Needs and Uses: This request is for extension of a currently approved information collection. The National Marine Fisheries Service (NMFS) issues permits, under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.;* MSA), to foreign fishing vessels fishing or operating in U.S. waters. MSA and associated regulations at 50 CFR part 600 require that vessels apply for fishing permits, that vessels and certain gear be marked for identification purposes, that observers be embarked on selected vessels, and that permit holders report their fishing effort and catch or, when processing fish under joint ventures, the amount and locations of fish received from U.S. vessels. These requirements apply to all foreign vessels fishing, transshipping, or processing fish in U.S. waters.

Information is collected from persons who operate a foreign fishing vessel in U.S. waters to participate in a directed fishery or joint venture operation, transship fish harvested by a U.S. vessel to a location outside the U.S., or process fish in internal waters. Each person operating a foreign fishing vessel under MSA authority may be required to submit information for a permit, mark their vessels and gear, or submit information about their fishing activities. To facilitate observer coverage, foreign fishing vessel operators must provide a quarterly schedule of fishing effort and upon request must also provide observers with copies of any required records. For foreign fishing vessels that process fish in internal waters, the information collected varies somewhat from other foreign fishing vessels that participate in a directed fishery or a joint venture operation. In particular, these vessels may not be required to provide a permit application or mark their vessels. The information submitted in applications is used to determine whether permits should be used to authorize directed foreign fishing, participation in joint ventures with U.S. vessels, or transshipments of fish or fish products within U.S. waters. The display of identifying numbers on vessels and gear aid in fishery law enforcement and allows other fishermen to report suspicious activity. Reporting of fishing activities allows monitoring of fish received by foreign vessels.

Affected Public: Business or other for-profit organizations.

Frequency: Annually, weekly, and on occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0075.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–16621 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE140]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of hybrid meeting open to the public offering both in-person and virtual options for participation.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a four-day meeting to consider actions affecting the Gulf of Mexico fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will convene Monday, August 19 through Thursday, August 22, 2024. Daily schedule will be as follows: Monday, Wednesday, and Thursday, from 8:30 a.m. to 5 p.m., CDT. On Tuesday, August 20, the daily schedule will start at 8:30 a.m. and end at 5:30 p.m., CDT.

ADDRESSES:

Meeting address: The meeting will take place at the Golden Nugget Hotel and Casino, located at 151 Beach Boulevard, Biloxi, MS 39530.

If you prefer to ''listen in'', you may access the log-on information by visiting our website at *www.gulfcouncil.org.*

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Carrie Simmons, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Monday, August 19, 2024; 8:30 a.m.–5 p.m., CDT

The meeting will begin in Full Council with the Induction of new and re-appointed Council Members. Committee Sessions will follow beginning with the Administrative/ Budget Committee review and approval of the Final 2024 Funded Budget, review of Proposed Activities and Budget for 2025–2028 Funding Request and Status Update on Inflation Reduction Act Funding for the Regional Management Councils.

The Ecosystem Committee will receive a presentation on Modifications to the 2024 National Marine Fisheries Service (NMFS) Ecosystem-Based Fisheries Management Road Map (EBFM) and Ecosystem Technical Committee Recommendations and Comments. They will review Draft Comment Letter on Modifications to the 2024 EBFM and receive SSC Recommendations and Feedback on Essential Fish Habitat Contract Work.

The Sustainable Fisheries Committee will review the Research and Monitoring Priorities for 2025–2028 and Acceptable Biological Catch (ABC) Control Rule, including Scientific and Statistical Committee (SSC) Recommendations.

The Data Collection Committee will receive a presentation on Effort Validation Options in the New For-hire Data Collection Program and hold a discussion For-hire Data Collection Program.

The *Shrimp* Committee will review the Expenditures of the FY23 Funds for the Early Adopter Program for *Shrimp* Cellular Vessel Monitoring System (cVMS) and receive an update on the Early Adopter Program for *Shrimp* cVMS. The committee will receive an update on *Shrimp* Futures Project, recap of Southeast *Shrimp* Strategy and Planning Meeting and an update on Timing of Re-initiation of Section 7 Consultation.

Tuesday, August 20, 2024; 8:30 a.m.–5:30 p.m., CDT

The meeting will begin with a Litigation update. The *Reef Fish* Committee will convene to discuss Draft Options: *Reef Fish* Amendment 58: Management Measures for Shallow and Deepwater *Grouper* Complexes, Vision Statement for the Individual Fishing Quota (IFQ) Programs, *Reef Fish* Amendment 59: Requirements for Participation in Individual Fishing Quota Programs, Framework Action to Adjust Charter For-hire Buffer and Fishing Season for *Red Snapper* and the SSC Summary Report on recommendations and feedback on Recreational Seasonal Harvest Restrictions on *Gag* in the Gulf and Gulf *Gray Triggerfish* Ageing Contract Work.

The Full Council will reconvene in a CLOSED SESSION for selection of Special *Shrimp* Scientific and Statistical Committee Members for 2024–2027 Term and Appointment of Working Group Membership for the Recreational Initiative.

Wednesday, August 21, 2024; 8:30 a.m.–5 p.m., CDT

The Gulf SEDAR Committee will review SEDAR Assessment Process Changes and Model Complexity with SSC Recommendations. The committee will receive the SEDAR Steering Committee Summary Report from the July 2024 meeting and SSC Recommendations and Feedback on Management Strategy Evaluations Overview and RESTORE Project Update on Stock Assessment Projections.

The Council will reconvene at approximately 10:15 a.m., CDT with a Call to Order, Announcements and Introductions, Adoption of Agenda and Approval of Minutes.

The Council will receive presentations on Project Introduction and Review of Renewable Wind Energy (RWE) Fisheries Communications Plan, Update from Bureau of Ocean Energy Management (BOEM) on Wind Energy Development in the Gulf of Mexico and Mississippi Law Enforcement Efforts. Following lunch, the Council will hold public testimony beginning at 1:30 p.m. to 5 p.m., CDT for comments on Renewable Wind Energy Communications Plan from RWE and Status of the Coastal Migratory Pelagics Fisheries; and open testimony on other fishery issues or concerns. Public comment may begin earlier than 1:30 p.m. CDT but will not conclude before that time. Persons wishing to give public testimony in-person must register at the registration kiosk in the meeting room. Persons wishing to give public testimony virtually must sign up on the Council website on the day of public testimony. Registration for virtual testimony closes one hour (12:30 p.m. CDT) before public testimony begins.

Thursday, August 22, 2024; 8:30 a.m.–5 p.m., CDT

The Council will receive Committee reports from Administrative/Budget, Ecosystem, Data Collection, *Shrimp,* Sustainable Fisheries, Closed Session, Gulf SEDAR and *Reef Fish* Committees. The Council will receive updates from the following supporting agencies: South Atlantic Fishery Management Council Liaison; NOAA Office of Law Enforcement (OLE); Gulf States Marine Fisheries Commission; U.S. Coast Guard; U.S. Fish and Wildlife Service; and Department of State.

Lastly, the Council will hold a discussion on Council Planning and Primary Activities, Other Business, and hold an Election of Chair and Vice-Chair.

—*Meeting Adjourns*

The meeting will be a hybrid meeting; both in-person and virtual participation available. You may register for the webinar to listen-in only by visiting *www.gulfcouncil.org* and click on the Council meeting on the calendar.

The timing and order in which agenda items are addressed may change as required to effectively address the issue,

and the latest version along with other meeting materials will be posted on the website as they become available.

Although other non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid or accommodations should be directed to Kathy Pereira, (813) 348–1630, at least 15 days prior to the meeting date.

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

Dated: July 23, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–16565 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE139]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council including joint sessions with the Atlantic States Marine Fisheries Commission (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board, Bluefish Management Board, and Interstate Fishery Management Program Policy Board.

DATES: The meetings will be held Monday, August 12 through Thursday, August 15, 2024. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: This meeting will be an in-person meeting with a virtual option. Council members, other meeting participants, and members of the public will have the option to participate in person at The Westin Philadelphia, 99 S 17th Street, Philadelphia, PA 19103, or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: *https://www.mafmc.org/briefing/august-2024.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's website, *www.mafmc.org,* also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, although agenda items may be addressed out of order (changes will be noted on the Council's website when possible.)

Monday, August 12, 2024

Swearing in of New Council Members/Election of Officers

2025–2027 Golden Tilefish Specifications

Review 2024 management track assessment (NEFSC staff).

Review recommendations from the Scientific and Statistical Committee (SSC), Monitoring Committee, Advisory Panel, and staff.

Adopt specifications and management measures for 2025–2027.

2025 Blueline Tilefish Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff.

Adopt specifications for 2025.

Review and revise 2025 commercial and recreational measures if needed.

National Fish and Wildlife Foundation (NFWF) Electronic Monitoring and Reporting Grant Program—Willy Goldsmith, Pelagic Strategies

Overview of the program, application process, and upcoming funding opportunity.

NOAA Fisheries Ecosystem-Based Fisheries Management (EBFM) Road Map

Review and provide comments on the revised EBFM Road Map.

Northeast Trawl Advisory Panel (NTAP) Updates.

Update on recent activities.

Progress update on the Industry-Based Survey pilot project.

Tuesday, August 13, 2024

Council Process Review—Brett Wiedoff, Parnin Group.

Review final report from the Parnin Group.

2025 Atlantic Surfclam and Ocean Quahog Specifications.

Review recommendations from the Advisory Panel, SSC, and staff.

Review previously adopted 2025 specifications and management measures, and recommend changes if necessary.

———Lunch———

Council Convenes With the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board

MRIP Update and Listening Session—Katherine Papacostas, NOAA Fisheries MRIP Program Manager

Update on large-scale study on recreational fishing effort survey design.

Updates on FES timeline, re-envisioning the recreational fisheries data partnership initiative, and efforts to improve partner review of preliminary estimates.

2025 Summer Flounder Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff.

Review previously adopted specifications for 2025 and revise if necessary.

Review and revise 2025 commercial measures if needed.

Summer Flounder Mesh Exemptions Framework/Addendum

Approve draft addendum for public comment.

Council and Board Adjourn

Wednesday, August 14, 2024

Council Convenes With the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board

2025 Scup Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff.

Review previously adopted specifications for 2025 and revise if necessary.

Review and revise 2025 commercial measures if needed.

2025 Black Sea Bass Specifications

Review 2024 management track assessment (NEFSC staff).

Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff.

Adopt specifications for 2025.

Review and revise 2025 commercial measures if needed.

Council Adjourns

ASMFC Summer Flounder, Scup, and Black Sea Bass Board Only

ASMFC Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan review.

Elect Board Vice-Chair.

———Lunch———

Council Convenes With ASMFC Interstate Fishery Management Program Policy Board

Recreational Measures Setting Process Framework/Addenda

Review FMAT/PDT recommendations.

Review SSC input.

Consider modifications to the draft range of alternatives.

Council Convenes with ASMFC Bluefish Management Board.

2025 Bluefish Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff.

Review previously adopted specifications for 2025 and revise as necessary.

Review and revise 2025 commercial and recreational measures if needed.

Council Adjourns

ASMFC Bluefish Board Only

ASMFC Bluefish Fishery Management Plan review.

Elect Board Vice-Chair.

Thursday, August 15, 2024

Business Session

Committee Reports (SSC); Executive Director's Report; Organization Reports; and Liaison Reports.

Other Business and General Public Comment

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c).

Special Accommodations

These meetings are 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 23, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–16564 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE102]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ad Hoc Ecosystem Workgroup (EWG) is holding an online meeting, which is open to the public.

DATES: The online meeting will be held Thursday, August 15, 2024, from 9 a.m. to 12 p.m., Pacific Time or until business for the day is concluded.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kit Dahl, Staff Officer, Pacific Council; telephone: (503) 820–2422.

SUPPLEMENTARY INFORMATION: The purpose of this online meeting is for the EWG to discuss ongoing work on Fishery Ecosystem Plan Initiative 4, consider drafting reports on relevant matters for the Pacific Council's September meeting, and plan future work.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*; (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: July 24, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–16622 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE128]

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: Fishery management bodies on the East Coast of the United States are convening a workshop to plan for integration of NOAA's Climate, Ecosystems, and Fisheries Initiative (CEFI) into the management processes of the East Coast Regional Fishery Management Councils and the Atlantic States Marine Fisheries Commission. This is a joint effort of the Atlantic States Marine Fisheries Commission, the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, and NOAA's National Marine Fisheries Service.

DATES: The meeting will be held from 1 p.m. Thursday, August 15 through 1

p.m. Friday, August 16, 2024. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting address: The meeting will be held at the Westin Philadelphia, 99 South 17th Street, Philadelphia, PA 19103; telephone: (215) 563–1600.

The meeting will be partially streamed by webinar for portions of the agenda that are held in plenary. Connection information will be posted to the calendar prior to the meeting at *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *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: This workshop is being organized by the East Coast Climate Coordination Group (E3CG), which was formed in 2023 to oversee implementation of climate-related actions associated with the East Coast Climate Change Scenario Planning Initiative. This group consists of leadership representatives from the New England, Mid-Atlantic, and South Atlantic Fishery Management Councils, the Atlantic States Marine Fisheries Commission, and NOAA Fisheries.

The purpose of this workshop is to set the stage for integrating NOAA's Climate, Ecosystems, and Fisheries Initiative (CEFI) into the fishery management processes of the East Coast Regional Fishery Management Councils and the Atlantic States Marine Fisheries Commission. The CEFI is building the operational ocean modeling and decision support system needed to assist fishery managers as they work to reduce impacts, increase resilience, and help marine resource users adapt to changing ocean conditions. This workshop will focus on CEFI and Council/Commission activities that are already under development. Discussions at this workshop may inform a follow-up meeting in 2025 to explore additional ways that CEFI products could be used to inform management, fill data gaps, and address research priorities.

This workshop will aim to improve managers understanding of the purpose and capabilities of CEFI, share information about upcoming management projects related to fisheries resilience under a changing climate, clarify ongoing and planned draft Northeast and Southeast Fisheries Science Center CEFI projects, clarify which CEFI projects are priorities for management, create a shared understanding of management on-ramps for integrating CEFI into ongoing and planned Council and Commission initiatives and actions, and identify mechanisms for ongoing coordination and collaboration.

Participants have been identified by each participating organization. Others attending the meeting in person are invited to observe the plenary. Plenary sessions will be broadcast by webinar. Additional details about the workshop, including webinar details, will be posted to this page once available: *https://www.mafmc.org/council-events/2024/aug15-16/cefi-workshop.*

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: July 24, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–16624 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE108]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of the Scientific Statistical Committee (SSC). See **SUPPLEMENTARY INFORMATION**.

DATES: The SSC meeting will be held via webinar on August 15, 2024, from 8:30 a.m. until 5 p.m., EDT.

ADDRESSES: The meeting will be held via webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public via webinar as it occurs. Webinar registration is required. Information regarding webinar registration is available from the Council's website at: *https://safmc.net/events/august-2024-ssc-meeting/.* The meeting agenda, briefing book materials, and online comment form will be posted to the Council's website two weeks prior to the meeting. Written comment on SSC agenda topics is to be distributed to the Committee through the Council office, similar to all other briefing materials. For this meeting, the deadline for submission of written comment is 5 p.m. EDT August 14, 2024.

The meeting agenda includes a review of South Atlantic Black Sea Bass Assessment Projections and the Management Strategy Evaluation for Black Grouper. The SSC will receive updates on Regulatory Amendment 36 to the Snapper Grouper Fishery Management Plan, Coral Amendment 10, the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Program, SSC workgroups, Southeast Data, Assessment, and Review (SEDAR) appointments, and conduct other business as needed. The SSC will provide guidance to staff and make recommendations for Council consideration.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 24, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–16623 Filed 7–26–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2024–0016; OMB Control Number 0704–0255]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Construction and Architect-Engineer Contracts

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 28, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: *https://www.regulations.gov.* Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Tucker Lucas, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 236, Construction and Architect-Engineer Contracts, and related clauses at 252.236; OMB Control Number 0704–0255.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On Occasion.

Number of Respondents: 1,477.

Responses per Respondent: Approximately 5.53.

Annual Responses: 8,169.

Average Burden per Response: Approximately 11.157 hours.

Annual Burden Hours: 91,143.

Needs and Uses: DoD contracting officers need this information to evaluate contractor proposals for contract modifications; to determine that a contractor has removed obstructions to navigation; to review contractor requests for payment for mobilization and preparatory work; to determine reasonableness of costs allocated to mobilization and demobilization; and to determine eligibility for the 20 percent evaluation preference for United States firms in the award of some overseas construction contracts.

DFARS 236.570(a) prescribes use of the contract clause at DFARS 252.236–7000, Modification Proposals—Price Breakdown, in all fixed-price construction solicitations and contracts. The clause requires the contractor to submit a price breakdown with any proposal for a contract modification.

DFARS 236.570(b) prescribes use of the following contract clauses in fixed-price construction contracts and solicitations as applicable:

(1) The clause at DFARS 252.236–7002, Obstruction of Navigable Waterways, which requires the contractor to notify the contracting officer of obstructions in navigable waterways.

(2) The clause at DFARS 252.236–7003, Payment for Mobilization and Preparatory Work, which requires the contractor to provide supporting documentation when submitting requests for payment for mobilization and preparatory work.

(3) The clause at DFARS 252.236–7004, Payment for Mobilization and Demobilization, which permits the contracting officer to require the contractor to furnish cost data justifying the percentage of the cost split between mobilization and demobilization, if the contracting officer believes that the proposed percentages do not bear a reasonable relation to the cost of the work.

DFARS 236.570(c) prescribes use of the following solicitation provisions in solicitations for military construction contracts that are funded with military construction appropriations and are estimated to exceed $1,000,000:

(1) The provision at DFARS 252.236–7010, Overseas Military Construction—Preference for United States Firms, which requires an offeror to specify whether or not it is a United States firm when contract performance will be in a United States outlying area in the Pacific or in a country bordering the Arabian Gulf.

(2) The provision at DFARS 252.236–7012, Military Construction on Kwajalein Atoll—Evaluation Preference, requires an offeror to specify whether it is a United States firm, or on Kwajalein Atoll, status as a Marshallese firm, when contract performance is expected to exceed $1 million and will be on Kwajalein Atoll.

DoD Clearance Officer: Mr. Tucker Lucas. Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2024–16575 Filed 7–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2024–0015; OMB Control Number 0704–0479]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Earned Value Management System

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 28, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: *https://www.regulations.gov.* Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Tucker Lucas, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 234 and

Related Clause at DFARS 252.234–7002, Earned Value; OMB Control Number 0704–0479.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On Occasion.

Number of Respondents: 10.

Responses per Respondent: 1.

Annual Responses: 10.

Average Burden per Response: 676 hours.

Annual Burden Hours: 6,760.

Needs and Uses: The contract clause at DFARS 252.242–7005, Contractor Business Systems, requires contractors to respond to written determinations of significant deficiencies in the contractor's business systems as defined in the clause. The information contractors are required to submit in response to findings of significant deficiencies in their accounting system, estimating system, material management and accounting system and purchasing system has previously been approved by the Office of Management and Budget under separate clearance requests. This information collection specifically addresses information required by DFARS clause 252.234–7002, Earned Value Management System, for contractors to respond to determinations of significant deficiencies in a contractor's Earned Value Management System (EVMS). The requirements apply to entities that are contractually required to maintain an EVMS. DoD needs this information to document actions to correct significant deficiencies in a contractor's EVMS. DoD contracting officers use the information to mitigate the risk of unallowable and unreasonable costs being charged on government contracts.

DoD Clearance Officer: Mr. Tucker Lucas. Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2024–16574 Filed 7–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Integrity and Continuity of the Defense Career Civilian Workforce

AGENCY: Department of Defense (DoD).

ACTION: Notice of availability.

SUMMARY: This notice informs the public of the availability of DoD internal guidance reaffirming merit system principles and the Secretary of Defense's determination that DoD career civilian employees must be afforded existing civil service protections consistent with due process, which promote integrity and candor and preserve the continuity of the national defense workforce.

DATES: July 10, 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Collins, (703) 693–5794.

SUPPLEMENTARY INFORMATION: The Secretary has determined that existing civil service protections are essential to the integrity and continuity of the defense career civilian workforce. The Secretary directed specific actions be taken to incorporate this determination into DoD internal issuances and employee records.

DoD's internal guidance is available at: *https://www.milsuite.mil/book/servlet/JiveServlet/previewBody/1330762-102-1-3051000/OSD005464-24_CAC.pdf.*

Dated: July 24, 2024.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–16582 Filed 7–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0116]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 28, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Eligibility Questionnaire for Havana Act Payments; DD Form 3220; OMB Control Number 0704–EQHA.

Type of Request: New.

Number of Respondents: 240.

Responses per Respondent: 1.

Annual Responses: 240.

Average Burden per Response: 1 hour.

Annual Burden Hours: 240.

Needs and Uses: The information sought is pursuant to the Further Consolidated Appropriations Act of 2020 and the HAVANA Act of 2021 (22 U.S.C. 2680b).

The information solicited from this form will assist the Department of Defense in determining whether a board-certified neurologist has verified if a patient under their care has been reviewed for the appropriate medical eligibility criteria for potential payment under the Havana Act.

Affected Public: Individuals or households.

Frequency: Once.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: July 24, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–16591 Filed 7–26–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC24–17–000]

Commission Information Collection Activities (FERC–725L); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC 725L (Mandatory Reliability Standards for the Bulk-Power System: MOD Reliability Standards).

DATES: Comments on the collection of information are due September 27, 2024.

ADDRESSES: You may submit copies of your comments (identified by Docket No. IC24–17–000) by one of the following methods:

Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by other delivery methods:

○ *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *All other delivery services:* Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Jean Sonneman may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–6362.

SUPPLEMENTARY INFORMATION:

Title: FERC–725L, Mandatory Reliability Standards for the Bulk-Power System: MOD Reliability Standards.

OMB Control No.: 1902–0261.

Type of Request: Three-year extension of the FERC–725L information collection requirements with no changes to the reporting requirements.

Abstract: MOD Reliability Standards ensure that generators remain in operation during specified voltage and frequency excursions, properly coordinate protective relays and generator voltage regulator controls, and ensure that generator models accurately reflect the generator's capabilities and equipment performance.

On May 30, 2013, the North American Electric Reliability Corporation (NERC) filed a petition explaining that the reliability of the Bulk-Power System benefits from ''good quality simulation models of power system equipment,'' and that ''model validation ensures the proper performance of the control systems and validates the computer models used for stability analysis.'' NERC further stated that the Reliability Standards will enhance reliability because the tests performed to obtain model data may reveal latent defects that could cause ''inappropriate unit response during system disturbances.'' [1] Subsequently, on March 20, 2014, the Commission approved Reliability Standards MOD–025–2, MOD–026–1, and MOD–027–1. These Standards were intended to address generator verifications needed to support Bulk-Power System reliability that would also ensure that accurate data is verified and made available for planning simulations.[2]

On May 1, 2014, the Commission approved Reliability Standards MOD–032–1 and MOD–033–2. These Standards were to address ''system-level modeling data and validation requirements necessary for developing planning models and the Interconnection-wide cases that are integral to analyzing the reliability of the Bulk-Power System''.[3]

MOD–025–2, MOD–026–1, MOD–027–1, MOD–031–3, MOD–032–1 and MOD–033–2 are all currently approved within the FERC–725L information collection. The reporting requirements associated with each standard will not change as a result of this extension request.

Type of Respondents: NERC-registered entities including generator owners, transmission planners, planning authorities, balancing authorities, resource planners, transmission service providers, reliability coordinators, and transmission operators.[4]

Estimate of Annual Burden: [5] The Commission estimates the annual public reporting burden [6] and cost for the information collection as:

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[1] Final Rule in Docket No. RM13–16–000.

[2] NERC Petition for Approval of Five Proposed Reliability Standards MOD–025–2, MOD–026–1, MOD–027–1, PRC–019–1, and PRC–024–1 submitted to FERC on 5/30/2013.

[3] Order in Docket No. RD14–5–000.

[4] In subsequent portions of this notice, the following acronyms will be used: PA = Planning Authority, GO = Generator Owner, TP = Transmission Planner, BA = Balancing Authority, RP = Resource Planner, TSP = Transmission Service Provider, RC = Reliability Coordinator, TOP = Transmission Operator.

[5] ''Burden'' is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[6] Each of the five MOD standards in the FERC–725L information collection previously contained ''one-time'' components to their respondent burden. These one-time burden categories consisted primarily of activities related to establishing industry practices and developing data validation procedures tailored toward these reliability standards and their reporting requirements. None of the one-time burdens apply any longer, so they are being removed from the FERC–725L information collection.

MOD–025–2 (VERIFICATION AND DATA REPORTING OF GENERATOR REAL AND REACTIVE POWER CAPABILITY AND SYNCHRONOUS CONDENSER REACTIVE POWER CAPABILITY)

	Number of respondents[7]	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Attachment 2	1210 (GO)	1	1210	6 hrs.; $463.74[8]	7,260 hrs.; $561,125.40.	$463.74
Evidence Retention	1210 (GO)	1	1210	1 hr.; $39.58[9]	1210 hrs.; $47,891.80.	39.58
Total					8,470 hrs.; $609,017.20.	

MOD–026–1 (VERIFICATION OF MODELS AND DATA FOR GENERATOR EXCITATION CONTROL SYSTEM OR PLANT VOLT/VARIANCE CONTROL FUNCTIONS)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Instructions for obtaining excitation control system or plant voltage/variance control function model.	203 (TP)	1	203	8 hrs.; $618.32	1,624 hrs.; $125,518.96.	$618.32
Documentation on generator verification.	605 (GO)	1	605	8 hrs.; $618.32	4,840 hrs.; $374,083.60.	618.32
Evidence Retention	808 (GO and TOP)	1	808	1 hr.; $39.58	808 hrs.; $31,948.32	39.58
Total					7,272 hrs.; $531,550.88.	

MOD–027–1 (VERIFICATION OF MODELS AND DATA FOR TURBINE/GOVERNOR AND LOAD CONTROL OR ACTIVE POWER/FREQUENCY CONTROL FUNCTIONS)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Instructions for obtaining excitation control system or plant voltage/variance control function model.	203 (TP)	1	203	8 hrs.; $618.32	1,624 hrs.; $125,518.96.	$618.32
Documentation on generator verification.	605 (GO)[10]	1	605	8 hrs.; $618.32	4,840 hrs.; $374,083.60.	618.32

[7] The number of respondents for MOD–025–2/MOD–026–1/MOD–027–1/MOD–31–3/MOD–032–/MOD–033–2 are from the NERC compliance registry April 16, 2024.

[8] The estimated hourly cost (salary plus benefits) based on the Bureau of Labor Statistics (BLS), as of 2023, for an Electrical Engineer (17–2071) $77.29/hr.

[9] The estimated hourly cost (salary plus benefits) based on the Bureau of Labor Statistics (BLS), as of 2023 Information and Record Clerk (43–4199) $39.58/hr.

[10] It is estimated that the applicable numbers of generator owner respondents used to calculate the public reporting burden for these standards MOD–026–1, MOD–027–1, MOD–031–3, MOD–032–1 and MOD–033–1 is half of total numbers of GO (605=1210/2) due to the higher applicability threshold for those Reliability Standards.

MOD–027–1 (VERIFICATION OF MODELS AND DATA FOR TURBINE/GOVERNOR AND LOAD CONTROL OR ACTIVE POWER/FREQUENCY CONTROL FUNCTIONS)—Continued

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Evidence Retention ..	808 (GO and TP)	1	808	1 hr.; $39.58	808 hrs.; $31,980.64	39.58
Total	.....	.....	.....	.....	7,272 hrs.; $531,583.20.	.....

MOD–031–3 (DEMAND AND ENERGY DATA), INCLUDED IN FERC–725L

Reliability standard MOD–031–3	Number and type of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Avg. burden & cost per response [11] (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent (5) ÷ (1)
Develop summary in accordance with Requirement R1, Subparts 1.5.4 and 1.5.5.	607 (DP, TP and/or BA).	1	607	8 hrs.; $618.32	4,856 hrs.; $375,320.24.	$618.32
New Total for MOD–031–3 for Renewal.	.....	.....	.....	.....	4,856 hrs.; $375,320.24.	.....

MOD–032–1 (VERIFICATION OF MODELS AND DATA FOR TURBINE/GOVERNOR AND LOAD CONTROL OR ACTIVE POWER/FREQUENCY CONTROL FUNCTIONS)

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Data Submittal	2,126 (BA, GO, PA/PC, RP, TO, TP, and TSP).	1	2,126	8 hrs.; $618.32	17,008 hrs.; $1,314,548.32.	$618.32
Evidence Retention ..	2,126 (BA, GO, PA/PC, RP, TO, TP, and TSP).	1	2,126	1 hr.; $39.58	2,126hrs.; $84,147.08.	39.58
Total	.....	.....	.....	.....	19,134 hrs.; $1,398,695.40.	.....

[11] The estimated hourly cost (salary plus benefits) based on the Bureau of Labor Statistics (BLS), as of 2023, for an Electrical Engineer (17–2071) $77.29/hr.

MOD–033–2 (FORMERLY MOD–033–1) (STEADY-STATE AND DYNAMICS SYSTEM MODEL VALIDATION)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Data Submittal	177 (RC and TOP) ...	1	177	8 hrs.; $618.32	1,416 hrs.; $109,442.64.	$618.32
Evidence Retention ..	239 (PA/PC, RC, and TOP).	1	239	1 hr.; $39.58	239 hrs.; $9,459.62 ..	39.58
New Total for MOD–033–2 Renewal.	.....	.....	.....	.....	1,655 hrs.; $118,902.26.	.....

The total annual estimated burden and cost for the FERC–725L information collection is 38,724 hours and $2,960,375.60 respectively.

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: July 22, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–16529 Filed 7–26–24; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m. on July 30, 2024.

PLACE: This Board meeting will be open to public observation only by webcast. Visit *https://www.fdic.gov/news/board-matters/video.html* for a link to the webcast. FDIC Board Members and staff will participate from FDIC Headquarters, 550 17th Street NW, Washington, DC.

Observers requiring auxiliary aids (*e.g.,* sign language interpretation) for this meeting should email *DisabilityProgram@fdic.gov* to make necessary arrangements.

STATUS: Open to public observation via webcast.

MATTERS TO BE CONSIDERED: The Federal Deposit Insurance Corporation's Board of Directors will meet to consider the following matters:

Discussion Agenda

Notice of Proposed Rulemaking on Brokered Deposit Restrictions.

Notice of Proposed Rulemaking on Parent Companies of Industrial Banks and Industrial Loan Companies.

Request for Information on Deposits.

Final Guidance for Title I Resolution Plan Triennial Full Filers and Extension of Submission Deadline.

Proposals regarding the Change in Bank Control Act Regulations and Procedures.

Summary Agenda: No substantive discussion of the following items is anticipated. The Board will resolve these matters with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Final Rule on Revisions to the FDIC's Section 19 Regulations.

Interim Final Rule on Clarification of Deposit Insurance Coverage for Legacy Branches of U.S. Banks in the Federated States of Micronesia, the Marshall Islands, and Palau.

Notice of Proposed Rulemaking regarding the Financial Data Transparency Act.

Minutes of a Board of Directors' Meeting Previously Distributed.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

CONTACT PERSON FOR MORE INFORMATION: Direct requests for further information concerning the meeting to Debra A. Decker, Executive Secretary of the Corporation, at 202–898–8748.

Authority: 5 U.S.C. 552b.

Dated at Washington, DC, on July 24, 2024.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–16671 Filed 7–25–24; 11:15 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Bank Holding Company Applications and Notifications (FR Y–3, FR Y–3N, and FR Y–4; OMB No. 7100–0121).

DATES: The revisions are effective as of August 28, 2024.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB

inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/home/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR Y–3, FR Y–3N, and FR Y–4.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collections

Collection title: Bank Holding Company Applications and Notifications.

Collection identifier: FR Y–3, FR Y–3N, and FR Y–4.

OMB control number: 7100–0121.

General description of collection: These filings collect information on proposals by Bank Holding Companies (BHCs) involving formations, acquisitions, mergers, and nonbanking activities. The Board requires the submission of these filings for regulatory and supervisory purposes and to allow the Board to fulfill its statutory obligations under the Bank Holding Company Act of 1956. The Board uses this information to evaluate each individual transaction with respect to financial and managerial factors, permissibility, competitive effects, financial stability, net public benefits, and impact on the convenience and needs of affected communities.

Frequency: Event-generated.

Respondents: BHCs and any company seeking to become a BHC.

Total estimated number of respondents: 335.

Total estimated change in burden: 388.

Total estimated annual burden hours: 7,603.

Current actions: On April 30, 2024, the Board published a notice in the **Federal Register** (89 FR 34246) requesting public comment for 60 days on the extension, with revision, of the FR Y–3, FR Y–3N, and FR Y–4. The Board proposed to revise the FR Y–3, FR Y–3N, and FR Y–4 forms and instructions to update or add certain citations and references; delete language that requires an explanation of the assumptions used in financial projections only if the projections deviate from historical performance; remove the sample publication from the instructions; add questions regarding groups acting in concert, individuals who would own 10 percent or more of the applicant, and companies that would own five percent or more of the applicant; add a requirement that applicants provide a breakdown of pro forma equity; add a requirement that applicants identify any management official of the applicant who is also a management official at another depository institution; and add a question regarding the integration of the target into the applicant. The comment period for this notice expired on July 1, 2024. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, July 24, 2024.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–16598 Filed 7–26–24; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Application for a Foreign Organization to Acquire a U.S. Bank or Bank Holding Company (FR Y–3F; OMB No. 7100–0119).

DATES: The revisions are effective as of August 28, 2024.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/home/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR Y–3F.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collection

Collection title: Application for a Foreign Organization to Acquire a U.S. Bank or Bank Holding Company.

Collection identifier: FR Y–3F.

OMB control number: 7100–0119.

General description of collection: Under the Bank Holding Company Act of 1956, any company, including a company organized under the laws of a foreign country, that seeks to acquire a U.S. bank or bank holding company must receive approval from the Board prior to doing so. The Federal Reserve uses the information collected by the FR Y–3F to determine whether to approve an application for prior approval and, subsequently, to carry out its supervisory responsibilities with respect to the foreign banking organization's operations in the United States.

Frequency: Event-generated.

Respondents: Any company organized under the laws of a foreign country that seeks to acquire a U.S. bank or bank holding company.

Total estimated number of respondents: 1.

Total estimated change in burden: 0.

Total estimated annual burden hours: 92.

Current actions: On April 30, 2024, the Board published a notice in the **Federal Register** (89 FR 34245) requesting public comment for 60 days on the extension, with revision, of the FR Y–3F. The Board proposed to revise the FR Y–3F to add a question regarding the integration of the target into the applicant; update or add certain citations and references; remove the

sample publication from the instructions; and add a clarifying footnote regarding the Interagency Biographical and Financial Reports. The comment period for this notice expired on July 1, 2024. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, July 24, 2024.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–16599 Filed 7–26–24; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Senior Financial Officer Surveys (FR 2023; OMB No. 7100–0223).

DATES: The revisions are effective September 1, 2024.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/home/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 2023.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collection

Collection title: Senior Financial Officer Surveys.

Collection identifier: FR 2023.

OMB control number: 7100–0223.

General description of collection: The Board uses the surveys in this collection to gather qualitative and limited quantitative information about liability management, the provision of financial services, and the functioning of key financial markets from a selection of up to 80 large commercial banks and other depository institutions (or, if appropriate, from other major financial market participants). This voluntary survey is completed by a senior officer at each respondent institution. In recent years, the Board has conducted two surveys per year, but it may conduct up to four surveys per year when significant informational needs arise that cannot be met from existing data sources.

Frequency: Up to four times a year.

Respondents: Domestic depository institutions and foreign banking organizations.

Total estimated number of respondents: 100.

Total estimated change in burden: 240.

Total estimated annual burden hours: 1,200.

Current actions: On March 7, 2024, the Board published a notice in the **Federal Register** (89 FR 16568) requesting public comment for 60 days on the extension, with revision, of the FR 2023. The Board proposed revising the FR 2023 to increase the respondent panel size from 80 to 100 and change the method of collection from email to an online survey tool. The comment period for this notice expired on May 6, 2024. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, July 23, 2024.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–16541 Filed 7–26–24; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the International Applications and Prior Notifications under Subparts A and C of Regulation K (FR K–1; OMB No. 7100–0107).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/home/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR K–1.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: International Applications and Prior Notifications

under Subparts A and C of Regulation K.

Collection identifier: FR K–1.

OMB control number: 7100–0107.

General description of collection: Subpart A of Regulation K, International Banking Operations (12 CFR part 211, subpart A), governs the foreign investments and activities of member banks, Edge and agreement corporations, bank holding companies (BHCs), and certain investments by foreign organizations. Subpart C of Regulation K, Export Trading Companies (12 CFR part 211, subpart C), governs investments in export trading companies by eligible investors. Eligible investors are BHCs, banker's banks, foreign banking organizations, and Edge and agreement corporations that are subsidiaries of BHCs but are not subsidiaries of banks (12 CFR 211.32(d)). The FR K–1 information collection comprises a reporting form (FR K–1 form), as well as certain reporting and recordkeeping requirements contained in these subparts of Regulation K that are not directly reflected in the FR K–1 form, and a disclosure requirement (via newspaper notice) for certain transactions. The FR K–1 form contains eleven attachments associated with the application and notification requirements in Subparts A and C of Regulation K. The Board requires the information collected by the FR K–1 for regulatory and supervisory purposes and to allow the Board to fulfill its statutory obligations under the Federal Reserve Act and the Bank Holding Company Act of 1956.

Frequency: Event-generated.

Respondents: Member banks, Edge and agreement corporations, BHCs, and with regard to certain investments, foreign organizations.

Total estimated number of respondents: 119.

Total estimated annual burden hours: 1,009.

Current actions: On April 29, 2024, the Board published a notice in the **Federal Register** (89 FR 33348) requesting public comment for 60 days on the extension, without revision, of the FR K–1. The comment period for this notice expired on June 28, 2024. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, July 24, 2024.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–16597 Filed 7–26–24; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than August 28, 2024.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *Pluto Investments Inc., Wilmington, Delaware;* to become a bank holding company by acquiring Ambanc Financial Services, Inc., and thereby indirectly acquiring American Bank of Beaver Dam, both of Beaver Dam, Wisconsin.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–16604 Filed 7–26–24; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than August 13, 2024.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *Jason C. Nicholas Bank Trust, Jason C. Nicholas, trustee, both of Atlantic, Iowa;* to acquire voting shares of

Whitney Corporation of Iowa, and thereby indirectly acquire voting shares of First Whitney Bank and Trust, both of Atlantic, Iowa.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–16596 Filed 7–26–24; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Basel II Interagency Pillar 2 Supervisory Guidance (FR 4199; OMB No. 7100–0320).

DATES: Comments must be submitted on or before September 27, 2024.

ADDRESSES: You may submit comments, identified by FR 4199, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number or FR number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Federal Reserve Board of Governors, Attn: Ann E. Misback, Secretary of the Board, Mailstop M–4775, 2001 C St. NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information. Public comments may also be viewed electronically or in paper in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. on weekdays, except for Federal holidays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains more detail about the information collection and burden estimates than this notice), and other documentation, will be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportingforms/home/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 4199. Final versions of these documents will be made available at *https://www.reginfo.gov/public/do/PRAMain,* if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed 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;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Collection title: Basel II Interagency Pillar 2 Supervisory Guidance.

Collection identifier: FR 4199.

OMB control number: 7100–0320.

General description of collection: Advanced approaches banking organizations are required to use an internal ratings-based approach to calculate regulatory credit risk capital requirements and advanced measurement approaches to calculate regulatory operational risk capital requirements. Banking organizations are required to meet certain qualification requirements before they can use the advanced approaches framework for risk-based capital purposes. The Pillar 2 Guidance sets the expectation that such organizations maintain certain documentation as described in paragraphs 37, 41, 43, and 46 of this portion of the guidance.

Frequency: On occasion.

Respondents: State member banks and bank holding companies that use the advanced approaches framework.

Total estimated number of respondents: 15.

Total estimated annual burden hours: 6,300.

Board of Governors of the Federal Reserve System, July 23, 2024.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–16543 Filed 7–26–24; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Community Services Block Grant (CSBG) Model Tribal Plan Applications (New Collection)

AGENCY: Office of Community Services, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Community Services (OCS), Administration for Children and Families (ACF), requests an approval of the Community Services Block Grant (CSBG) Model Tribal Plan.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Section 677 of the CSBG Act requires Indian tribes or tribal organizations to submit an application and plan (CSBG Model Tribal Plan). The CSBG Model Tribal Plan must meet statutory requirements prior to OCS awarding CSBG tribal grant recipients with CSBG funds. Tribal grant recipients have the option to submit a detailed plan annually or biannually. Tribal grant recipients that submit a biannual plan must provide an abbreviated plan the following year if substantial changes to the initial plan will occur. The CSBG Model Tribal Plan has been used in previous years without OMB approval. To come into compliance with the PRA, ACF is submitting the CSBG Model Tribal Plan as a new request to OMB.

Respondents: Tribal grant recipients (*tribes and tribal organizations)*

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
CSBG Model Tribal Plan	66	1	10	660

Authority: Sec. 677, Pub. L. 105–285, 112 Stat. 2742 (42 U.S.C. 9911).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–16595 Filed 7–26–24; 8:45 am]

BILLING CODE 4184–27–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–0622]

Advisory Committee; Pulmonary-Allergy Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the renewal of the Pulmonary-Allergy Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Pulmonary-Allergy Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the May 30, 2026, expiration date.

DATES: Authority for the Pulmonary-Allergy Drugs Advisory Committee will expire on May 30, 2026, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Takyiah Stevenson, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 240–402–2507, *PADAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services and by the General Services Administration, FDA is announcing the renewal of the Pulmonary-Allergy Drugs Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms and makes appropriate recommendations to the Commissioner of Food and Drugs.

Pursuant to its Charter, the Committee shall consist of a core of 11 voting members, including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of pulmonary medicine, allergy, clinical immunology, and epidemiology or statistics. Members will be invited to serve for overlapping terms of up to 4 years. Non-Federal members of this committee will serve as Special Government Employees or representatives. Federal members will serve as Regular Government Employees or Ex-Officios. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting representative member who is identified with industry interests. There may also be an alternate industry representative.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees (normally not to exceed 10 members) to serve temporarily as voting members and to designate consultants to serve temporarily as voting members when: (1) expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members), or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking. Because of the size of the Committee and the variety in the types of issues that it will consider, FDA may, in connection with a particular committee meeting, specify a quorum that is less than a majority of the current voting members. The Agency's regulations (21 CFR 14.22(d)) authorize a committee charter to specify quorum requirements.

If functioning as a medical device panel, an additional non-voting representative member of consumer interests and an additional non-voting representative member of industry interests will be included in addition to the voting members.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/pulmonary-allergy-drugs-advisory-committee/pulmonary-allergy-advisory-committee-charter* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This notice is issued under the Federal Advisory Committee Act as amended (5 U.S.C. 1001 *et seq.*). For general information related to FDA advisory committees, please visit us at *https://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: July 24, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–16629 Filed 7–26–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3294]

Pediatric Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) announces a forthcoming public advisory committee meeting of the Pediatric Advisory Committee (PAC). The general function of the committee is to provide advice and recommendations to the FDA on pediatric regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held virtually on September 18, 2024, from 10 a.m. to 4 p.m. Eastern Time.

ADDRESSES: All meeting participants will be joining this advisory committee meeting via an online platform and heard, viewed, captioned, and recorded via an online and/or video conferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2024–N–3294. The docket will close on September 17, 2024. Submit either electronic or written comments on this public meeting by September 17, 2024. 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 September 17, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or the delivery service acceptance receipt is before or on that date.

Comments received on or before September 9, 2024, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is canceled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–3294 for ''Pediatric Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' 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. EST, 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.'' FDA 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 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 the 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: Shivana Srivastava, Office of Pediatric Therapeutics, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5152, Silver Spring, MD 20993–0002, 301–796–8695, *shivana.srivastava@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On September 18, 2024, the PAC will meet to discuss post-marketing pediatric-focused safety reviews of the following products:

1. Center for Biologics Evaluation and Research
   a. AGRIFLU (influenza virus vaccine)
   b. CUTAQUIG (immune globulin subcutaneous (human)-hipp, 16.5%)
   c. XYNTHA (antihemophilic factor (recombinant), plasma/albumin Free)
2. Center for Drug Evaluation and Research
   a. AZSTARYS (serdexmethylphenidate/dexmethylphenidate)
   b. CAFCIT (caffeine citrate)
   c. CHANTIX (varenicline)
   d. CIMDUO, TEMIXYS (lamivudine/tenofovir disoproxil fumarate)
   e. CLEOCIN HYDROCHLORIDE (clindamycin hydrochloride), CLEOCIN PHOSPHATE (clindamycin phosphate), CLEOCIN PHOSPHATE IN DEXTROSE 5% IN PLASTIC CONTAINER (clindamycin phosphate), CLINDAMYCIN PHOSPHATE IN 0.9% SODIUM CHLORIDE (clindamycin phosphate)
   f. DYANAVEL XR (amphetamine)
   g. EVEKEO ODT (amphetamine sulfate)
   h. GATTEX (teduglutide)
   i. GILENYA (fingolimod) and TASCENSO ODT (fingolimod)
   j. JANUVIA (sitagliptin) and JANUMET (sitagliptin/metformin HCl), JANUMET XR (sitagliptin/metformin hydrochloride extended release)
   k. KAPSPARGO SPRINKLE (metoprolol succinate extended release)
   l. LITHIUM (lithium carbonate), (lithium oral solution)
   m. LOTEMAX (loteprednol etabonate)
   n. LUMASON (sulfur hexafluoride lipid-type A microspheres)
   o. MAVYRET (glecaprevir/pibrentasvir)
   p. MIRCERA (methoxy polyethylene glycol-epoetin beta)
   q. MULTRYS (trace elements), TRALEMENT (trace elements), ZINC SULFATE, SELENIOUS ACID
   r. MYDAYIS (mixed salts of a single-entity amphetamine)
   s. NATROBA (spinosad)
   t. PRADAXA (dabigatran etexilate)
   u. QELBREE (viloxazine extended-release)
   v. RIOMET ER (metformin hydrochloride extended-release)
   w. TEFLARO (ceftaroline fosamil)
   x. TIROSINT–SOL (levothyroxine sodium)
   y. TYBOST (cobicistat)
   z. ULTRAVATE (halobetasol propionate), LEXETTE (halobetasol propionate)
   aa. VEKLURY (remdesivir)
   bb. VYVANSE (lisdexamfetamine dimesylate)
   cc. XACIATO (clindamycin phosphate)
   dd. XEGLYZE (abametapir)
   ee. XELSTRYM (dextroamphetamine)
   ff. YERVOY (ipilimumab)
3. Center for Devices and Radiological Health
   a. CONTEGRA PULMONARY VALVED CONDUIT (Humanitarian Device Exemption (HDE))
   b. ENTERRA THERAPY SYSTEM (HDE)
   c. FLOURISH PEDIATRIC ESOPHAGEAL ATRESIA DEVICE (HDE)
   d. PLEXIMMUNE IN-VITRO DIAGNOSTIC TEST (HDE)
   e. PULSERIDER ANEURYSM NECK RECONSTRUCTION DEVICE (HDE)
   f. SONALLEVE MR–HIFU (HDE)

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website after the meeting. Background material and the link to the online meeting will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio and video components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions to the Docket (see **ADDRESSES**) on or before September 9, 2024, will be provided to the committee. Written submissions may be made to the contact person on or before September 11, 2024. Oral presentations from the public will be scheduled between approximately 11 a.m. to 12 p.m. Eastern Standard Time on September 18, 2024. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time

requested to make their presentation on or before September 9, 2024. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 10, 2024.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Shivana Srivastava (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform. This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. The conditions for issuance of a waiver under 21 CFR 10.19 are met.

Dated: July 24, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–16618 Filed 7–26–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–0846]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; National Agriculture and Food Defense Strategy Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2024.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0855. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

National Agriculture and Food Defense Strategy Survey

OMB Control Number 0910–0855—Extension

We are seeking OMB approval of the National Agriculture and Food Defense Strategy (NAFDS) under section 108 of the Food Safety Modernization Act (FSMA). This is a voluntary survey of State, local, territorial, and/or tribal (SLTT) governments intended to gauge government activities in food and agriculture defense from intentional contamination and emerging threats. The collected information will be included in the mandatory NAFDS followup Report to Congress. The authority for us to collect the information derives from the Commissioner of Food and Drugs' authority provided in section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(d)(2)(C)).

Protecting the nation's food and agriculture supply against intentional contamination and other emerging threats is an important responsibility shared by SLTT governments as well as private sector partners. FSMA focuses on ensuring the safety of the U.S. food supply by shifting the efforts of Federal regulators from response to prevention and recognizes the importance of strengthening existing collaboration among all stakeholders to achieve common public health and security goals. FSMA identifies some key priorities for working with partners in areas such as reliance on Federal, State, and local agencies for inspections; improving foodborne illness surveillance; and leveraging and enhancing State and local food safety and defense capacities. Section 108 of FSMA–NAFDS requires HHS and the U.S. Department of Agriculture (USDA), in coordination with the Department of Homeland Security (DHS), to work together with SLTT to monitor and measure progress in food defense.

In 2015, the initial NAFDS Report to Congress detailed the specific Federal response to food and agriculture defense goals, objectives, key initiatives, and activities that HHS, USDA, DHS, and other stakeholders planned to accomplish to meet the objectives outlined in FSMA. The NAFDS charts a direction for how Federal agencies, in cooperation with SLTT governments and private sector partners, protect the nation's food supply against intentional contamination. Not later than 4 years after the initial NAFDS Report to Congress (2015), and every 4 years thereafter (*i.e.,* 2019, 2023, 2027, etc.), HHS, USDA, and DHS are required to revise and submit an updated report to the relevant committees of Congress.

FDA is the agency primarily responsible for obtaining the information from Federal and SLTT partners to complete the NAFDS Report to Congress. An interagency working group will conduct the survey and collect and update the NAFDS as directed by FSMA, including developing metrics and measuring progress for the evaluation process.

The survey of Federal and State partners will be used to determine what

food defense activities, if any, Federal and/or SLTT agencies have completed (or are planning on completing) from 2024 to 2028. Planning for the local, territorial, and tribal information collections will commence during this period of renewal. The survey will continue to be repeated approximately every 2 to 4 years, as described in section 108 of FSMA. The NAFDS survey is being administered for the purpose of monitoring progress in food and agricultural defense by government agencies.

A purposive sampling strategy is employed, such that the government agencies participating in food and agricultural defense are asked to respond to the voluntary survey. Food defense leaders responsible for conducting food defense activities during a food emergency for their jurisdiction are identified and will receive an emailed invitation to complete the survey online; they will be provided with a web link to the survey. The survey will be conducted electronically on the FDA.gov web portal, and results will be analyzed by the interagency working group.

Description of Respondents: Respondents to this collection are SLTT government representatives (survey respondents) who are food defense leaders responsible for conducting food defense activities during a food emergency for their jurisdictions.

In the **Federal Register** of March 26, 2024 (89 FR 20980), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
SLTT Surveys	500	1	500	0.33 (20 minutes)	165

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The FDA Office of Partnerships reviewed the questionnaire and provided the estimate of time to complete the survey. The total burden is based on our previous experiences conducting surveys. Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: July 24, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–16616 Filed 7–26–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–0758]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; New Plant Varieties Intended for Food Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2024.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0583. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

New Plant Varieties Intended for Food Use

OMB Control Number 0910–0583—Extension

This information collection supports recommendations found in FDA guidance pertaining to new plant varieties intended for food use.

I. Consultation Procedures: Foods Derived From New Plant Varieties; Form FDA 3665

The Agency guidance document entitled ''Consultation Procedures under FDA's 1992 Statement of Policy for Foods Derived From New Plant Varieties'' (October 1997), which is available on our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-consultation-procedures-under-fdas-1992-statement-policy-foods-derived-new-plant,* describes our consultation process for the evaluation of information on new plant varieties provided by developers. We believe this consultation process will help ensure that human and animal food safety issues or other regulatory issues (*e.g.,* labeling) are resolved prior to commercial distribution. Additionally, such communication will help to ensure that any potential food safety issues regarding a new plant variety are resolved during development and will help to ensure that market entry decisions by the industry are made consistently and in full compliance with the standards of the Federal Food, Drug, and Cosmetic Act (FD&C Act).

Since 1992, when we issued our ''Statement of Policy: Foods Derived From New Plant Varieties'' (the 1992 policy) (57 FR 22984, May 29, 1992), we have encouraged developers of new plant varieties, including those varieties that are developed through biotechnology, to consult with us during the plant development process to discuss possible scientific and

regulatory issues that might arise. In the 1992 policy, we explained that under the FD&C Act developers of new foods (in this document food refers to both human and animal food) have a responsibility to ensure that the foods they offer to consumers are safe and in compliance with all requirements of the FD&C Act. To initiate a New Plant Variety consultation (also known as a Biotechnology Notification File (BNF)), developers are encouraged to electronically submit their scientific information and data following a step-by-step process to complete Form FDA 3665, assemble their notification, and send fully electronic submissions to FDA via the Center for Food Safety and Applied Nutrition Online Submission Module (COSM), which may be accessed at *https://www.fda.gov/food/registration-food-facilities-and-other-submissions/cfsan-online-submission-module-cosm.* Firms that prefer to submit a paper notification in a paper format of their choosing or as electronic files on physical media with a paper signature page, have the option to do so; however, Form FDA 3665 prompts a notifier to input the elements of a BNF in a standard format that we will be able to review efficiently. Form FDA 3665 may be accessed at *https://www.fda.gov/about-fda/reports-manuals-forms/forms.*

II. Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use; Form FDA 3666

Since we issued the 1992 policy on foods derived from new plant varieties, including those varieties that are developed through biotechnology, we have encouraged developers of new plant varieties to consult with us early in the development process to discuss possible scientific and regulatory issues that might arise. The guidance, entitled ''Recommendations for the Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use'' (June 2006), which is available on our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-recommendations-early-food-safety-evaluation-new-non-pesticidal-proteins-produced,* continues to foster early communication by encouraging developers to submit to us their evaluation of the food safety of their new proteins. Such communication helps to ensure that any potential food safety issues regarding a new protein in a new plant variety are resolved early in development, prior to any possible inadvertent introduction into the food supply of the new protein.

We believe that any food safety concern related to such material entering the food supply would be limited to the potential that a new protein in food from the plant variety could cause an allergic reaction in susceptible individuals or could be a toxin. The guidance describes the procedures for early food safety evaluation of new proteins produced by new plant varieties, including biotechnology-derived food plants, and the procedures for communicating with us about the safety evaluation. To initiate an Early Food Safety Evaluation consultation (also known as a New Protein Consultation (NPC)), developers are encouraged to electronically submit their scientific information and data following a step-by-step process to complete Form FDA 3666, assemble their notification, and send fully electronic submissions to FDA via COSM, which may be accessed at *https://www.fda.gov/food/registration-food-facilities-and-other-submissions/cfsan-online-submission-module-cosm.* Firms that prefer to submit a paper NPC in a paper format of their choosing or as electronic files on physical media with a paper signature page, have the option to do so; however, Form FDA 3666 prompts a notifier to input the elements of an NPC in a standard format that we will be able to review efficiently. Form FDA 3666 may be accessed at *https://www.fda.gov/about-fda/reports-manuals-forms/forms.*

Description of Respondents: The respondents to this collection of information are developers of new plant varieties intended for food use.

In the **Federal Register** of March 12, 2024 (89 FR 17854), we published a 60-day notice soliciting comment on the proposed collection of information. Several comments were received. Most comments indicated that the information collected was necessary and had practical utility which allows FDA to make decisions regarding food safety and protection of the public's health. Some of the comments also indicated that the use of automation such as electronic forms made the process of submitting information much quicker and smoother for the respondent. Two comments received were not related to the PRA and are therefore not discussed. No adjustments to our burden estimates were made in response to the public comments.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Agency guidance recommendations; information collection	Form FDA No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Consultation Procedures: Foods Derived From New Plant Varieties						
Initial consultation	None	30	2	60	4	240
Final consultation	3,665	12	1	12	150	1,800
Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use						
Six data components	3,666	6	1	6	20	120
Total				78		2,160

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made minor adjustments to update our burden estimate to reflect recent annual response rates (increased initial consultations under the New Plant Variety consultation procedures) and to clarify the total number of responses under the Early Food Safety Evaluation procedures.

Dated: July 24, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–16617 Filed 7–26–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3248]

Fosun Pharma USA Inc., et al.; Withdrawal of Approval of 23 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of 23 abbreviated new drug applications (ANDAs) from multiple applicants. The applicants notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of August 28, 2024.

FOR FURTHER INFORMATION CONTACT: Martha Nguyen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1676, Silver Spring, MD 20993–0002, 301–796–3471, *Martha.Nguyen@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The applicants listed in table 1 have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

TABLE 1—ANDAS FOR WHICH APPROVAL IS WITHDRAWN

Application No.	Drug	Applicant
ANDA 073462 ..	Tolmetin Sodium capsule, Equivalent to (EQ) 400 milligrams (mg) base.	Fosun Pharma USA Inc., 104 Carnegie Center, Suite 204, Princeton, NJ 08540.
ANDA 073588 ..	Tolmetin Sodium tablet, EQ 200 mg base	Do.
ANDA 074002 ..	Tolmetin Sodium tablet, EQ 600 mg base	Do.
ANDA 075631 ..	Ketorolac Tromethamine injectable, 15 mg/milliliters (mL) and 30 mg/mL.	Baxter Healthcare Corp., One Baxter Parkway, Deerfield, IL 60015.
ANDA 076427 ..	Milrinone Lactate injectable, EQ 1 mg base/mL	Do.
ANDA 076791 ..	Haloperidol Lactate injectable, EQ 5 mg base/mL	Do.
ANDA 076828 ..	Haloperidol Lactate injectable, EQ 5 mg base/mL	Do.
ANDA 077040 ..	Citalopram Hydrobromide tablet, EQ 10 mg base, EQ 20 mg base, EQ 40 mg base.	Fosun Pharma USA Inc.
ANDA 077947 ..	Fluconazole injectable, 200 mg/100 mL (2 mg/mL) and 400 mg/200 mL (2 mg/mL).	Baxter Healthcare Corp.
ANDA 078197 ..	Granisetron Hydrochloride (HCl) injectable, EQ 0.1 mg base/mL (EQ 0.1 mg base/mL).	Do.
ANDA 079045 ..	Bicalutamide tablet, 50 mg	Fresenius Kabi USA, LLC, Three Corporate Dr., Lake Zurich, IL 60047.
ANDA 085787 ..	Trifluoperazine HCl concentrate, EQ 10 mg base/mL	Fosun Pharma USA Inc.
ANDA 086808 ..	Cyproheptadine HCl tablet, 4 mg	Do.
ANDA 087774 ..	Phenylbutazone capsule, 100 mg	Do.
ANDA 088602 ..	Pseudoephedrine HCl; Triprolidine HCl tablet, 60 mg; 2.5.mg	Do.
ANDA 090367 ..	Levofloxacin tablet, 250 mg, 500 mg, 750 mg	Celltrion USA, Inc., U.S. Agent for Celltrion, Inc., One Evertrust Plaza, Suite 1207, Jersey City, NJ 07302.
ANDA 091049 ..	Ceftriaxone Sodium injectable, EQ 250 mg base/vial, EQ 500 mg base/vial, EQ 1 gram (g) base/vial, EQ 2 g base/vial.	EAS Consulting Group, LLC, U.S. Agent for Astral SteriTech Pvt. Ltd., 1700 Diagonal Rd., Suite 750, Alexandria, VA 22314.
ANDA 091436 ..	Levofloxacin injectable, EQ 500 mg/20 mL (EQ 25 mg/mL)	Baxter Healthcare Corp.
ANDA 207032 ..	Melphalan HCl injectable, EQ 50 mg base/vial	USWM, LLC, 4441 Springdale Rd., Louisville, KY 40241.
ANDA 207101 ..	Sumatriptan Succinate injectable, EQ 6 mg base/0.5 mL (EQ 12 mg base/mL).	Baxter Healthcare Corp.
ANDA 211959 ..	Clobazam tablet, 10 mg and 20 mg	Celltrion USA, Inc., U.S. Agent for Celltrion, Inc.
ANDA 212053 ..	Chlorzoxazone tablet, 375 mg and 750 mg	AptaPharma Inc., 1533 Union Ave., Pennsauken, NJ 08110.
ANDA 215065 ..	Methocarbamol solution, 1 g/10 mL (100 mg/mL)	Baxter Healthcare Corp.

Therefore, approval of the applications listed in table 1, and all amendments and supplements thereto, is hereby withdrawn as of August 28, 2024. Approval of each entire application is withdrawn, including any strengths and dosage forms inadvertently missing from table 1. Introduction or delivery for introduction into interstate commerce of products listed in table 1 without an approved new drug application or ANDA violates sections 505(a) and 301(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a) and 331(d)). Drug products that are listed in table 1 that are in inventory on August 28, 2024 may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: July 24, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–16627 Filed 7–26–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority; Office of The National Coordinator for Health Information Technology

The Department of Health and Human Services is reorganizing the role and function of the Assistant Secretary for Administration to move technology and data policy and strategy functions from that office to the Office of National Coordinator for Health Information Technology.

Under this reorganization, technology and data policy and strategy functions are moving from the Office of the Assistant Secretary for Administration (ASA) to the Office of the National Coordinator for Health IT (ONC), including moving the Office of the Chief Data Officer, Office of the Chief AI Officer, and a newly recreated Chief Technology Officer. ONC would be dually titled to the Assistant Secretary for Technology Policy and Office of the National Coordinator for Health Information Technology.

Part A, Office of the Secretary, Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Chapter AR, Office of the National Coordinator for Health Information Technology (ONC), as last amended at 83 FR 19289 (May 2, 2018), 79 FR 31941 (June 3, 2014), 77 FR 29349—50 (May 17, 2012), 76 FR 65196 (Oct. 20, 2011), 76 FR 6795 (Feb. 8, 2011), 75 FR 49494 (Aug. 13, 2010), 74 FR 62785–86 (Dec. 1, 2009), 70 FR 48718–03 (Aug. 19, 2005) is amended. The prior **Federal Register** Notice is amended as follows:

I. Under AR.10, Organization, delete all of components and replace with the following:

A. Immediate Office of the Assistant Secretary for Technology Policy/ National Coordinator (ARA)
B. Office of Policy (ARI)
C. Office of Standards, Certification, and Analysis (ARC)
D. Office of the Chief Operating Officer (ARE)
E. Office of the Chief Technology Officer

II. Delete AR.20, Functions, in its entirety and replace with the following:

Section AR.20, Functions

A. Immediate Office of the Assistant Secretary for Technology Policy/ National Coordinator: The Immediate Office (IO) is headed by the Assistant Secretary for Technology Policy (dually titled as the National Coordinator for Health IT) (henceforth referred to as the Assistant Secretary), who provides leadership and executive and strategic direction for the dually titled Office of the Assistant Secretary for Technology Policy/Office of the National Coordinator for Health IT (henceforth referred to as ASTP). The Assistant Secretary is responsible for carrying out ASTP's mission and implementing the functions of the organization. The IO/ ASTP (1) advances the interoperability of health information as central and foundational to the core mission of HHS to enhance and protect the health and well-being of all Americans; (2) ensures that health information technology initiatives for health and human services are coordinated across HHS programs, including aligning health information technology investments; (3) ensures that the health information technology policy and programs of HHS are coordinated with those of relevant executive branch agencies (including Federal commissions and advisory committees) with a goal of avoiding duplication of effort and of helping to ensure that each agency undertakes activities primarily within the areas of its greatest expertise and technical capability; (4) leads the efforts to promulgate health IT regulations that advance interoperability across the entire health care sector, including across behavioral health, human services, and public health sectors ; (5) leads Federal and industry efforts to advance the access, exchange, and use of health information across the healthcare sector.

The Principal Deputy Assistant Secretary for Technology Policy/ Principal Deputy National Coordinator (henceforth referred to as the Principal Deputy Assistant Secretary), a part of the IO, works with and reports directly to the Assistant Secretary and is responsible for supporting the Assistant Secretary in day-to-day operations and strategy for ASTP, and staff management of the organization. The Principal Deputy Assistant Secretary serves as the Principal Deputy National Coordinator and is a career senior executive service position that in conjunction with the Assistant Secretary provides executive oversight for the activities of ASTP offices.

The Deputy Assistant Secretary for Technology Policy/Deputy National Coordinator (henceforth referred to as the Deputy Assistant Secretary) works with and reports directly to the Assistant Secretary. The Deputy Assistant Secretary serves as the Chief Operating Officer and is a career senior executive service position. The Deputy Assistant Secretary is responsible for day-to-day operations and strategy for ASTP agency-wide business management functions as well as providing executive oversight in conjunction with the Assistant Secretary and Principal Deputy Assistant Secretary.

a. Office of Policy: The Office of Policy is headed by an Associate Deputy Assistant Secretary who serves as the Executive Director of the Office of Policy. The Associate Deputy Assistant Secretary/Executive Director of the Office of Policy is a career senior executive service position. This office is responsible for: (1) policy and rulemaking activities, including implementation of provisions included in the Health Information Technology for Economic and Clinical Health Act (HITECH) and the 21st Century Cures Act; (2) ASTP's domestic and global policy initiatives; (3) coordination with executive branch agencies, Federal commissions, advisory committees, and external partners; (4) advanced analysis and the establishment of health information technology policies for ASTP and the Department to support health and human services initiatives, including in the areas of behavioral health, care transformation, health IT investment alignment, human services, information blocking, interoperability, privacy and security, and quality improvement; and (5) operation of the Health Information Technology Advisory Committee established in the 21st Century Cures Act.

b. Office of Standards, Certification, and Analysis: The Office of Standards, Certification, and Analysis is headed by an Associate Deputy Assistant Secretary who serves as the Executive Director of the Office of Standards, Certification, and Analysis. The Associate Deputy Assistant Secretary/Executive Director of the Office of Standards, Certification, and Analysis is a career senior executive service position.

This office is responsible for (1) executing provisions included in the HITECH Act and the 21st Century Cures Act; (2) providing technical leadership and coordination within the health IT community to identify, evaluate, and influence the development of standards, implementation guidance, and best practices to advance nationwide interoperability for health and human services initiatives; (3) coordinating with Federal agencies and other public and private partners to implement and advance interoperability nationwide for health and human services initiatives; (4) leading the development of electronic testing tools, resources, and data to achieve interoperability,

enhanced usability, and aid in the optimization of health IT; (5) administering the ASTP Health IT Certification Program, including the Certified Health IT Product List (CHPL); and (6) leading ASTP's technical interoperability interests and investments to advance the development of innovative solutions for interoperability.

D. The Office of the Chief Operating Officer: The Office of the Chief Operating Officer is headed by an Associate Deputy Assistant Secretary who serves as the Executive Director of the Office of the Chief Operating Officer. The Associate Deputy Assistant Secretary/Executive Director of the Office of the Chief Operating Officer is a career senior executive service position. The Office of the Chief Operating Officer is responsible for: (1) managing enterprise risk and formulating solutions to ensure ASTP has the resources to achieve its mission and goals; (2) ensuring fiscal integrity and adherence to federal laws and regulations; (3) providing centralized, agency-wide strategy and services including: budget and financial management; grants management; acquisitions management; human capital; information technology; cybersecurity; facilities management; ethics; and records management.

E. Office of the Chief Technology Officer: The Office of the Chief Technology Officer is headed by an Associate Deputy Assistant Secretary who serves as the Chief Technology Officer. The Associate Deputy Assistant Secretary/Chief Technology Officer is a career senior executive service position. The Office of the Chief Technology Officer includes the Office of the Chief Artificial Intelligence Officer and the Office of the Chief Data Officer. This office is responsible for: (1) implementing the HITECH Act and 21st Century Cures Act; (2) leading HHS-wide digital strategy and digital services and project teams for health and human services programs; (3) developing and leading HHS-wide data policy, including program strategies, stewardship, and privacy and security initiatives; (4) anticipating key technology and data policy needs in cross-agency and external mission areas in order to proactively respond to industry changes; (5) providing strategic leadership to health and human services initiatives and the industry at large on novel technologies, including ethical, legal, and social matters; (6) coordinating and facilitating a culture of innovation within HHS programs that encourages experimentation, supports research and development efforts, and promotes the adoption of new technologies.

III. Delegation of Authority.

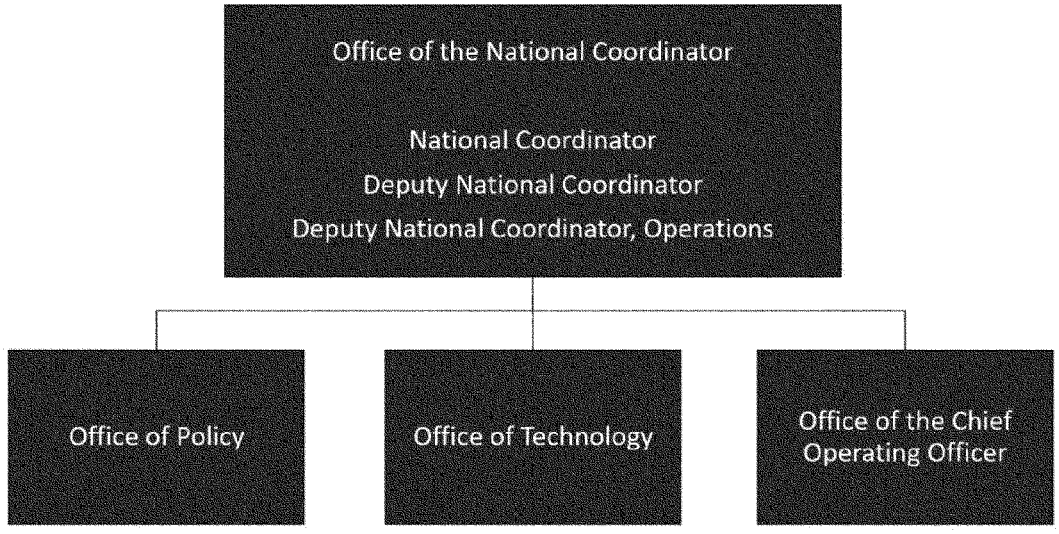
Pending further delegation, directives, or orders by the Secretary or by the Assistant Secretary for Technology Policy/National Coordinator all delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

Xavier Becerra,

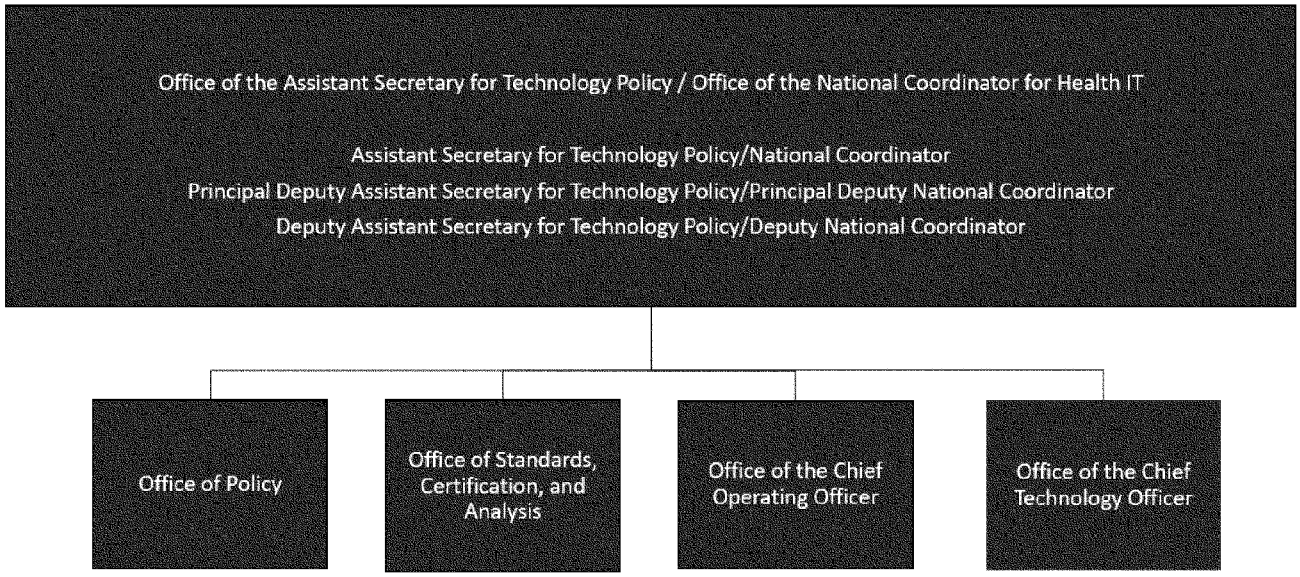
Secretary, U.S. Department of Health and Human Services.

BILLING CODE 4150–24–P

Current Org Chart - ONC



Future Org Chart – ONC



[FR Doc. 2024–16571 Filed 7–25–24; 8:45 am]
BILLING CODE 4150–24–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Digestive Diseases and Nutrition C Study Section Mentored Career Development Applications in Digestive Diseases and Nutrition.

Date: October 9–11, 2024.

Time: 5:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney, National Institute of Health, 6707 Democracy Boulevard, Rm. 7009, Bethesda, MD 20892–5452, (301) 594–4721, *kozelp@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 24, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–16614 Filed 7–26–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Adeno-Associated Virus Vector-Mediated Gene Delivery of Human Aquaporin-1 To Prevent Radiation-Induced Salivary Hypofunction

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institute of Diabetes and Digestive and Kidney Disease and National Institute of Dental and Craniofacial Research, institutes of the National Institutes of Health, Department of Health and Human Services, are contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Australian, Brazilian, Canadian, Chinese, European, Hong Kong, Israeli, Japanese, South Korean, Mexican, Malaysian, New Zealand, Philippines, Singapore, United States, and South African Applications listed in the Supplementary Information section of this notice to MeiraGTx, LLC, located in New York City, New York, USA.

DATES: Only written comments and/or applications for a license that are received by the National Institute of Diabetes and Digestive and Kidney Disease's Technology Advancement Office on or before August 13, 2024 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Vladimir Knezevic, MD, (Senior) Advisor for Commercial Evaluation, Technology Advancement Office, Building 12A, Room 3011, Bethesda, MD 20817–5632 (for business mail), Telephone: (301) 435–5560; Email: *vlado.knezevic@nih.gov*.

SUPPLEMENTARY INFORMATION:

Intellectual Property

I. ARIPO Patent Application AP/P/2024/015557 filed on February 28, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–AP–01).

II. Australian Patent Application 2022325158 filed on February 26, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–AU–01).

III. Brazilian Patent Application BR112024002194–7 filed on February 7, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–BR–01).

IV. Canadian Patent Application 3227584 filed on January 31, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–CA–01).

V. Chinese Patent Application 202280058429.9 filed on February 27, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–CN–01).

VI. Eurasian Patent Application 202490372 filed on March 1, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–EA–01).

VII. European Patent Application 22786210.9 filed March 1, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–EP–01).

VIII. Hong Kong Patent Application entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–HK–01) with the priority filing date of August 4, 2021.

IX. Israeli Patent Application 310485 filed on January 29, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–IL–01).

X. Japanese Patent Application 2024–506727 filed on February 2, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–JP–01).

XI. South Korean Patent Application 10–2024–7007179 filed on February 29, 2024, published as 10–2024–0049295 on April 16, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–KR–01).

XII. Mexican Patent Application MX/a/2024/001577 filed on February 1, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–MX–01).

XIII. Malaysian Patent Application PI2024000751 filed on February 2, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–MY–01).

XIV. New Zealand Patent Application 808619 filed on February 26, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–NZ–01).

XV. Philippines Patent Application 1–2024–550312 filed on February 2, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–PH–01).

XVI. Singapore Patent Application 11202400787X filed on February 2, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–SG–01).

XVII. United States Patent Application 18/294,048 filed on January 31, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–US–02).

XVIII. South African Patent Application 2024/01677, filed on February 27, 2024, entitled ''AQP1 Gene Therapy To Prevent Radiation-Induced Salivary Hypofunction'' (HHS Reference Number E–129–2021–0–ZA–01).

The patent rights for these inventions have been assigned to the Government of the United States of America. The prospective exclusive license territory may be worldwide and in fields of use that may be limited to use of adeno-associated virus 2 vector-mediated gene delivery of human aquaporin-1 for the prevention of radiation-induced xerostomia ('dry mouth' syndrome).

The above-listed patent portfolio covers inventions directed to gene therapy and specifically, expression vector and therapeutic method of using such vector in the prevention of radiation-induced xerostomia.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty-bearing. The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the receives written evidence and argument that establishes that the grant of the license would not be consistent with the

requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially and may be made publicly available.

License applications submitted in response to this notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: July 23, 2024.

Vladimir Knezevic,

Senior Advisor for Commercial Evaluation, Technology Advancement Office, National Institute of Diabetes and Digestive and Kidney Disease.

[FR Doc. 2024–16594 Filed 7–26–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Information (RFI) on Recommendations on Re-Envisioning U.S. Postdoctoral Research Training and Career Progression Within the Biomedical Research Enterprise

AGENCY: National Institutes of Health, HHS.

ACTION: Request for information.

SUMMARY: The National Institutes of Health (NIH) is issuing a follow-up Request for Information (RFI) as part of its effort to gauge feedback from the biomedical research community to inform the implementation of recommendations from the Advisory Committee to the Director Working Group on Re-envisioning NIH-Supported Postdoctoral Training.

DATES: The RFI is open for public comment for a period of 90 days and will close at 11:59 p.m. (EST) on October 23, 2024. Please ensure prompt response to this RFI to ensure consideration.

ADDRESSES: Submissions can be sent electronically to: (*https://rfi.grants.nih.gov/?s=6660cc1aa1264f88920cf122*). Responses to this RFI are voluntary and may be submitted anonymously. You may voluntarily include your name and contact information with your response. If you choose to provide NIH with this information, NIH will not share your name and contact information outside of NIH unless required by law. Responses must be received by October 23, 2024, 11:59 p.m. to ensure consideration.

FOR FURTHER INFORMATION CONTACT: Questions about this request for information should be directed to: Ericka M. Boone, Director, Division of Biomedical Research Workforce, at (301) 496–0180 or *reenvisionpostdoc@nih.gov.*

SUPPLEMENTARY INFORMATION: The National Institutes of Health (NIH) is seeking feedback from the biomedical research community on the implementation of specific recommendations proposed by the Advisory Committee to the Director (ACD) in accordance with 42 U.S.C. 217a, section 222 of the Public Health Service Act, for Re-envisioning NIH-supported Postdoctoral Training. This Request for Information (RFI) aims to gather insights and suggestions to inform the effective implementation of recommendations across NIH-funded research institutions.

Background Information

NIH established an Advisory Committee to the Director Working Group on Re-Envisioning NIH-Supported Postdoctoral Training (*https://acd.od.nih.gov/working-groups/postdocs.html*) (ACD Postdoctoral WG) to explore the status of the postdoctoral training system, identify and understand critical factors and issues relating to the perceived decline in the number of postdoctoral scholars, and to provide recommendations to address these factors. As part of this ACD-led effort, community input on the status of the postdoctoral training system was encouraged through four listening sessions and through a February 2023 RFI: Re-envisioning U.S. Postdoctoral Research Training and Career Progression within the Biomedical Research Enterprise (*https://grants.nih.gov/grants/guide/notice-files/NOT-OD-23-084.html*). Input was received from various members of the biomedical research community, including early-stage investigators, biomedical faculty, training directors, postdoctoral and graduate student office leaders, biotech/biopharma industry scientists, and research education program advocates. Results from the public listening sessions (*https://acd.od.nih.gov/documents/IMOD_Postdoc_Listening_Sessions_summary.pdf*) and the previously published RFI on Re-envisioning U.S. Postdoctoral Research Training and Career Progression within the Biomedical Research Enterprise released on February 14, 2023, and the follow-up report (*https://acd.od.nih.gov/documents/RFI_Postdocs_Report_2023.pdf*) captured a wide range of topics related to postdoctoral scholar issues and challenges, including lack of adequate salary and standard benefits, poor job satisfaction, lack of opportunities in academic careers, negative work culture and the need for high-quality mentorship. Additionally, respondents provided diverse suggestions for changes to existing NIH policies, resources, and programs, including those expansion of NIH funding opportunities that can address postdoctoral scholar research and career development goals. Based on feedback, the ACD Postdoctoral WG issued six (6) high-level recommendations:

- *Recommendation 1:* Increase pay and benefits for all NIH-supported postdoctoral scholars.
- *Recommendation 2:* Create and expand mechanisms to support the full talent pool of postdoctoral scholars.
- *Recommendation 3:* Facilitate the transition of postdoctoral scholars into the next career stage, including roles beyond academic faculty.
- *Recommendation 4:* Promote training and professional development of postdoctoral scholars and their mentors.
- *Recommendation 5:* Support safe and diverse perspectives and research environments within institutional research programs.
- *Recommendation 6:* Improve means to measure and share postdoctoral scholars' career progression.

Please see the full ACD Postdoctoral Scholar WG report at—*https://acd.od.nih.gov/documents/presentations/12152023_Postdoc_Working_Group_Report.pdf.*

Information Requested

As a part of NIH's ongoing efforts to better support the postdoctoral scholar workforce, the purpose of this RFI is to solicit public input on how NIH might most effectively implement certain recommendations developed by the ACD WG to address current challenges affecting the postdoctoral trainee community. NIH is particularly interested in receiving input from trainees (*e.g.,* graduate students, postdocs), as well as early-stage investigators, biomedical faculty, training directors, postdoctoral and graduate student office leaders, biotech/biopharma industry scientists, and research education program advocates. NIH encourages organizations (*e.g.,* patient advocacy groups, professional societies) to submit a single response reflective of the views of the

organization or its membership. While NIH is requesting input on the specific recommendations listed below, we continue to explore the implementation of all other recommendations submitted as a part of the ACD WG Report. Where possible, responses should include specific suggestions, evidence-based strategies, and any relevant data or experiences that can inform the implementation process.

Recommendation 1.3: Limit the total number of years a person can be supported by NIH funds in a postdoctoral position to no more than 5 years.

Description: Input received by the ACD WG, via public comment and listening sessions, identified that ill-defined, excessively long postdoctoral appointments are a key career development obstacle delaying career progression for postdoctoral scholars. While current NIH policy states that individuals may receive no more than 3 years of aggregate National Research Service Award (NRSA) support at the postdoctoral level, there is no limitation on aggregate support for postdoctoral scholars supported on other types of NIH grants. To further support NIH's continued efforts to promote greater structure to the postdoctoral training process and promote more timely transition of postdoctoral scholars into their next career stages, the ACD WG has recommended that NIH funding should not be used to support postdoctoral scholars beyond five years, including time spent in different host institutions and any changes in funding support. Beyond five years, postdoctoral scholars must be transitioned to new positions, with defined roles, responsibilities and compensation that are beyond the role of postdoctoral scholar. While research project timelines differ across fields, setting a uniform upper limit on years of support is intended to reduce the time that postdoctoral scholars spend in the postdoc phase and encourage a more timely career transition.

Input Requested:

- Describe any potential benefits, opportunities, challenges and/or consequences to the postdoctoral workforce or the extramural research community if NIH were to limit total years of NIH-supported funding support for postdoctoral scholars.
- Please describe any existing NIH or extramural institutional policies that could pose challenges to the implementation of a policy to limit aggregate NIH funding support for postdoctoral scholars.
- Please describe any key NIH or extramural institutional policies, processes, or resources that should be developed, improved, or expanded to address any potential challenges associated with limiting aggregate funding support for postdoctoral scholars.
- What mechanisms should be put into place by extramural institutions to support transitions for postdoctoral scholars nearing the end of the five-year period?

Recommendation 2.2: Revise the K99/R00 mechanism to focus on ideas and creativity over productivity.

Description: The NIH Pathway to Independence Award (K99/R00) was created to assist postdoctoral researchers to complete needed, mentored training and promote the timely transition to independent tenure-track (or equivalent) faculty positions while also providing research funding to support to the launch of their independent research careers. Currently, K99 applicants can have no more than 4 years postdoctoral research experience at the time of application to be eligible to apply. The research community expressed concern that K99 applications containing more evidence of demonstrated research accomplishment and productivity (lots of research results and publications) score better in review and are more likely to be funded. This perception may drive early career investigators to remain in the postdoctoral phase longer in order to generate more data. To facilitate more rapid transition of postdoctoral scholars that do not require more extended periods of mentored research training and focus review of K99 applications on creative ideas and research potential (vs productivity) of applicants, the ACD WG recommended that the K99/R00 eligibility window be limited to the first 2 years of postdoctoral experience and that NIH should adapt review and award processes and policies to ensure a broader range of early career investigators benefit from the award.

Input Requested:

- Describe any potential short- and long-term benefits and/or challenges to the postdoctoral workforce that may result from limiting the K99/R00 eligibility timeframe to no more than 2 years of postdoctoral experience.
- How should the K99/R00 mechanism and review criteria be revised to better emphasize creative ideas and innovation over research productivity? What specific criteria or metrics should be used to evaluate creativity and potential impact of applicants' research proposals?
- Provide input on key NIH and extramural institutional policies, processes or resources that may need to be developed or revised to ensure that changes to K99/R00 program eligibility do not negatively impact access to these awards to a broader range of postdoctoral scholars.

Recommendation 4: Promote training and professional development of postdoctoral scholars and their mentors.

Description: Career and professional development training (which can include leadership, teaching, mentorship, grant writing, lab management and other skills) are critical components of the postdoctoral experience and are defining elements of academic science training. Public comments received by the ACD postdoc RFI and listening sessions indicate that postdoc scholars have difficulty pursuing these training opportunities due to pressure to focus solely on research during work hours. Based on this feedback, the NIH ACD WG recommended that institutions should: (1) ensure that postdoctoral scholars receive career and professional development opportunities as an integrated, measured component of the postdoctoral experience that occupies a minimum average of 10% of a postdoctoral scholar's effort, (2) create policies and resources to ensure equitable access to this training and (3) require regular training and for individuals serving in the mentor role to postdoctoral scholars mentor (and for postdocs themselves).

Input Requested:

- Provide suggestions/strategies for how NIH and extramural institutions can ensure that career and professional development training becomes an integrated and measured component of the postdoctoral experience. What policies and resources should institutions establish to ensure equitable access to career and professional development training for all postdoctoral scholars? How can institutions address barriers to participation, such as limited availability of training programs or conflicts with research obligations?
- What specific skills and competencies are essential for individuals serving in the mentor role for postdoctoral scholars? How should institutions require and support mentor training to ensure the effective mentorship of postdoctoral scholars? Describe any necessary resources required by investigators and institutions to support the implementation of required training opportunities for mentors
- Are there opportunities for collaboration between institutions, funding agencies, and professional organizations to enhance career and

professional development opportunities for postdoctoral scholars? How can partnerships with industry, government agencies, and non-profit organizations contribute to the enrichment of postdoctoral training experiences?

Submitting a Response

Comments should be submitted electronically to the following web page: (*https://rfi.grants.nih.gov/?s=6660cc1aa1264f88920cf122*).

This RFI is for planning purposes only and should not be construed as a policy, solicitation for applications, or as an obligation on the part of the Government to provide support for any ideas identified in response to it. Please note that the Government will not pay for the preparation of any information submitted or for its use of that information.

Please do not include any proprietary, classified, confidential, or sensitive information in your response. Responses will be compiled, and a content analysis will be shared publicly after the close of the comment period. The NIH may use information gathered by this Notice to inform future policy development.

Dated: July 19, 2024.

Lawrence Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2024–16649 Filed 7–26–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting of the Center for Substance Abuse Treatment National Advisory Council (CSAT NAC)

Notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) National Advisory Council (NAC) will meet on August 27, 2024, 9:00 a.m.–5:00 p.m. (EDT).

The meeting is open to the public and can also be accessed virtually (best option since physical space is very restricted). The meeting will include consideration of minutes from the SAMHSA CSAT NAC meeting of February 27, 2024, a discussion with SAMHSA leadership, a discussion of the SAMHSA's Data Strategy, a discussion on infectious diseases, a discussion on harm reduction related issues, and a review of FY24 activities, as well as lookahead of FY25 activities. This meeting will also cover updates on CSAT activities from the Office of the Director; the Division of Pharmacologic Therapies; the Division of States and Community Systems; the Division of Services Improvement; the Office of Program Analysis and Coordination; and the Office of Performance Analysis and Management.

The meeting will be held at the Hubert H. Humphrey Building, 200 Independence Ave. SW, Washington, DC 20201. Attendance by the public will be limited to space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations must notify the contact person, Tracy Goss, CSAT NAC Designated Federal Officer (DFO) on or before August 19, 2024. Up two minutes will be allotted for each public comment as time permits. Written comments received in advance of the meeting will be considered for inclusion in the official record.

Please register on-line at: *https://snacregister.samhsa.gov,* to attend either on site or virtually, submit written or brief oral comments, or request special accommodations for persons with disabilities. To communicate with the CSAT NAC DFO please see the contact information below.

Meeting information and a roster of Council members may be obtained by accessing the SAMHSA Committee website at *https://www.samhsa.gov/about-us/advisory-councils/csat-national-advisory-council,* or by contacting the DFO.

Council Name: SAMHSA's Center for Substance Abuse Treatment National Advisory Council.

Date/Time/Type: August 27, 2024, 9:00 a.m.–5:00 p.m. (EDT), OPEN.

Place: Hubert H. Humphrey Building, (405A), 200 Independence Ave. SW, Washington, DC 20201.

Contact: Tracy Goss, Designated Federal Officer, CSAT National Advisory Council, 5600 Fishers Lane, Rockville, Maryland 20857 (mail), Telephone: (240) 276–0759, Email: *tracy.goss@samhsa.hhs.gov*.

Authority: Public Law 92–463.

Dated: July 23, 2024.

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2024–16634 Filed 7–26–24; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Subcommittee Meetings for the Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC)

AGENCY: Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

ACTION: Notice of subcommittee meetings (virtual).

SUMMARY: The Secretary of Health and Human Services (Secretary) announces subcommittee meetings of the Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC). The meetings are open to the public and can be accessed via telephone only. The public can access the meetings in listen-only mode. Call-in information can be accessed at: *https://www.samhsa.gov/about-us/advisory-councils/ismicc.* The meetings will include information on the following focus areas: Data and Evaluation, Access, Treatment and Recovery, Justice, and Finance.

DATES: Meetings will be held at various intervals during CY 2024 and CY 2025, open.

ADDRESSES: The meetings will be held virtually.

FOR FURTHER INFORMATION CONTACT: Pamela Foote, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, MD 20857; telephone: 240–276–1279; email: *ISMICC@samhsa.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Committee Name: Interdepartmental Serious Mental Illness Coordinating Committee (subcommittee meetings).

The ISMICC created five Working Groups to support each of the five focus areas in their 2017 report of recommendations. The Working Groups consist of Federal and Non-federal Members who meet regularly outside of regular ISMICC meetings. Working Groups focus on translating recommendations into action by prioritizing efforts, developing short- and long-term objectives, coordinating programs and policies, identifying existing activities that could be updated or leveraged, and evaluating the feasibility of specific federal initiatives and programs. Working Groups report their findings and offer action-oriented recommendations to the ISMICC. The ISMICC deliberates Working Groups'

findings and may vote on recommendations. Appointed federal staff act as Stewards for each of the Working Groups to support their operations and report progress.

I. Background and Authority

The ISMICC was established on March 15, 2017, in accordance with section 6031 of the 21st Century Cures Act, and the Federal Advisory Committee Act, 5 U.S.C. app., as amended, to report to the Secretary, Congress, and any other relevant federal department or agency on advances in serious mental illness (SMI) and serious emotional disturbance (SED), research related to the prevention of, diagnosis of, intervention in, and treatment and recovery of SMIs, SEDs, and advances in access to services and support for adults with SMI or children with SED. In addition, the ISMICC will evaluate the effect federal programs related to serious mental illness have on public health, including public health outcomes such as (A) rates of suicide, suicide attempts, incidence and prevalence of SMIs, SEDs, and substance use disorders, overdose, overdose deaths, emergency hospitalizations, emergency room boarding, preventable emergency room visits, interaction with the criminal justice system, homelessness, and unemployment; (B) increased rates of employment and enrollment in educational and vocational programs; (C) quality of mental and substance use disorders treatment services; or (D) any other criteria as may be determined by the Secretary. Finally, the ISMICC will make specific recommendations for actions that agencies can take to better coordinate the administration of mental health services for adults with SMI or children with SED. Not later than 1 (one) year after the date of enactment of the 21st Century Cures Act, and 5 (five) years after such date of enactment, the ISMICC shall submit a report to Congress and any other relevant federal department or agency.

II. Membership

This ISMICC consists of Federal members listed below or their designees, and Non-federal public members.

Federal Membership: Members include, The Secretary of Health and Human Services; The Assistant Secretary for Mental Health and Substance Use; The Attorney General; The Secretary of the Department of Veterans Affairs; The Secretary of the Department of Defense; The Secretary of the Department of Housing and Urban Development; The Secretary of the Department of Education; The Secretary of the Department of Labor; The Administrator of the Centers for Medicare and Medicaid Services; and The Commissioner of the Social Security Administration.

Non-Federal Membership: Members include, 14 Non-federal public members appointed by the Secretary, representing psychologists, psychiatrists, social workers, peer support specialists, and other providers, patients, family of patients, law enforcement, the judiciary, and leading research, advocacy, or service organizations. The ISMICC is required to meet at least twice per year.

Authority: Public Law 92–463.

Dated: July 23, 2024.

Carlos Castillo,

Committee Management Officer.

[FR Doc. 2024–16640 Filed 7–26–24; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–NEW]

Agency Information Collection Activities; New Collection: Biometric Appointment Rescheduling Tool

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 30 days until August 28, 2024.

ADDRESSES: All submissions received must include the OMB Control Number 1615–NEW in the body of the letter, the agency name and Docket ID USCIS–2023–0020. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2023–0020.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on April 12, 2024, at 89 FR 25893, allowing for a 60-day public comment period. USCIS did receive five (5) comments in connection with the 60-day notice. There were no changes made to the new information collection since the publishing of the 60-day notice. USCIS responses to the comments are available in the comment matrix posted in the docket for this information collection.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2023–0020 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New Collection.

(2) *Title of the Form/Collection:* Biometric Appointment Rescheduling Tool.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–1606; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The Biometric Appointment Rescheduling Tool (G–1606) permits applicants to reschedule their existing biometrics appointment online without using the USCIS Contact Center. As part of its administration of immigration benefits, USCIS has the general authority to require and collect biometrics, which include fingerprints, photographs, and digital signatures, from any person seeking any immigration or naturalization benefit or request.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection G–1606 is 74,000 and the estimated hour burden per response is .25 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 18,500 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* There is no public burden cost associated with this collection.

Dated: July 18, 2024.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2024–16585 Filed 7–26–24; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2024–0122; FXIA16710900000–245–FF09A30000]

Endangered Species; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species. We issue these permits under the Endangered Species Act (ESA).

ADDRESSES: Information about the applications for the permits listed in this notice is available online at *https://www.regulations.gov.* See **SUPPLEMENTARY INFORMATION** for details.

FOR FURTHER INFORMATION CONTACT: Timothy MacDonald, by phone at 703–358–2185 or via email at *DMAFR@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have issued permits to conduct certain activities with endangered and threatened species in response to permit applications that we received under the authority of section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*)

After considering the information submitted with each permit application and the public comments received, we issued the requested permits subject to certain conditions set forth in each permit. For each application for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Availability of Documents

The permittees' original permit application materials, along with public comments we received during public comment periods for the applications, are available for review. To locate the application materials and received comments, go to *https://www.regulations.gov* and search for the appropriate permit number (*e.g.,* 12345C) provided in the following table:

ePermit No.	Applicant	Permit issuance date
PER0052428	Virginia Safari Park & Preservation Center, Inc	April 19, 2024.
85065D	Russell Corbett-Detig	April 22, 2024.
105568	United States Geological Survey, National Wildlife Health Center	May 9, 2024.
PER9378141	Cornell University New York State Veterinary Diagnostic Laboratory/Animal Health Diagnostic Center.	June 4, 2024.
PER7081584	The Board of Trustees of the University of Illinois dba Sponsored Programs Administration.	June 18, 2024.
PER10339908 ...	Atlanta-Fulton County Zoo, dba Zoo Atlanta	June 20, 2024.
PER10025295 ...	Smithsonian National Zoo and Conservation Biology Institute	June 25, 2024.
PER9997177	B Bryan Preserve, LLC	June 25, 2024.
PER6026464	Harkey Ranch	July 1, 2024.
PER9690714	University of Georgia	July 2, 2024.
PER9252324	Toledo Zoo	July 3, 2024.
PER10257506 ...	Avian Preservation and Education Conservancy	July 9, 2024.

Authority

We issue this notice under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Timothy MacDonald,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2024–16560 Filed 7–26–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_AK_FRN_MO4500172490; AA–6679–K; AA–6679–A2]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: The Bureau of Land Management (BLM) hereby provides constructive notice that it will issue an appealable decision approving conveyance of the surface estate in certain lands to Manokotak Natives Limited for the Native village of Manokotak, pursuant to the Alaska Native Claims Settlement Act of 1971 (ANCSA). The subsurface estate in the same lands will be conveyed to Bristol Bay Native Corporation when the surface estate is conveyed to Manokotak Natives Limited.

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: You may obtain a copy of the decision from the Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: Cameron Means, Land Law Examiner, BLM Alaska State Office, 907–271–3152, or *cmeans@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: As required by 43 CFR 2650.7(d), notice is hereby given that the BLM will issue an appealable decision to Manokotak Natives Limited. The decision approves conveyance of the surface estate in certain lands pursuant to ANCSA (43 U.S.C. 1601, *et seq.*), as amended. As provided by ANCSA, the subsurface estate in the same lands will be conveyed to Bristol Bay Native Corporation when the surface estate is conveyed to Manokotak Natives Limited. The lands are located in the vicinity of Manokotak, Alaska, and are described as:

Seward Meridian, Alaska

T. 14 S., R. 58 W.,
Sec. 27.
Containing 452.72 acres.
T. 14 S., R. 60 W.,
Secs. 13, 24, 25, and 36.
Containing 2,080 acres.
Aggregating 2,532.72 acres.

The decision addresses public access easements, if any, to be reserved to the United States pursuant to sec. 17(b) of ANCSA (43 U.S.C. 1616(b)), in the lands described above.

The BLM will also publish notice of the decision once a week for four consecutive weeks in the ''The Bristol Bay Times & The Dutch Harbor Fisherman'' newspaper.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until August 28, 2024 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by facsimile will not be accepted as timely filed.

Cameron G. Means,

Land Law Examiner, Adjudication Section.

[FR Doc. 2024–16615 Filed 7–26–24; 8:45 am]

BILLING CODE 4331–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L14400000 PN0000 HQ350000 212; OMB Control No. 1004–0029]

Agency Information Collection Activities; Color-of-Title Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before September 27, 2024.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0029 in the subject line of your comments. Please note that the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeff Holdren by email at *jholdren@blm.gov,* or by telephone at (703) 360–9739. 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 may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct, or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other

Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimizes the public's reporting burden. It also helps the public understand our information collection requirements and provides the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM collects and uses the information to determine the validity of a claim under the Color-of-Title Act (43 U.S.C. 1068). The following forms comprise an application in support of a Color-of-Title claim: (a) Form 2540–001, *Color-of-Title Application;* (b) Form 2540–002, *Conveyances Affecting Color or Claim of Title;* and (c) Form 2540–003, *Color-of-Title Tax Levy and Payment Record.* The BLM uses the information to determine if an applicant meets the pertinent statutory and regulatory requirements under the Color-of-Title Act and the BLM's regulations at 43 CFR subparts 2540 and 2541. Applicants must provide the information to obtain the benefit of clear title to the lands that are concerned. OMB control number 1004–0029 is currently scheduled to expire on April 30, 2025. The BLM plans to request that OMB renew this OMB control number for an additional three (3) years.

Title of Collection: Color-of-Title Application (43 CFR Subparts 2540 and 2541).

OMB Control Number: 1004–0029.

Form Numbers: 2540–001; 2540–002, and 2540–003.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, groups, or corporations that wish to claim title to a tract of public land on grounds that such land has been held in good faith and in peaceful, adverse possession under claim or color of title, and have placed valuable improvements on such land or some part thereof has been reduced to cultivation for an amount of time sufficient under the Color-of-Title Act, 43 U.S.C. 1068, *et seq.*

Total Estimated Number of Annual Respondents: 8.

Total Estimated Number of Annual Responses: 8.

Estimated Completion Time per Response: 3 hours.

Total Estimated Number of Annual Burden Hours: 24.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $80.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2024–16619 Filed 7–26–24; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2024–0039]

Potential Commercial Leasing for Wind Power Development on the Gulf of Mexico Outer Continental Shelf—Request for Competitive Interest

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Public notice of an unsolicited request for a Commercial Outer Continental Shelf Wind Lease, request for competitive interest, and request for public comment.

SUMMARY: The purpose of this public notice is to: describe the unsolicited proposal submitted to the Bureau of Ocean Energy Management (BOEM) by Hecate Energy Gulf Wind LLC (Hecate Energy) to acquire an outer continental shelf (OCS) commercial wind energy lease; solicit indications of interest in acquiring two commercial leases for wind energy development on the OCS in the Gulf of Mexico (GOM) in the areas described in this notice; and solicit public input regarding the areas described in this notice, the potential environmental consequences associated with wind energy development in the areas, and existing and planned multiple uses of the areas.

DATES: Submissions indicating your interest in or providing comments on commercial leasing within the request for competitive interest (RFCI) Areas must be received no later than September 12, 2024. Late submissions may not be considered.

ADDRESSES: Please submit indications of interest in acquiring a commercial wind energy lease within the RFCI Areas electronically via email to *renewableenergygomr@boem.gov* or hard copy by mail to the following address: Bureau of Ocean Energy Management, Office of Leasing and Plans, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123. If you elect to mail a hard copy, also include an electronic copy on a portable storage device.

Please submit comments or other information concerning research or commercial activities within the RFCI Areas by either of the following two methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* In the entry entitled, ''Search for dockets and documents on agency actions,'' enter BOEM–2024–0039, and then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials available for this notice.

2. *By Mail to the Following Address:* Bureau of Ocean Energy Management, Office of Leasing and Plans, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123.

Treatment of confidential information is addressed in the section of this notice entitled, ''Protection of Privileged or Confidential Information.'' BOEM will post all comments on *regulations.gov* unless labeled as confidential.

FOR FURTHER INFORMATION CONTACT: Karoline DiPerna, BOEM Office of

Leasing and Plans, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, (504) 736–5722, or *karoline.diperna@boem.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of This Request for Competitive Interest

Responses to this public notice will allow BOEM to determine, pursuant to 30 CFR 585.231, whether there is competitive interest in acquiring an OCS commercial wind energy lease in the RFCI Areas. In addition, this notice provides an opportunity for the public to comment on the RFCI Areas, the proposed project, and any potential impacts wind energy development in the RFCI Areas may have. BOEM may use comments received to further identify and refine the areas being considered for wind energy development and inform future environmental analyses related to the project.

This RFCI is published pursuant to subsection 8(p)(3) of the OCS Lands Act, 43 U.S.C. 1337(p)(3), and BOEM's regulations at 30 CFR part 585. Subsection 8(p)(3) of the OCS Lands Act requires that OCS renewable energy leases, easements, and rights-of-way be issued ''on a competitive basis unless the Secretary [of the Interior] determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.'' This RFCI provides public notice for the areas requested by Hecate Energy described below in the section ''Description of the RFCI Areas'' and invites the submission of indications of interest in acquiring commercial wind energy leases within the RFCI Areas. Parties who would like to express competitive interest in the RFCI Areas should submit detailed and specific information, as described in the section entitled, ''Required Indication of Interest Information.'' BOEM will consider the responses to this public notice to determine whether competitive interest exists in the RFCI Areas.

This notice also requests that interested and affected parties comment and provide information about site conditions and any existing or planned multiple uses within the RFCI Areas that may be relevant to the proposed project or its potential impacts.

Background

On February 16, 2024, BOEM received an unsolicited application from Hecate Energy for two commercial wind energy leases on the GOM OCS in Wind Energy Area (WEA) options C and D. Hecate Energy's proposed Gulf Wind Offshore Wind Project 2 (Gulf Wind 2) aims to generate up to 2 gigawatts (GW) of renewable energy in the GOM. Hecate Energy proposes multiple potential uses for this renewable energy, including interconnection to the electric grid, sale in power purchase agreements to private offtakers, or use for Wind-to-X technologies through which offshore wind energy is used to produce another energy resource.

The proposed Gulf Wind 2 project would consist of up to 133 fixed-bottom wind turbine generators (WTGs), each with a capacity of 15–23 megawatts (MW). This would result in an overall maximum capacity of approximately 3,000 MW. Each turbine would be deployed on fixed monopile or jacket foundation types. Turbines would be connected by interconnection cables that are connected to an onshore transition point by an export transmission cable. Export cables may run separately from each of the two lease areas, or the lease areas may be joined offshore with one substation and one central export cable. Following extensive research on points of interconnection (POI) in Texas and Louisiana, Hecate narrowed its selections to three POI and continues to examine 12 potential landfall locations with paths to three designated substations.

More information about Hecate Energy's unsolicited lease request can be viewed at *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.*

Determination of Competitive Interest and the Leasing Process

After the publication of this notice, BOEM will evaluate expressions of interest in acquiring a commercial wind energy lease in the RFCI Areas. At the conclusion of the comment period for this public notice, BOEM will review the submissions received and undertake a completeness review for each of those submissions and a qualification review for each of the nominating entities. BOEM will then determine whether competitive interest exists.

If, in response to this notice, BOEM receives one or more expressions of interest in acquiring a commercial wind energy lease from qualified entities who would like to compete for the RFCI Areas, BOEM may decide to move forward with the lease issuance process using competitive procedures pursuant to 30 CFR 585.211–585.225. If BOEM receives no competing expressions of interest from qualified companies, BOEM may decide to move forward with the lease issuance process using the noncompetitive procedures contained in 30 CFR 585.231.

If BOEM decides to proceed with issuing a lease in the RFCI Areas, whether competitively or noncompetitively, it will comply with all applicable requirements and provide the public with additional opportunities to provide input pursuant to 30 CFR part 585 and other applicable laws, such as the National Environmental Policy Act (NEPA). BOEM will also coordinate and consult, as appropriate, with relevant Federal agencies, affected Tribes, affected state agencies, and affected local governments during the lease development and issuance process.

We note that a lease, whether issued through a competitive or noncompetitive process, does not grant the lessee the right to construct any facilities on the lease. A lease would only grant the lessee the exclusive right to submit site assessment and construction and operations plans (30 CFR 585.600 and 585.601) to BOEM for approval before the lessee may proceed to the next stage of lease development.

Description of the RFCI Areas

The RFCI Areas are located in WEA options C and D off the coast of Southeast Texas. WEA C totals 74,240 acres, and WEA D totals 68,288 acres. The combined areas comprise approximately 142,528 acres. Both areas are located within the Gulf of Mexico Call Area, which is located within the Central Planning Area and Western Planning Area on the OCS portion of the Gulf of Mexico. See Figure 1 and Table 1, below.

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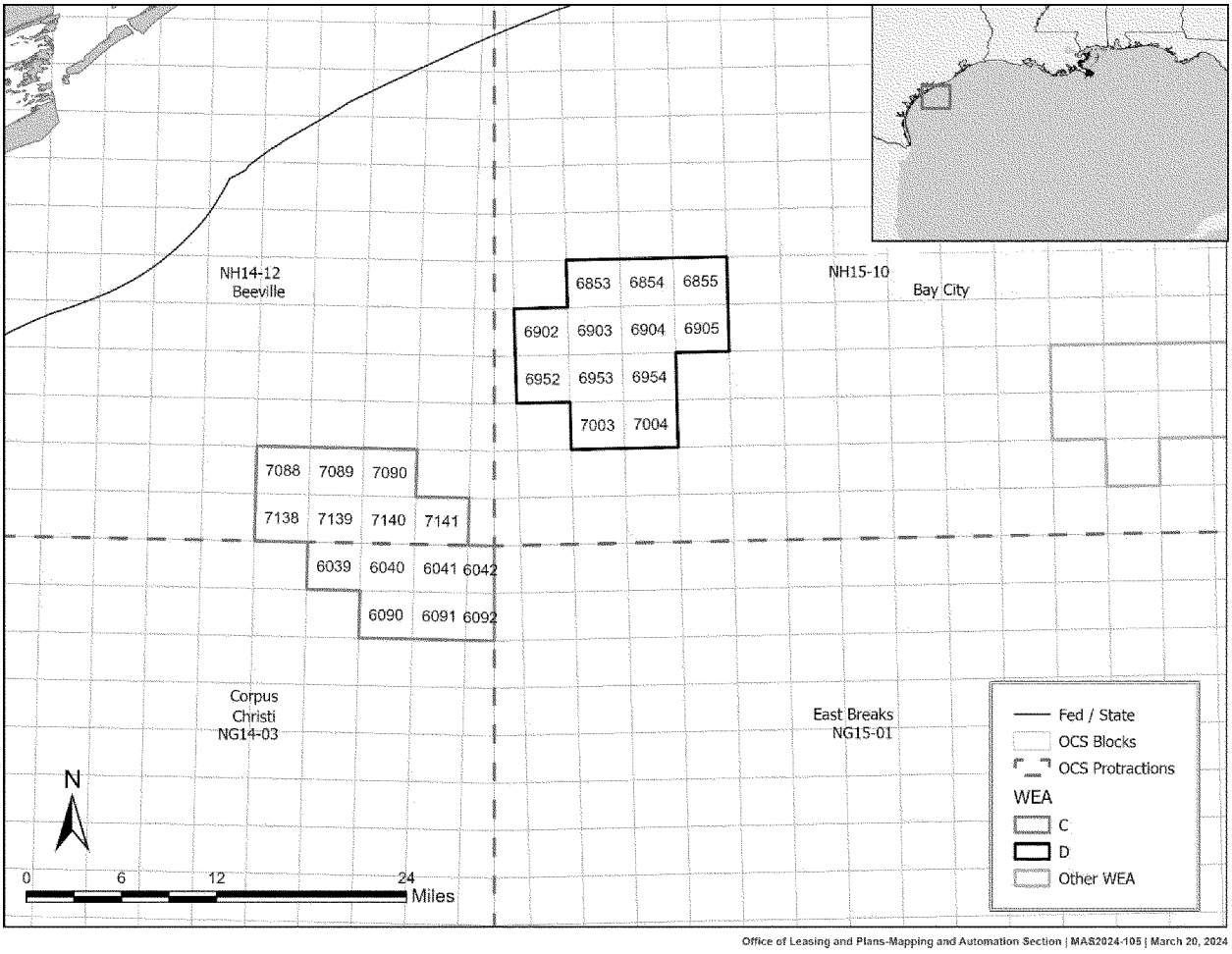

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Figure 1. Map of the RFCI Areas

TABLE 1—LIST OF OCS BLOCKS INCLUDED IN THE RFCI AREAS

Protraction Name	Protraction No.	Block No.
Beeville	NH14–12	7088
Beeville	NH14–12	7089
Beeville	NH14–12	7090
Beeville	NH14–12	7138
Beeville	NH14–12	7139
Beeville	NH14–12	7140
Beeville	NH14–12	7141
Corpus Christi	NG14–03	6039
Corpus Christi	NG14–03	6040
Corpus Christi	NG14–03	6041
Corpus Christi	NG14–03	6042
Corpus Christi	NG14–03	6090
Corpus Christi	NG14–03	6091
Corpus Christi	NG14–03	6092
Bay City	NH15–10	6853
Bay City	NH15–10	6854
Bay City	NH15–10	6855
Bay City	NH15–10	6902
Bay City	NH15–10	6903
Bay City	NH15–10	6904
Bay City	NH15–10	6905
Bay City	NH15–10	6952
Bay City	NH15–10	6953
Bay City	NH15–10	6954
Bay City	NH15–10	7003
Bay City	NH15–10	7004

Required Indication of Interest Information

If you intend to submit an expression of interest in acquiring a commercial wind lease within the RFCI Areas, you must provide the following:

(1) The BOEM protraction name, number, and specific whole or partial OCS blocks within the RFCI Areas that are of interest for commercial wind leasing, including any required buffer area(s). If your area(s) includes partial blocks, include the sub-block letter(s) (A–P). Additionally, this information should be submitted as a spatial file compatible with ArcGIS Pro 3.1.0 in a geographic coordinate system (NAD 83) in addition to your hard copy submission. If your submission includes one or more partial blocks, please describe those partial blocks in terms of one sixteenth (*i.e.,* a sub-block) of an OCS block.

Any request for a commercial wind lease located outside of the RFCI Areas should be submitted separately pursuant to 30 CFR 585.230.

(2) A general description of your objectives and the facilities that you would use to achieve those objectives;

(3) A general schedule of proposed activities, including those leading to the development of a commercial wind energy project within the RFCI Areas;

(4) Available and pertinent data and information concerning renewable energy resources and environmental conditions in the area that you would like to lease, including energy and resource data and information used to evaluate the area of interest. Where applicable, spatial information should be submitted in a format compatible with ArcGIS Pro 3.1.0 either in NAD 83 or unprojected;

(5) Documentation demonstrating that you are legally qualified to hold a lease as set forth in 30 CFR 585.107–585.108. Legal qualification documents will be placed in an official file that may be made available for public review. If you would like any part of your legal qualification documentation to be kept confidential, clearly identify what should be kept confidential, and submit it under separate cover (see ''Protection of Privileged or Confidential Information'' below); and

(6) Documentation demonstrating that you are technically and financially capable of constructing, operating, maintaining, and decommissioning the facilities described in paragraph (2) above. Guidance regarding the documentation that could be used to demonstrate your technical and financial qualifications can be found at: *http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/QualificationGuidelines-pdf.aspx.* If you would like any part of your technical and financial qualification documentation to be kept confidential, clearly identify what should be kept confidential, and submit it under separate cover (see ''Protection of Privileged or Confidential Information'' below).

It is critical that you provide a complete submission of interest so that BOEM may consider your submission in a timely manner. If BOEM reviews your submission and determines that it is incomplete, BOEM will inform you of this determination in writing and describe the information that BOEM needs from you to deem your submission complete. You will be given 15 business days from the date of the letter to provide any information that BOEM has determined is missing from your original submission. If you do not meet this deadline, or if BOEM determines that your second submission is also insufficient, BOEM may deem your submission invalid. In such a case, BOEM will not consider your submission.

Requested Information From Interested or Affected Parties

BOEM is also requesting specific and detailed comments from the public and interested or affected parties regarding the following:

1. Geological, geophysical, and biological bathymetric conditions (including shallow hazards and live bottom).

2. Known archaeological or cultural resource sites on the seabed.

3. Information regarding the identification of historic properties or potential effects to historic properties from leasing, site assessment activities (including the construction of meteorological towers or the installation of meteorological buoys), or commercial wind energy development in the RFCI Areas. This includes potential offshore and onshore archaeological sites or historic properties within or near the RFCI Areas that could potentially be affected by renewable energy activities within the RFCI Areas. This information will inform BOEM's review of future undertakings under section 106 of the National Historic Preservation Act (NHPA) and under NEPA.

4. Information about potentially conflicting uses of the RFCI Areas, including, but not limited to, navigation (in particular, commercial and recreational vessel use); significant sediment resource areas; oil and gas leasing; and recreational and commercial fisheries including, but not limited to, the use of the areas, the fishing gear used, seasonal use, and recommendations for reducing use conflicts.

5. Available and pertinent data and information concerning renewable energy resources and environmental conditions. Where applicable, spatial information should be submitted in a format compatible with ArcGIS Pro 3.1.0 in a geographic coordinate system (NAD 83).

6. Information relating to visual resources and aesthetics, the potential impacts of wind turbines and associated infrastructure to those resources, and potential strategies to help mitigate or minimize any visual effects.

7. Other relevant socioeconomic, cultural, biological, and environmental information.

8. Any other relevant information BOEM should consider during its planning and decision-making process for the purpose of issuing leases in the RFCI Areas.

Protection of Privileged or Confidential Information

Freedom of Information Act

BOEM will protect privileged or confidential information you submit when required by the Freedom of Information Act (FOIA). Exemption 4 of FOIA applies to trade secrets and commercial or financial information that is privileged or confidential. If you would like to protect the confidentiality of such information, please identify and clearly label it with ''Contains Confidential Information'' and request BOEM treat it as confidential. BOEM will not disclose such information if BOEM determines under 30 CFR 585.114(b) that it qualifies for exemption from disclosure under FOIA. Please label privileged or confidential information ''Contains Confidential Information'' and consider submitting such information as a separate attachment.

BOEM will not treat as confidential any aggregate summaries of privileged or confidential information or comments not containing such privileged or confidential information. Information that is not labeled as privileged or confidential may be regarded by BOEM as suitable for public release. Additionally, BOEM will not treat as confidential (1) the legal title of any entity submitting an indication of interest (for example, the name of your company), or (2) the list of whole or partial blocks that you are indicating an interest in leasing.

Personally Identifiable Information

BOEM encourages you not to submit anonymous comments. Please include your name and address as part of your comment. You should be aware that your entire comment, including your name, address, and any personally identifiable information (PII) included in your comment, may be made publicly available. All submissions from identified individuals, businesses, and organizations will be available for public viewing on *regulations.gov.* For BOEM to withhold your PII from disclosure, you must identify any information contained in your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm.

Section 304 of the National Historic Preservation Act (16 U.S.C. 470w–3(a))

BOEM is required, after consultation with the Secretary, to withhold the location, character, or ownership of historic resources if it determines disclosure may, among other things, risk harm to the historic resources or impede the use of a traditional religious site by practitioners. Those providing information eligible for protection under section 304 of NHPA should designate such information as confidential.

BOEM's Environmental Review Process

BOEM prepared a programmatic environmental assessment (EA) under NEPA and conducted some programmatic consultations in the Call Area of the Gulf of Mexico to consider the environmental consequences associated with issuing commercial wind energy leases. The EA assesses the potential environmental impacts from the issuance of up to 18 leases within the Call Area. This EA is available to the public and can be viewed at *https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM%20Wind%20Lease%20EA_0.pdf.* The EA considered the reasonably foreseeable environmental consequences associated with leasing, such as site characterization activities (including geophysical, geotechnical, archaeological, and biological surveys) and site assessment activities (including installation of a meteorological buoy). BOEM's environmental analysis found no significant impacts. BOEM released a Finding of No Significant Impact (FONSI), available online at *https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/FONSI_Signed20230524.pdf.* Additional, site-specific NEPA would be conducted later in the process if a lessee obtains a lease and submits a project plan. BOEM also conducted programmatic consultations concurrently with, and integrated into, the NEPA process for granting a lease. Existing consultations for the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act provide programmatic coverage in this area. Additional consultations for the Coastal Zone Management Act, section 106 of the NHPA, and Executive Order 13175, ''Consultation and Coordination with Tribal Governments,'' would be conducted during review of a potential project plan. Before BOEM allows a lessee to begin construction of a wind energy project in the RFCI Areas, BOEM will consider the potential environmental effects of the construction and operation of any wind energy facility under a separate, project-specific environmental review process. This separate environmental review process would include additional opportunities for public involvement.

Determination of Competitive Interest and Leasing Process

1. Determination of Competitive Interest: Section 8(p)(3) of OCSLA states that ''the Secretary shall issue a lease, easement, or right-of-way . . . on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.'' Accordingly, BOEM must first determine whether there is competitive interest in acquiring a lease within the RFCI Areas to develop offshore wind energy. At the conclusion of the comment period for this RFCI, BOEM will review the expressions of interest received and determine if competitive interest exists in any part of the RFCI Areas. For areas with competitive interest, BOEM may consider proceeding with competitive leasing as described in the section of this RFCI entitled, ''Competitive Leasing Process.'' For areas where BOEM determines that only one entity is interested, BOEM may consider proceeding with noncompetitive leasing, as described in the section entitled, ''Noncompetitive Leasing Process.''

If BOEM determines that competitive interest exists in the RFCI Areas and identifies those areas as appropriate to lease, BOEM may hold a competitive lease sale on any or all portions of the RFCI Areas. In the event BOEM holds such a lease sale, all qualified bidders, including those bidders that did not submit an expression of interest in response to this RFCI, will be able to participate in the lease sale. BOEM reserves the right not to lease any or all portions of the RFCI Areas or to modify such areas from their original, proposed form before offering them for lease.

2. Competitive Leasing Process: BOEM will follow the steps required by 30 CFR 585.211 through 585.226 if it decides to proceed with the competitive leasing process in the RFCI Areas. A Call for Information was issued on November 1, 2021, which includes the areas requested in this RFCI. On May 25, 2023, BOEM announced the availability of the final EA (*https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM%20Wind%20Lease%20EA_0.pdf*) and that it had conducted consultations required by the Coastal Zone Management Act, the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, section 106 of the NHPA, and Executive Order 13175—''Consultation and Coordination with Tribal Governments.'' Therefore, the next steps in the leasing process would include:

a. *Area Identification:* Based on the information received in response to this RFCI, BOEM would typically determine the level of commercial interest and identify the areas that would be appropriate to analyze for potential leasing, which would constitute the final WEAs. In this situation, because WEAs have already been finalized, this step would likely not be necessary.

b. *Proposed Sale Notice (PSN):* If BOEM decides to proceed with a competitive lease sale within the WEAs, BOEM will publish a PSN in the **Federal Register** with a comment period of 60 days. The PSN would describe the areas BOEM intends to offer for leasing, the proposed conditions of a lease sale, the proposed auction format of the lease sale, and the lease instrument, including lease addenda. Additionally, the PSN would describe the criteria and process for evaluating bids in the lease sale.

c. *Final Sale Notice (FSN):* After considering the comments on the PSN, if BOEM decides to proceed with a competitive lease sale, it will publish an FSN in the **Federal Register** at least 30 days before the date of the lease sale.

d. *Bid Submission and Evaluation:* Following publication of the FSN in the **Federal Register**, BOEM would offer the lease areas through a competitive sale process, using procedures specified in the FSN. BOEM would review the sale, including bids and bid deposits, for technical and legal adequacy, and ensure that bidders have complied with all applicable regulations. BOEM

reserves the right to reject any or all bids and to withdraw an offer to lease an area, even after bids have been submitted.

e. *Issuance of a Lease:* Following identification of the winning bid on a lease area, BOEM would notify the successful bidder and provide a set of official lease documents for signature. BOEM requires a successful bidder to sign and return the lease, pay the remainder of the bonus bid, if applicable, and file the required financial assurance within 10 business days of receiving the lease documents. Upon receipt of the required payments, financial assurance, and properly signed lease forms, BOEM may execute a lease with the successful bidder.

3. Noncompetitive Leasing Process: BOEM's noncompetitive leasing process would include the following steps:

a. *Determination of No Competitive Interest:* If, after evaluating all relevant information, BOEM determines there is no competitive interest in all or a portion of the RFCI Areas, it may proceed with the noncompetitive lease issuance process under 30 CFR 585.231(d) through (j), which includes the publication of a determination of no competitive interest in the **Federal Register**. Hecate Energy would be responsible for paying a fee for the processing costs under 30 CFR 585.112, including any environmental review that BOEM may require before lease issuance. Hecate Energy also would be responsible for submitting any required consistency certification and necessary data and information in a timely manner pursuant to 15 CFR part 930, subpart D, to the applicable State CZMA agency or agencies and BOEM.

b. *Review of Lease Request:* BOEM would complete all required consultations and environmental analyses before issuing a lease noncompetitively. Further, BOEM would coordinate and consult, as appropriate, with relevant Federal agencies, federally recognized Tribes, affected State and local governments, and other affected or interested parties in formulating lease terms, conditions, and stipulations.

c. *Lease Issuance:* After completing its review of the lease request, BOEM may offer one or two noncompetitive leases to Hecate Energy covering all or a portion of WEAs C and D. Within 10 business days of receiving the lease(s), Hecate Energy must execute them and provide a lease-specific bond or other authorized financial assurance in the amount of 12 months' rent for each lease, under 30 CFR 585.516, to guarantee compliance with all terms and conditions of each lease. No later than 45 days of receiving the executed lease(s) from BOEM, the lessee must pay BOEM the first 12 months' rent for each lease.

Elizabeth Klein,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2024–16626 Filed 7–26–24; 8:45 am]

BILLING CODE 4340–98–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Z-Wave Alliance

Notice is hereby given that, on June 14, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Z-Wave Alliance, Inc. (the ''Joint Venture'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Consumer 2.0 DBA *Rently.com,* Los Angeles, CA; Hearo, Springfield, MO; and Nabu Casa, Inc., Dover, DE, have joined as parties to the venture.

Also, System and Network Engineering Srl, Roma, ITALY; Swidget Corp., Kingston, CANADA; Sky Telecom Ingenieria S.L., Bilbao-Vizcaya, SPAIN; HELTUN, Inc., Los Altos Hills, CA; iGuard Home Solutions, Inc., Seattle, WA; Guangzhou MCOHome Technology Co., LTD., Guangzhou, PEOPLE'S REPUBLIC OF CHINA; Hangzhou Roombanker Technology Co., Ltd., Hangzhou City, PEOPLE'S REPUBLIC OF CHINA; Leak Intelligence LLC, Franklin, TN; SHENZHEN NEO ELECTRONICS CO., LTD., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; EcoDim, Doetinchem, THE NETHERLANDS; ZWaveProducts.com, Iselin, NJ; SHARP FUKUYAMA SEMICONDUCTOR CO., LTD., Fukuyama, JAPAN; Sharp Corporation, Osaka-fu, JAPAN; JEEDOM SAS, Rillieux La Pape, FRANCE; Shenzhen Sunricher Technology Limited, Shenzhen, PEOPLE'S REPUBLIC OF CHINA; Springs Window Fashions, LLC, Middleton, WI; ZOME Energy Networks, Inc., Hollis, NH; Sentegrate Pty Ltd., NSW, AUSTRALIA; Beaumotica, Breda, THE NETHERLANDS; Smart Home SA, Gland, SWITZERLAND; Buffalo, Inc., Nagoya, JAPAN; Oy K1 Services Ab, Jakobstad, FINLAND; JV Innovation LLC, East Wakefield, NH; Hank Smart Tech Co. Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; Duke Energy Business Services LLC, Charlotte, NC; Masonite Corporation, Tampa, FL; and Passiv UK Limited, Newbury, UNITED KINGDOM, have withdrawn as parties to the venture.

No other changes have been made in either the membership or the planned activity of the venture. Membership in this venture remains open, and the Joint Venture intends to file additional written notifications disclosing all changes in membership.

On November 19, 2020, the Joint Venture filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 1, 2020 (85 FR 77241).

The last notification was filed with the Department on January 26, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 13, 2024 (89 FR 18438).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–16602 Filed 7–26–24; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1391]

Importer of Controlled Substances Application: Galephar Pharmaceutical Research Inc

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Galephar Pharmaceutical Research Inc has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before August 28, 2024. Such persons may also file a written request for a hearing on the application on or before August 28, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically

through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on June 12, 2024, Galephar Pharmaceutical Research Inc, #100 Carr 198 Industrial Park, Juncos, Puerto Rico 00777–3873 applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Hydromorphone	9150	II
Morphine	9300	II

The company plans to import the listed controlled substances for analytical purposes only. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Marsha L. Ikner,

Acting Deputy Assistant Administrator.

[FR Doc. 2024–16588 Filed 7–26–24; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1396]

Importer of Controlled Substances Application: Catalent Pharma Solutions, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Catalent Pharma Solutions, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before August 28, 2024. Such persons may also file a written request for a hearing on the application on or before August 28, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on June 5, 2024, Catalent Pharma Solutions, LLC, 3031 Red Lion Road, Philadelphia, Pennsylvania 19114–1123, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Lysergic acid diethylamide.	7315	I
5-Methoxy-N, N-dimethyltryptamine.	7431	I
Psilocybin	7437	I
Psilocyn	7438	I
Tapentadol	9780	II

The company plans to import the listed controlled substances as finished dosage unit products for clinical trials, research, and analytical activities. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Marsha L. Ikner,

Acting Deputy Assistant Administrator.

[FR Doc. 2024–16587 Filed 7–26–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1398]

Bulk Manufacturer of Controlled Substances Application: Cerilliant Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cerilliant Corporation has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 27, 2024. Such persons may also file a written request for a hearing on the application on or before September 27, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow

the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on June 20, 2024, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402 applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC)	1238	I
Para-Methoxymethamphetamine (PMMA), 1-(4- 1245 I N methoxyphenyl)-N-methylpropan-2-amine	1245	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine	1478	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
4,4′-Dimethylaminorex (4,4′-DMAR; 4,5-dihydro-4- 1595 I N methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5- (4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine).	1595	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine	2780	I
Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2785	I
Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine	2786	I
Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine	2788	I
Diclazepam (7-chloro-5-(2-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one	2789	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
FUB-144 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)	7014	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB-FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate).	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I
5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluropentyl)-1H-indazole-3-carboximide)	7025	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I
MAB-CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB, 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
5F-EDMB-PINACA (ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7036	I
5F-MDMB-PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7041	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate).	7042	I
4F-MDMB-BINACA (4F-MDMB-BUTINACA or methyl 2- (1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate).	7043	I
MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate)	7044	I
FUB-AKB48, FUB-APINACA, AKB48 N-(4-FLUOROBENZYL) (N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboximide).	7047	I
APINACA and AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide)	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
5F-CUMYL-PINACA, 5GT-25 (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide)	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I
4-CN-CUML-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, SGT-78 (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide).	7089	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole)	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I

Controlled substance	Drug code	Schedule
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-MEAP (4-Methyl-alpha-ethylaminopentiophenone)	7245	I
N-Ethylhexedrone	7246	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine)	7286	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine	7348	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Parahexyl	7374	I
Mescaline	7381	I
2C-T-2 (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4′-Chloro-alpha-pyrrolidinovalerophenone	7443	I
MPHP, 4′-Methyl-alpha-pyrrolidinohexiophenone	7446	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
N-Benzylpiperazine	7493	I
4-MePPP (4-Methyl-alphapyrrolidinopropiophenone)	7498	I
2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine)	7508	I
2C-E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine)	7509	I
2C-H 2-(2,5-Dimethoxyphenyl) ethanamine)	7517	I
2C-I 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine)	7518	I
2C-C 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine)	7519	I
2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine)	7521	I
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine)	7524	I
2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
25B-NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7536	I
25C-NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7537	I
25I-NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
N-Ethypentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	I
α-PHP, alpha-Pyrrolidinohexanophenone	7544	I
Slpha-pyrrolidinopentiophenone (α-PVP)	7545	I
Alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
Ethylone	7547	I
PV8, alpha-Pyrrolidinoheptaphenone	7548	I
Eutylone	7549	I
α-PiHP (4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one)	7551	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I

Controlled substance	Drug code	Schedule
Codeine methylbromide	9070	I
Brorphine	9098	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphinol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
Pholcodine	9314	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
MT-5 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Isotonitazene	9614	I
Dipipanone	9622	I
Etonitazene	9624	I
Hydroxypethidine	9627	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Trimeperidine	9646	I
Phenomorphan	9647	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
Tilidine	9750	I
xybenzyl)-5-nitro1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine)	9751	I
-(2-(4-fluorobenzyl)-5- nitro1H-benzimidazol-1-yl)ethan-1- amine)	9756	I
Metonitazene (N,N-diethyl-2-(2-(4- methoxybenzyl)-5- nitro-1Hbenzimidazol-1-yl)ethan-1-amine)	9757	I
N-pyrrolidino etonitazene; etonitazepyne (2-(4-ethoxybenzyl)-5-nitro-1-(2- (pyrrolidin-1-yl)ethyl)-1Hbenzimidazole).	9758	I
Protonitazene (N,N-diethyl-2-(5-nitro-2-(4- propoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine)	9759	I
Metodesnitazene (N,N-diethyl-2-(2-(4- methoxybenzyl)- 1H-benzimidazol-1- yl)ethan-1-amine)	9764	I
Etodesnitazene; etazene (2-(2-(4-ethoxybenzyl)- 1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine)	9765	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Para-Methylfentanyl	9817	I
4′-Methyl Acetyl Fentanyl	9819	I
Ortho-Methyl Methoxyacetyl Fentanyl	9820	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Thiofuranyl Fentanyl	9839	I
Valeryl fentanyl	9840	I
Phenyl Fentanyl	9841	I
Beta′-Phenyl Fentanyl	9842	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I

Controlled substance	Drug code	Schedule
Crotonyl Fentanyl	9844	I
Cyclopropyl Fentanyl	9845	I
Ortho-Fluorobutyryl Fenanyl	9846	I
Cyclopentyl fentanyl	9847	I
Ortho-Methyl Acetylfentanyl	9848	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
Fentanyl Carbamate	9851	I
Ortho-Fluoroacryl Fentanyl	9852	I
Ortho-Fluoroisobutyryl Fentanyl	9853	I
Para-Fluoro Furanyl Fentanyl	9854	I
2′-Fluoro Ortho-Fluorofentanyl	9855	I
Beta-Methyl Fentanyl	9856	I
8Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II
Norfentanyl	8366	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Methadone	9250	II
Methadone intermediate	9254	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Levo-alphacetylmethadol	9648	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Thiafentanil	9729	II
Racemethorphan	9732	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to bulk manufacture the listed controlled substances for the internal use intermediates and analytical reference standards for sale to its customers. In reference to drug codes 7360 (Marihuana), and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

Marsha L. Ikner,

Acting Deputy Assistant Administrator.

[FR Doc. 2024–16589 Filed 7–26–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1123–1NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Remission of Financial Penalties

AGENCY: Office of the Pardon Attorney, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Office of the Pardon Attorney, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until August 28, 2024.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Kira Gillespie, Deputy Pardon Attorney, Office of the Pardon Attorney, 950 Pennsylvania Avenue, NW Main Justice—RFK Building, Washington, DC 20530; *uspardon.attorney@usdoj.gov* or *kira.gillespie@usdoj.gov*; (202) 616–6073.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on April 9, 2024, allowing a 60-day comment period. Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1123–1NEW. This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of this information collection:

1. *Type of Information Collection:* New collection.

2. *Title of the Form/Collection:* Application for Remission of Financial Penalties.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is the Office of the Pardon Attorney.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected Public: Individuals or households.

Abstract: Applicants seeking remission of financial penalties by the President will be asked to respond to this collection. The principal purpose for collecting this information is to enable the Office of the Pardon Attorney to process applicants' requests for remission of financial penalties. The information is necessary to verify applicants' identities, conduct investigation of the applicants' backgrounds, criminal records, and conduct since their conviction, and to provide notice to the Federal Bureau of Investigation, U.S. Attorneys' Offices, U.S. Probation Offices, and federal courts in the event of grants of executive clemency.

5. *Obligation To Respond:* Voluntary to obtain a benefit.

6. *Total Estimated Number of Respondents:* Available information suggests that potentially 500 to 1,000 applicants will complete petitions annually.

7. *Estimated Time per Respondent:* 180 minutes.

8. *Frequency:* The Application for Remission of Financial Penalties is a one-time collection per application.

9. *Total Estimated Annual Time Burden:* 1,500 to 3,000 hours.

10. *Total Estimated Annual Other Costs Burden:* $0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: July 23, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–16537 Filed 7–26–24; 8:45 am]

BILLING CODE 4410–29–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On July 17, 2024, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Arizona in the lawsuit entitled *United States* v. *Lupton Petroleum Products, Inc. and Brad Hall & Associates, Inc.,* Civil Action No. 3:24–cv–08144–GMS.

The United States filed this lawsuit under the Clean Air Act. The United States' complaint seeks injunctive relief and civil penalties for violations of the regulations that govern the production and sale of fuels relating to fuels produced by Defendant Lupton Petroleum, Inc. at a transmix processing facility in Lupton, Arizona. The consent decree requires Lupton Petroleum, Inc. to perform injunctive relief, and requires the Defendants to jointly pay a $1,000,729 civil penalty.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Lupton Petroleum Products, Inc. and Brad Hall & Associates, Inc.,* D.J. Ref. No. 90–5–2–1–12134. 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.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Scott D. Bauer,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024–16605 Filed 7–26–24; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Wafler Farms, Inc., d/b/a Wafler Nursery & Orchards, et al.,* Case No. 6:20–cv–06363, was lodged with the United States District Court for the Western District of New York on July 23, 2024.

This proposed Consent Decree concerns a complaint filed by the United States against Defendants Wafler Farms, Inc., d/b/a Wafler Nursery & Orchards, Huron Enterprises, LLC, Paul E. Wafler, and Susan Wafler, pursuant to Section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a), to obtain injunctive relief from the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to perform mitigation.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments by mail to Assistant United States Attorney David M. Coriell, United States Attorney's Office, Western District of New York, 138 Delaware Avenue, Buffalo, New York 14202, or by email to *pubcomment_eds.enrd@usdoj.gov* and refer to *United States* v. *Wafler Farms Inc., d/b/a Wafler Nursery & Orchards, et al.,* 2019V01814, DJ No. 90–5–1–1–21617.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Western District of New York, 100 State Street, Rochester, New York 14614. In addition, the proposed Consent Decree may be examined electronically at *https://www.justice.gov/enrd/consent-decrees.*

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2024–16577 Filed 7–26–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0057]

Telecommunications Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Telecommunications Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by September 27, 2024.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov.* Documents in the docket are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the websites. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2010–0057) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates.

For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. Under the paperwork requirements specified by paragraph (c) of the Standard, an employer must certify that his or her workers have been trained as specified by the training provision of the Standard. Specifically, employers must prepare a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The information collected will be used by employers as well as by compliance officers to determine whether employees have been trained according to the requirements set forth in 29 CFR 1910.268(c).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary

for the proper performance of the agency's functions to protect workers, including whether the information is useful;

- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Telecommunications Standard. OSHA is proposing an adjustment decrease to the existing burden hour estimate for the information collection requirements specified by the Standard from 5,499 hours to 4,563 hours, for a total decrease of 936 hours. This decrease was due to fewer establishments (from 36,394 to 36,258) and fewer workers covered by the standard (from 203,180 to 168,590).

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: Telecommunications Standard.

OMB Control Number: 1218–0225.

Affected Public: Business or other for-profits.

Number of Respondents: 168,590.

Number of Responses: 212,761.

Frequency of Responses: Once.

Average Time per Response: Varies.

Estimated Total Burden Hours: 4,563.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal; or (2) by facsimile (fax), if your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (OSHA–2010–0057). You may supplement electronic submission by uploading document files electronically.

Comments and submissions are posted without change at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *https://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submission, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *https://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link.

Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 8–2020 (85 FR 58393).

Signed at Washington, DC, on July 15, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–16556 Filed 7–26–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of TUV SUD America, Inc. (TUVAM) for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before August 13, 2024.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2007–0043). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before August 13, 2024 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone: (202) 693–1999 or email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department

of Labor by phone: (202) 693–1911 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that TUV SUD America, Inc. (TUVAM) is applying for expansion of the current recognition as a NRTL. TUVAM requests the addition of one recognized testing site to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details the NRTL's scope of recognition. These pages are available from the OSHA website at: *https://www.osha.gov/nationally-recognized-testing-laboratory-program.*

TUVAM currently has seventeen facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: TUV SUD America, Inc., 401 Edgewater Place, Suite 500, Wakefield, MA 01880. A complete list of TUVAM's scope of recognition (including sites recognized by OSHA) is available at: *https://www.osha.gov/nationally-recognized-testing-laboratory-program.*

II. General Background on the Application

TUVAM submitted an application to OSHA for expansion of the NRTL scope of recognition. The application, dated August 1, 2023 (OSHA–2007–0043–0061), requested the expansion of the NRTL scope of recognition to include one additional test site located at: 5945 Cabot Parkway, Suite 100, Alpharetta, Georgia 30005. OSHA staff performed an on-site review of TUVAM's testing facilities at TUVAM Alpharetta on November 14–15, 2023, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. TUVAM has addressed these issues sufficiently, and OSHA staff has preliminarily determined that OSHA should grant the expansion request to include this additional site.

TUVAM submitted an acceptable application for expansion of the NRTL scope of recognition. OSHA's review of the application file, and pertinent documentation, indicate that TUVAM can meet the requirements prescribed by 29 CFR 1910.7 for expanding their recognition to include one additional testing site for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of TUVAM's application. OSHA seeks comment on this preliminary determination.

III. Public Participation

OSHA welcomes public comment as to whether TUVAM meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *https://www.regulations.gov* under Docket No. OSHA–2007–0043 (for further information, see the ''*Docket*'' heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant TUVAM's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

IV. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on July 16, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–16558 Filed 7–26–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

TUV Rheinland of 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 TUV Rheinland of North America, Inc., for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

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 13, 2024.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal

eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2007–0042). 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 13, 2024 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–1911 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that TUV Rheinland of North America, Inc. (TUVRNA), is applying for an expansion of current recognition as a NRTL. TUVRNA 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, as well as for an expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the 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 TUVRNA, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVRNA currently has ten facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: TUV Rheinland of North America, Inc., 295 Foster Street, Suite 100, Littleton, Massachusetts 01460. A complete list of TUVRNA sites recognized by OSHA is available at *https://www.osha.gov/nationally-recognized-testing-laboratory-program/tuv.*

II. General Background on the Application

TUVRNA submitted an application, dated January 6, 2022 (OSHA–2007–0042–0077), to expand recognition as a NRTL to include two additional test standards. 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 shows the test standards found in TUVRNA's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 2743	Portable Power Packs.
UL 60320–1	Appliance Couplers for Household and Similar General Purposes—Part 1: General Requirements.

III. Preliminary Finding on the Application

TUVRNA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file and pertinent documentation preliminarily indicates that TUVRNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of the two test standards shown in table 1, above, for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of TUVRNA's application.

OSHA seeks public comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in

writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *https://www.regulations.gov* under Docket No. OSHA–2007–0042 (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 TUVRNA's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 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 17, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–16557 Filed 7–26–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0016]

Nemko North America, Inc.: 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 Nemko North America, Inc. (NNA) as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on July 29, 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, phone: (202) 693–1999 or email: *meilinger.francis2@dol.gov*.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (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 Nemko North America, Inc. (NNA) as a NRTL. NNA's expansion covers the addition of nineteen 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 its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including NNA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at: *https://www.osha.gov/nationally-recognized-testing-laboratory-program*.

NNA submitted an application to OSHA for expansion of the NRTL scope of recognition. The application, dated October 24, 2023 (OSHA–2013–0016–0026), requested the expansion of the NRTL scope of recognition to include one additional test site located at: 1601 N. A.W. Grimes Blvd., Suite B, Round Rock, Texas 78665 and nineteen additional test standards. OSHA staff performed an on-site review of NNA's testing facilities at NNA Austin, Texas on January 23–24, 2024, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. NNA has addressed these issues sufficiently, and OSHA staff has preliminarily determined that OSHA should grant the application.

OSHA published the preliminary notice announcing NNA's expansion application in the **Federal Register** on May 28, 2024 (89 FR 46165). The agency requested comments by June 12, 2024, but it received no comments in response to this notice. OSHA is now proceeding with this final grant of expansion to NNA's NRTL scope of recognition.

Docket No. OSHA–2013–0016 contains all materials in the record concerning NNA's recognition. To obtain or review copies of all public documents pertaining to NNA's expansion application, go to *http://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 for assistance in locating docket submissions.

II. Final Decision and Order

OSHA staff examined NNA's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that NNA 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 NNA's expanded scope of

recognition. OSHA limits the expansion of NNA's recognition to the recognized testing site in Round Rock, Texas and testing and certification of products for demonstration of conformance to the test standard listed below in table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN NNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 60079–0	Explosive Atmospheres—Part 0: Equipment—General Requirements.
UL 60079–1	Explosive Atmospheres—Part 1: Equipment Protection by Flameproof Enclosures ''d''.
UL 60079–2	Explosive Atmospheres—Part 2: Equipment Protection by Pressurized Enclosures ''p''.
UL 60079–5	Explosive Atmospheres—Part 5: Equipment Protection by Powder Filling ''q''.
UL 60079–6	Explosive Atmospheres—Part 6: Equipment Protection by Oil Immersion ''o''.
UL 60079–7	Explosive Atmospheres—Part 7: Equipment Protection by Increased Safety ''e''.
UL 60079–11	Explosive Atmospheres—Part 11: Equipment Protection by Intrinsic Safety ''i''.
UL 60079–15	Explosive Atmospheres—Part 15: Equipment Protection by Type of Protection ''n''.
UL 60079–18	Explosive Atmospheres—Part 18: Equipment Protection by Encapsulation ''m''.
UL 60079–25	Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems.
UL 60079–28	Standard for Explosive Atmospheres—Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation.
UL 60079–31	Standard for Explosive Atmospheres—Part 31: Equipment Dust Ignition Protection Enclosure ''t''.
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment.
UL 913	Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II and III, Division I, Hazardous (Classified) Locations.
UL 121201	Nonincendive Electrical Equipment for Use in Class I and II, Division 2 and Class III, Division 1 and 2 Hazardous (Classified) Locations.
TIA 4950	Requirements for Battery-Powered, Portable Land Mobile Radio Applications in Class I, II, and III, Division I, Hazardous (Classified) Locations.
UL 1203	Explosion-Proof and Dust-Ignition-Proof Electrical Equipment for Use in Hazardous (Classified) Locations.
UL 674	Electric Motors and Generators for Use in Hazardous (Classified) Locations.
UL 698A	Industrial Control Panels Relating to Hazardous (Classified) Locations.

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.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including, but not limited to, abiding by the following conditions of the recognition:

1. NNA 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. NNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. NNA must continue to meet the requirements for recognition, including all previously published conditions on NNA'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 NNA as a NRTL to include nineteen additional test standards and an additional testing site in Round Rock, Texas, 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 17, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–16561 Filed 7–26–24; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–348 and 30–364; NRC–2024–0134]

Southern Nuclear Operating Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2; License Amendment Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. NPF–2 and NPF–8, issued to Southern Nuclear Operating Company, Inc. (SNC, the licensee), for operation of the Joseph M. Farley Nuclear Plant, (Farley) Units 1 and 2. The requested amendment would revise the operating license, Appendix A, Technical Specification (TS) 3.6.5, ''Containment Air Temperature,'' actions upon exceeding the containment average air temperature limit of 120 degrees Fahrenheit (°F) and remove an expired Note provision. Specifically, the proposed amendment would revise TS 3.6.5 Required Actions and Completion Time A.1, add Required Actions and Completion Times A.2 and A.3, as well as remove an expired Note in TS 3.6.5 Limiting Conditions for Operation. For this amendment request, the NRC proposes to determine that it involves no significant hazards consideration. Because this amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Comments must be received by August 28, 2024. A request for a hearing or petitions for leave to intervene must be filed by September 27, 2024. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes

access to SUNSI is necessary to respond to this notice must request document access by August 8, 2024.

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–2024–0134. 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.
- *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: Zachary M. Turner, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2258; email: *Zachary.Turner@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0134, facility name, unit number(s), docket number(s), application date, and subject 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–2024–0134.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The license amendment request to change containment air temperature actions for Farley, Units 1 and 2, is available in ADAMS under Accession Nos. ML24201A107 (non-publicly available) and ML24201A108 (publicly available).
- *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–2024–0134, facility name, unit number(s), docket number(s), application date, and subject, 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. Introduction

The NRC is considering issuance of an amendment to Facility Operating License No. NPF–2 and NPF–8, issued to SNC, for operation of the Farley, Units 1 and 2, located in Houston County, Alabama.

By letter dated July 18, 2024 (ADAMS Accession Nos. ML24201A107 non-publicly available; ML24201A108 publicly available), SNC submitted a license amendment request to change TS 3.6.5, ''Containment Air Temperature,'' at Farley, Units 1 and 2. SNC proposes to revise TS 3.6.5 Required Action and Completion Time A.1, add Required Actions and Completion Times A.2, and A.3, as well as remove an expired note in TS 3.6.5 Limiting Conditions for Operation (LCO). Specifically, the change would modify the TS 3.6.5 Actions if containment average air temperature exceeds the LCO of 120 °F to allow continued operation for up to seven cumulative days per calendar year provided that the containment average air temperature does not exceed 122 °F (verified within eight hours of containment average air temperature exceeding 120 °F and once per eight hours thereafter) and that refueling water storage tank temperature remains less than or equal to 100 °F (verified within eight hours of containment average air temperature exceeding 120 °F and once per eight hours thereafter).

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented as follows:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No, the proposed changes do not adversely affect the operation of any structures, systems, or components (SSCs) associated with an accident initiator or initiating sequence of events. The proposed changes do not affect the design of the containment heat removal systems.

The proposed amendment does not affect accident initiators or precursors nor adversely alter the design assumptions, conditions, and configuration of the facility. The proposed amendment does not alter any plant equipment or operating practices with respect to such initiators or precursors in a manner that the probability of an accident is increased. The proposed amendment to allow exceeding the containment average air temperature above the current limit of 120 °F up to a maximum of 122 °F for up to seven cumulative days in the calendar year and remove an expired

Note does not adversely affect the operation of the assumed mitigation systems or the containment fission product barrier assumptions. As demonstrated in the SNC request, the potential increase in containment average air temperature coupled with limiting the refueling water storage tank (RWST) temperature to 100 °F is more than offset by existing margins in the safety analyses. As such, the proposed change will not alter assumptions relative to the mitigation of an accident or transient event. The proposed amendment does not increase the likelihood of the malfunction of an SSC or adversely impact analyzed accidents.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No, the proposed amendment does not introduce any new or unanalyzed modes of operation. The proposed changes do not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the limiting assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No, the margin of safety is related to the ability of the fission product barriers to perform their design functions during and following an accident. These barriers include the fuel cladding, the reactor coolant system, and the containment. The fission product barriers continue to be able to perform their required functions; based on the pre-existing margins and conservatisms currently assumed in the safety analyses. Therefore, the margins to the onsite and offsite radiological dose limits are not significantly reduced. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission make a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and on the NRC's public website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate.*

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056) and on the NRC's public website at

https://www.nrc.gov/site-help/e-submittals.html.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated July 18, 2024, (ADAMS Accession Nos. ML24201A107 non-publicly available; ML24201A108 publicly available).

Attorney for licensee: Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Company, Inc., P.O. Box 1295, Birmingham, AL 35201–1295.

NRC Branch Chief: Michael Markley.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing or opportunity for hearing, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Licensing, Hearings, and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email addresses for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2), the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order [2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated: July 24, 2024.

For the Nuclear Regulatory Commission.

Carrie Safford,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of **Federal Register** notice of hearing or opportunity for hearing, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: (i) supporting the standing of a potential party identified by name and address; and (ii) describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012, 78 FR 34247, June 7, 2013) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING—Continued

Day	Event/activity
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement or Affidavit for SUNSI.
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Agreements or Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or notice of opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2024–16647 Filed 7–26–24; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Solicitation of Nominations for the Pension Benefit Guaranty Corporation Participant and Plan Sponsor Advocate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) Advisory Committee is soliciting nominations for the PBGC Participant and Plan Sponsor Advocate position.

DATES: Nominations must be received on or before August 28, 2024.

ADDRESSES: Nominations must be submitted electronically to *PBGCRecruitment@pbgc.gov* as email attachments in Word or pdf format.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC or the Corporation) administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Section 4004 of ERISA provides for the Participant and Plan Sponsor Advocate (the Advocate) position. In general, the Advocate and staff in the Office of the Advocate help participants and plan sponsors resolve disputes with the PBGC. The Office of the Advocate works directly with participants in defined benefit plans to ensure that they receive benefits that they are entitled to from PBGC. The Office of the Advocate also assists plan sponsors in resolving disputes and other issues with PBGC. The Advocate works independently of the PBGC Departments and reports directly to the PBGC Board of Directors. They report to Congress annually on the activities of the Office of the Participant and Plan Sponsor Advocate; and provide oversight and supervision of the Office of the Advocate staff.

The Participant and Plan Sponsor Advocate's prescribed duties under section 4004 of ERISA include:

(1) act as a liaison between the Corporation, sponsors of defined benefit pension plans insured by the Corporation, and participants in pension plans trusteed by the Corporation;

(2) advocate for the full attainment of the rights of participants in plans trusteed by the Corporation;

(3) assist pension plan sponsors and participants in resolving disputes with the Corporation;

(4) identify areas in which participants and plan sponsors have persistent problems in dealings with the Corporation;

(5) to the extent possible, propose changes in the administrative practices of the corporation to mitigate problems;

(6) identify potential legislative changes which may be appropriate to mitigate problems; and

(7) refer instances of fraud, waste, and abuse, and violations of law to the Office of the Inspector General of the Corporation.

Due to an impending vacancy, the Advisory Committee is seeking nominations for the Participant and Plan Sponsor Advocate position. Section 4004(a) of ERISA requires the PBGC Board of Directors to select a Participant and Plan Sponsor Advocate from the candidates nominated by the Advisory Committee.

If you or your organization would like to nominate one or more people for the Participant and Plan Sponsor Advocate position, you may submit nominations to PBGC. Nominations may be in the form of a letter, resolution, or petition, signed by the person making the nomination, and must include the resume of the individual being nominated. Resumes should include positions held, experience and salary history of the nominee. Additional supporting letters of nomination are encouraged. Please do not include any information that should not be publicly disclosed. This is a supervisory position. The salary range for this position is $191,900 to $221,900, and includes a comprehensive benefits package. This position is located in Washington, DC.

Nominations, including supporting letters, should:

- state the person's qualifications to serve as the Participant and Plan Sponsor Advocate, to include positions held, and experience relevant to the Advocate position;
- include the nominee's full name, work affiliation, mailing address, phone number, and email address;

• include the nominator's full name, work affiliation, mailing address, phone number, and email address; and

• include the nominator's signature.

PBGC does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, retaliation, parental status, military service or other non-merit factor.

Issued in Washington, DC.

Karen L. Morris,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2024–16545 Filed 7–26–24; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100580; File No. SR–ISE–2024–29]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fees for Nasdaq 100 Index Options in Options 7, Section 5.A

July 23, 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 12, 2024, Nasdaq ISE, LLC (''ISE'' 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 fees for Nasdaq 100 Index options in the Exchange's Pricing Schedule at Options 7, Section 5.A.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the fees for NDX[3] in Options 7, Section 5.A. The Exchange initially filed the proposed pricing changes on July 1, 2024 (SR–ISE–2024–26). On July 12, 2024, the Exchange withdrew that filing and submitted this filing.

Today, the Exchange assesses transaction fees of $0.75 per contract for all Non-Priority Customer[4] regular NDX orders, and $0.25 per contract for all Priority Customer[5] regular NDX orders. In accordance with note 1 of Options 7, Section 5.A, the applicable complex order fees for Non-Select Symbols[6] in Options 7, Section 4 apply to all executions in complex NDX orders for Non-Priority Customers.[7] Note 1 further provides that for all executions in complex NDX orders for Priority Customers, the fee will be $0.25 per contract.

The Exchange now proposes to assess a surcharge of $0.25 per contract to all market participants for simple and complex executions in NDX with a premium price of $25.00 or greater.[8] The fees for simple and complex executions in NDX with a premium price of less than $25.00 will remain unchanged under this proposal. The Exchange notes that charging different fees based on the option premium is consistent with how other options are priced at another options exchange.[9] The Exchange further notes that the proposed surcharge amount is within the range of surcharges assessed for transactions in other products at other options exchanges.[10]

The Exchange notes that less than 50% of total NDX executed volume is in NDX contracts with a premium of $25.00 or greater, as shown in the chart below.[11]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For purposes of the Pricing Schedule, ''NDX'' means A.M. or P.M. settled options on the full value of the Nasdaq 100® Index. *See* Options 7, Section 1(c).

[4] ''Non-Priority Customers'' include Market Makers, Non-Nasdaq ISE Market Makers (FarMMs), Firm Proprietary/Broker-Dealers, and Professional Customers.

[5] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq ISE Options 1, Section 1(a)(37).

[6] ''Non-Select Symbols'' are options overlying all symbols excluding Select Symbols. ''Select Symbols'' are options overlying all symbols listed on the Nasdaq ISE that are in the Penny Interval Program.

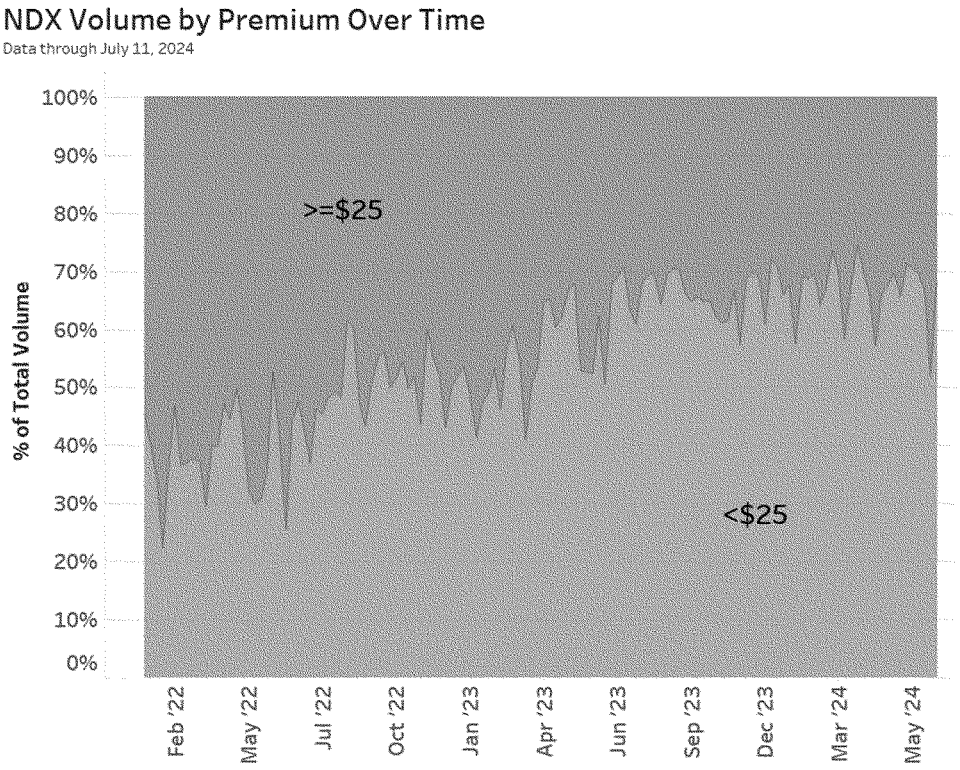
[7] *See generally* Options 7, Section 4 (setting forth Non-Priority Customer maker/taker fees for Non-Select Symbols, including NDX).

[8] *See* proposed note 3 in Options 7, Section 5.A.

[9] For example, Cboe Options (''Cboe'') currently assesses customers a $0.36 per contract fee (if premium < $1.00) or $0.45 per contract fee (if premium >= $1.00) for SPX and SPESG options. Cboe also currently assesses market-makers a $0.05 per contract fee (if premium is $0.00–$0.10) or $0.23 per contract (if premium >= $0.11) for VIX options. *See* Cboe Fees Schedule.

[10] For example, Cboe currently assesses customers a $0.25 per contract exotic surcharge and a $0.21 per contract execution surcharge in SPX and SPESG options. *See* Cboe Fees Schedule. In addition, the Exchange's affiliate, Nasdaq Phlx LLC (''Phlx'') current assesses a $0.25 per contract complex surcharge for executions in singly-listed U.S. dollar-settled foreign currency options. *See* Phlx Options 7, Section 5.D.

[11] The chart includes A.M. and P.M. settled options on the full value of the Nasdaq 100® Index on Nasdaq ISE, LLC, Nasdaq GEMX, LLC, and Nasdaq Phlx LLC.



Notably, the majority of NDX contracts have a premium price of below $25.00. The Exchange believes that on the whole, while it is proposing a $0.25 per contract surcharge on NDX executions with a premium price of $25.00 or greater, market participants will continue to be incentivized to transact in NDX, especially given that the majority of such transactions would occur below the threshold at which the proposed surcharge would be assessed.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[13] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that its proposal to add a $0.25 per contract surcharge to all market participants for simple and complex executions in NDX with a premium price of $25.00 or greater is reasonable because the proposed pricing reflects the proprietary nature of this product. Similar to other proprietary products like options overlying the Nasdaq 100 Micro Index (''XND''), the Exchange seeks to recoup the operational costs of listing proprietary products.[14] Also, pricing by symbol is a common practice on many U.S. options exchanges as a means to incentivize order flow to be sent to an exchange for execution in particular products. Other options exchanges price by symbol and based on the option premium.[15] Further, the Exchange notes that market participants are offered different ways to gain exposure to the Nasdaq 100 Index, whether through the Exchange's proprietary products like options overlying NDX or XND, or separately through multi-listed options overlying Invesco QQQ Trust (''QQQ'').[16] Offering such products provides market participants with a variety of choices in selecting the product they desire to utilize in order to gain exposure to the Nasdaq 100 Index. When exchanges are able to recoup costs associated with offering proprietary products, it incentivizes growth and competition for the innovation of additional products. The Exchange further believes that the proposed surcharge described above is reasonable because the new fee is in line with surcharges assessed on other index products at other options exchanges.[17]

The Exchange believes that its proposal is equitable and not unfairly discriminatory because it will be applied uniformly to all market participants. Assessing a surcharge only for executions in NDX whose premium is $25.00 or greater is equitable and not unfairly discriminatory for the reasons that follow. As shown in the chart above, the majority of NDX contracts have a premium of less than $25.00, and the Exchange is limiting the proposed surcharge to higher-priced NDX contracts (*i.e.,* $25.00 or greater), while maintaining lower costs on lower-priced NDX contracts (*i.e.,* below $25.00). As such, the Exchange believes that its proposal will continue to promote liquidity in these products, to the benefit of all market participants because the majority of NDX contracts would not incur the proposed $0.25 surcharge as they would fall below the premium price threshold at which the surcharge would be assessed.

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

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] By way of example, in analyzing an obvious error, the Exchange would have additional data points available in establishing a theoretical price for a multiply listed option as compared to a proprietary product, which requires additional analysis and administrative time to comply with Exchange rules to resolve an obvious error.

[15] *See supra* note 9.

[16] QQQ is an exchange-traded fund based on the same Nasdaq 100 Index as NDX and XND.

[17] *See supra* note 10.

necessary or appropriate in furtherance of the purposes of the Act.

In terms of intra-market competition, the Exchange will apply the proposed surcharge uniformly to all market participants. As discussed above, the majority of NDX contracts have a premium of less than $25.00 and these contracts would not incur the proposed $0.25 surcharge as they would fall under the premium price threshold at which the surcharge would be assessed. By limiting the proposed surcharge to higher-priced NDX contracts (*i.e.,* with a premium price of $25.00 or higher), the Exchange believes that its proposal will continue to promote liquidity in NDX by maintaining lower costs for lower-priced NDX contracts. Greater liquidity benefits all market participants by providing more trading opportunities, tighter spreads, and added market transparency and price discovery.

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 options 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. As noted above, market participants are offered an opportunity to transact in NDX or XND, or separately execute options overlying QQQ. Offering these products provides market participants with a variety of choices in selecting the product they desire to use to gain exposure to the Nasdaq 100 Index. Furthermore, the proposed surcharge is in line with surcharges assessed on other products at another options exchange.[18]

In addition to the Exchange, market participants have alternative options exchanges that they may participate on and direct their order flow, which list proprietary products that compete with NDX.[19] 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 options 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.

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.[20] 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–ISE–2024–29 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–ISE–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–ISE–2024–29 and should be submitted on or before August 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16550 Filed 7–26–24; 8:45 am]

BILLING CODE 8011–01–P

[18] *See supra* note 10.

[19] *See e.g.,* pricing for Russell 2000 Index (''RUT'') on Cboe's Fees Schedule and Cboe C2 Exchange, Inc.'s (''C2'') Fees Schedule. *See also* SPX pricing on Cboe's Fees Schedule. Both RUT and SPX are proprietary products on the Cboe markets that are broad-based index options, like NDX and NDXP.

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, August 1, 2024.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: July 25, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–16733 Filed 7–25–24; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100577; File No. SR–GEMX–2024–22]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fees for Nasdaq 100 Index Options in Options 7, Section 3

July 23, 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 12, 2024, Nasdaq GEMX, LLC (''GEMX'' 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 fees for Nasdaq 100 Index options in the Exchange's Pricing Schedule at Options 7, Section 3.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the fees for NDX[3] in Options 7, Section 3. The Exchange initially filed the proposed pricing changes on July 1, 2024 (SR–GEMX–2024–18). On July 12, 2024, the Exchange withdrew that filing and submitted this filing.

Today, the Exchange assesses transaction fees of $0.75 per contract for all Non-Priority Customer[4] orders in NDX and $0.25 per contract for all Priority Customers[5] NDX orders. The Exchange now proposes to assess a surcharge of $0.25 per contract to all market participants for executions in NDX with a premium price of $25.00 or greater.[6] The fees for NDX executions with a premium price of less than $25.00 will remain unchanged under this proposal. The Exchange notes that charging different fees based on the option premium is consistent with how other options are priced at another options exchange.[7] The Exchange further notes that the proposed surcharge amount is within the range of surcharges assessed for transactions in other products at other options exchanges.[8]

The Exchange notes that less than 50% of total NDX executed volume is in NDX contracts with a premium of $25.00 or greater, as shown in the chart below.[9]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] NDX represents A.M. settled options on the full value of the Nasdaq 100 Index traded under the symbol NDX.

[4] ''Non-Priority Customers'' include Market Makers, Non-Nasdaq GEMX Market Makers (FarMMs), Firm Proprietary/Broker-Dealers, and Professional Customers.

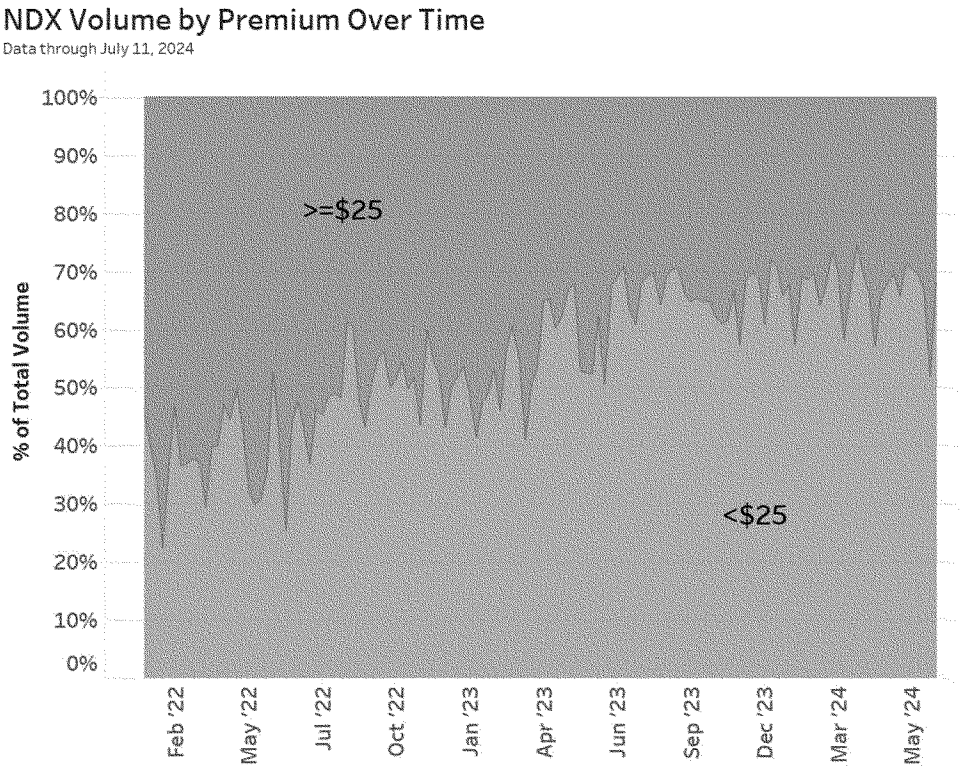
[5] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq GEMX Options 1, Section 1(a)(36).

[6] *See* proposed note 14 (which is currently reserved) of Options 7, Section 3.

[7] For example, Cboe Options (''Cboe'') currently assesses customers a $0.36 per contract fee (if premium < $1.00) or $0.45 per contract fee (if premium >= $1.00) for SPX and SPESG options. Cboe also currently assesses market-makers a $0.05 per contract fee (if premium is $0.00–$0.10) or $0.23 per contract (if premium >= $0.11) for VIX options. *See* Cboe Fees Schedule.

[8] For example, Cboe currently assesses customers a $0.25 per contract exotic surcharge and a $0.21 per contract execution surcharge in SPX and SPESG options. *See* Cboe Fees Schedule. In addition, the Exchange's affiliate, Nasdaq Phlx LLC (''Phlx'') current assesses a $0.25 per contract complex surcharge for executions in singly-listed U.S. dollar-settled foreign currency options. *See* Phlx Options 7, Section 5.D.

[9] The chart includes A.M. and P.M. settled options on the full value of the Nasdaq 100® Index on Nasdaq ISE, LLC, Nasdaq GEMX, LLC, and Nasdaq Phlx LLC.



Notably, the majority of NDX contracts have a premium price of below $25.00. The Exchange believes that on the whole, while it is proposing a $0.25 per contract surcharge on NDX executions with a premium price of $25.00 or greater, market participants will continue to be incentivized to transact in NDX, especially given that the majority of such transactions would occur below the threshold at which the proposed surcharge would be assessed.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that its proposal to add a $0.25 per contract surcharge to all market participants for NDX executions with a premium price of $25.00 or greater is reasonable because the proposed pricing reflects the proprietary nature of this product. Similar to other proprietary products, the Exchange seeks to recoup the operational costs of listing proprietary products.[12] Also, pricing by symbol is a common practice on many U.S. options exchanges as a means to incentivize order flow to be sent to an exchange for execution in particular products. Other options exchanges price by symbol and based on the option premium.[13] Further, the Exchange notes that market participants are offered different ways to gain exposure to the Nasdaq 100 Index, whether through the Exchange's proprietary products like NDX options, or separately through multi-listed options overlying Invesco QQQ Trust (''QQQ'').[14] Offering such products provides market participants with a variety of choices in selecting the product they desire to utilize in order to gain exposure to the Nasdaq 100 Index. When exchanges are able to recoup costs associated with offering proprietary products, it incentivizes growth and competition for the innovation of additional products. The Exchange further believes that the proposed surcharge described above is reasonable because the new fee is in line with surcharges assessed on other index products at other options exchanges.[15]

The Exchange believes that its proposal is equitable and not unfairly discriminatory because it will be applied uniformly to all market participants. Assessing a surcharge only for executions in NDX whose premium is $25.00 or greater is equitable and not unfairly discriminatory for the reasons that follow. As shown in the chart above, the majority of NDX contracts have a premium of less than $25.00, and the Exchange is limiting the proposed surcharge to higher-priced NDX contracts (*i.e.,* $25.00 or greater), while maintaining lower costs on lower-priced NDX contracts (*i.e.,* below $25.00). As such, the Exchange believes that its proposal will continue to promote liquidity in these products, to the benefit of all market participants because the majority of NDX contracts would not incur the proposed $0.25 surcharge as they would fall below the premium price threshold at which the surcharge would be assessed.

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.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] By way of example, in analyzing an obvious error, the Exchange would have additional data points available in establishing a theoretical price for a multiply listed option as compared to a proprietary product, which requires additional analysis and administrative time to comply with Exchange rules to resolve an obvious error.

[13] *See supra* note 7.

[14] QQQ is an exchange-traded fund based on the same Nasdaq 100 Index as NDX.

[15] *See supra* note 8.

In terms of intra-market competition, the Exchange will apply the proposed surcharge uniformly to all market participants. As discussed above, the majority of NDX contracts have a premium of less than $25.00 and these contracts would not incur the proposed $0.25 surcharge as they would fall under the premium price threshold at which the surcharge would be assessed. By limiting the proposed surcharge to higher-priced NDX contracts (*i.e.,* with a premium price of $25.00 or higher), the Exchange believes that its proposal will continue to promote liquidity in NDX by maintaining lower costs for lower-priced NDX contracts. Greater liquidity benefits all market participants by providing more trading opportunities, tighter spreads, and added market transparency and price discovery.

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 options 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. As noted above, market participants are offered an opportunity to transact in NDX, or separately execute options overlying QQQ. Offering these products provides market participants with a variety of choices in selecting the product they desire to use to gain exposure to the Nasdaq 100 Index. Furthermore, the proposed surcharge is in line with surcharges assessed on other products at another options exchange.[16]

In addition to the Exchange, market participants have alternative options exchanges that they may participate on and direct their order flow, which list proprietary products that compete with NDX.[17] 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 options 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.

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.[18] 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–GEMX–2024–22 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–GEMX–2024–22. 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–GEMX–2024–22 and should be submitted on or before August 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16548 Filed 7–26–24; 8:45 am]

BILLING CODE 8011–01–P

[16] *See supra* note 8.

[17] *See e.g.,* pricing for Russell 2000 Index (''RUT'') on Cboe's Fees Schedule and Cboe C2 Exchange, Inc.'s (''C2'') Fees Schedule. *See also* SPX pricing on Cboe's Fees Schedule. Both RUT and SPX are proprietary products on the Cboe markets that are broad-based index options, like NDX and NDXP.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100581; File No. SR–DTC–2024–006]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the DTC Corporate Actions Distributions Service Guide

July 23, 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 17, 2024, The Depository Trust Company (''DTC'') 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. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change [5] consists of amendments to The Tax Event Announcement Feature section [6] of the Distributions Guide.[7] The proposed change would modify a requirement relating to the Sub-Event Type [8] known as ''1042–S Classifications,'' as described below.

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 would amend The Tax Event Announcement Feature section of the Distributions Guide. The proposed change would modify a requirement relating to the Sub-Event Type known as ''1042–S Classifications,'' as described below.

1042–S Classifications—Background

Pursuant to Rule 1.1446–4(b)(4) under the Internal Revenue Code of 1986, as amended (''Code''),[9] issuers of publicly traded partnerships [10] are, in effect, required to provide DTC with ''qualified notices,'' for the issuer's applicable Eligible Securities held by DTC,[11] that classify a distribution for such securities into multiple components for tax withholding and Internal Revenue Service Form 1042–S [12] reporting purposes (''1042–S Classifications''). For example, on a $1.00 distribution, the qualified notice may state that $0.60 is considered dividend income and $0.40 is income effectively connected with the conduct of a trade or business in the United States. DTC forwards such qualified notices to Participants, as discussed below.

Meanwhile, other issuers may not be required under applicable tax law to provide DTC with 1042–S Classifications. For example, a regulated investment company may classify a portion of a distribution as representing interest-related dividends or as a short-term capital gain dividend, but it would not be required to provide a qualified notice to DTC pursuant to Rule 1.1446–4(b)(4) under the Code.[13]

However, DTC accepts 1042–S Classifications voluntarily submitted to DTC by issuers using a template provided by DTC.[14] Regardless of whether DTC receives 1042–S Classifications voluntarily or otherwise, it will distribute that information to Participants that hold the applicable securities.

The Distributions Guide currently provides that the breakdown of the 1042–S Classifications must be provided to DTC prior to the record date [15] of the distribution and should not be subject to change.[16] The information is currently required prior to record date to help ensure that DTC has sufficient time to then deliver the corresponding information to the Participants in advance of payment of the distribution, which may trigger a tax withholding and/or reporting obligation for the receiving Participant.

The Distributions Guide also currently provides that by providing DTC a completed template or qualified notice, the issuer certifies that the information provided in the template is not subject to change, but that DTC will accept and distribute updated information to Participants to the extent an issuer notifies DTC that the issuer made an error in the information provided and provides DTC with a corrected template or qualified notice, as applicable.[17]

Proposed Rule Change

Time Frame for Submission of 1042–S Classification Information

As mentioned above, to promote timeliness and accuracy of issuer information provided to DTC, the Distributions Guide requires the breakdown of the 1042–S Classifications be provided prior to the record date. However, even if an issuer can provide the information prior to record date, it is DTC's understanding that due to the timing of the availability of income source information to issuers, issuers may be unable to report such information before ex-date,[18] which, with certain exceptions, was set to occur one business day before record date in a settlement cycle where settlement occurred two days after trade (''T+2'').[19]

However, with the recent shortening of the U.S. settlement cycle from T+2 to one-day following trade date (''T+1''),[20] that timeline is compressed such that ex-date and record date now will be the same date, normally. Therefore, issuers may not be able to submit 1042–S Classifications prior to record date.

Since issuers may not be able to submit 1042–S Classification information prior to record date given that ex-date and record date now will occur on the same date in a T+1 settlement cycle, DTC proposes to

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[4] 17 CFR 240.19b–4(f)(4).

[5] Each capitalized term not otherwise defined herein has its respective meaning as set forth in the Rules, By-Laws and Organization Certificate of The Depository Trust Company (''DTC Rules''), *available at https://www.dtcc.com/-/media/Files/Downloads/legal/rules/dtc_rules.pdf,* or the DTC Corporate Actions Distributions Service Guide (''Distributions Guide''), *available at https://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Service-Guide-Distributions.pdf.*

[6] Tax Event Announcements provide Participants with information-only announcements regarding taxable events that may give rise to tax-related information and/or withholding obligations that occur, even in the absence of an actual distribution of dividend and interest payments (''Tax Events''). *See* Distributions Guide, *supra* note 5, at 13–15.

[7] The Distributions Guide, *supra* note 5, is a Procedure of DTC. Pursuant to the DTC Rules, the term ''Procedures'' means the Procedures, service guides, and regulations of DTC adopted pursuant to DTC Rule 27, as amended from time to time. *See* DTC Rule 1, Section 1, *supra* note 5. They are binding on DTC and each Participant in the same manner that they are bound by the DTC Rules. *See* DTC Rule 27, *supra* note 5.

[8] Tax Event Announcements are classified by ''Event Type'' and ''Sub-Event Type.'' *See* Distributions Guide, *supra* note 5, at 13–15.

[9] 26 CFR 1.1446–4(b)(4).

[10] *Id.* (providing definition of publicly traded partnership).

[11] Such issuers are required to provide such notices to DTC as the registered holder of the subject Eligible Securities via DTC's nominee, Cede & Co.

[12] *See* Form 1042–S, *available at https://www.irs.gov/pub/irs-pdf/f1042s.pdf.*

[13] 26 CFR 1.1446–4(b)(4).

[14] *See* Distributions Guide, *supra* note 5, at 15.

[15] The record date is the date set by an issuer of a security by which an investor must own the security to be eligible to receive an upcoming distribution. *See* DTC Operational Arrangements Necessary for Securities to Become and Remain Eligible for DTC Services (''OA''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/issue-eligibility/eligibility/operational-arrangements.pdf,* at 26.

[16] *See* Distributions Guide, *supra* note 5, at 15.

[17] *Id.*

[18] The ex-date is the date on which a stock starts trading without the benefit of corporate action (*i.e.,* ex-benefit).

[19] The ex-date is determined in accordance with the applicable market procedures. *E.g.,* NYSE Listed Company Manual, Section 703.02 (part 2) (Stock Split/Stock Rights/Stock Dividend Listing Process), *available at https://nyseguide.srorules.com/listed-company-manual/09013e2c855788a0.*

[20] *See* Securities Exchange Act Release No. 96930 (Feb. 15, 2023), 88 FR 13872 (Mar. 6, 2023) (S7–05–22) (Shortening the Securities Transaction Settlement Cycle).

amend the Distributions Guide to state that the breakdown of these classifications must be provided to DTC ''on or before'' record date.

1042–S Classification Changes and Related Certification

As described above, the Distributions Guide currently provides that the breakdown of the 1042–S Classifications information ''should not be subject to change'' [21] and that information provided in a complete and ''certified'' template ''is not subject to change;'' however, the Distributions Guide also provides that DTC will accept and distribute updated information if updated information is provided to correct an error.[22] DTC proposes to revise these provisions to make technical changes, provide more clarity, and better align the language to practices, as described below.

First, DTC would make a technical change for conciseness. In this regard, the text that states that 1042–S Classifications provided by the issuer ''should not be subject to change'' will be revised to state that the classifications ''should be final.''

Second, text that provides that an issuer ''certifies'' that the information provided to DTC in a template ''is not subject to change'' would be revised to replace (a) ''certifies'' with ''confirms'' and (b) ''is not subject to change'' to ''should be final.'' With respect to (a), it is DTC's understanding that issuers may not be able to certify that information is final until they complete their year-end tax filings. The revision of the reference from ''certifies'' to ''confirms'' would continue to provide DTC with comfort that the issuer believes that the 1042–S Classification information is final, without requiring a certification with respect to information that could change.

Third, text stating ''DTC will accept and distribute updated information to Participants to the extent an Issuer notifies DTC that the Issuer entered an error in the applicable template or qualified notice provided by it to DTC and the Issuer provides DTC with a corrected template or qualified notice, as applicable'' will be revised (x) so that the text stating ''notifies DTC that the Issuer entered an error in the applicable template or qualified notices provided by it to DTC'' will be replaced with ''notifies DTC that the information has changed'' and (y) to make a technical change to replace ''a corrected template or qualified notice, as applicable'' with ''corrected classification information in compliance with applicable tax regulations.'' The change described in (x) would account for the possibility that information submitted by an issuer may change for a reason other than an error, such as a change realized as part of a year-end tax process. The change described in (y) reflects that reporting requirements relating to1042–S Classifications, and any corrections thereto, provided by issuers to DTC stem from issuers' reporting obligations under applicable tax regulations.

Fourth, also to reflect that the requirements for issuers reporting 1042–S Classifications stem from obligations under applicable tax regulations, the sentence stating, ''DTC reserves the right not to accept classification information from Issuers that do not abide by these requirements'' would be extended to add ''and/or applicable tax regulations.''

Fifth, references to ''Record Date'' and ''Issuer'' would be updated to lowercase because they are not defined terms.

2. Statutory Basis

DTC believes that the proposed rule change is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to DTC, in particular Section 17A(b)(3)(F) [23] of the Act.

Section 17A(b)(3)(F) of the Act requires, inter alia, that the rules of the clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.[24] As described above, in addition to certain clarifying and technical changes, the proposed rule change would update the Distributions Guide to provide that (i) the breakdown of 1042–S Classifications must be provided to DTC ''on or before'' record date, instead of ''prior to'' record date given the new, shortened settlement cycle of T+1; (ii) the information provided ''should be final,'' even if provided via a DTC template; and (iii) changed information provided to DTC is not limited to just erroneous entries.

By revising provisions in the Distributions Guide relating to The Tax Event Announcement Feature in this regard, DTC believes that the proposed rule change would help facilitate Participants' compliance with DTC's time frames for submission of 1042–S Classifications in a T+1 settlement cycle and, thus, compliance with U.S. federal tax withholding obligations for the subject securities, while also continuing to provide DTC with comfort that the 1042–S Classification information received is near, if not, final.

Therefore, by helping to facilitate Participant's ability to continue to use DTC's book-entry transfer and settlement services with respect to Eligible Securities that are subject to 1042–S Classifications, the proposed rule change would help promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of the Act, in particular Section 17A(b)(3)(F) of the Act, cited above.

(B) Clearing Agency's Statement on Burden on Competition

DTC believes that the proposed rule change will not impact competition. As described above, the proposed rule change merely facilitates issuers' and Participants' ability to continue to make use of 1042–S Classification reporting through DTC without materially altering requirements for submission or use of 1042–S Classification information.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not received or solicited any written comments relating to this proposal. If any written comments are received, they would 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.

DTC reserves the right to not 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

[21] *See* Distributions Guide, *supra* note 5, at 15.

[22] *Id.*

[23] 15 U.S.C. 78q–1(b)(3)(F).

[24] *Id.*

19(b)(3)(A)[25] of the Act and paragraph (f)[26] of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–DTC–2024–006 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–DTC–2024–006. 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-regulations/self-regulatory-organization-rulemaking*). 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 DTC 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–DTC–2024–006 and should be submitted on or before August 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16551 Filed 7–26–24; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–523, OMB Control No. 3235–0585]

Proposed Collection; Comment Request; Extension: Rule 206(4)–7

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The title for the collection of information is ''Investment Advisers Act rule 206(4)–7, 17 CFR 275.206(4)–7, Compliance procedures and practices.'' This collection of information is found at 17 CFR 275.206(4)–7, and is mandatory. Rule 206(4)–7 under the Investment Advisers Act of 1940 (''Advisers Act'') requires each investment adviser registered with the Commission to (1) adopt and implement written policies and procedures reasonably designed to prevent violations of the Advisers Act and its rules, (2) review those compliance policies and procedures annually, and (3) designate a chief compliance officer who is responsible for administering the compliance policies and procedures. The rule is designed to protect investors by fostering better compliance with the securities laws. The collection of information under rule 206(4)–7 is necessary to help ensure that investment advisers maintain comprehensive internal programs that promote the advisers' compliance with the Advisers Act and its rules. The Commission's examination and oversight staff may review the information collected to assess investment advisers' compliance programs. Responses provided to the Commission pursuant to the rule in the context of the Commission's examination and oversight program are generally kept confidential.[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 control number.

The respondents to this information collection are investment advisers registered with the Commission. Updated data indicate that there were 15,441 advisers registered with the Commission as of December 31, 2023. Each respondent would produce one response, per year. Commission staff has estimated that compliance with rule 206(4)–7 imposes an annual burden of approximately 90 hours per response. Based on this figure, Commission staff estimates a total annual burden of 1,389,690 hours for this collection of information.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by September 27, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

[1] *See* section 210(b) of the Advisers Act (15 U.S.C. 80b–10(b)).

Dated: July 23, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16567 Filed 7–26–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100575; File No. SR–MRX–2024–25]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend MRX's Options 7

July 23, 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 15, 2024, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule at Options 7.[3]

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

MRX proposes to amend the Exchange's Pricing Schedule at Options 7 to make various changes. Specifically, the Exchange proposes to amend Options 7: Section 1, General Provisions; Section 3, Regular Order Fees and Rebates; and Section 4, Complex Order Fees. Each change will be described below.

Options 7, Section 3—Table 1

Today, MRX offers Regular Order Maker Fees/Rebates and Taker Fees in Penny and Non-Penny Symbols in Options 7, Section 3, Table 1. Specifically, with respect to Penny Symbols, the Exchange assesses/pays Market Makers[4] a Tier 1 Maker Fee of $0.10 per contract, no Tier 2 Maker Fee, a Tier 3 Maker Rebate of $0.05 per contract and a Tier 4 Maker Rebate of $0.10 per contract in Penny Symbols. Today, the Exchange assesses Market Maker Tier 1 through Tier 4 Penny Symbol Taker Fees of $0.50 per contract. Today, the Exchange assesses Non-Nasdaq MRX Market Makers (FarMM),[5] Firm Proprietary/Broker-Dealer[6] and Professional Customers[7] a Tier 1 through Tier 4 Maker Fee of $0.47 per contract and a Tier 1 through Tier 4 Taker Fee of $0.50 per contract in Penny Symbols. Finally, today, the Exchange assesses a Priority Customer[8] no Maker Fees and pays no Maker Rebates and assesses a $0.20 per contract Tier 1 through Tier 4 Taker Fee in Penny Symbols.

With respect to Non-Penny Symbols, today, the Exchange assesses Market Makers a Tier 1 Maker Fee of $0.35 per contract, a Tier 2 Maker Fee of $0.20 per contract, a Tier 3 Maker Fee of $0.15 per contract and a Tier 4 Maker Fee of $0.10 per contract. Today, the Exchange assesses Market Makers a Tier 1 through Tier 4 Taker Fee of $1.10 per contract in Non-Penny Symbols. Today, the Exchange assesses Non-Nasdaq MRX Market Makers (FarMM), Firm Proprietary/Broker-Dealer and Professional Customers a Tier 1 through Tier 4 Maker Fee of $0.90 per contract and a Tier 1 through Tier 4 Taker Fee of $1.10 per contract in Non-Penny Symbols. Finally, today, the Exchange assesses a Priority Customer no Maker Fees and assesses a $0.40 per contract Tier 1 through Tier 4 Taker Fee in Non-Penny Symbols.

At this time, the Exchange proposes to no longer offer Maker Rebates for adding liquidity and instead offer Taker Rebates for removing liquidity. With this new structure, the Exchange 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 to encourage Members to send Priority Customer order flow that removes liquidity from MRX's order book. MRX's proposal offers to pay rebates to Members to engage in Priority Customer liquidity removing activity on MRX. Specifically, the Exchange believes that the Taker Rebates will encourage additional order flow to be sent to MRX with the goal of removing liquidity and obtaining a Taker Rebate. To the extent this proposal attracts such order flow to MRX, all Members should benefit through more trading opportunities.

As a result of this structural change in pricing, the Exchange would assess a Market Maker a $0.50 per contract Penny Symbol Maker Fee in Tier 1 through Tier 4. This would be an increase in the Tier 1 Maker Fee of $0.40 per contract and an increase in the Tier 2 Maker Fee of $0.50 per contract for Market Makers in Penny Symbols. The Exchange would no longer pay a $0.05 per contract Maker Rebate in Tier 3 nor pay a $0.10 per contract Tier 4 Maker Rebate to Market Makers in Penny Symbols and instead assess the $0.50 per contract Maker Fee. Additionally, a Market Maker would pay a decreased Penny Symbol Taker

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On June 11, 2024, the Exchange withdrew SR–MRX–2024–13 and replaced it with SR–MRX–2024–14. On June 25, 2024, the Exchange withdrew SR–MRX–2024–14 and replaced it with SR–MRX–2024–16. On July 2, 2024, the Exchange withdrew SR–MRX–2024–16 and replaced it with SR–MRX–2024–22. On July 15, 2024, the Exchange withdrew SR–MRX–2024–22 and replaced it with this rule change.

[4] A ''Market Maker'' is a market maker as defined in Nasdaq MRX Rule Options 1, Section 1(a)(21). *See* Options 7, Section 1(c).

[5] A ''Non-Nasdaq MRX Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange. *See* Options 7, Section 1(c).

[6] A ''Firm Proprietary'' order is an order submitted by a Member for its own proprietary account. A ''Broker-Dealer'' order is an order submitted by a Member for a broker-dealer account that is not its own proprietary account. *See* Options 7, Section 1(c).

[7] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer. *See* Options 7, Section 1(c).

[8] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq MRX Options 1, Section 1(a)(36). Unless otherwise noted, when used in this Pricing Schedule the term ''Priority Customer'' includes ''Retail''. *See* Options 7, Section 1(c).

Fee of $0.35 per contract in Tier 1 through Tier 4 as compared to the current $0.50 per contract Taker Fee. Further, the Exchange would assess Non-Nasdaq MRX Market Makers (FarMM), Firm Proprietary/Broker-Dealer and Professional Customers a increased Tier 1 through Tier 4 Penny Symbol Maker Fee of $0.50 per contract, instead of $0.47 per contract, and a decreased Tier 1 through Tier 4 Taker Fee of $0.35 per contract, instead of $0.50 per contract in Penny Symbols. Finally, the Exchange would continue to assess a Priority Customer no Maker Fees in Penny Symbols. Additionally, the Exchange would replace the Priority Customer Penny Symbol Tier 1 Taker Fee of $0.20 with a Taker Rebate of $0.31 per contract. The Exchange would replace the Priority Customer Penny Symbol Tier 2 Taker Fee of $0.20 with a Taker Rebate of $0.36 per contract. The Exchange would replace the Priority Customer Penny Symbol Tier 3 Taker Fee of $0.20 with a Taker Rebate of $0.41 per contract. Finally, the Exchange would replace the Priority Customer Penny Symbol Tier 4 Taker Fee of $0.20 with a Taker Rebate of $0.44 per contract.

At this time, the Exchange proposes to increase the Market Maker Non-Penny Symbol Maker Fees in Tier 1 from $0.35 to $1.25 per contract, the Tier 2 Maker Fee from $0.20 to $1.25 per contract, the Tier 3 Maker Fee from $0.15 to $1.25 per contract, and the Tier 4 Maker Fee for $0.10 to $1.25 per contract. The Exchange proposes to continue to assess Market Makers a $1.10 per contract Non-Penny Symbol Taker Fee. Further, the Exchange would assess Non-Nasdaq MRX Market Makers (FarMM), Firm Proprietary/Broker-Dealer and Professional Customers an increased Tier 1 through Tier 4 Penny Symbol Maker Fee of $1.25 per contract, instead of $0.90 per contract, and would assess the same Tier 1 through Tier 4 Taker Fee of $1.10 per contract in Non-Penny Symbols. Finally, the Exchange would continue to assess a Priority Customer no Non-Penny Symbol Maker Fees. Additionally, the Exchange would replace the Priority Customer Non-Penny Symbol Taker Fees with Taker Rebates as follows: instead of a $0.40 per contract Tier 1 Taker Fee, MRX would pay an $0.80 per contract Taker Rebate; instead of a $0.40 per contract Tier 2 Taker Fee, MRX would pay a $0.90 per contract Taker Rebate; instead of a $0.40 per contract Tier 3 Taker Fee, MRX would pay a $1.00 per contract Taker Rebate; and instead of a $0.40 per contract Tier 4 Taker Fee, MRX paya $1.10 per contract Taker Rebate.

The Exchange believes that the Priority Customer Taker Rebates will encourage market participants to remove liquidity on MRX in order to be eligible for Taker Rebates.

As a result of the change to Table 1 in Options 7, Section 3, the Exchange proposes to amend the description of an ''Exposed Order.'' Today, an Exposed Order is an order that is broadcast via an order exposure alert as described within Options 5, Section 4 (Order Routing). Unless otherwise noted in Options 7, Section 3 pricing, Exposed Orders will be assessed the applicable ''Taker'' Fee and any order or quote that executes against an Exposed Order during a Route Timer will be paid/assessed the applicable ''Maker'' Rebate/Fee. The Exchange proposes to instead state that is an order that is broadcast via an order exposure alert as described within Options 5, Section 4 (Order Routing). Unless otherwise noted in Options 7, Section 3 pricing, Exposed Orders will be paid/assessed the applicable ''Taker'' Fee/Rebate and any order or quote that executes against an Exposed Order during a Route Timer will be assessed the applicable ''Maker'' Fee. The Exchange is amending this description because the Exchange would no longer pay Maker Rebates and would instead pay Taker Rebates as proposed in the Pricing Schedule at Options 7, Section 3, Table 1.

The Exchange also proposes to conform note 6 in Options 7, Section 3 to account for the removal of Maker Rebates and the addition of Priority Customer Taker Rebates. Options 7, Section 3 currently provides, ''Market Maker Tier 1 through Tier 4 Maker Fees/Rebates and Priority Customer Tier 1 through Tier 4 Taker Fees will be $0.00 per contract, in Penny Symbols, for the following option symbols: SPY, QQQ and IWM.'' The Exchange proposes to instead state, ''Market Maker Tier 1 through Tier 4 Maker Fees and Priority Customer Tier 1 through Tier 4 Taker Fees/Rebates will be $0.00 per contract, in Penny Symbols, for the following option symbols: SPY, QQQ and IWM.''

The Exchange also proposes to remove the discounted fees in note 7 of Options 7, Section 3 in Table 1 which provides, ''Members that execute Total Affiliated Member or Affiliated Entity Priority Customer ADV of 0.30% Customer Total Consolidated Volume in Regular Orders for Penny and Non-Penny Symbols which remove liquidity in a given month will be assessed: (1) a $0.10 per contract Priority Customer Taker Fee in Penny Symbols; and (2) a $0.20 per contract Priority Customer Taker Fee in Non-Penny Symbols.'' The Exchange would no longer offer these discounts with the new fee structure and proposes to instead incentivize Members differently with its new Taker Rebates.

Options 7, Section 3—Table 2

Today, Options 7, Section 3, Table 2 applies only to regular orders. Today, the Exchange assesses the following Crossing Order Fees in Penny and Non-Penny Symbols:

PENNY SYMBOLS

Market participant	Fee for crossing orders [1]	Fee for responses to crossing orders [2]
Market Maker [4]	$0.20	$0.50
Non-Nasdaq MRX Market Maker (FarMM)	0.20	0.50
Firm Proprietary/Broker-Dealer	0.20	0.50
Professional Customer	0.20	0.50
Priority Customer	0.00	0.50

NON-PENNY SYMBOLS

Market participant	Fee for crossing orders [1]	Fee for responses to crossing orders [2]
Market Maker [4]	$0.20	$1.10
Non-Nasdaq MRX Market Maker (FarMM)	0.20	1.10
Firm Proprietary/Broker-Dealer	0.20	1.10
Professional Customer	0.20	1.10
Priority Customer	0.00	1.10

Fees apply to the originating and contra-side orders, except for PIM Orders and Qualified Contingent Cross (''QCC'') Orders, Complex QCC Orders, QCC with Stock Orders and Complex QCC with Stock Orders. The Fee for Crossing Orders for QCC Orders, Complex QCC Orders, QCC with Stock Orders and Complex QCC with Stock Orders is $0.20 per contract for Non-Priority Customer orders in Penny and Non-Penny Symbols. Priority Customer orders are not assessed a fee for Crossing Orders. Regular and Complex PIM Orders are subject to separate pricing in Part A below.

The Exchange proposes to amend the title of Options 7, Section 3 from ''Regular Order Fees and Rebates'' to ''Fees and Rebates for Regular Orders and All Crossing Orders'' to account for the inclusion of certain Complex Order crossing order fees. The Exchange proposes to add a title to Options 7, Section 3, Table 2, ''Regular and Complex Crossing Orders'' with a new note 3. Proposed note 3 of Options 7, Section 3 would provide that the Table 2 fees apply to Regular and Complex orders entered into the Facilitation Mechanism; the Solicited Order Mechanism; the Block Order Mechanism [9] as applicable; QCC Orders; Complex QCC Orders; QCC with Stock Orders; and Complex QCC with Stock Orders.

The Exchange proposes to amend Table 2 which consists of the Fee for Crossing Orders.[10] The Exchange proposes to decrease the Penny Symbol Non-Priority Customer [11] Fees for Crossing Orders from $0.20 per contract to $0.02 per contract for orders in the Facilitation Mechanism, Solicitation Mechanism and Block Orders. A Priority Customer would continue to be assessed no Fee for Crossing Orders in Penny Symbols. The Exchange is proposing to carve out pricing for QCC Orders, Complex QCC Orders, QCC with Stock Orders and Complex QCC with Stock Orders, in addition to PIM Orders which are already carved out from the fees that apply to the originating and contra-side orders in Table 2. The Exchange proposes to amend note 1 of Options 7, Section 3, Table 2 to provide, The Exchange would continue to assess Non-Priority Customer QCC Orders and QCC with Stock Orders the same $0.20 per contract Fee for Crossing Orders in Penny Symbols as today and would continue to assess Priority Customers no Fee for Crossing Orders in Penny and Non-Penny Symbols. There are no Fees for Responses to Crossing Orders for QCC Orders and QCC with Stock Orders.[12] The Exchange is not amending the Non-Penny Fees for Crossing Orders in Options 7, Section 3, Table 2.

With this proposal, the Exchange would assess Complex QCC Orders and Complex QCC with Stock Orders the same Fees for Crossing Orders as QCC Orders and QCC with Stock Orders.[13] Specifically, Complex QCC Orders and Complex QCC with Stock Orders would be assessed a $0.20 per contract Fee for Crossing Orders to Non-Priority Customers in Penny and Non-Penny Symbols. Priority Customers would not be assessed a Fee for Crossing Orders. Complex QCC Orders and Complex QCC with Stock Orders would be subject to lower Penny Symbol fees and slightly higher Non-Penny Fees for Crossing Orders. Today, Options 7, Section 4 assesses a $0.35 per contract Penny Symbol to all Non-Priority Customer Orders and an $0.85 per contract Non-Penny Symbol fee to all Members for Complex QCC Orders and Complex QCC with Stock Orders.

Additionally, the Exchange proposes to assess the Options 7, Section 3, Table 2 fees to orders entered into the Complex Facilitation Mechanism and Complex Solicitation Mechanism in addition to Regular Orders entered into these mechanisms. The Exchange would assess orders entered into the Complex Facilitation Mechanism and Complex Solicitation Mechanism the proposed reduced $0.02 per contract Fee for Crossing Orders in Penny Symbols and $0.20 per contract for Non-Penny Symbols and would assess Priority Customers no Fee for Crossing Orders in Penny and Non-Penny Symbols. The Exchange would also assess orders entered into the Complex Facilitation Mechanism and Complex Solicitation Mechanism a $0.50 Fee for Responses to Crossing Orders to all Members for Penny Symbols and a $1.10 Fee for Responses to Crossing Orders to all Members in Non-Penny Symbols. This pricing would be in lieu of the Complex Order pricing in Options 7, Section 4. As noted above, today, Options 7, Section 4 assesses a $0.35 per contract Penny Symbol to all Non-Priority Customer Orders and an $0.85 per contract Non-Penny Symbol fee to all Members for orders entered into the Complex Facilitation Mechanism and Complex Solicitation Mechanism. The proposed pricing for the Complex Facilitation Mechanism and Complex Solicitation Mechanism would be subject to the same pricing as the Regular Facilitation Mechanism and Solicited Order Mechanism. The Exchange believes that the pricing in Options 7, Section 4, Table 2 will incentivize Members to utilize these mechanisms.

The Exchange also proposes to define a Non-Priority Customer in Options 7, Section 1. Specifically, the Exchange proposes to state, ''Non-Priority Customers'' include Market Makers, Non-Nasdaq MRX Market Makers (FarMMs), Firm Proprietary/Broker-Dealers, and Professional Customers.''

[9] Block Orders are single-leg orders only. Additionally, Block Orders are single-sided auctions.

[10] A ''Crossing Order'' is an order executed in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Price Improvement Mechanism (''PIM'') or submitted as a Qualified Contingent Cross order. For purposes of this Pricing Schedule, orders executed in the Block Order Mechanism are also considered Crossing Orders. *See* Options 7, Section 1(c).

[11] ''Non-Priority Customers'' include Market Makers, Non-Nasdaq GEMX Market Makers (FarMMs), Firm Proprietary/Broker-Dealers, and Professional Customers.

[12] QCC Orders and QCC with Stock Orders are automatically executed upon entry. Responses cannot be submitted. *See* Options 3, Section 12.

[13] Complex QCC Orders and Complex QCC with Stock Orders are automatically executed upon entry. Responses cannot be submitted. *See* Options 3, Section 12.

The Exchange proposes to amend notes 1 and 2 of Options 7, Section 3, Table 2 to add the words ''and Complex'' with respect to PIM Orders to make clear that, all PIM Orders, Regular and Complex, would be subject to the Part A pricing in Options 7, Section 3. As a result of this amendment, there is no pricing change for Regular and Complex PIM Orders.

The Exchange also proposes a Penny Symbol Break-Up Rebate for Regular and Complex Orders entered into the Exchange's Facilitation Mechanism and Solicited Order Mechanism for Priority Customers of $0.30 per contract. Today, orders entered into the Complex Facilitation Mechanism and the Complex Solicited Order Mechanism are not offered a Break-Up Rebate. The Exchange believes that the new Priority Customer Break-up Rebate will attract MRX Members to utilize the Exchange's Facilitation Mechanism and Solicited Order Mechanism for both Regular and Complex Orders. The Exchange proposes to add a new note 5 in Options 7, Section 3, Table 2 that provides that break-up rebates are provided for an originating Priority Customer Regular or Complex order entered into the Facilitation Mechanism or Solicited Order Mechanism that executes with any response (order or quote) other than the contra-side order.

Options 7, Section 3—Table 3

Currently, Options 7, Section 3, Table 3 contains the Qualifying Tier Thresholds for Tier 1 through Tier 4 pricing. Specifically, today, market participants are charged the applicable tier maker/taker fees (or are eligible for rebates) if they meet the applicable tier thresholds based on Total Affiliated Member or Affiliated Entity ADV [14] in Table 3 of Options 7, Section 3. Market Makers may also alternatively qualify for these fees if they meet the applicable tier thresholds based on Total Market Maker ADV.[15]

QUALIFYING TIER THRESHOLDS

Tiers	Total affiliated member or affiliated entity ADV	OR	Total market maker ADV
Tier 1	executes 0.00% to less than 0.75% of Customer Total Consolidated Volume.	.....	executes up to 0.10% of Customer Total Consolidated Volume which adds liquidity in Regular Orders.
Tier 2	executes 0.75% to less than 1.50% of Customer Total Consolidated Volume.	.....	executes more than 0.10% and up to 0.25% of Customer Total Consolidated Volume which adds liquidity in Regular Orders.
Tier 3	executes 1.50% to less than 2.25% of Customer Total Consolidated Volume.	.....	executes more than 0.25% and up to 0.45% of Customer Total Consolidated Volume which adds liquidity in Regular Orders.
Tier 4	executes 2.25% or more of Customer Total Consolidated Volume.	.....	executes more than 0.45% of Customer Total Consolidated Volume which adds liquidity in Regular Orders.

Today, the highest tier threshold attained applies retroactively in a given month to all eligible traded contracts and applies to all eligible market participants.

At this time, the Exchange proposes to remove the current tier qualifications for Total Affiliated Member or Affiliated Entity ADV which is applicable to all market participants, except Market Makers. The Exchange would also remove the bullet point describing the methodology for these qualifications. The Exchange also proposes to amend the Total Market Maker ADV to rename the qualifications ''Total Customer ADV'' to reflect the new methodology by which the Exchange will determine eligibility for the tiers. The Exchange proposes to amend the bullet under Table 3 which describes Total Market Maker ADV to instead describe Total Customer ADV as Priority Customer Total Consolidated Volume divided by Customer Total Consolidated Volume.[16] The Exchange defines Priority Customer Total Consolidated Volume as a Member's total Priority Customer volume executed on MRX in that month, including volume executed by Affiliated Members or Affiliated Entities. The Exchange also proposes to amend the numerical qualifications within the four tiers for Total Customer ADV so that Tier 1 requires a Member to execute up to 0.10%; Tier 2 requires a Member to execute more than 0.10% and up to 0.40%; Tier 3 requires a Member to execute more than 0.40% and up to 0.70%; and Tier 4 requires a Member to execute more than 0.70%. Unlike today, Members will be able to qualify for the pricing in Options 7, Section 3, Table 1 by the amount of Priority Customer Volume they execute on MRX.

The Exchange believes the proposed tier qualifications will incentivize Members to execute a greater amount of Priority Customer Volume on MRX in order to receive the proposed Priority Customer Taker Rebates for removing liquidity.

Options 7, Section 4

The Exchange proposes to amend Options 7, Section 4, Complex Order Fees. The current pricing in Options 7, Section 4 applies to Complex Order transactions in the Complex Order Book as well as Complex Orders submitted into the Complex Facilitation Mechanism, Complex Solicited Order Mechanism, a Complex Customer Cross Order, Complex QCC Orders and Complex QCC with Stock Orders. Today, fees apply to an originating order, contra-side order and responses, as applicable, entered into MRX's Complex Facilitation Mechanism, Complex Solicited Order Mechanism and orders entered as a Complex Customer Cross Order, Complex QCC Order or Complex QCC with Stock Order.[17] Also, interest on the Regular

[14] Total Affiliated Member or Affiliated Entity ADV means all ADV executed on the Exchange in all symbols and order types, including volume executed by Affiliated Members or Affiliated Entities. All eligible volume from Affiliated Members or an Affiliated Entity will be aggregated in determining applicable tiers.

[15] Total Market Maker ADV means all Market Maker ADV executed on the Exchange in all symbols and order types, including volume executed by Affiliated Members or Affiliated Entities. All eligible volume from Affiliated Members or an Affiliated Entity will be aggregated in determining applicable tiers.

[16] Options 7, Section 1(c) defines ''Customer Total Consolidated Volume'' as the total volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month. As is the case today, all eligible volume from Affiliated Members or an Affiliated Entity will be aggregated in determining applicable tiers. The ''C'' range at OCC includes both Priority Customer and Professional Customer volume.

[17] MRX will continue to assess a Stock Handling Fee of $0.0010 per share (capped at a maximum of $50 per trade) for the stock leg of Stock-Option Orders executed against other Stock-Option Orders in the Complex Order Book. This fee will be in addition to the above-referenced fees for Complex Orders. *See* note 1 of Options 7, Section 4.

Order Book that interacts with a Complex Order is subject to Regular Order Book fees within Options 7, Section 3 and Complex PIM Orders are subject to separate pricing in Options 7, Section 3.A.

At this time the Exchange proposes to amend Options 7, Section 4 so that Complex Order fees apply to an originating order, contra-side order and both orders entered as a Complex Customer Cross Order. The Exchange proposes to assess Complex QCC Orders, Complex QCC with Stock Orders, Complex Facilitation Orders and Complex Solicited Orders the crossing order pricing in Options 7, Section 3, Table 2, rather than the pricing in Options 7, Section 4, as explained above. With this proposal, the Exchange would uniformly assess Complex QCC Orders and Complex QCC with Stock Orders the same pricing as QCC Orders and QCC with Stock Orders. Likewise, the Exchange would uniformly assess orders entered into the Complex Facilitation Mechanism and Complex Solicited Order Mechanism the same pricing as Regular Orders entered in the Facilitation Mechanism and Solicited Order Mechanism. Today, Options 7, Section 4 assesses a $0.35 per contract Penny Symbol to all Non-Priority Customer Orders and an $0.85 per contract Non-Penny Symbol fee to all Non-Priority Customer Orders for Complex QCC Orders, Complex QCC with Stock Orders, Complex Facilitation Orders and Complex Solicited Orders. Additionally, the Exchange proposes to amend Options 7, Section 4 to note that interest on the Regular Order Book that interacts with a Complex Order is subject to Regular Order Book fees within Options 7, Section 3, and specifically note ''Table 1.'' Also, the Exchange proposes to note that ''Complex Orders which are Crossing Orders are subject to separate pricing in Options 7, Section 3, Table 2. Complex PIM Orders, along with Regular PIM Orders, are subject to the pricing in Options 7, Section 3, A.'' The Exchange is not proposing to amend the Complex Order pricing in Options 7, Section 4.

The Exchange is proposing to add a new note 3 in Options 7, Section 4 which provides that ''Members that execute Complex Orders that trade with interest on the regular order book (leg) will be assessed/paid the applicable ''Taker'' Fee/Rebate in Options 7, Section 3, Table 1. To the extent that a Priority Customer Complex Order legs into the regular order book and executes against a Priority Customer regular order, the Exchange will not pay a Taker Rebate for that leg.'' The Exchange would not assess Priority Customers a Complex Order fee and therefore proposes to not pay a Taker Rebate to a Priority Customer Complex Order that executes against a Priority Customer leg in the order book.

Finally, the Exchange proposes to remove the parathesis around notes 1 and 2 and add a period to conform the format of the numbering to Options 7, Section 3 numbering.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[18] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[19] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed changes 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'. . . .'' [20]

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.'' [21]

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.

Options 7, Section 3—Table 1

The Exchange's proposal to offer Maker Fees and Taker Fees/Rebates in Penny and Non-Penny Symbols in Options 7, Section 3, Table 1 is reasonable because the Exchange desires to incentivize market participants to remove Priority Customer liquidity on MRX instead of offering rebates to add liquidity. With this new structure, the Exchange 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 to encourage Members to send Priority Customer order flow that removes liquidity from MRX's order book. The Exchange's proposal to pay Priority Customers Taker Rebates in Penny and Non-Penny Symbols is intended to encourage market participants to send additional Priority Customer orders to MRX because the proposed pricing will reward Members that remove Priority Customer liquidity from MRX. The Exchange proposes to fund these Priority Customer Taker Rebates by assessing all Non-Priority Customers (Market Makers, Non-Nasdaq MRX Market Makers (FarMM), Firm Proprietary/Broker-Dealer and Professional Customers) uniform Non-Penny Symbol Maker Fees of $1.25 per contract. The Exchange would continue to assess Non-Priority Customers uniform $1.10 Non-Penny Symbol Taker Fees. The Exchange believes that these fees are reasonable because the Taker Rebates will encourage additional order flow to be sent to MRX with the goal of removing Priority Customer liquidity

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(4) and (5).

[20] *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)).

[21] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

and obtaining a Taker Rebate. To the extent this proposal attracts such order flow to MRX, all Members should benefit through more trading opportunities. The proposed fees are competitive with fees assessed on BOX Exchange LLC (''BOX''). BOX pays a $0.20 per contract Taker Rebate to a Public Customer in Penny Interval Classes provided the contra-party is not another Public Customer. Additionally, BOX pays a $0.50 per contract Taker Rebate to a Public Customer in Non-Penny Interval Classes provided the contra-party is not another Public Customer.[22]

The Exchange's proposal to offer Maker Fees and Taker Fees/Rebates in Penny and Non-Penny Symbols is equitable and not unfairly discriminatory because Priority Customers would continue to not be assessed Penny or Non-Penny Symbol Maker Fees. Additionally, the proposal would pay Priority Customers Taker Rebates in Penny and Non-Penny Symbols. Unlike other market participants, Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow for other market participants, to the benefit of all market participants.

The Exchange's proposal to remove the discounted fees in note 7 of Options 7, Section 3 in Table 1 [23] is reasonable because the Exchange has amended Options 7, Section 3 in an effort to attract additional Priority Customer order flow to the Exchange. Additionally, the Exchange has amended its pricing to encourage market participants to remove liquidity on MRX and note 7 encouraged adding liquidity. The Exchange believes its proposal will create competition on MRX to execute against Priority Customer orders and therefore note 7 would be unnecessary given other changes to the pricing. The Exchange's proposal to remove the discounted fees in note 7 of Options 7, Section 3 in Table 1 is equitable and not unfairly discriminatory as no market participant would be entitled to the discounted fees.

Amending the description of an ''Exposed Order'' in Options 7, Section 1 and conforming note 6 in Options 7, Section 6 is reasonable, equitable and not unfairly discriminatory because the Exchange would no longer pay Maker Rebates and would instead uniformly pay Priority Customer Taker Rebates proposed in the Pricing Schedule as proposed in Options 7, Section 3, Table 1.

Options 7, Section 3—Table 2

The Exchange's proposal to amend Table 2 of Options 7, Section 3 to decrease the Penny Symbol Non-Priority Customer Fees for Crossing Orders from $0.20 per contract to $0.02 per contract for orders in the Facilitation Mechanism, Solicitation Mechanism and Block Orders is reasonable because the Exchange would be reducing the fees to enter orders in the Facilitation Mechanism, Solicitation Mechanism and Block Orders to encourage market participants to enter additional Crossing Orders. Additionally, the proposal to pay a Priority Customer Break-Up Rebate of $0.30 per contract for orders entered into the Facilitation Mechanism and Solicitation Mechanism will attract Priority Customer orders to be entered into these auctions. Applying the crossing order fees to orders entered in the Complex Facilitation Mechanism and Complex Solicitation Mechanism is reasonable because Members would pay the reduced fees in Options 7, Section 3, Table 2 as compared to the fees in Options 7, Section 4. Orders entered in the Complex Facilitation Mechanism and Complex Solicitation Mechanism would be assessed a $0.02 per contract Fee for Crossing Orders to Non-Priority Customers in Penny Symbols, a $0.20 per contract Fee for Crossing Orders to Non-Priority Customers in Non-Penny Symbols, a $0.50 Fee for Responses to Crossing Orders to all Members for Penny Symbols, and a $1.10 Fee for Responses to Crossing Orders to all Members in Non-Penny Symbols. Priority Customers would not pay a Fee for Crossing Orders. Today, Options 7, Section 4 assesses a $0.35 per contract Penny Symbol to all Non-Priority Customer Orders and an $0.85 per contract Non-Penny Symbol fee to all Members for Complex QCC Orders, Complex QCC with Stock Orders, Complex Facilitation Orders and Complex Solicited Orders. The Exchange believes that the lower Penny Symbol fees offset the slightly higher Non-Penny fees that would be assessed to orders entered in the Complex Facilitation Mechanism and Complex Solicitation Mechanism. This pricing along with the new Priority Customer Break-Up Rebate of $0.30 per contract will encourage Members to utilize the Complex Facilitation Mechanism and Complex Solicitation Mechanism. Finally, the Exchange believes it is reasonable to continue to assess QCC Orders and QCC with Stock Orders the same $0.20 per contract Fee for Crossing Orders to Non-Priority Customers in Penny and Non-Penny Symbols.[24] Priority Customers would be assessed no Fee for Crossing Orders. The Exchange would not offer the proposed lower Penny Symbol Fee for Crossing Orders to these order types as the Exchange would continue to offer today's fees with no change. The Exchange also believes it is reasonable to assess Complex QCC Orders and Complex QCC with Stock Orders the same fee as QCC Orders and QCC with Stock Orders are assessed today, as compared to the pricing in Options 7, Section 4. As noted, the Exchange would assess Complex QCC Orders and Complex QCC with Stock Orders a $0.20 per contract Fee for Crossing Orders to Non-Priority Customers in Penny and Non-Penny Symbols.[25] Priority Customers would be assessed no Fee for Crossing Orders. Complex QCC Orders and Complex QCC with Stock Orders would be subject to the same pricing as Regular QCC Orders and QCC with Stock Orders. The Exchange believes the proposed pricing will incentivize Members to enter Complex QCC Orders and Complex QCC with Stock Orders on MRX.

The Exchange's proposal to amend Table 2 of Options 7, Section 3 to decrease the Penny Symbols Non-Priority Customer Fees for Crossing Orders from $0.20 per contract to $0.02 per contract for orders in the Facilitation Mechanism, Solicitation Mechanism and Block Orders is equitable and not unfairly discriminatory as all market participants that enter orders in the Facilitation Mechanism, Solicitation Mechanism and Block Orders would be uniformly assessed these fees. Additionally, the Exchange would uniformly pay a Priority Customer Break-Up Rebate of $0.30 per contract for orders entered into the Facilitation Mechanism and Solicitation Mechanism. Applying the crossing order fees to orders entered in the Complex Facilitation Mechanism

[22] *See* BOX's Fee Schedule at Section IV.

[23] Members that execute Total Affiliated Member or Affiliated Entity Priority Customer ADV of 0.30% Customer Total Consolidated Volume in Regular Orders for Penny and Non-Penny Symbols which remove liquidity in a given month will be assessed: (1) a $0.10 per contract Priority Customer Taker Fee in Penny Symbols; and (2) a $0.20 per contract Priority Customer Taker Fee in Non-Penny Symbols. *See* note 7 of Options 7, Section 3 in Table 1.

[24] QCC Orders and QCC with Stock Orders are automatically executed upon entry. Responses cannot be submitted. *See* Options 3, Section 12.

[25] Complex QCC Orders and Complex QCC with Stock Orders are automatically executed upon entry. Responses cannot be submitted. *See* Options 3, Section 12.

and Complex Solicitation Mechanism is equitable and not unfairly discriminatory as the Exchange would uniformly apply these fees. Also, the pricing for orders entered in the Complex Facilitation Mechanism and Complex Solicitation Mechanism would be the same as pricing for Regular Order entered into the Facilitation Mechanism and Solicitation Mechanism. The Exchange is not amending the pricing for QCC Orders and QCC with Stock Orders. The Exchange believes it is equitable and not unfairly discriminatory to assess the same pricing for Complex QCC Orders and Complex QCC with Stock Orders as would be assessed on QCC Orders and QCC with Stock Orders, which fees would be uniformly applied.

Amending notes 1 and 2 of Options 7, Section 3, Table 2 to add the words ''and Complex'' with respect to PIM Orders to make clear that all PIM Orders would be subject to the Part A pricing in Options 7, Section 3 is reasonable, equitable and not unfairly discriminatory as Regular PIM Orders are already subject to the separate pricing in Part A below. There is no substantive change from today's pricing for Regular and Complex PIM Orders as a result of these amendments to the Pricing Schedule.

Options 7, Section 3—Table 3

Amending the current tier qualifications in Table 3 of Options 7, Section 3 is reasonable because requiring Members to execute Total Customer ADV [26] to qualify for various tiers of pricing would continue to attract Priority Customer volume to the Exchange and allow MRX Members to interact with that order flow. The Exchange continues to utilize heightened amounts of executions for each subsequent tier in Priority Customer Total Consolidated Volume to achieve the various fees. The Exchange believes the volume requirement at each tier level is reasonable. The first tier level is achievable by executing any amount of Priority Customer Total Consolidated Volume up to 10%. These levels take into account MRX's current market share and, as compared a more mature market,[27] are reasonable. The Exchange believes that market participants will benefit from an increased amount of Priority Customer Volume on MRX.

Amending the current tier qualifications in Table 3 of Options 7, Section 3 is equitable and not unfairly discriminatory as the Exchange would uniformly apply the tier qualifications to all Members.

Options 7, Section 4

The Exchange's proposal to amend Options 7, Section 4 so that Complex Order fees apply to an originating order, contra-side order and orders in the Complex Order book as well as a Complex Customer Cross Order is reasonable, equitable and not unfairly discriminatory as the Exchange is relocating Complex QCC Orders, Complex QCC with Stock Orders, Complex Facilitation Orders and Complex Solicited Orders to the pricing in Options 7, Section 3, Table 2, rather than the pricing in Options 7, Section 4. The Exchange would uniformly assess Complex QCC Orders, Complex QCC with Stock Orders the same pricing as QCC Orders and QCC with Stock Orders instead of the pricing in Options 7, Section 4. Complex QCC Orders, Complex QCC with Stock Orders would assess Non-Priority Customers a $0.20 per contract Fee for Crossing Orders in Penny and Non-Penny Symbols.[28] Likewise, the Exchange would uniformly assess orders entered into the Complex Facilitation Mechanism and Complex Solicited Order Mechanism the same pricing as Regular Orders entered in the Facilitation Mechanism and Solicited Order Mechanism. The Exchange would assess orders entered into the Complex Facilitation Mechanism and Complex Solicited Order Mechanism a Non-Priority Customers a $0.02 per contract Fee for Crossing Orders in Penny Symbols and a $0.20 per contract Fee for Crossing Orders in Non-Penny Symbols and a $0.50 Fee for Responses to Crossing Orders to all Members for Penny Symbols, and a $1.10 Fee for Responses to Crossing Orders to all Members in Non-Penny Symbols. Additionally, the Exchange's proposal to amend Options 7, Section 4 to note that ''Complex Orders which are Crossing Orders are subject to separate pricing in Options 7, Section 3, Table 2. Complex PIM Orders, along with Regular PIM Orders, are subject to the pricing in Options 7, Section 3, A'' is reasonable, equitable and not unfairly discriminatory as the Exchange believes the additional language will add clarity concerning the applicable fees all of which would be uniformly applied as such.

The Exchange's proposal to add a new note 3 in Options 7, Section 4 which provides that ''Members that execute Complex Orders that trade with interest on the regular order book (leg) will be assessed/paid the applicable ''Taker'' Fee/Rebate in Options 7, Section 3, Table 1. To the extent that a Priority Customer Complex Order legs into the regular order book and executes against a Priority Customer regular order, the Exchange will not pay a Taker Rebate for that leg,'' is reasonable, equitable and not unfairly discriminatory as the Exchange would not assess Priority Customers a Complex Order fee and therefore proposes to not pay a Taker Rebate to a Priority Customer Complex Order that executes against a Priority Customer leg in the order book. Today, the Exchange applies the pricing in Options 7, Section 3 to the regular order book. This would continue to apply, except that the Taker Fee or Taker Rebate would apply to this pricing. The Exchange would uniformly assess the applicable pricing, Regular order book or Complex Order book, to the order.

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.

Options 7, Section 3—Table 1

In terms of intra-market competition, the Exchange's proposal to offer Maker Fees and Taker Fees/Rebates in Penny and Non-Penny Symbols does not impose an undue burden on competition. Priority Customers are not assessed Penny or Non-Penny Symbol Maker Fees. Additionally, the proposal pays Priority Customers Taker Rebates in Penny and Non-Penny Symbols, unlike other market participants, and assesses Priority Customers the same or lower Taker Fees in Non-Penny Symbols as compared to other market participants. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow for other market participants, to the benefit of all market participants.

The Exchange's proposal to remove the discounted fees in note 7 of Options 7, Section 3 in Table 1 does not impose

[26] The Exchange proposes to amend the numerical qualifications within the four tiers for Total Customer ADV so that Tier 1 requires a Member to execute up to 0.10%; Tier 2 requires a Member to execute more than 0.10% and up to 0.40%; Tier 3 requires a Member to execute more than 0.40% and up to 0.70%; and Tier 4 requires a Member to execute more than 0.70%.

[27] *See* Nasdaq Phlx LLC's Customer Rebate Program Tier qualifications at Options 7, Section 2 for a comparison.

[28] QCC Orders, QCC with Stock Orders, Complex QCC Orders, and Complex QCC with Stock Orders are automatically executed upon entry. Responses cannot be submitted. *See* Options 3, Section 12.

an undue burden on competition as no market participant would be entitled to the discounted fees.

Amending the description of an ''Exposed Order'' in Options 7, Section 1 and conforming note 6 in Options 7, Section 6 does not impose an undue burden on competition because the Exchange would no longer pay Maker Rebates and would uniformly pay Taker Rebates where proposed in the Pricing Schedule at Options 7, Section 3, Table 1.

Options 7, Section 3—Table 2

In terms of intra-market competition, the Exchange's proposal to amend Table 2 of Options 7, Section 3 to decrease the Penny Symbol Non-Priority Customer Fees for Crossing Orders from $0.20 per contract to $0.02 per contract for orders in the Facilitation Mechanism, Solicitation Mechanism and Block Orders does not impose an undue burden on competition as all market participants that enter orders in the Facilitation Mechanism, Solicitation Mechanism and Block Orders would be uniformly assessed these fees. Assessing lower Penny Symbol Non-Priority Customer Fees for Crossing Orders and not lowering the Penny Symbol Non-Priority Customer Responses for Crossing Orders does not impose an undue burden on competition.

Today, a differential exists as between the Fees for Crossing Orders (the fees that apply to the originating and contra-side orders) and the Responses for Crossing Orders, the Exchange does not believe that widening this differential burdens competition because lowering these originating and contra-side order fees encourages Members to initiate Facilitation Mechanisms, Complex Facilitation Mechanisms, Solicitation Mechanisms, Complex Solicitation Mechanisms and Block Orders in Penny Symbols. Members responding to these auctions would continue to be assessed $0.50 per contract. While this fee is higher than the proposed fee of $0.35 per contract to remove liquidity from the order book, the Exchange believes the fee remains competitive with other options exchanges [29] and will continue to encourage Members to initiate Facilitation Mechanisms, Complex Facilitation Mechanisms, Solicitation Mechanisms, Complex Solicitation Mechanisms and Block Orders in Penny Symbols. The liquidity the Exchange is able to attract to MRX in the form of these auctions provides other Members an opportunity to engage with auction orders and participate in the trade by breaking-up the auction order or being allocated in the auction. Members would not be able to respond to the auctions if such auctions never commence.

Additionally, the Exchange would uniformly pay a Priority Customer Break-Up Rebate of $0.30 per contract for orders entered into the Facilitation Mechanism and Solicitation Mechanism. The Exchange believes that offering a Break-Up Rebate only to a Priority Customer, and not other market participants, would not cause an undue burden on competition because Priority Customer originating order flow from the Facilitation Mechanism and Solicitation Mechanism enhances liquidity on the Exchange. This, in turn, provides more trading opportunities and attracts other market participants, thus facilitating tighter spreads, increased order flow and trading opportunities to the benefit of all market participants. Moreover, the Exchange does not assess Priority Customers a Fee for Penny or Non-Penny orders entered into the Facilitation Mechanism and Solicitation Mechanism to attract such order flow.

Applying the crossing order fees to orders entered in the Complex Facilitation Mechanism and Complex Solicitation Mechanism does not impose an undue burden on competition as the Exchange would uniformly apply these fees. Also, the pricing for orders entered in the Complex Facilitation Mechanism and Complex Solicitation Mechanism would be the same as pricing for Regular Order entered into the Facilitation Mechanism and Solicitation Mechanism. The Exchange is not amending the pricing for QCC Orders and QCC with Stock Orders. The Exchange believes assess the same pricing for Complex QCC Orders and Complex QCC with Stock Orders as would be assessed on QCC Orders and QCC with Stock Orders does not impose an undue burden on competition because these fees would be uniformly applied. Priority Customer orders would continue to be assess no Fee for Crossing Orders.

Amending notes 1 and 2 of Options 7, Section 3, Table 2 to add the words ''and Complex'' with respect to PIM Orders to make clear that all PIM Orders would be subject to the Part A pricing in Options 7, Section 3 does not impose an undue burden on competition as Regular PIM Orders are already subject to the separate pricing in Part A below. There is no substantive change from today's pricing for Regular and Complex PIM Orders as a result of these amendments to the Pricing Schedule.

Options 7, Section 3—Table 3

In terms of intra-market competition, amending the current tier qualifications in Table 3 of Options 7, Section 3 does not impose an undue burden on competition as the Exchange would uniformly apply the tier qualifications to all Members.

Options 7, Section 4

In terms of intra-market competition, the Exchange's proposal to amend Options 7, Section 4 so that Complex Order fees apply to an originating order, contra-side order and orders in the Complex Order book as well as a Complex Customer Cross Order does not impose an undue burden on competition because the Exchange would uniformly assess Complex QCC Orders, Complex QCC with Stock Orders the same pricing as QCC Orders and QCC with Stock Orders. Likewise, the Exchange would uniformly assess orders entered into the Complex Facilitation Mechanism and Complex Solicited Order Mechanism the same pricing as Regular Orders entered in the Facilitation Mechanism and Solicited Order Mechanism. Additionally, the Exchange's proposal to amend Options 7, Section 4 to note that ''Complex Orders which are Crossing Orders are subject to separate pricing in Options 7, Section 3, Table 2. Complex PIM Orders, along with Regular PIM Orders, are subject to the pricing in Options 7, Section 3, A'' does not impose an undue burden on competition as the Exchange would uniformly apply the pricing as noted herein.

The Exchange's proposal to add a new note 3 in Options 7, Section 4 which provides that ''Members that execute Complex Orders that trade with interest on the regular order book (leg) will be assessed/paid the applicable ''Taker'' Fee/Rebate in Options 7, Section 3, Table 1. To the extent that a Priority Customer Complex Order legs into the regular order book and executes against a Priority Customer regular order, the Exchange will not pay a Taker Rebate for that leg,'' does not impose an undue burden on competition as the Exchange would uniformly assess the applicable pricing, Regular order book or Complex Order book to the order.

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

[29] Miami International Securities Exchange, LLC (''MIAX'') assesses a $0.50 per contract Penny Class Responder to PRIME Auction Fee. *See* MIAX's Fee Schedule. Nasdaq ISE, LLC (''ISE'') assesses a $0.50 per contract Fee for Responses to Facilitation Orders, Solicited Orders and Block Orders. *See* ISE's Pricing Schedule.

favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other options 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.

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.[30] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MRX–2024–25 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MRX–2024–25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MRX–2024–25 and should be submitted on or before August 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16547 Filed 7–26–24; 8:45 am]

BILLING CODE 8011–01–P

[30] 15 U.S.C. 78s(b)(3)(A)(ii).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–656, OMB Control No. 3235–0715]

Submission for OMB Review; Comment Request; Extension: Rule 3a71–6

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 3a71–6 (17 CFR 240.3a71–6), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 3a71–6 provides that non-U.S. security-based swap dealers and major security-based swap participants may comply with certain Exchange Act requirements via compliance with requirements of a foreign financial regulatory system that the Commission has determined by order to be comparable to those Exchange Act requirements, taking into account the scope and objectives of the relevant foreign requirements, and the effectiveness of supervision and enforcement under the foreign regulatory regime.

Requests for substituted compliance may come from parties or groups of parties that may rely on substituted compliance, or from foreign financial authorities supervising such parties or their security-based swap activities. In practice, the Commission continues to expect that the greater portion of any such substituted compliance requests will be submitted by foreign financial authorities. For purposes of the PRA, the Commission continues to estimate that three security-based swap dealers or major security-based swap participants will submit substituted compliance applications.

The Commission staff estimates that the total time burden associated with Rule 3a71–6 is 240 hours per year and the total cost burden associated with Rule 3a71–6 is $350,400 per year.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent by August 28, 2024 to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: July 24, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16610 Filed 7–26–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100583; File No. SR–MEMX–2024–27]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule To Make Certain Clarifying Changes

July 23, 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 16, 2024, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members [3] (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on July 16, 2024. The text of the proposed rule change is provided in Exhibit 5.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(p).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to make certain non-substantive, clarifying changes to the Fee Schedule, including: (1) adding definitions of fee codes B, D, J, and I in the Transaction Fees pricing table; (2) adding a clarifying note under the Transaction Fees pricing table related to the applicability of tiers to executions in securities priced at or above $1.00 per share; and (3) correcting an inadvertent error in the location of the Display-Price Sliding Tier pricing table within the Fee Schedule. The Exchange proposes to implement these changes effective immediately.

Define Certain Fee Codes

Currently, the Exchange provides a base rebate of $0.0015 per share for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity to the Exchange (such orders, ''Added Displayed Volume,'') which is reflected on the first line of the Transaction Fees pricing table on the Fee Schedule, with a Fee Code description of ''B, D, J, or I''. Fee code B refers to orders, other than Retail Orders, that establish the NBBO (*i.e.,* ''set'' the NBBO), fee code D refers to orders, other than Retail Orders, that add displayed liquidity to the Exchange but do not set or join the NBBO, and fee code J refers to orders, other than Retail Orders, that establish a new BBO on the Exchange that matches the NBBO first established on an away market (*i.e.* ''join'' the NBBO). Fee code I does not correspond to the type of order originally entered, but rather, is assigned to executions of orders subject to Display-Price Sliding that add liquidity to the Exchange and receive price improvement over the order's ranked price when executed (such orders, ''Added Price Improved Volume'', or orders with a fee code ''P'') if a Member otherwise meets the criteria under Display-Price Sliding Tier 1.[4] With the exception of fee code I, which is described under the Display-Price Sliding Tier pricing table on the Fee Schedule, the Exchange historically has not included the specific definitions of fee codes B, D, and J on the Fee Schedule, because all represent Added Displayed Volume and there is no difference in the rebate provided between these particular codes. For example, if a Member meets the criteria under Liquidity Provision 2, all of its executions of Added Displayed Volume in securities priced at or above $1.00 per share for that month will be provided a rebate of $0.0033 per share, regardless of whether those executions have a fee code of B, D, or J. Further, the Exchange has provided the specific definitions of these fee codes in each rule filing in which they are referenced.[5] However, the Exchange is now proposing to include high level definitions of these fee codes within the Fee Schedule to provide more clarity to Members. Specifically, the Exchange is proposing to add a note directly under the Transaction Fees pricing table which defines the fee codes as previously stated. This change will not affect when the fee codes are appended to any execution or modify the rebate provided, and only serves to clarify to Members the definitions of the fee codes within the Transaction Fees pricing table on the Fee Schedule.

Clarify Tier Rebate/Fee Execution Applicability

The Exchange also proposes to add a note under the Transaction Fee pricing table indicating that unless otherwise indicated, rebates provided or fees charged under the tiers below apply only to executions in securities priced at or above $1.00. Currently, the Fee Schedule either specifically denotes to which executions a rebate or fee will apply in a note under the table in which the tier is described, and in the absence of such a note, the specific rebate provided or fee charged, separated by securities priced at or above $1.00 or below $1.00, is provided alongside each tier description in the Transaction Fees pricing table on the first page of the Fee Schedule. The Exchange proposes to add the clarifying note in order to provide additional certainty related to the tiers and avoid any potential

[4] Fee code I is included in the rows of the Transaction Fees pricing table related to Added Displayed Volume, even though fee code I is only appended to executions of Added Price Improved Volume, because pursuant to the criteria of Display-Price Sliding Tier 1, if a Member meets said criteria, the rebate provided for its executions of Added Price Improved Volume will be the highest rebate otherwise achieved for that Member for its executions of Added Displayed Volume. Thus, the possible rebate provided for such ''I'' executions could be any of those on the Transaction Fees pricing table otherwise applicable to fee codes B, D, or J, excluding the base rebate for Added Displayed Retail Volume or the rebate provided under Retail Tier 1, as the Display-Price Sliding Tier 1 excludes Retail Orders, and as such, the Exchange included the ''I'' in each of those applicable rows of the Transaction Fees pricing table.

[5] *See, e.g.,* most recently, Securities Exchange Act Release No. 100469 (July 9, 2024), SR–MEMX–2024–26, notes 13–14, available at: *https://www.sec.gov/files/rules/sro/memx/2024/34-100469.pdf.*

Member confusion. This proposed change will not modify the rebates provided or fees charged under any of the Exchange's pricing tiers.

Re-Order the Display-Pricing Tier Within the Fee Schedule

Lastly, in adopting the Display-Price Sliding Tier, the Exchange inadvertently added its pricing table to the Fee Schedule immediately after the DLI Tiers pricing table, but before the Definitions and Notes section applicable only to the DLI Tiers. As such, the Exchange is proposing to delete the Display-Price Sliding Tier from its current location and move it immediately before the DLI Tiers pricing table on the Fee Schedule (*i.e.,* immediately after the existing Cross Asset Tier pricing table). This correction will improve the readability of the Fee Schedule and again, avoid any potential Member confusion.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[6] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes its proposal to amend the Transaction Fees pricing table related to fee codes B, D, J and I and add the clarifying language regarding the applicability of the tiers to executions in securities priced at or above $1.00 per share is reasonable, equitable, and consistent with the Act because such changes are designed to provide additional clarity to Members with respect to the Exchange's pricing without changing how the fee codes and pricing tiers are applied. Further, the Exchange's proposal to move the location of the Display-Price Sliding Tier pricing table is intended to correct an inadvertent error in where the table should have been placed within the Fee Schedule. Additionally, the proposed changes promote just and equitable principles of trade and are designed to removed impediments to and perfect the mechanism of a free and open market and a national market system as they provide transparency to Members regarding the definitions of the fee codes with the Transaction Table and the applicability of the tiers to executions in securities priced at or above $1.00 per share.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the Act.

The proposed changes would not affect competition among national securities exchanges or among Members of the Exchange. The proposed rule change is not designed to address any competitive issues but rather to enhance the clarity and transparency of the Fee Schedule and alleviate possible Member confusion that may arise. The proposed rule change would have no impact on pricing or existing services. Rather, the changes would clarify the Fee Schedule, making it easier to understand and alleviating any possible Member confusion.

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)(ii) of the Act[8] and Rule 19b–4(f)(2)[9] 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 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–MEMX–2024–27 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–MEMX–2024–27. 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–MEMX–2024–27 and should be submitted on or before August 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16553 Filed 7–26–24; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100579; File No. SR–Phlx–2024–33]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fees for Nasdaq 100 Index Options in Options 7, Section 5.A

July 23, 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 12, 2024, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fees for Nasdaq 100 Index options in the Exchange's Pricing Schedule at Options 7, Section 5.A.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the fees for NDX [3] and NDXP.[4] The Exchange initially filed the proposed pricing changes on July 1, 2024 (SR–Phlx–2024–30). On July 12, 2024, the Exchange withdrew that filing and submitted this filing.

As set forth in Options 7, Section 5.A, the Exchange currently charges all Non-Customer [5] orders in NDX and NDXP a $0.75 per contract transaction fee. Customer [6] orders are currently assessed a $0.25 per contract transaction fee in NDX and NDXP. These transaction fees apply to electronic simple and complex executions as well as floor transactions.

The Exchange now proposes to assess a surcharge of $0.25 per contract to all market participants for simple and complex executions in NDX and NDXP with a premium price of $25.00 or greater.[7] The fees for simple and complex executions in NDX and NDXP with a premium price of less than $25.00 will remain unchanged under this proposal. The Exchange notes that charging different fees based on the option premium is consistent with how other options are priced at another options exchange.[8] The Exchange further notes that the proposed surcharge amount is within the range of surcharges assessed for transactions in other products at other options exchanges.[9]

The Exchange notes that less than 50% of total NDX and NDXP executed volume is in NDX and NDXP contracts with a premium of $25.00 or greater, as shown in the chart below.[10]

[3] NDX represents A.M.-settled options on the full value of the Nasdaq 100 Index traded under the symbol NDX.

[4] NDXP represents P.M.-settled options on the full value of the Nasdaq 100 Index traded under the symbol NDXP.

[5] The term ''Non-Customer'' applies to transactions for the accounts of Lead Market Makers, Market Makers, Firms, Professionals, Broker-Dealers and JBOs.

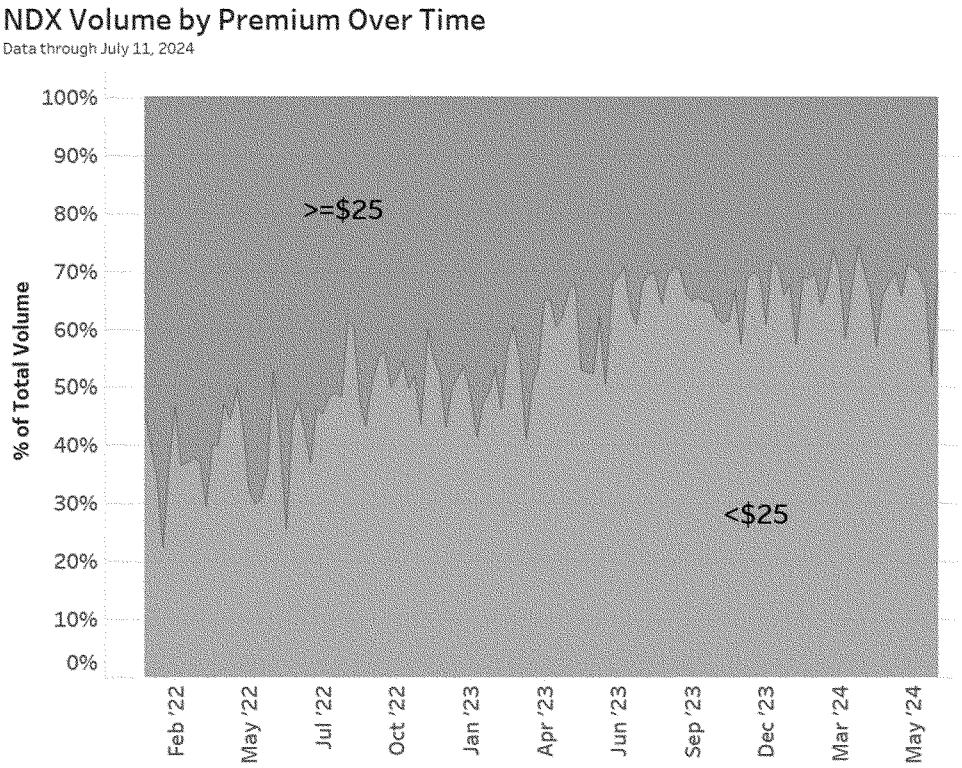
[6] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Options 1, Section 1(b)(45)).

[7] *See* proposed note 7 in Options 7, Section 5.A.

[8] For example, Cboe Options (''Cboe'') currently assesses customers a $0.36 per contract fee (if premium < $1.00) or $0.45 per contract fee (if premium >= $1.00) for SPX and SPESG options. Cboe also currently assesses market-makers a $0.05 per contract fee (if premium is $0.00–$0.10) or $0.23 per contract (if premium >= $0.11) for VIX options. *See* Cboe Fees Schedule.

[9] For example, Cboe currently assesses customers a $0.25 per contract exotic surcharge and a $0.21 per contract execution surcharge in SPX and SPESG options. *See* Cboe Fees Schedule. In addition, the Exchange's affiliate, Nasdaq Phlx LLC (''Phlx'') current assesses a $0.25 per contract complex surcharge for executions in singly-listed U.S. dollar-settled foreign currency options. *See* Phlx Options 7, Section 5.D.

[10] The chart includes A.M. and P.M. settled options on the full value of the Nasdaq 100® Index on Nasdaq ISE, LLC, Nasdaq GEMX, LLC, and Nasdaq Phlx LLC.



Notably, the majority of NDX and NDXP contracts have a premium price of below $25.00. The Exchange believes that on the whole, while it is proposing a $0.25 per contract surcharge on NDX and NDXP executions with a premium price of $25.00 or greater, market participants will continue to be incentivized to transact in NDX and NDXP, especially given that the majority of such transactions would occur below the threshold at which the proposed surcharge would be assessed.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] 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 believes that its proposal to add a $0.25 per contract surcharge to all market participants for simple and complex executions in NDX and NDXP with a premium price of $25.00 or greater is reasonable because the proposed pricing reflects the proprietary nature of these products. Similar to other proprietary products like options overlying the Nasdaq 100 Micro Index (''XND''), the Exchange seeks to recoup the operational costs of listing proprietary products.[13] Also, pricing by symbol is a common practice on many U.S. options exchanges as a means to incentivize order flow to be sent to an exchange for execution in particular products. Other options exchanges price by symbol and based on the option premium.[14] Further, the Exchange notes that market participants are offered different ways to gain exposure to the Nasdaq 100 Index, whether through the Exchange's proprietary products like options overlying NDX, NDXP, or XND, or separately through multi-listed options overlying Invesco QQQ Trust (''QQQ'').[15] Offering such products provides market participants with a variety of choices in selecting the product they desire to utilize in order to gain exposure to the Nasdaq 100 Index. When exchanges are able to recoup costs associated with offering proprietary products, it incentivizes growth and competition for the innovation of additional products. The Exchange further believes that the proposed surcharge described above is reasonable because the new fee is in line with surcharges assessed on other index products at other options exchanges.[16]

The Exchange believes that its proposal is equitable and not unfairly discriminatory because it will be applied uniformly to all market participants. Assessing a surcharge only for executions in NDX and NDXP whose premium is $25.00 or greater is equitable and not unfairly discriminatory for the reasons that follow. As shown in the chart above, the majority of NDX and NDXP contracts have a premium of less than $25.00, and the Exchange is limiting the proposed surcharge to higher-priced NDX and NDXP contracts (*i.e.,* $25.00 or greater), while maintaining lower costs on lower-priced NDX and NDXP contracts (*i.e.,* below $25.00). As such, the Exchange believes that its proposal will continue to promote liquidity in these products, to the benefit of all market participants because the majority of NDX contracts would not incur the proposed $0.25 surcharge as they would fall below the premium price threshold at which the surcharge would be assessed.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] By way of example, in analyzing an obvious error, the Exchange would have additional data points available in establishing a theoretical price for a multiply listed option as compared to a proprietary product, which requires additional analysis and administrative time to comply with Exchange rules to resolve an obvious error.

[14] *See supra* note 8.

[15] QQQ is an exchange-traded fund based on the same Nasdaq 100 Index as NDX, NDXP, and XND.

[16] *See supra* note 9.

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 will apply the proposed surcharge uniformly to all market participants. As discussed above, the majority of NDX and NDXP contracts have a premium of less than $25.00 and these contracts would not incur the proposed $0.25 surcharge as they would fall under the premium price threshold at which the surcharge would be assessed. By limiting the proposed surcharge to higher-priced NDX and NDXP contracts (*i.e.,* with a premium price of $25.00 or higher), the Exchange believes that its proposal will continue to promote liquidity in these products by maintaining lower costs for lower-priced NDX and NDXP contracts. Greater liquidity benefits all market participants by providing more trading opportunities, tighter spreads, and added market transparency and price discovery.

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 options 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. As noted above, market participants are offered an opportunity to transact in NDX, NDXP, or XND, or separately execute options overlying QQQ. Offering these products provides market participants with a variety of choices in selecting the product they desire to use to gain exposure to the Nasdaq 100 Index. Furthermore, the proposed surcharge is in line with surcharges assessed on other products at another options exchange.[17]

In addition to the Exchange, market participants have alternative options exchanges that they may participate on and direct their order flow, which list proprietary products that compete with NDX and NDXP.[18] 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 options 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.

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.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–Phlx–2024–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2024–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2024–33 and should be submitted on or before August 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16549 Filed 7–26–24; 8:45 am]

BILLING CODE 8011–01–P

[17] *See supra* note 9.

[18] *See e.g.,* pricing for Russell 2000 Index (''RUT'') on Cboe's Fees Schedule and Cboe C2 Exchange, Inc.'s (''C2'') Fees Schedule. *See also* SPX pricing on Cboe's Fees Schedule. Both RUT and SPX are proprietary products on the Cboe markets that are broad-based index options, like NDX and NDXP.

[19] 15 U.S.C. 78s(b)(3)(A)(ii).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100582; File No. SR–CboeBZX–2024–071]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish New Logical Ports in Connection With a New Connectivity Offering on Its Equity Options Platform

July 23, 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 17,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2024, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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 Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] 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 the Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or BZX) proposes to establish new logical ports in connection with a new connectivity offering on its equity options platform.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to introduce a new connectivity offering for its equity options platform (''BZX Options'').

By way of background, Exchange Members may interface with the Exchange's Trading System [5] by utilizing either the Financial Information Exchange (''FIX'') protocol or the Binary Order Entry (''BOE'') protocol. The Exchange further offers a variety of Logical Ports,[6] which provide users of those ports 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. For example, the Exchange currently offers Logical Ports, Purge Ports,[7] and Ports with Bulk Quoting Capabilities [8] (''Bulk Ports''). By way of further background, each Logical, Purge and Bulk Port corresponds to a single running order handler. Each order handler processes the messages it receives from these ports from the connected Members. This processing includes determining whether the message contains the required information to enter the System, whether the message parameters satisfy port-level (*i.e.,* pre-trade) risk controls, and where to send that message within the System (*i.e.,* to which matching engine [9]). Once an order handler completes the processing of a message, it sends that message to the appropriate matching engine. Currently, all order handlers connect to all matching engines. The Exchange also has multiple matching engines, each of which controls the book for one or more classes of options listed for trading on the Exchange. An order handler processes messages in the order in which it receives them and routes them to matching engines in that same order. A matching engine then handles messages in the order it receives them from all order handlers.

While the Exchange has configured the software and hardware for its order handlers in the same manner, there may be a natural variance in the amount of time it takes individual order handlers to process messages of the same type. Factors that contribute to this differentiation in processing times include the availability of shared resources (such as memory), which is impacted by (among other things) then-current message rates, the number of active symbols (*i.e.,* classes), and recent messages for a symbol. This natural differentiation in processing times inherently may cause some messages to be sent from an order handler to a matching engine ahead of other messages that the Exchange's System may have received earlier on a different order handler.

The Exchange intends to implement a new unitized access architecture and a new version of its Binary Order Entry (BOE) protocol [10] (''BOEv3''). The new unitized access architecture and protocol will result in, among other things, a single gateway per matching engine (''unitized layer''). As such, the Exchange believes the proposed new unitized architecture will render any natural variance of order handler processing irrelevant for Members that connect to the unitized order handler. Particularly, under the new unitized BOEv3 architecture, a single BOEv3 order handler will correspond to a single matching engine and all message traffic (including FIX and current BOEv2 [11] port traffic) will pass through this unitized BOEv3 order handler before reaching that order handler's corresponding matching engine. Currently, BOEv2 and FIX protocols allow Members to access all symbols from a single logical port since each port corresponds to a single order handler that conveniently connects to all matching engines (and those to the books for all symbols) (''convenience layer''). Under the new unitized BOEv3 structure, a unitized port type (as defined below) will connect to a single BOEv3 order handler that corresponds to a single matching engine (as compared to a single order handler that corresponds to multiple matching engines).[12] Therefore, a Member will

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The terms ''Trading System'' and ''System'' mean the automated trading system used by BZX Options for the trading of options contracts. *See* Exchange Rule 16.1 ''Trading System and System''.

[6] *See* Exchange Rule 21.1 (l)(2), definition of ''logical port.'' 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.

[7] Purge Ports provide users the ability to cancel a subset (or all) open orders across Executing Firm ID(s) (''EFID(s)''), Underlying symbol(s), or CustomGroupID(s), across multiple logical ports/sessions. *See* Securities Exchange Act Release 79956 (February 3, 2017), 82 FR 10102 (February 9, 2017) (SR–BatsBZX–2017–05). *See also https://cdn.cboe.com/resources/membership/US_Options_BOE_Specification.pdf* and *https://cdn.cboe.com/resources/membership/US_Options_FIX_Specification.pdf.*

[8] *See* Exchange Rule 21.1 (l)(3), definition of ''bulk port.'' Bulk Ports provide users with the ability to submit and update multiple quote bids and offers in one message through logical ports enabled for bulk-quoting.

[9] A matching engine is a part of the Exchange's System that processes options quotes and trades on a symbol-by-symbol basis. Some matching engines will process option classes with multiple root symbols, and other matching engines will be dedicated to one single option root symbol (for example, options on SPY will be processed by one single matching engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated matching engine. A particular root symbol may not be assigned to multiple matching engines.

[10] The BOE protocol is a proprietary order entry protocol used by Members to connect to the Exchange. The current version is BOEv2.

[11] The Exchange anticipates decommissioning BOEv2 in February 2025.

[12] Inbound order, quote, modify, and cancel messages originating from any supported Exchange order entry protocol will be deterministically

Continued

need to obtain separate BOEv3 unitized ports to access each of the unitized order handlers and corresponding matching engine(s) that process the symbol(s) that Member desires to trade.[13] More specifically, the Exchange intends to adopt three new and separate port types that would be used to connect directly to the BOEv3 order handlers in the unitized layer: (1) BOE Unitized Ports, (2) Bulk Unitized Ports, and (3) Purge Unitized Ports.[14]

Similar to the Exchange's existing Logical Ports, the proposed BOE Unitized Ports will allow Members to submit orders and quotes. Similar to the Exchange's existing Bulk Ports, the proposed Bulk Unitized Ports, will allow Members to submit and update multiple quote bids and offers in one message. Like the current Bulk Ports, the proposed Bulk Unitized Ports will continue to be particularly useful for Members that provide quotations in many different options.

Similar to the Exchange's existing Purge Ports, the proposed Purge Unitized Ports will be dedicated logical ports that provide the ability to cancel/purge all open orders, or a subset thereof, across multiple logical ports through a single cancel/purge message. Like current Purge Ports, Purge Unitized Ports will solely process purge messages, as opposed to BOE Unitized and Bulk Unitized Ports which each also process additional message types. Purge Unitized Ports will be designed to assist Members, including Market Makers, in the management of, and risk control over, their orders and quotes, particularly if the Member is dealing with a large number of options. For example, if a Member detects market indications that may influence the direction or bias of their quotes the Member may use purge ports, including the proposed Purge Unitized Ports, to reduce uncertainty and to manage risk by purging all quotes in a number of options seamlessly to avoid unintended executions, while continuing to adjust to market conditions. Purge messages received by the System from Purge Unitized Ports will also be handled by the System in a way that ensures minimum possible latency, thereby providing Members with a faster, more efficient means to have their quotes removed from the System and thus with an enhanced level of risk protection. The operation of the proposed Purge Unitized Ports is described in the Exchange's public technical specifications.[15] Finally, like the currently available Purge Ports, the proposed Purge Unitized Ports are completely voluntary, and no Member is required, or under any regulatory obligation, to utilize them.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[16] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[17] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change removes impediments to and perfects the mechanism of a free and open market and a national market system and ultimately benefits investors, as it is intended to create a more consistent, deterministic experience for messages once received within the Exchange's System under the proposed new unitized BOEv3 architecture. The Exchange believes this will improve the overall access experience on the Exchange and enable future system enhancements. The Exchange expects the new BOEv3 protocol and architecture, along with the three new corresponding proposed unitized port types (*i.e.,* BOE Unitized, Bulk Unitized and Purge Unitized ports), to reduce the natural variance of order handler processing times for messages, and as a result reduce the potential resulting ''reordering'' of messages when they are sent from order handlers to matching engines. As described above, under the current BOEv2 and FIX protocols, Members can access all symbols from a single port. However, due to a variety of factors that result in natural variances, under these current protocols and architecture, messages may be processed naturally faster by one order handler than by another order handler and therefore are less deterministic, which may result in potential ''reordering''. The proposal to adopt the unitized BOEv3 structure (including the corresponding new Unitized Ports) is a technical solution that is intended to reduce the potential of this reordering and increase determinism. The Exchange also notes that Members may choose to not use the proposed new unitized ports at all, as such ports will not be the exclusive means for trading on the Exchange. Particularly firms may continue to choose to use the existing logical ports through the FIX and BOE protocols under the convenience layer, in lieu of, or in addition to, the proposed unitized ports (and thus continue to use FIX and BOE ports in the manner they do today).[19] The Exchange also notes that at least one other exchange appears to also maintain both a unitized and convenience architecture.[20]

The Exchange further believes that the proposed Purge Unitized (like current

ordered by the BZX System upon arrival at the applicable matching engine corresponding to a particular BOEv3 order handler.

[13] Members will be able to purchase unitized ports individually or may purchase a ''set'' which will provide the total number of ports needed to connect to each available matching engine.

[14] The Exchange intends to submit a separate rule filing to adopt monthly fees related to the use of these three new port types.

[15] *See* US Options Binary Order Entry Version 3 Specification, Appendix B—Architectural Diagram at *https://cdn.cboe.com/resources/membership/US_Options_BOE3_Specification.pdf.*

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Id.*

[19] As noted above, the Exchange intends to decommission the current BOEv2 protocol shortly after implementation of BOEv3 protocol. Users will still be able to connect to the Exchange using existing BOE logical ports through the updated BOEv3 protocol under the convenience layer in lieu of the existing BOEv2 logical ports.

[20] *See* MIAX Express Interface for Quoting and Trading Options, MEI Interface Specification, Section 1.2 (MEI Architecture) available at: MIAX_Express_Interface_MEI_v2.10a.pdf (*miaxglobal.com*) which indicates firms can connect directly to one or more matching engines depending on which symbols they wish to trade and states ''MIAX trading architecture is highly scalable and consists of multiple trade matching environments (clouds). Each cloud handles trading for all options for a set of underlying instruments'' and provides that ''Market Maker firms can connect to one or more pre-assigned servers on each cloud. This will require the firm to connect to more than one cloud in order to quote in all underlying instruments they are approved to make markets in'' *See also* MIAX Emerald Options Order Management Using FIX Protocol, FIX Interface Specification, available at *https://www.miaxglobal.com/sites/default/files/page-files/FIX_Order_Interface_FOI_v2.6c.pdf.* MIAX describes its FIX Order Interface Gateway as ''a high-speed FIX Order Interface gateway [that] conveniently routes orders to our trading engines through a common entry point to our trading platform.'' *See https://www.miaxglobal.com/markets/us-options/miax-options/interface-specifications.*

Purge Ports) will promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market because offering this option service promotes choice, flexibility, and efficiency. Moreover, the proposed operation of Purge Unitized Ports can enhance Market Makers' ability to manage quotes, which would, in turn, improve their risk controls and liquidity provision to the benefit of all market participants. The Exchange believes that proper risk management, including the ability to efficiently cancel multiple quotes quickly when necessary is valuable to all firms, including Market Makers that have heightened quoting obligations [21] that are not applicable to other market participants. This may also be especially critical for those market participants that conduct business activity that exposes them to a large amount of risk across a number of securities. Finally, like the currently available Purge Ports, the proposed Purge Unitized Ports are completely voluntary, and no Member is required or under any regulatory obligation to utilize them. Market Makers will also continue to have the ability to cancel individual quotes through existing functionality, such as through the use of a mass cancel message by which a Market Maker may request that the Exchange remove all or a subset of its quotations and block all or a subset of its new inbound quotations.[22] As a result, Market Makers can currently cancel quotes in rapid succession across their existing logical ports or through a single cancel message, all open quotes or a subset of open quotes. The Exchange also notes that similar connectivity and purge functionality are offered by other exchanges.[23]

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. Particularly, the Exchange believes the proposed rule change does not impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed BOEv3 structure changes (and corresponding new unitized logical ports) will be available to all Users. While the Exchange believes that the proposed new structure and corresponding BOE Unitized Ports and Bulk Unitized Ports provide a valuable service, Members will be able to choose to purchase, or not purchase, the proposed logical ports based on their own determination of the value and their business needs. Indeed, no Member will be currently required or under any regulatory obligation to use unitized ports and may continue to use existing FIX and BOE logical ports that connect through FIX and BOE order handlers under the convenience layer.[24]

The Exchange also does not believe that the proposed Purge Unitized Ports will impose any burden on competition that is not necessary or appropriate in furtherance of the Act. First, as is the case with existing Purge Ports, all Members are allowed to purchase Purge Unitized Ports, although the Exchange anticipates Market Makers to be the primary user of such ports. Unlike other market participants, Market Makers have a heightened obligation on the Exchange to maintain a continuous two-sided market. As such, Market Makers have an obligation to provide continuous quotes for a large number of series. The volume of quotes that the Market Maker has in the market directly correlates to the Market Maker's risk exposure. Other Members by contrast, generally only send orders to the Exchange and do not have similar obligations. The Exchange believes providing Market Makers with an additional risk management tool is a reasonable means to better manage their quoting risk while still enabling them to meet their heightened quoting obligations.

Additionally, nothing in the proposal imposes any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which exchanges offer various connectivity services as a means to facilitate the trading and other market activities of those market participants. The Exchange believes the proposed Purge Unitized Ports will also enhance competition as similar connectivity and purge functionality is offered by other exchanges.[25]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [26] and Rule 19b–4(f)(6) [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–CboeBZX–2024–071 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2024–071. This

[21] The proposed rule change will not relieve Market Makers of their quoting obligations or firm quote obligations under Regulation NMS Rule 602. 17 CFR 242.602. Market Makers that purge their orders will not be relieved of the obligation to provide continuous two-sided quotes on a daily basis, nor is the Exchange prohibited from taking disciplinary action against a Market Maker for failing to meet their continuous quoting obligation each trading day. *See* Exchange Rule 22.6. *See also* generally Chapter XXII of the Exchange's rules.

[22] *See* Exchange Rule 22.11.

[23] *See e.g.,* Securities Exchange Act Release 81252 (July 28, 2017), 82 FR 36172 (August 3, 2017) (SR–MIAX–2017–36); *see also* Priority Mass Cancel Ports, MIAX Express Interface for Quoting and Trading Options, *available at:* MIAX_Express_Interface_MEI_v2.10a.pdf (*miaxglobal.com*). *See also* Securities Exchange Act Release 81095 (July 7, 2017), 82 FR 32409 (July 13, 2017) (SR–ISE–2017–62).

[24] Supra note 19.

[25] *Id.*

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f)(6).

file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2024–071 and should be submitted on or before August 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16552 Filed 7–26–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20473; ILLINOIS Disaster Number IL–20006 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Illinois

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Illinois dated 07/19/2024.

Incident: Severe Flooding.

Incident Period: 06/01/2024 and continuing.

DATES: Issued on 07/19/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 04/21/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's 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: Jo Daviess.

Contiguous Counties:

Illinois: Carroll, Stephenson.

Iowa: Dubuque, Jackson.

Wisconsin: Grant, Lafayette.

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 204730.

The States which received an EIDL Declaration are Illinois, Iowa, Wisconsin.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2024–16608 Filed 7–26–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20455 and #20456; INDIANA Disaster Number IN–20003]

Administrative Declaration of a Disaster for the State of Indiana

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Indiana dated 07/23/2024.

Incident: Severe Storms and Tornadoes.

Incident Period: 07/09/2024.

DATES: Issued on 07/23/2024.

Physical Loan Application Deadline Date: 09/23/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 04/23/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Gibson, Posey.

Contiguous Counties:

Indiana: Knox, Pike, Vanderburgh, Warrick.

Illinois: White, Wabash, Gallatin.

Kentucky: Union, Henderson.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 20455C and for economic injury is 204560.

[28] 17 CFR 200.30–3(a)(12).

The States which received an EIDL Declaration are Illinois, Indiana, Kentucky.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2024–16606 Filed 7–26–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20471 and #20472; PENNSYLVANIA Disaster Number PA–20004]

Administrative Declaration of a Disaster for the Commonwealth of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Pennsylvania dated 07/22/2024.

Incident: 7400 Roosevelt Apartments—Apartment Complex Fire.

Incident Period: 07/11/2024.

DATES: Issued on 07/22/2024.

Physical Loan Application Deadline Date: 09/20/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 04/22/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Philadelphia.

Contiguous Counties:

Pennsylvania: Bucks, Delaware, Montgomery.

New Jersey: Burlington, Gloucester, Camden.

The Interest Rates are:

	Percent
For *Physical Damage:*	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 204715 and for economic injury is 204720.

The Commonwealth and the State which received an EIDL Declaration are Pennsylvania and New Jersey.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2024–16603 Filed 7–26–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12472]

Notice of Public Meeting

As required by the Federal Advisory Committee Act, Public Law 92–463, the Department of State gives notice of a meeting of the Advisory Committee on International Postal and Delivery Services. This Committee will meet virtually on Thursday, September 12, 2024, from 1:00 p.m. to 3:30 p.m. Eastern Time, hosted on the Zoom for Government platform.

Members of the public interested attending the meeting should contact the Committee's Designated Federal Officer by email by Friday, September 6, 2024, to be placed on the mailing list of recipients for the meeting's Zoom link. That contact information is provided in the further information section below.

Members of the public interested in providing input to the meeting should likewise contact the Designated Federal Officer. Individuals wishing to provide oral input are requested to limit their comments to five minutes. Requests to be added to the speakers list must be received in writing (by email) prior to the close of business on Friday, September 6, 2024; written comments from members of the public for distribution at this meeting must reach the Designated Federal Officer by email on this same date. Requests received after that date, including any requests for reasonable accommodation, will be considered but might not be able to be fulfilled.

The agenda of the meeting will include discussion of ongoing work in the Universal Postal Union (UPU), including proposals that are being developed for the UPU's regular Congress in Dubai in September 2025.

FOR FURTHER INFORMATION CONTACT: Please contact the Designated Federal Officer, Mr. Stuart Smith, Chief for International Postal Affairs in the Office of Specialized and Technical Agencies (IO/STA), Bureau of International Organization Affairs, U.S. Department of State, by email at *SmithSM7@state.gov.*

Stuart M. Smith,

Designated Federal Officer, Advisory Committee on International Postal and Delivery Services, Office of Specialized and Technical Agencies, Bureau of International Organization Affairs, Department of State.

[FR Doc. 2024–16631 Filed 7–26–24; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF STATE

[Public Notice: 12471]

Information Session on Columbia River Treaty Regime Modernization

ACTION: Notice of meeting.

SUMMARY: The Department of State will hold a virtual information session to provide an update on negotiations to modernize the Columbia River Treaty (CRT) regime, including information on the agreement in principle reached with Canada.

DATES: The session will be held on Monday August 5, 2024, 12:00–12:45 PT (3:00 p.m.—3:45 p.m. ET).

ADDRESSES: The session will be held virtually.

FOR FURTHER INFORMATION CONTACT: Office of Canadian Affairs, Department of State, *ColumbiaRiverTreaty@state.gov,* (202) 647–2170.

SUPPLEMENTARY INFORMATION: This information session is part of the Department's public engagement on the modernization of the CRT regime. (Per 22 U.S.C. 2651a and 2656.) The session is open to the public. To register, go to: *https://statedept.zoomgov.com/webinar/register/WN_0x3JNqnYR52ZRn4C09HWcQ.* The public is welcome to send questions or comments ahead of

the information session to *ColumbiaRiverTreaty@state.gov,* which the Department will use to shape the presentation. Requests for reasonable accommodation should be made to the email listed above, on or before July 26, 2024. The Department will consider requests made after that date but may not be able to accommodate them. For more information about the meeting, please contact *ColumbiaRiverTreaty@state.gov.*

Authority: 22 U.S.C. 2651a, 2656; 5 U.S.C. 552.

Jennifer L. Savage,

Director, Office of Canadian Affairs, Department of State.

[FR Doc. 2024–16607 Filed 7–26–24; 8:45 am]

BILLING CODE 4710–29–P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent To Seek Reinstatement Without Change: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) a reinstatement without change of Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on the Board's service delivery.

DATES: Comments on this information collection should be submitted by September 27, 2024.

ADDRESSES: Direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, or to *pra@stb.gov.* When submitting comments, please refer to ''Paperwork Reduction Act Comments, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' For further information regarding this collection, contact Michael Higgins, Acting Director, Office of Public Assistance, Governmental Affairs, and Compliance, at (202) 245–0284 or at *Michael.Higgins@stb.gov.* If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: Comments are requested concerning: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2140–0019.

STB Form Number: None.

Type of Review: Extension without change.

Respondents: Customers and stakeholders of the Board.

Number of Respondents, Frequency, Estimated Time Per Response, and Total Burden Hours: A variety of instruments and platforms may be used to collect information from respondents. The estimated annual burden hours (277) are based on the number of collections we expect to conduct over the requested period for this clearance, as set forth in the table below.

ESTIMATED ANNUAL REPORTING BURDEN

Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total hours
Focus Group	15	1	2	30
Comment Card/Brief Survey	200	2	.17	67
Surveys	150	2	.6	180

Needs and Uses: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient and timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning with issues about how the Board provides service to the public; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Board and its customers and stakeholders. They will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and

stakeholders on the Board's services will be unavailable.

The Board will only process a collection under this generic clearance if it meets the following conditions:

- the collections are voluntary;
- the collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- the collections are non-controversial and do not raise issues of concern to other Federal agencies;
- any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- personally identifiable information is collected only to the extent necessary and is not retained;
- information gathered will be used only internally for general service improvement and program management purposes and not for release outside of the agency;
- information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- information gathered will yield qualitative information, and the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but will not yield data that can be generalized to the overall population. Such data uses would require more rigorous designs than the collections covered by this notice.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Under the PRA, a federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. Comments submitted in response to this notice may be made available to the public by the Board. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an electronic comment (e-file or email), your email address is automatically captured and may be accessed if your comments are made public. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Dated: July 23, 2024.

Eden Besera,

Clearance Clerk.

[FR Doc. 2024–16593 Filed 7–26–24; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highways in Colorado

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final. The actions relate to various proposed highway projects in the State of Colorado. Those actions issue National Environmental Policy Act (NEPA) and section 4(f) of The Department of Transportation Act (section 4(f)) decisions for the following projects: I–70 Floyd Hill to Veterans Memorial Tunnels EA and FONSI and Vasquez Boulevard I–270 to 64th Avenue EA and FONSI.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on any of the listed highway projects will be barred unless the claim is filed on or before December 26, 2024. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Stephanie Gibson, Environmental Program Manager, Federal Highway Administration Colorado Division, 12300 W Dakota Avenue, Suite 180, Lakewood, Colorado 80228, telephone: 720–963–3013, email: *Stephanie.Gibson@dot.gov.* Normal business hours are 8:30 a.m. to 5 p.m. (mountain time), Monday through Friday, except Federal Holidays. You may also contact Lisa Streisfeld, Region 1 Environmental Manager, Colorado Department of Transportation, 222 2829 West Howard Place, Denver, Colorado 80204, telephone: 720–497–6924, email: Lisa *Streisfeld@state.co.us.* Normal business hours are 8 a.m. to 5 p.m. (mountain time), Monday through Friday, except State holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing NEPA and section 4(f) decisions for the highway projects in the State of Colorado that are listed below. The actions by the Federal agencies on a project, and the laws under which such actions were taken, are described in the environmental assessment (EA) and Section 4(f) Evaluations issued in connection with the project and in other key project documents. The EA or EIS, and other key documents for the listed projects are available by contacting the FHWA or the Colorado Department of Transportation at the addresses provided above. The EA and Finding of No Significant Impact (FONSI), documents can be viewed and downloaded from the websites listed below.

This notice applies to all Federal agency decisions on each project as of the issuance date of this notice and all laws under which such actions were taken. This notice does not, however, alter or extend the limitation period of 150 days for challenges to final agency actions subject to previous notices published in the **Federal Register**.

This notice applies to all Federal agency decisions, actions, approvals, licenses and permits on the project as of the issuance date of this notice, including but not limited to those arising under the following laws, as amended:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4370h]; Federal-Aid Highway Act [title 23 of the United States Code] and associated regulations [title 23 of the Code of Federal Regulations].

2. *Air:* Clean Air Act, [42 U.S.C. 7401–7671(q)] (transportation conformity); Intermodal Surface Transportation Efficiency Act of 1991, Congestion Mitigation and Air Quality Improvement Program [23 U.S.C. 149].

3. *Land:* Section 4(f) of The Department of Transportation Act: [49 U.S.C. 303] Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]. Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 [42 U.S.C. 6901, *et seq.*]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(e)]; Migratory Bird Treaty Act [16 U.S.C. 703–712]. Plant Protection Act [7 U.S.C. 7701 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act

of 1966 [54 U.S.C. 306108]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(mm)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469 c–2]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Native American Graves Protection and Repatriation Act [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Uniform Relocation Assistance and Real Property Acquisition Act [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1251–1387 (sections 319, 401, 404, and 408)]; Land and Water Conservation Fund Act [16 U.S.C. 460l–4–460l–11]; Safe Drinking Water Act [42 U.S.C. 300f–300j–9.]; Flood Disaster Protection Act [42 U.S.C. 4001–4129].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. Executive Orders: E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 11988 Floodplain Management; E.O. 11990 Protection of Wetlands; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13007 Indian Sacred Sites; E.O. 13112 Invasive Species; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 13287 Preserve America.

The projects subject to this notice are:

1. *I–70 Floyd Hill to Veterans Memorial Tunnels EA and FONSI.* Project Location: I–70 east of Idaho Springs, CO. Project overview: Add a third westbound lane to I–70, rebuild I–70 in this area (including a new viaduct) to improve design speeds and stopping sight distance on horizontal curves, construct a new frontage road between the US 6 interchange and the Hidden Valley/Central City interchange, and improve the multimodal trail between US 6 and the Veterans Memorial Tunnel. Project Purpose: improve travel time reliability, safety, and mobility, and to address the deficient infrastructure through this section of I–70. Signed NEPA documents and permits: EA was signed July 29, 2021, and FONSI was signed January 12, 2023. *https://www.codot.gov/projects/i70floydhill.*

2. *Vasquez Boulevard I–270 to 64th Avenue EA and FONSI.* Project Location: Commerce City, Colorado. Project overview: Intersection reconfigurations at 60th Avenue and 62nd Avenue, the addition of new local roads, and improvements to pedestrian facilities. Project Purpose: The purpose of this project is to improve vehicular and pedestrian facilities to enhance connectivity along Vasquez Boulevard north of I–270. Signed NEPA documents and permits: EA signed October 31, 2023, and FONSI signed March 12, 2024. *https://www.codot.gov/projects/vasquezimprovements.*

Authority: 23 U.S.C. 139(l)(1).

John M. Cater,

Division Administrator, Lakewood, Colorado.

[FR Doc. 2024–16612 Filed 7–26–24; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0100]

Request for Comments on the Renewal of a Previously Approved Information Collection: Port Infrastructure Development Program

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0552 (Port Infrastructure Development Program) is being updated to reflect the elimination of the MA–1083 Port Infrastructure Development Program (PIDP) Project Information Form, which is no longer needed. The total respondents and public burden have also reduced since this collection was implemented in 2019. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments must be submitted on or before September 27, 2024.

ADDRESSES: You may submit comments identified by Docket No. MARAD–2024–0100 through one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to *www.regulations.gov* including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Jonathan Holt, 202–366–8713, Office of Port Infrastructure Development, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *Jonathan.Holt@dot.gov*.

SUPPLEMENTARY INFORMATION:

Title: Port Infrastructure Development Program..

OMB Control Number: 2133–0552.

Type of Request: Extension With Change of a Currently Approved Collection.

Abstract: The Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021) (''Bipartisan Infrastructure Law'' or ''BIL'') appropriated $450 million to the PIDP for FY 2024 to make discretionary grants for eligible projects. On March 9, 2024, the Consolidated Appropriations Act, 2024 (Pub. L. 118–42) (''FY 2024 Appropriations Act'') appropriated an additional $120,460,124 for the FY 2024 PIDP grant program. Of that amount, $50 million is available to be awarded as discretionary grants. Altogether, a total $500 million in funding is now available to be awarded by the U.S. Department of Transportation (Department) for the Port Infrastructure Development Program (Program). This appropriations act allows the Department to make discretionary grants to improve port facilities at or near coastal seaports. The purpose of the Program is to accept applications to make grants. Submitted applications will be reviewed to determine if respondents meet the criteria for selection as grant recipients.

The Port Infrastructure Development Program was established under 46 U.S.C. 50302. The statute authorizes the Department of Transportation (''Department'' or ''DOT'') to establish a port infrastructure development program for the improvement of port facilities. To carry out a project under this program, the Department may provide financial assistance, including grants to port authorities or commissions, or to their subdivisions and agents, for port and intermodal infrastructure-related projects.

The Department seeks to fund projects that will advance Departmental

priorities of safety, equity, Justice40, climate and sustainability, workforce development, job quality, and wealth creation, as described in the DOT's Strategic Plan and executive orders. MARAD encourages applicants to propose projects that will improve safety, efficiency, or the reliability of the movement of goods through ports and intermodal connection to ports, and reduce greenhouse gas emissions in the transportation sector. Proposed projects must also create proportional impacts to all populations in a project area, increase equitable access to project benefits, support the creation of good-paying jobs with the free and fair choice to join a union, and include the incorporation of strong labor standards, training, and placement programs, especially registered apprenticeships.

Respondents: A State, a political subdivision of a State or a local government, a public agency or publicly chartered authority established by one or more States, a special purpose district with a transportation function, an Indian Tribe or consortium of Indian Tribes, a multistate or multijurisdictional group of entities, or a lead entity described above jointly with a private entity or group of private entities (including the owners or operators of a facility, or collection of facilities, at a port).

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 200.

Estimated Number of Responses: 200.

Estimated Hours per Response: 160.

Annual Estimated Total Annual Burden Hours: 32,000.

Frequency of Response: Once Annually.

(*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–16584 Filed 7–26–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–NHTSA–2023–0062]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; National Traffic Safety Survey

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for approval of a new information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. The National Highway Traffic Safety Administration (NHTSA) proposes to conduct a new information collection, the National Traffic Safety Survey, a national probability sample of approximately 6,001 adults aged 18 and older per survey administration. This information will be used to better understand the public's behavior and attitudes regarding traffic safety issues including seat belts, distracted driving, new and emerging vehicle technologies, and traffic safety and enforcement. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on May 17, 2024. NHTSA received one comment in support of the proposed information collection.

DATES: Comments must be submitted on or before August 28, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Christine Watson, Ph.D., Office of Behavioral Safety Research (NPD–320), 202–366–7345, *Christine.Watson@dot.gov,* National Highway Traffic Safety Administration, W46–474, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

Title: National Traffic Safety Survey.

OMB Control Number: New.

Form Numbers: NHTSA Forms #1805, 1805–S, 1806, 1806–S, 1807, 1807–S, 1808, 1808–S, 1809, 1809–S, 1810, 1810–S.

Type of Request: Request for approval of a new information collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information: The National Highway Traffic Safety Administration (NHTSA) proposes to collect information from the public to better understand the public's behavior and attitudes regarding traffic safety issues including seat belts, distracted driving, new and emerging vehicle technologies, and traffic safety and enforcement. Data would be collected by web and mail among a national probability sample of approximately 6,001 adults aged 18 and older per survey administration. NHTSA is proposing to conduct the full survey twice, two years apart, and conduct a pilot survey involving 250 individuals that would occur before the first full administration of the survey. Participation by respondents would be voluntary. Survey topics include key driving behaviors and experiences, behaviors, attitudes, and knowledge around seat belt use, distracted driving, new vehicle technologies, traffic safety, and traffic safety enforcement.

As part of the NTSS, NHTSA will send out six different version of the survey. Each of the surveys will contain a set of core questions that will be asked across all surveys and a combination of two additional sections consisting of questions related to seat belts, distracted driving, new vehicle technologies, or traffic safety and traffic safety enforcement. Based on the target of collecting 6,001 completed surveys,

NHTSA estimates that the full administration of the survey will include approximately 1,000 completed surveys for each of the six versions. In conducting the proposed research, the survey would use computer-assisted web interviewing (*i.e.,* a programmed, self-administered web survey) to minimize recording errors, as well as optical mark recognition and image scanning for the paper and pencil survey to facilitate ease of use and data accuracy. A Spanish-language survey option would be used to minimize language barriers to participation. Surveys would be conducted with respondents using an address-based sampling design that encourages respondents to complete the survey online. Although web would be the primary data collection mode, a paper questionnaire would be sent to households that do not respond to the web invitations. Any Personally Identifiable Information (PII) would be removed as only a de-identified dataset will be delivered to NHTSA. This collection only requires respondents to report their answers; there are no record-keeping costs to the respondents. Individuals receiving a survey invitation will receive compensation in return for their activities.

Description of the Need for the Information and Proposed Use of the Information: NHTSA was established to reduce the number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of traffic safety programs. Title 23, United States Code, Section 403 authorizes the Secretary of Transportation (NHTSA by delegation) to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information, with respect to all aspects of highway and traffic safety systems and conditions relating to vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics; accident causation and investigations; and human behavioral factors and their effect on highway and traffic safety.

A primary way NHTSA identifies problems and supports the development of effective countermeasures is through conducting nationally representative surveys of public attitudes, knowledge, and self-reported behaviors regarding various traffic safety topics. NHTSA has conducted seven previous iterations of the Motor Vehicle Occupant Safety Survey (MVOSS) to ascertain critical information on driver and passenger attitudes and behaviors related to safety; the MVOSS was most recently administered in 2016.[1] However, recent advances in vehicle safety technologies, increases in portable electronic device use, and changes in attitudes towards enforcement have all changed the driving environment, and there is a need to collect up-to-date information about the public's attitudes and behavior on these traffic safety topics to better inform programs aimed at improving the safety of all road users. The NTSS is the ''next generation'' of NHTSA's previous MVOSS, expanded across more traffic safety topics to increase relevance to current and future traffic safety issues. NTSS will deliver highly relevant, actionable data on current and future topics in traffic safety that support the agency's mission to save lives, prevent injuries, and reduce economic costs resulting from traffic crashes.

NHTSA will use the information collected from the NTSS to produce a technical report that presents the results of the survey, as well as a publicly available dataset that does not contain any PII. The technical report will provide aggregate (summary) statistics and tables as well as the results of statistical analysis of the information, but it will not include any PII. The technical report will be shared with State highway safety offices, local governments, policymakers, researchers, educators, advocates, and others who may use the data from this survey to support their work.

60-Day Notice: A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on May 17, 2024 (89 FR 43505). One organization, the National Association of Mutual Insurance Companies (NAMIC), provided comments.

NAMIC expressed support for the project, specifically, that the information collection is ''necessary for the proper performance of the functions of the agency'' and that ''the information will have practical utility.'' NAMIC also suggested that insurance industry representatives may be able to provide input on potential applications of results from the proposed information collection.

Affected Public: Participants will be English- and Spanish-speaking U.S. adults (18 years old and older).

Estimated Number of Respondents: Participation in this study will be voluntary, with 6,001 participants sampled from all 50 States and the District of Columbia using address data from the most recent U.S. Postal Service (USPS) computerized Delivery Sequence File (DSF) of residential addresses. An estimated 28,700 households will be contacted and invited to participate. No more than one respondent will be selected per household. Prior to the main survey, a pilot survey will be administered to test the survey and the mailing protocol and procedures. Participation in the pilot study will be voluntary, with approximately 250 participants sampled from all 50 States and the District of Columbia using address data from the most recent USPS computerized DSF of residential addresses. An estimated 1,200 households will be contacted and invited to participate in the pilot study. No more than one respondent will be selected per household.

Frequency: The study will be conducted up to two times during the three-year period for which NHTSA is requesting approval, with a small pilot study occurring several months before the study's full launch.

Estimated Total Annual Burden Hours: To estimate the annul burden of the information collection request, NHTSA first estimated the total number of respondents that would complete each of the six surveys over the course of the three-year period for which NHTSA is seeking approval. Assuming that there will be 250 respondents to the pilot survey and 6,001 respondents in each of the two full administrations of the survey, NHTSA estimates a total of 12,252 respondents in the three-year period, or approximately 4,084 per year. With this estimate, NHTSA estimates that, on average, approximately 681 respondents will complete each of the six surveys annually.

The first survey administration will be a pilot survey will assess the entire survey administration system prior to launching the full survey and will include an experimental condition examining the effectiveness of different messaging techniques used in contact materials to increase survey response rates. The pilot administration will survey approximately 250 randomly selected respondents. This will be followed by a first administration of the survey with approximately 6,001 randomly selected respondents during the main data collection effort. NHTSA may exercise an option to survey

[1] Bailly, K., Martin, K. & Block, A. (2019, December). *2016 Motor vehicle occupant safety survey: Volume 1, Methodology report* (Report No. DOT HS 812 851). National Highway Traffic Safety Administration. *https://rosap.ntl.bts.gov/view/dot/43610.*

approximately 6,001 randomly selected respondents during a second survey administration. For purposes of this information collection request, NHTSA assumes that it will conduct the second administration.

For the pilot survey, a mass mailing using USPS DSF to 1,200 addresses, of which 1,140 are expected to be valid contact addresses, is expected to reach about 250 willing respondents ages 18 and older. Respondents are expected to take 30 minutes to complete the survey (250 people, 30 minutes average length, 125 hours total).

For each survey administration, a mass mailing using USPS DSF to 28,700 addresses, of which 27,265 are expected to be valid contact addresses, is expected to reach about 6,001 willing participants ages 18 and older. As with the pilot survey, participants are expected to take 30 minutes to complete the survey.

Table 1 provides an overview of the survey administrations.

TABLE 1—OVERVIEW OF THE SURVEY ADMINISTRATIONS

Information collection	Number of respondents	Burden per response (minutes)	Total burden hours
Pilot Survey	250	30	125
Survey Administration 1	6,001	30	3,001
Survey Administration 2	6,001	30	3,001
Total	12,252	.....	6,127

Since the survey administrations would occur over three years, NHTSA averaged the number of respondents responding to each of the six surveys over the three-year period to estimate that each of the surveys would have approximately 681 respondents per year. The burden estimates are based on this estimate.

NHTSA estimates that each of the six versions of the survey will have approximately 681 respondents each year and estimates that it takes approximately 30 minutes to complete each survey. Accordingly, NHTSA estimates that each of the surveys will have a burden of 341 hours per year, for a total of 2,046 hours of annual burden for all six of the surveys.

NHTSA estimates the opportunity cost to respondents using an average hourly wage. The May 2022 mean hourly wage for all occupations in the United States was $29.76 per hour.[2] Therefore, NHTSA estimates the total annual opportunity cost to be approximately $60,889 ($29.76 × 2,046 = $60,888.96). Table 2 provides a summary of the estimated annual burden hours and labor costs associated with those submissions.

TABLE 2—ANNUAL BURDEN ESTIMATES

Information collection	Number of respondents	Burden per response (minutes)	Hourly opportunity cost	Opportunity cost response	Total opportunity cost	Total burden hours
Survey Version 1	681	30	$29.76	$14.88	$10,148.16	341
Survey Version 2	681	30	29.76	14.88	10,148.16	341
Survey Version 3	681	30	29.76	14.88	10,148.16	341
Survey Version 4	681	30	29.76	14.88	10,148.16	341
Survey Version 5	681	30	29.76	14.88	10,148.16	341
Survey Version 6	681	30	29.76	14.88	10,148.16	341
Total	.....	.....	.....	.....	60,888.96	2,046

Estimated Total Annual Burden Cost: Participation in this study is voluntary, and there are no costs to respondents beyond the time spent completing the questionnaires.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (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 the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2024–16633 Filed 7–26–24; 8:45 am]

BILLING CODE 4910–59–P

[2] U.S. Bureau of Labor Statistics. (2023, April 25). *May 2022 National Occupational Employment and Wage Estimates.* U.S. Bureau of Labor Statistics. *https://www.bls.gov/oes/current/oes_nat.htm#00-0000.*

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Fair Credit Reporting: Affiliate Marketing

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: : Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork

and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Fair Credit Reporting: Affiliate Marketing.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by August 28, 2024.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0230, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 293–4835.

Instructions: You must include ''OCC'' as the agency name and ''1557–0230'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* You can find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- Viewing Comments Electronically: Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0230'' or ''Fair Credit Reporting: Affiliate Marketing.'' '' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks the OMB to extend its approval of the collection in this notice.

Title: Fair Credit Reporting: Affiliate Marketing.

OMB Control No.: 1557–0230.

Type of Review: Regular.

Description: Section 214 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act),[1] which added section 624 to the Fair Credit Reporting Act (FCRA),[2] generally prohibits a person from using certain information received from an affiliate to solicit a consumer for marketing purposes, unless the consumer is given notice and an opportunity and simple method to opt out of such solicitations.

Twelve CFR 1022.20–1022.27 require financial institutions to issue notices informing consumers about their rights under section 214 of the FACT Act. Consumers use the notices to decide if they want to receive solicitations for marketing purposes or opt out. Financial institutions use consumers' opt-out responses to determine the permissibility of making a solicitation for marketing purposes.

If a person receives certain consumer eligibility information from an affiliate, the person may not use that information to solicit the consumer about its products or services, unless the consumer is given notice and a simple method to opt out of such use of the information, and the consumer does not opt out. Exceptions include a person using eligibility information: (1) to make solicitations to a consumer with whom the person has a pre-existing business relationship; (2) to perform services for another affiliate subject to certain conditions; (3) in response to a communication initiated by the consumer; or (4) to make a solicitation that has been authorized or requested by the consumer. A consumer's affiliate marketing opt-out election must be effective for a period of at least five years. Upon expiration of the opt-out period, the consumer must be given a renewal notice and an opportunity to renew the opt-out before information received from an affiliate may be used to make solicitations to the consumer.

Affected Public: Businesses or other for-profit.

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 97,723.

Estimated Total Annual Burden: 10,281 hours.

Comments: On May 24, 2024, the OCC published a 60-day notice for this information collection, (89 FR 45938). No comments were received.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2024–16646 Filed 7–26–24; 8:45 am]

BILLING CODE 4810–33–P

[1] Public Law 108–159, 117 Stat. 1952 (December 4, 2003).

[2] 15 U.S.C. 1681 *et seq.*

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley T. Smith, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Compliance, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

On July 24, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons and entities are blocked under the relevant sanctions authority listed below.

BILLING CODE 4810–AL–P

Individuals:

1. CHEN, Tianxin (Chinese Simplified: 陈天新), Beijing, China; DOB 28 Jul 1987; POB Qidong, Jiangsu Province; nationality China; citizen China; Gender Female; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; National ID No. 320681198707288223 (individual) [NPWMD] (Linked To: SHI, Qianpei).

   Designated pursuant to Section 1(a)(iii) of Executive Order 13382 of June 28, 2005, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters" (E.O. 13382) for providing, or attempting to provide, financial, material, technological or other support for, or goods or services in support of, Shi Qianpei, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

2. DU, Jiaxin (Chinese Simplified: 杜佳鑫), China; DOB 29 Apr 1999; POB Wu'an, Handan, Hebei Province; nationality China; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; National ID No. 130481199904295156 (individual) [NPWMD] (Linked To: SHI, Qianpei).

   Designated pursuant to Section 1(a)(iii) of E.O. 13382 for providing, or attempting to provide, financial, material, technological or other support for, or goods or services in support of, Shi Qianpei, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

3. SHI, Anhui (Chinese Simplified: 施安辉), China; DOB 11 Jun 1962; POB Xuhui District, Shanghai; nationality China; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; National ID No. 310104196206112835 (individual) [NPWMD] (Linked To: SHI, Qianpei).

   Designated pursuant to Section 1(a)(iii) of E.O. 13382 for providing, or attempting to provide, financial, material, technological or other support for, or goods or services in support of, Shi Qianpei, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

4. SHI, Qianpei (Chinese Simplified: 施乾培), Beijing, China; DOB 09 Jul 1989; POB Qidong, Jiangsu Province; nationality China; citizen China; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions:

North Korea Sanctions Regulations section 510.214; National ID No. 32068119890709081X (individual) [NPWMD] (Linked To: CHOE, Chol Min).

Designated pursuant to Section 1(a)(iii) of E.O. 13382 for providing, or attempting to provide, financial, material, technological or other support for, or goods or services in support of, Choe Chol Min, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

5. WANG, Dongliang (Chinese Simplified: 王东亮), China; DOB 10 Jan 1988; POB Wu'an, Handan, Hebei Province; nationality China; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; National ID No. 130481198801105132 (individual) [NPWMD] (Linked To: SHI, Qianpei).

   Designated pursuant to Section 1(a)(iii) of E.O. 13382 for providing, or attempting to provide, financial, material, technological or other support for, or goods or services in support of, Shi Qianpei, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

6. HAN, Dejian (Chinese Simplified: 韩德建), China; DOB 18 Dec 1989; POB Dongchangfu District, Liaocheng, Shandong Province; nationality China; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; National ID No. 371502198912183817 (China) (individual) [NPWMD] (Linked To: SHI, Qianpei).

   Designated pursuant to Section 1(a)(iii) of E.O. 13382 for providing, or attempting to provide, financial, material, technological or other support for, or goods or services in support of, Shi Qianpei, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

Entities:

7. YIDATONG TIANJIN METAL MATERIALS CO., LTD (Chinese Simplified: 意达通天津金属材料有限公司), D219, Aodu Materials Trading Center, Beichen Road Eastern Section South Side, Guoyuanxincun, Beichen District, Tianjin, China; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 30 Jan 2018; Unified Social Credit Code (USCC) 91120113MA069YC78P (China) [NPWMD] (Linked To: HAN, Dejian).

   Designated pursuant to Section 1(a)(iv) of E.O. 13382 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, Han Dejian, a person whose property and interests in property are blocked pursuant to E.O. 13382

8. BEIJING JINGHUA QIDI ELECTRONIC TECHNOLOGY CO., LTD. (Chinese Simplified: 北京京华启迪电子科技有限公司), Room 1307, Floor 13, Building 3, No. 5 Courtyard, Tianhua Avenue, Daxing District, Beijing, China; Secondary sanctions risk:

North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 03 Sep 2019; Unified Social Credit Code (USCC) 91110115MA01ME3G6W (China) [NPWMD] (Linked To: CHEN, Tianxin).

Designated pursuant to Section 1(a)(iv) of E.O. 13382 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, Chen Tianxin, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

9. BEIJING SANSHUNDA ELECTRONICS SCIENCE AND TECHNOLOGY CO., LTD. (Chinese Simplified: 北京三顺达电子科技有限公司), Room 1307, Floor 13, Building 3, No. 5 Courtyard, Tianhua Avenue, Daxing District, Beijing, China; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 26 Apr 2021; Unified Social Credit Code (USCC) 91110115MA02AA8P61 (China) [NPWMD] (Linked To: CHEN, Tianxin).

   Designated pursuant to Section 1(a)(iv) of E.O. 13382 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, Chen Tianxin, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

10. QIDONG HENGCHENG ELECTRONICS FACTORY (Chinese Simplified: 启东市衡成电子厂), No. 8, Group 6, Nanqinghe Village, Huiping Town, Qidong, Nantong, Jiangsu Province, China; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 08 Jun 2016; Unified Social Credit Code (USCC) 92320681MA1PX44D4Q (China) [NPWMD] (Linked To: SHI, Anhui).

    Designated pursuant to Section 1(a)(iv) of E.O. 13382 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, Shi Anhui, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

11. SHENZHEN CITY MEAN WELL ELECTRONICS CO., LTD. (Chinese Simplified: 深圳市明纬电器有限公司) (a.k.a. "SHENZHEN MINGWEI ELECTRIC APPLIANCE CO., LTD."), Room 303, Building 13, Changfa Middle Road, Bantian Street, Longgang District, Shenzhen, Guangdong Province, China; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 25 Mar 2013; Unified Social Credit Code (USCC) 91440300065459840D (China) [NPWMD] (Linked To: SHI, Anhui).

    Designated pursuant to Section 1(a)(iv) of E.O. 13382 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, Shi Anhui, an individual whose property and interests in property is blocked pursuant to E.O. 13382.

Authority: E.O. 13382, 70 FR 38567, 3 CFR, 2005 Comp., p. 170.

Dated: July 24, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–16609 Filed 7–26–24; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0073]

Agency Information Collection Activity Under OMB Review: VA Enrollment Certification

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0073.''

FOR FURTHER INFORMATION CONTACT:

VA PRA information: Maribel Aponte, 202–461–8900, *vacopaperworkreduact@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: VA Enrollment Certification, VA Form 22–1999.

OMB Control Number: 2900–0073 *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the information collected on VA Form 22–1999 to determine the amount of educational benefits payable to the student during the period of enrollment or training. Additionally, with the exception of chapter 33, VA also uses these forms to determine whether the student has requested an advance payment or accelerated payment of benefits. Without this information, VA would not have a basis upon which to make payment or to know if a person was requesting an advance or accelerated payment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 89 FR 45939, May, 24, 2024.

Affected Public: Individuals and Households.

Estimated Annual Burden: 633,307 hours.

Estimated Average Burden Time per Respondent: 10 minutes.

Frequency of Response: On Occasion.

Estimated Number of Respondents: 3,799,847.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,

VA PRA Clearance Officer, (Alt), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–16583 Filed 7–26–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Request for Information on the Department of Veterans Affairs Therapeutic Radiologic Technologist Standard of Practice

AGENCY: Department of Veterans Affairs.

ACTION: Request for information.

SUMMARY: The Department of Veterans Affairs (VA) is requesting information to assist in developing a national standard of practice for a VA Therapeutic Radiologic Technologist. VA seeks comments on various topics to help inform VA's development of this national standard of practice.

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

ADDRESSES: Comments must be submitted through *https://www.regulations.gov/.* Except as provided below, comments received before the close of the comment period will be available at *https://www.regulations.gov/* for public viewing, inspection, or copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on the following website as soon as possible after they have been received: *https://www.regulations.gov/.* VA will not post on *https://www.regulations.gov/* public comments that make threats to individuals or institutions or suggest that the commenter will take harmful actions. VA encourages individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment received after the comment period closing date will not be considered.

FOR FURTHER INFORMATION CONTACT: Ethan Kalett, Office of Governance, Regulations, Appeals and Policy (10B–GRAP), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202–461–0500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Authority

Chapters 73 and 74 of 38 U.S.C. and 38 U.S.C. 303 authorize the Secretary to regulate VA health care professions to make certain that VA's health care system provides safe and effective health care by qualified health care professionals to ensure the well-being of those Veterans who have borne the battle.

On November 12, 2020, VA published an interim final rule confirming that VA health care professionals may practice their health care profession consistent with the scope and requirements of their VA employment, notwithstanding any State license, registration, certification, or other requirements that unduly interfere with their practice. 38 CFR 17.419; 85 FR 71838. Specifically, this rulemaking confirmed VA's current practice of permitting VA health care professionals to deliver health care services in a State other than the health care professional's State of licensure, registration, certification, or other requirement, thereby enhancing beneficiaries' access to critical VA health care services. The rulemaking also confirmed VA's authority to establish national standards of practice for its health care professionals, which would standardize a health care professional's practice in all VA medical facilities, regardless of conflicting State laws, rules, regulations, or other requirements.

The rulemaking explained that a national standard of practice describes the tasks and duties that a VA health care professional practicing in the health care profession may perform and may be permitted to undertake. Having

a national standard of practice means that individuals from the same VA health care profession may perform the same type of tasks and duties regardless of the State where they are located or the State license, registration, certification, or other requirement they hold. We emphasized in the rulemaking and reiterated here that VA will determine, on an individual basis, that a health care professional has the proper education, training, and skills to perform the tasks and duties detailed in the national standard of practice, and that they will only be able to perform such tasks and duties after they have been incorporated into the individual's privileges, scope of practice, or functional statement. The rulemaking explicitly did not create any such national standards and directed that all national standards of practice would be subsequently created through policy.

Preemption of State Requirements

The national standard of practice will preempt any State laws, rules, regulations, or other requirements that are and are not listed in the national standard as conflicting, but that do conflict with the tasks and duties as authorized in VA's national standard of practice. In the event that a State changes their requirements and places new limitations on the tasks and duties it permits in a manner that would be inconsistent with what is authorized under the national standard of practice, the national standard of practice will preempt such limitations and authorize the VA health care professional to continue to practice consistent with the tasks and duties outlined in the national standard of practice.

In cases where a VA health care professional's license, registration, certification, or other requirement permits a practice that is not included in a national standard of practice, the individual may continue that practice so long as it is permissible under Federal law and VA policy; is not explicitly restricted by the national standard of practice; and is approved by the VA medical facility.

Need for National Standards of Practice

It is critical that VA, the Nation's largest integrated health care system, develops national standards of practice to ensure, first, that beneficiaries receive the same high-quality care regardless of where they enter the system; and second, that VA health care professionals can efficiently meet the needs of beneficiaries when practicing within the scope of their VA employment. National standards are designed to increase beneficiaries' access to safe and effective health care, thereby improving health outcomes. The importance of this initiative has been underscored by the Coronavirus Disease 2019 pandemic. The increased need for mobility in VA's workforce, including through VA's Disaster Emergency Medical Personnel System, highlighted the importance of creating uniform national standards of practice to better support VA health care professionals who practice across State lines. Creating national standards of practice also promotes interoperability of medical data between VA and the Department of Defense (DoD), providing a complete picture of a Veteran's health information and improving VA's delivery of health care to the Nation's Veterans. DoD has historically standardized practice for certain health care professionals, and VA has closely partnered with DoD to learn from their experience.

Process To Develop National Standards of Practice

As authorized by 38 CFR 17.419, VA is developing national standards of practice through policy. The one overarching directive to describe Veterans Health Administration (VHA) policy on national standards of practice is VHA Directive 1900(5), VA National Standards of Practice, dated August 30, 2023. The directive is accessible on VHA's publications website at *https://www.va.gov/vhapublications/*. As each individual national standard of practice is finalized, it is published as an appendix to the directive and accessible at the same website.

To develop these national standards, VA is using a robust interactive process that adheres to the requirements of Executive Order (E.O.) 13132, Federalism, to preempt conflicting State laws, rules, regulations, or other requirements. For each health care occupation, a workgroup comprised of VA health care professionals in the identified occupation conducts research to identify internal best practices that may not be authorized under every State license, certification, or registration, but would enhance the practice and efficiency of the profession throughout VA. If a best practice is identified that is not currently authorized by every State, the workgroup determines what education, training, and skills are required to perform such tasks and duties. The workgroup then drafts a proposed VA national standard of practice using the data gathered and any internal stakeholder feedback received. The workgroup may consult with internal or external stakeholders at any point throughout the process.

The process to develop VA national standards of practice includes listening sessions for members of the public, professional associations, and VA employees to provide comments on the variance between State practice acts for a specific occupation and what should be included in the national standard of practice for that occupation. The listening session for Therapeutic Radiologic Technologist was held on August 31, 2023. No professional associations presented comments on the Therapeutic Radiologic Technologist scope of practice. Following the listening session, VA received a letter from the American Society of Radiologic Technologists (ASRT), which expressed that the VA national standards of practice for radiation therapy should align with the ASRT practice standards. VA appreciates the thoughtful letter and considers the information shared when drafting the proposed VA national standard of practice.

After the proposed standard is developed, it is first internally reviewed. This includes a review from an interdisciplinary VA workgroup consisting of representatives from Quality Management, the VA medical facility Chief of Staff, academic affiliates, the Veterans Integrated Services Network (VISN) Chief Nursing Officer, Ethics, Workforce Management and Consulting, Surgery, Credentialing and Privileging, the VISN Chief Medical Officer, and Electronic Health Record Modernization.

After the internal review, VA provides the proposed national standard of practice to our DoD partners as an opportunity to flag inconsistencies with DoD standards. VA also engages with labor partners informally as part of a pre-decisional collaboration. Consistent with E.O. 13132, VA sends a letter to each State board and certifying organization or registration organization, as appropriate, which includes the proposed national standard and offers the recipient an opportunity to discuss the national standard with VA. After the State boards, certifying organizations, or registration organizations have received notification, the proposed national standard of practice is posted in the **Federal Register** for 60 days to obtain feedback from the public, professional associations, and any other interested parties. At the same time, the proposed national standard is posted to an internal VA site to obtain feedback from VA employees. Responses received through all vehicles—from State boards, professional associations, unions, VA employees, and any other individual or organization who provides comments

through the **Federal Register**—will be reviewed. VA will make appropriate revisions in light of the comments, including those that present evidence-based practice and alternatives that help VA meet our mission and goals. VA will publish a collective response to all comments at *https://www.va.gov/standardsofpractice/*.

The national standard of practice is then finalized, approved, and published in VHA policy. Any tasks or duties included in the national standard will be properly incorporated into individual VA health care professionals' privileges, scope of practice, or functional statement once it has been determined by their VA medical facility that the individual has the proper education, training, and skills to perform the task or duty. The implementation of the national standard of practice may be phased in across all VA medical facilities, with limited exemptions for health care professionals as needed.

Format for the Proposed National Standard for Therapeutic Radiologic Technologist

The format for the proposed national standards of practice when there is a national certification body and there are State licenses is as follows. The first paragraph provides general information about the profession and what the VA health care professionals can do. For this national standard, Therapeutic Radiologic Technologists assist in the localization of tumors and deliver high doses of radiation prescribed by the radiation oncologists, utilizing ionizing radiation-generating equipment. We reiterate that the proposed standard of practice does not contain an exhaustive list of every task and duty that each VA health care professional can perform. Rather, it is designed to highlight generally what tasks and duties the health care professionals perform and how they practice within VA.

The second paragraph references the education and certification needed to practice this profession at VA. Qualification standards for employment of health care professionals by VA are outlined in VA Handbook 5005, Staffing, dated July 8, 2024. VA follows the requirements outlined in the VA qualification standards even if the requirements conflict with or differ from a State requirement. National standards of practice do not affect those requirements. This includes, but is not limited to, when a State requires a license to practice a specific occupation, but VA does not require a State license as part of the qualification standards. For Therapeutic Radiologic Technologist, the VA qualification standards require an active, current, full, and unrestricted certification from the American Registry of Radiologic Technologists (ARRT) in Radiation Therapy.

The second paragraph also notes whether the national standard of practice explicitly excludes individuals who practice under ''grandfathering'' provisions. Qualification standards may include provisions to permit employees who met all requirements prior to revisions to the qualification standards to maintain employment at VA even if they no longer meet the new qualification standards. This practice is referred to as grandfathering. Therapeutic Radiologic Technologists have grandfathering provisions included within their qualification standards, and VA proposes to have those individuals be authorized to follow the Therapeutic Radiologic Technologist national standard of practice. Therefore, there would be no notation regarding grandfathered employees in the national standard of practice as they would be required to adhere to the same standard as any other VA Therapeutic Radiologic Technologist who meets the current qualification standards.

The third paragraph establishes what the national standard of practice will be for the occupation in VA. For this national standard, VA Therapeutic Radiologic Technologists follow the standard set by the American Society of Radiologic Technologists (ASRT). ARRT, this profession's national certification body, follows the ASRT standards. The ASRT Radiation Therapy standards can be found at: *https://www.asrt.org/main/standards-and-regulations/professional-practice/practice-standards/*. VA confirmed that all VA Therapeutic Radiologic Technologists followed the Radiation Therapy standards from ASRT.

The fourth paragraph identifies additional registrations, regulations, certifications, licenses, or other requirements, and whether any of those have Federal exemptions for the profession. For this national standard of practice, VA reviewed any required alternative registrations, certifications, licenses, or other requirements. VA also found that 40 States require a State license for Therapeutic Radiologic Technologists. Of those 40 States that require a license, 26 States exempt Federal employees from their State license requirements. Furthermore, the tasks and duties set forth in the State license requirements for all 40 States are consistent with what is permitted under the national certification. VA reviewed State laws, State practice acts, and certification requirements for Therapeutic Radiologic Technologists in March 2024 and did not identify any conflicts that impact practice on this profession in VA. VA thus proposes to adopt a standard of practice consistent with the standards from ASRT, as followed by ARRT, this profession's national certification body. VA Therapeutic Radiologic Technologists will continue to follow this standard.

This national standard of practice does not address training because it will not authorize VA Therapeutic Radiologic Technologists to perform any tasks or duties not already authorized under their national certification and State license.

Following public and VA employee comments and revisions, each national standard of practice that is published into policy will also include the date for recertification of the standard of practice and a point of contact for questions or concerns.

Proposed National Standard of Practice for Therapeutic Radiologic Technologist

Note: All references herein to Department of Veterans Affairs (VA) and Veterans Health Administration (VHA) documents incorporate by reference subsequent VA and VHA documents on the same or similar subject matter.

1. Therapeutic Radiologic Technologists assist in the localization of tumors and deliver high doses of radiation prescribed by the radiation oncologists, utilizing ionizing radiation-generating equipment.

2. Therapeutic Radiologic Technologists in VA possess the education and certification required by VA qualification standards. See VA Handbook 5005, Staffing, Part II, Appendix G26, dated January 15, 2021.

3. VA Therapeutic Radiologic Technologists practice in accordance with the Radiation Therapist standards from American Society of Radiologic Technologists (ASRT), available at: *https://www.asrt.org/*. The American Registry of Radiologic Technologists, the national certifying body of Therapeutic Radiologic Technologists, follows ASRT standards. VA reviewed certification requirements for this occupation in March 2024 and confirmed that all Therapeutic Radiologic Technologists in VA followed ASRT standards.

4. Although VA only requires a certification, 40 States require a State license in order to practice as a Therapeutic Radiologic Technologist in that State: Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa,

Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

Of those, 26 States exempt Federal employees from their State license requirements: Alaska, Arizona, California, Florida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia, Washington, and West Virginia.

VA reviewed State laws, State practice acts, and certification requirements for Therapeutic Radiologic Technologists on March 2024 and did not identify any conflicts that impact practice on this profession in VA.

Request for Information

1. Is VA's assessment of what States permit and restrict accurate?
2. Are there any other areas of variance between State licenses that VA should preempt that are not listed?
3. Is there anything else you would like to share with us about this VA national standard of practice?

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.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

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FEDERAL REGISTER

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Part II

Department of State

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 730, 732, 734, et al.

22 CFR Parts 120 and 121

International Traffic in Arms Regulations: Revisions to Definition and Controls Related to Defense Services; End-Use and End-User Based Export Controls, Including U.S. Persons Activities Controls: Military and Intelligence End Uses and End Users; and Export Administration Regulations: Crime Controls and Expansion/Update of U.S. Persons Controls; Proposed Rules

DEPARTMENT OF STATE

22 CFR Parts 120 and 121

[Public Notice: 12259]

RIN 1400–AF29

International Traffic in Arms Regulations: Revisions to Definition and Controls Related to Defense Services

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to revise the definition of defense service and the scope of related controls in the International Traffic in Arms Regulations and seeks comment on the proposed revision.

DATES: The Department of State will accept comments on this proposed rule through September 27, 2024.

ADDRESSES: Interested parties may submit comments by one of the following methods:

- *Email: DDTCPublicComments@state.gov* with the subject line: ''Regulatory Change: Defense Service Definition''.
- *Internet:* At *www.regulations.gov,* search for this notice, by docket number DOS–2024–0023.

Comments received after that date may be considered if feasible, but consideration cannot be assured. Those submitting comments should not include any personally identifying information they do not desire to be made public or information for which a claim of confidentiality is asserted, because any such claim will be deemed waived and comments and/or transmittal emails may be made publicly available. Parties who wish to comment anonymously may do so by submitting their comments via *www.regulations.gov,* leaving the fields that would identify the commenter blank and including no identifying information in the comment itself. In addition to comments directly responsive to this proposed rule, the Department of State specifically requests comments regarding the scope of this rule and the complementary proposed rule from the Bureau of Industry and Security, Department of Commerce published today in the **Federal Register** (RIN 0694–AJ43), with specific attention to any actual or perceived overlap or ambiguity regarding proposed controls as a result of the two agencies' regulations. A summary of this proposed rule may be found at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sarah Heidema, Director, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663–1282; email *DDTCCustomerService@state.gov.* ATTN: Revisions to Definition and Controls Related to Defense Services.

SUPPLEMENTARY INFORMATION: The Directorate of Defense Trade Controls (DDTC), U.S. Department of State, administers the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130). The regulations, codified as subchapter M of chapter I, title 22 of the Code of Federal Regulations (''the subchapter'') implement certain authorities of the Arms Export Control Act (AECA) (22 U.S.C. 2751 *et seq.*) delegated to the Secretary of State pursuant to Executive Order 13637. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *www.regulations.gov.*

The Department of State (''Department'') undertook a review led by DDTC of the definition of defense service in the ITAR at § 120.32. This review focused on identifying activities of U.S. persons that (1) provide a critical military or intelligence advantage such that they warrant control under the ITAR and are activities that are not currently subject to the ITAR; or (2) are controlled under the ITAR, but the current control language would benefit from additional clarity. Following the review, the Department proposes a revised definition of defense service to better describe existing controls and the scope of activities it proposes to regulate through the revised definition and also proposes certain additions to the United States Munitions List (USML) at ITAR § 121.1.

While this review was underway, in December 2022, the Bureau of Industry and Security, Department of Commerce (BIS) received expanded statutory authority to control certain activities of U.S. persons pursuant to an amendment to section 4812 of the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. 4801–4852, made as part of the National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117–263) (NDAA for FY 2023).

Originally authorizing the control of ''activities of [U.S.] persons, wherever located, relating to specific . . . foreign military intelligence services,'' that provision in 50 U.S.C. 4812(a)(2) was amended and broadened in December 2022 to control ''. . . foreign military, security, and intelligence services.'' As a result, and in coordination with other federal departments and agencies and offices, the Departments of State and Commerce are each issuing separate but complementary proposed rules in this edition of the **Federal Register**: this Department of State proposed rule to amend the definition of defense service and the USML, and a separate Commerce proposed rule to implement its new ECRA authority by amending the U.S. person controls set forth in the Export Administration Regulations, 15 CFR parts 730–774, and making related changes to the EAR's Part 744: Control Policy: End-User and End-Use Based. Additionally, BIS's rule clarifies the scope of BIS's jurisdiction over certain U.S. person activities. By publishing both rules simultaneously and seeking public comment on the proposed changes, DDTC and BIS hope to ensure awareness as to the distinct areas of coverage of U.S. person activities under their respective legal and regulatory authorities.

Background

In considering what to designate as a defense article or defense service on the USML, the State Department primarily focuses on those articles or services that provide a critical military or intelligence advantage such that they warrant control under the ITAR (see § 120.3(b)).

During its recent review of defense services, DDTC identified certain (1) military, (2) cyber, and (3) intelligence services, furnished to foreign persons that are not currently controlled or which are controlled but for which the applicable control language could benefit from additional clarity. The Department now proposes a new definition of defense service, coupled with a detailed articulation of currently and newly controlled services on the USML, along with language that would provide the basis for the regulation of certain proposed new services as defense services. In doing so, the Department intends to provide greater clarity regarding the activities currently controlled and to specifically describe those activities that are proposed for control by this rulemaking. Included in this proposal is specific language regarding the furnishing of intelligence-related assistance that is not directly related to a defense article to certain types of foreign persons (*i.e.,* a foreign unit, force, or government) or their proxies or agents. The Department assessed that these activities warrant and require control equivalent to those of intelligence-related defense articles since such assistance (including training or consulting) similarly furnishes a critical military or intelligence advantage to the foreign person. Review of such activity by the Department for consistency with U.S. foreign policy and national security interests is necessary prior to any furnishing of such services.

Further, the inclusion of the activities in this proposed rule is reflective of the stated aims of AECA § 38(a)(2) (22 U.S.C. 2778(a)(2)) and principles in the United States Conventional Arms Transfer Policy.

Proposed Design and Structure of Amendments

The proposed amendments to the definition of defense service at § 120.32, and additions to the USML, include several key changes. These changes affect the design and structure of the relevant provisions of the ITAR, which, in turn, affect how the USML describes and controls activities falling under the definition of defense service.

First, a proposed revision would amend § 120.32(a)(1) by revising the list of regulated activities currently found in (a)(1) to include ''assistance, including training or consulting, to foreign persons in the development (including, *e.g.,* design), production (including, *e.g.,* engineering and manufacture), assembly, testing, repair, maintenance, modification, disabling, degradation, destruction, operation, processing, use, or demilitarization of a defense article.'' This revised list moves several activities currently individually specified in (a)(1) (*i.e.,* design, engineering, and manufacture) into parentheticals following defined terms in which they are included. Those activities were folded into the revised definitions of ''production'' and ''development'' at § 120.43 by a recent ITAR rule (87 FR 16396, Mar. 23, 2022).

In addition, the revised list of activities includes two new references, ''disabling'' and ''degradation.'' The Department proposes these terms to make explicit that the act of harming a military capability through the disabling or degradation of defense articles via any method remains controlled. In assessing non-traditional methods of disrupting a nation's military capabilities during its review, the Department noted that, while the current definition of defense service includes such activities, advances in technology that facilitate such activities merit explicit reference. The proposed revision clarifies that cyber services, or any other activities, that disable and degrade defense articles, but fall short of total destruction or demilitarization, are included within the definition of defense service at § 120.32(a)(1).

The Department also proposes a clarifying addition to the introductory text of paragraph (a)(1) in order to better describe the scope of activities controlled by the definition. In describing the assistance covered by the paragraph, the Department proposes to replace the parenthetical ''(including training)'' with a new clause clarifying that assistance includes training or consulting. In so doing, the Department does not intend to add a new level of control to its existing control of defense services, but rather intends to clarify that it does not treat training to mean only direct instructional activity. The proposed addition would reaffirm that providing the tools or means of furnishing training to a foreign person so that the foreign person may conduct training in lieu of the regulated person is included in the control. Such consulting is not limited to the furnishing of a completed product, but includes assisting in the development of such training.

Second, the proposed amendments would remove current § 120.32(a)(2) as redundant since the furnishing of technical data to a foreign person is already a controlled event described in §§ 120.50 through 120.52. Further, the proposed amendments would remove current paragraph (a)(3). In their stead, these two provisions are replaced by a proposed new paragraph (a)(2) that directs persons to the USML where descriptions of services to be controlled under ITAR are provided. The Department includes a proposed note to § 120.32 directing the regulated community to the new location.

Specifically, the proposed paragraph (a)(2) directs persons to two new proposed USML entries in Category IX that would control defense services related to intelligence and military assistance. The proposed entries differ from the type of defense services described in paragraph (a)(1), which directly relate to defense articles and already have corresponding entries in each USML category (*e.g.,* Category I(i), Category II(k), etc.).

The two new entries are proposed for a currently reserved paragraph (s) of Category IX, and the category is proposed to be renamed ''Military Training Equipment, Intelligence Defense Services, and Military Defense Services'' to more accurately describe the controls in the category. The Department proposes to reserve paragraph (s)(1) for use as a future entry and to place the new controls in proposed paragraphs (s)(2) and (3) within that category. For purposes of this preamble, the intelligence assistance controlled by paragraph (s)(2) is referred to as ''intelligence assistance'' and the military and paramilitary assistance controlled by paragraph (s)(3) are referred to by the singular ''military assistance.''

The introductory text of proposed new USML Category IX(s)(2) describes defense services relating to intelligence assistance that do not necessarily involve defense articles. Following the introductory control text of proposed USML Category IX(s)(2), subsequent paragraphs would provide specified carve-outs to the general description of activities described in paragraph (s)(2). Similar carve-out provisions are also proposed to the military assistance control in USML Category IX(s)(3). The Department determined that rather than relying solely on the definition of defense service, it would be better to direct users to the USML to conduct their classification analysis since this approach is similar to how users currently conduct defense article classification analysis, and it allows for a more detailed articulation of certain specific activities meriting ITAR control. Moreover, AECA § 38(a)(1) (22 U.S.C. 2778(a)(1)) provides that defense services, like defense articles, are to be designated on the USML. By adding specific entries in addition to the existing USML paragraphs controlling defense services, including those furnished in connection with a defense article, the Department brings additional clarity to the regulations. Further to that effort, the Department proposes to amend § 120.11, which describes the order of review, to include a proposed paragraph (d) specific to defense services and to redesignate current paragraph (d) as paragraph (e).

As to the objective of the proposed additions to the USML, the Department determined revised and clarified controls are warranted and necessary to address the risks to U.S. national security and foreign policy interests posed by U.S. persons furnishing assistance in intelligence activities. In particular, the Department determined that certain intelligence activities that do not involve defense articles provide a critical military or intelligence advantage such that they warrant and require revised controls under the ITAR.

The proposed USML Category IX(s)(3) describes defense services relating to military assistance that do not necessarily involve defense articles and provides specified carve-outs to the controls. Persons furnishing certain military assistance to foreign persons can cause local and regional instability in a manner equal to or greater than the supply of a tangible article or weapon to a foreign person end-user. The proposed inclusion of certain specific forms of military assistance as a defense service within the USML is intended to provide U.S. persons with clear notice that such activities require authorization as, depending on the circumstances, the activities may be counter to U.S.

national security or foreign policy interests, the stated aims of AECA § 38(a)(2) (22 U.S.C. 2778(a)(2)), Conventional Arms Transfer Policy objectives, or shared interests with our allies and partners. To ensure that the military assistance controls are consistent with ITAR § 120.3(b) and only control those activities that provide a critical military or intelligence advantage, the proposed controls described in Category IX(s)(3) would regulate a higher level of support than front-line combatant activities. The Department notes, however, that although not intended for control in proposed Category IX(s)(3), such activities may be otherwise regulated by other provisions in the ITAR, or by regulations administered by other agencies of the U.S. Government. In conjunction with the addition of this proposed USML entry, the Department is proposing to remove the existing USML entry for military training at current Category IX(e)(3). In so doing, the Department does not intend to narrow the scope of what is controlled by that existing military training entry, but rather aims to bring additional clarity to that control as part of new text proposed as Category IX(s)(3).

The proposed amendments utilize a method of control sometimes known as ''catch and release,'' which functions to initially describe a broad range of activities as a ''catch,'' and then specifies certain limited carve-outs as a ''release'' from the ''catch.'' As applied here, the catch-and-release design establishes that furnishing certain forms of listed assistance to a foreign person is controlled. Specifically, proposed USML Category IX, paragraphs (s)(2) and (s)(3)(i) through (iii) catch certain activities while paragraphs (s)(2)(i) through (vii) and (s)(3)(iv)(A) through (C) release, or carve out, specific activities that were initially caught. Only assistance that is both ''caught'' and not ''released'' by the respective paragraphs is controlled under paragraphs (s)(2) or (s)(3)(i) through (iii). Included in the releases for both intelligence assistance (paragraph (s)(2)(ii)) and military assistance (paragraph (s)(3)(iv)(B)) are activities performed by U.S. persons who have been drafted into the regular military forces of a foreign nation. The Department proposes this inclusion in addition to the existing exclusion at § 124.2(b) from the current definition of defense service so that persons reviewing the USML for controlled activities fully understand which activities are controlled. The exclusion at § 124.2(b), which has been in the ITAR since 1984 (see 49 FR 47682, Dec. 6, 1984), provides that: ''[s]ervices performed as a member of the regular military forces of a foreign nation by U.S. persons who have been drafted into such forces are not deemed to be defense services for purposes of § 120.32 of this subchapter.'' The Department proposes to include similar provisions within the new paragraph (s) in USML Category IX to preclude any possible confusion by the regulated community, including both persons long aware of the existing § 124.2(b) and persons new to the regulations who may be unfamiliar with the current exclusion, as to whether the Department intends to regulate the activities of draftees. The Department further notes § 124.2(b) applies to the entirety of § 120.32, whereas the defense services described in Category IX(s)(2) and (3) and the specific carve-outs to them, are related to proposed § 120.32(a)(2). By including the carve-outs from the proposed USML paragraphs and a ''see'' parenthetical directing users to § 124.2(b), the Department endeavors to ensure awareness of the exclusion in light of the proposed new control.

Proposed USML Amendments

Proposed USML Category IX(s)(3) describes defense services relating to military assistance and provides specified carve-outs. Specifically, proposed paragraph (s)(3)(i) controls persons furnishing assistance that creates, supports, or improves the organization or formation of foreign military or paramilitary forces. This text is included to cover assistance in the development and organization of foreign military services (*e.g.,* armies, navies, air forces, etc.) at any stage. Proposed paragraph (s)(3)(ii) controls persons furnishing assistance that creates, supports, or improves military or paramilitary operations by planning, leading, or evaluating all aspects of such operations, including, *e.g.,* logistical support. In contrast to (s)(3)(i), this text is included to cover assistance being provided in the conduct and analysis of military operations by the foreign military services, whether in war or peace. The Department notes that this rule proposes to remove the text of current § 120.32(a)(3) regarding military training, along with the current corresponding reference to military training in Category IX(e)(3). The Department believes that the essential elements of § 120.32(a)(3) would be better situated and described in proposed Category IX(s)(3)(iii). In addition, removal furthers the Department's aim to better align the definition of defense service at § 120.32 with the definition of defense article at § 120.31. In changing nomenclature from regular or irregular units and forces to the capabilities of a military or paramilitary, the Department aims to provide what it believes are more generally understood terms. ''Regular'' and ''irregular'' forces are terms that have been used in the context of international humanitarian law. But illicit actors or unassuming persons may be put on even clearer notice that providing training to create, support, or improve the military or paramilitary capabilities of any kind of unit or force, governmental or not, is a defense service requiring authorization. In this way the focus is on the nature and type of training or advice provided (military or paramilitary capabilities) more than on the recipients, which are now more broadly defined as expressly including proxies or agents of a foreign government, foreign unit, or foreign force. The examples of methods of providing military training now contained in that part of § 120.32(a)(3) beginning with ''correspondence courses'' are non-exhaustive examples of instruction. The Department believes that those example methods and any other methods of training need not be listed and does not retain that text in the proposed paragraph (s)(3)(iii), even though they would still be controlled as either formal or informal instruction, advice, or other forms of training.

Proposed USML Category IX(s)(2) describes furnishing intelligence assistance for a foreign government, unit, or force, or their proxy or agent, and training a foreign government, unit, or force, or their proxy or agent, to furnish such services, while providing specified carve-outs to the controls. The creation of a separate entry in proposed paragraph (s)(2) separates the control text governing intelligence assistance from the control text describing military assistance. It is intended to provide clearer notice to the regulated community, and in particular to U.S. persons with relevant experience, that the ITAR regulates services related to intelligence activities, regardless of nexus to a defense article. The text of proposed paragraph (s)(2) for intelligence assistance uses the same descriptors found in proposed paragraph (s)(3) for military assistance, but also includes ''providing analysis for'' and ''participating in.'' The phrase ''providing analysis for'' is included since conducting an intelligence analysis can provide a critical advantage even without involvement in intelligence collection or other intelligence operations. ''Participating

in'' is included to make clear persons hired and assisting in an intelligence operation on behalf of a designated foreign government, unit, or force, or their proxy or agent, are controlled activities.

Second, including ''training or consulting'' in the text of proposed paragraph (s)(2) allows the Department to specifically and explicitly describe on the USML the conduct of U.S. persons (or foreign persons in the United States) who furnish any described defense service to enable a foreign government, unit, or force, or their proxy or agent, to conduct intelligence activities themselves. The Department assesses regulating assistance on tactics, techniques, procedures, and other types of training that enables the intelligence activities a foreign government, unit, or force, or their proxy or agent, is consistent with the aims and authority of the ITAR and the AECA. Again, the Department notes this text would regulate assistance to any kind of foreign unit or foreign force, regardless of government affiliation, as well as to their proxies or agents.

The listed assistance activities identified in proposed paragraph (s)(2) are caveated by the inclusion of ''for compensation,'' thereby limiting the control to those services that are provided commercially or in a professional capacity. Compensation in this context need not be limited to financial compensation, but would require some measurable response from the recipient in exchange for the service. This could include a wide of range compensation for example, from gifts and or lodging, to goods or services, political favors, legislative or legal relief, etc. Activities of the U.S. Government are generally not included within the furnishing of assistance for compensation. This text is included to ensure the ITAR does not control non-critical intelligence assistance provided on a volunteer basis (and not for hire or compensation). Further, it is not intended to control assistance of a type that ordinarily occurs in today's technically advanced society. For example, the Department does not intend for the activities of hobbyists or casually interested persons forwarding or commenting on open-source, publicly available satellite imagery relevant to the invasion of Ukraine, to be considered the furnishing of a defense service.

While the ''for compensation'' language is proposed as an objective criterion to provide clarity and to help ensure the ITAR does not unintentionally control non-critical intelligence assistance provided on a volunteer basis (and not for compensation), suggesting a less-concerning quality of assistance, the Department would consider additional alternative controls. Any such alternative would need to provide notice to the public of clear, objective standards to control the kind of intelligence services proposed as Category IX (s)(2), without inadvertently capturing more activities than are necessary.

Therefore, the Department seeks input on the clarity and scope of the ''for compensation'' criterion. Concurrently, the Department also seeks input as to additional control criteria in paragraph (s)(2) that could provide sufficient notice, as well as objective standards, to control assistance that clearly provides a critical intelligence advantage, but which does not turn on compensation. This could include, as but one example, intelligence assistance that was asked-for or otherwise solicited by a foreign person, directly or indirectly. The Department also welcomes input on the six carve-outs or exclusions as to their clarity, and whether other exclusions could serve to clearly and objectively narrow the scope of the proposed or any additional controls.

Carve-Outs to Intelligence Assistance

Proposed paragraphs (s)(2)(i) through (vi) would carve out six specific sets of activities from the proposed controls on intelligence assistance described in the introductory text to proposed paragraph (s)(2). Three of the carve-outs to intelligence assistance activities, those in proposed paragraphs (s)(2)(i) through (iii), are identical to the three military assistance activities carve-outs from proposed paragraphs (s)(3)(iv)(A) through (C) and are further discussed in the preamble discussion of those paragraphs below.

The fourth carve-out related to intelligence assistance is set forth in proposed paragraph (s)(2)(iv). Here, the Department proposes to carve out information technology services that are ordinarily provided to allow any business entity to operate internally as a modern business environment, without a sector-specific specialization. These would include, for example, services related to IT infrastructure, composed of the hardware (including switches, routers, and servers) and software (including operating systems and basic network security applications) that enable an organization to run specialized software applications. IT infrastructure is not necessarily collocated with the organization, as it may include cloud infrastructure such as remote data centers, edge computing, and various ''as a service'' (SaaS) models.

The fifth carve-out, proposed in paragraph (s)(2)(v), makes clear that the ITAR does not interfere with an otherwise lawful activity of a U.S. local or federal law enforcement or intelligence agency. This carve-out is similar to one found in 18 U.S.C. 1030(f).

The sixth carve-out, proposed in paragraph (s)(2)(vi), focuses the expanded defense service controls in paragraph (s)(2), and intends to avoid imposing a duplicative export licensing requirement for the activities described, since they are already regulated or proposed for regulation under the ITAR or EAR to the destinations of concern.[1] The Department further notes that, similar to the defense service definition at § 120.32(a)(1), the mere act of exporting, reexporting, or transferring (in-country) a commodity, software, technical data, or EAR technology does not constitute a defense service in the context of (s)(2). For items subject to the EAR, the Department assesses that the repair or maintenance of that commodity or software (when isolated from a defense article) should similarly be subject to the EAR, even when caught in (s)(2), since an EAR authorization could be used to secure a replacement in lieu of performing the repair or maintenance. In contrast, the repair or maintenance of commodities or software subject to the ITAR is already regulated via ITAR § 120.32(a)(1), including when repairing an EAR commodity or software incorporated into a defense article.

Carve-Outs to Military Assistance

With respect to proposed controls over military assistance in proposed paragraphs (s)(3)(i) through (iii), proposed paragraph (s)(3)(iv) provides three specific carve-outs. The activities carved out by (s)(3)(iv)(A) are similar in nature to the brokering activity carve-outs already found in part 129. The activities to be carved out by proposed paragraph (s)(3)(iv)(B) make certain that the activities of U.S. persons drafted into the regular military forces of a foreign nation are not controlled by this section. This language is consistent with the text of the existing language at ITAR § 124.2(b). Finally, proposed paragraph

[1] While the ITAR and EAR generally use similar terminology, there are certain exceptions. For example: where the ITAR speaks of exports, reexports, and retransfers (§§ 120.50 through 120.52), the EAR uses export, reexport, and transfer (in-country) (§§ 734.13, 734.14, and 734.16); the ITAR uses ''articles,'' and the EAR uses ''items,'' to describe commodities and software. EAR terms are used here when used in specific relation to those regulations and not the ITAR.

(s)(3)(iv)(C) carves out training and advice entirely composed of general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities.

Regulatory Analysis and Notices

Administrative Procedure Act

This rulemaking involves a military or foreign affairs function of the United States under 5 U.S.C. 553(a). Nevertheless, and without prejudice to this determination, the Department has elected to seek public comment on this proposed rule.

Regulatory Flexibility Act

Since this rule is exempt from the notice-and-comment provisions of 5 U.S.C. 553(b), it does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

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

Executive Orders 12372 and 13132

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this amendment does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866, 13563, and 14094

Executive Order 12866, as amended by Executive Orders 13563 and 14094, directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributed impacts, and equity). Although this rule may impose additional regulatory requirements or obligations, the Department believes that costs associated with this rule will be minimal because, to its knowledge, the types of new activities proposed to be regulated are usually undertaken in conjunction with other services involving a defense article that already require a license or other approval. Thus, the Department assesses the incremental cost of compliance to be minimal for most exporters. Moreover, based on confidential submissions to DDTC, the Department believes that when such activities are undertaken, typically only a limited number of entities would aim to provide such services and seek licenses or other approvals for them. Therefore, the Department expects a low number of license applications from only a small number of entities would result if these controls were to be promulgated in a final rule. Should commenters believe they may be subject to new controls on activities they already provide or plan to provide, the Department welcomes that specific feedback to better understand the costs and benefits of the proposed controls. The proposed rule may also provide other benefits in its clarification of several activities that are currently controlled and consequently may reduce regulatory uncertainty. This too is based on confidential submissions to DDTC via commodity jurisdiction requests, advisory opinions, and voluntary disclosures. The proposed rule is also expected to strengthen the foreign policy and national security of the United States as the rule would clarify both the currently regulated and newly identified activities that provide a critical military or intelligence advantage, providing notice to the regulated community of the Department's oversight of these services. Additionally, when authorization is sought for these services, the information provided on the purpose and kind of such services, including which foreign persons who would receive the services, may assist the Department in better assessing the effects of these activities on the complex considerations of our foreign affairs. This rule has been designated a ''significant regulatory action'' by the Office and Information and Regulatory Affairs under Executive Order 12866.

Executive Order 12988

The Department of State reviewed this rulemaking in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rule does not impose or revise any information collections subject to 44 U.S.C. chapter 35.

List of Subjects in 22 CFR Parts 120 and 121

Arms and munitions, Classified information, Exports.

Accordingly, for the reasons set forth above and under the authority of 22 U.S.C. 2778, the Department of State proposes to amend title 22, chapter I, subchapter M, parts 120 and 121 as follows:

PART 120—PURPOSE AND DEFINITIONS

■ 1. The authority citation for part 120 continues to read as follows:

Authority: 22 U.S.C. 2651a, 2752, 2753, 2776, 2778, 2779, 2779a, 2785, 2794, 2797; E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

■ 2. Amend § 120.11 by redesignating paragraph (d) as paragraph (e) and add new paragraph (d) to read:

§ 120.11 Order of review.

* * * * *

(d) *Defense service.* Defense services described in § 120.32(a)(1) are controlled under the relevant paragraph of each USML category that includes defense services ''directly related'' or ''relating'' to defense articles as described therein. For defense services described in § 120.32(a)(2) that are not controlled in the defense article-specific defense services paragraphs, see USML Category IX(s)(2) and (3) in § 121.1 of this subchapter.

■ 3. Section 120.32 is revised to read as follows:

§ 120.32 Defense service.

(a) *Defense service* means:

(1) The furnishing of assistance, including training or consulting, to foreign persons in the development (including, *e.g.,* design), production (including, *e.g.,* engineering and manufacture), assembly, testing, repair, maintenance, modification, disabling, degradation, destruction, operation, processing, use, or demilitarization of a defense article; or

(2) The furnishing of assistance, including training or consulting, to foreign persons, regardless of whether a defense article is involved, as described in USML Category IX(s)(2) or (3) in § 121.1 of this subchapter.

Note to paragraph (a): For military training previously described in this paragraph, see paragraph (a)(1) and USML Category IX(s)(2) and (3).

(b) [Reserved]

PART 121—THE UNITED STATES MUNITIONS LIST

■ 4. The authority citation for part 121 continues to read as follows:

Authority: 22 U.S.C. 2752, 2778, 2797; 22 U.S.C. 2651a; Sec. 1514, Pub. L. 105–261, 112 Stat. 2175; E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

■ 5. Amend § 121.1, by revising the heading to Category IX, revising paragraph (e), and adding new paragraph (s) to read as follows:

§ 121.1 The United States Munitions List.

* * * * *

Category IX—Military Training Equipment, Intelligence Defense Services, and Military Defense Services

* * * * *

(e) Technical data (see § 120.33 of this subchapter) and defense services (see § 120.32 of this subchapter):

(1) Directly related to the defense articles enumerated in paragraphs (a) and (b) of this category; or

(2) Directly related to the software and associated databases enumerated in paragraph (b)(4) of this category even if no defense articles are used or transferred.

* * * * *

(s) Defense Services, as follows:

(1) [Reserved]

(2) Assistance, including training or consulting, to a foreign government, unit, or force, or their proxy or agent, that creates, supports, or improves intelligence activities, including through planning, conducting, leading, providing analysis for, participating in, evaluating, or otherwise consulting on such activities, for compensation, except for the following types of assistance:

(i) Furnishing of medical, translation, financial, insurance, legal, scheduling, or administrative services, or acting as a common carrier;

(ii) Participation as a member of a regular military force of a foreign nation by a U.S. person who has been drafted into such a force (see also § 124.2(b) of this subchapter);

(iii) Training and advice that is entirely composed of general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities;

(iv) Information technology services that support ordinary business activities not specific to a particular business sector;

(v) Any lawfully authorized investigative, protective, or intelligence activity of a law enforcement or intelligence agency of the United States or of a territory, possession, State, or District of the United States, including political subdivisions thereof; or

(vi) Maintenance or repair of a commodity or software.

(3) Assistance, including training or consulting, to a foreign government, unit, or force, or their proxy or agent, that creates, supports, or improves the following, other than as specified in paragraph (s)(3)(iv) of this category:

(i) The organization or formation of military or paramilitary forces; (ii) Military or paramilitary operations, by planning, leading, or evaluating such operations; or

(iii) Military or paramilitary capabilities through advice or training, including formal or informal instruction.

(iv) Assistance in paragraphs (s)(3)(i) through (iii) of this category does not include: (A) Furnishing of medical, translation, financial, insurance, legal, scheduling, or administrative services, or acting as a common carrier;

(B) Participation as a member of a regular military force of a foreign nation by a U.S. person who has been drafted into such a force (see also § 124.2(b) of this subchapter); or

(C) Training and advice that is entirely composed of general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities.

The Under Secretary, Arms Control and International Security, Bonnie D. Jenkins, having reviewed and approved this document, has delegated the authority to electronically sign this document to Zachary A. Parker, Director, Office of Directives Management, for purposes of publication in the **Federal Register**.

Zachary A. Parker,

Director, Office of Directives Management, Department of State.

[FR Doc. 2024–16501 Filed 7–25–24; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 730, 732, 734, 736, 740, and 744

[Docket No. 240712–0193]

RIN 0694–AJ43

End-Use and End-User Based Export Controls, Including U.S. Persons Activities Controls: Military and Intelligence End Uses and End Users

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Proposed rule, with request for comments.

SUMMARY: The Department of Commerce, Bureau of Industry and Security (BIS), seeks public comment on proposed changes to existing restrictions under the Export Administration Regulations (EAR) on military and intelligence end uses and end users and related U.S. persons activities controls, as well as the proposed addition of a military-support end-user control. These proposed revisions and additions to the EAR's end-use, end-user, and ''U.S. persons'' activity controls would implement expanded Export Control Reform Act of 2018 (ECRA) authority to control certain ''U.S. persons'' activities under the EAR. Specific to the EAR's ''U.S. persons'' activities controls, BIS is proposing amendments to control 'support' furnished by ''U.S. persons'' to military end users and military-production activities, as well as intelligence end users that are not otherwise already regulated under or prohibited by U.S. law. In addition, BIS is proposing to revise the definition of 'support' set forth in the EAR's ''U.S. person'' activity control provision in response to requests by the public for clarification. The revisions and additions, along with clarifications, to end use, end user, and ''U.S. persons'' activity controls under the EAR, would further the national security and the foreign policy of the United States.

DATES: Comments must be received by BIS no later than September 27, 2024.

ADDRESSES: Comments on this rule may be submitted to the Federal rulemaking portal (*www.regulations.gov*). The *regulations.gov* ID for this rule is: BIS–2024–0029. Please refer to RIN 0694–AJ43 in all comments.

All filers using the portal should use the name of the person or entity submitting the comments as the name of their files, in accordance with the instructions below. Anyone submitting

business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission. For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC.'' Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The corresponding non-confidential version of those comments must be clearly marked ''PUBLIC.'' The file name of the non-confidential version should begin with the character ''P.'' Any submissions with file names that do not begin with either a ''BC'' or a ''P'' will be assumed to be public and will be made publicly available through *https://www.regulations.gov.* Commenters submitting business confidential information are encouraged to scan a hard copy of the non-confidential version to create an image of the file, rather than submitting a digital copy with redactions applied, to avoid inadvertent redaction errors which could enable the public to read business confidential information.

FOR FURTHER INFORMATION CONTACT: For questions contact Sharron Cook, Senior Export Policy Analyst in the Regulatory Policy Division of the Bureau of Industry and Security at *Sharron.cook@bis.doc.gov* or Phone: (202) 482–4890. Please refer to RIN 0694–AJ43 in the subject line of emails.

SUPPLEMENTARY INFORMATION:

Background

Section 5589(b) of the December 2022 National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 (Pub. L. 117–263, NDAA for FY 2023) amended section 1753(a)(2)(F) of the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4812(a)(2)(F)) by providing the Bureau of Industry and Security (BIS) with the statutory authority to impose controls on ''the activities of United States persons, wherever located, relating to specific foreign military, security, or intelligence services.'' Consistent with this statutory amendment, BIS proposes to revise the ''U.S. persons'' activities control in § 744.6 on military-intelligence end-use and end-user activities and expand existing part 744 restrictions to encompass activities of ''U.S. persons'' in connection with defined military end users, military-production activities (an end use proposed by this rule), and intelligence end users. BIS also proposes to clarify the definition of 'support' in the ''U.S. persons'' activities control provision. Consistent with section 1754(d)(1) of ECRA (50 U.S.C. 4813(d)(1)), BIS proposes to regulate the ''U.S. persons'' activities described above only to the extent not subject to a license requirement or general prohibition administered by another Federal department or agency. BIS is proposing amendments to the EAR on foreign-security end user controls, and controls that would restrict U.S. persons' support of such end users, in a separate rule published concurrently with this rule.

Furthermore, also in accordance with ECRA, as expanded by the NDAA for FY 2023, BIS proposes to add to part 744 new controls on defined military-support end users, as well as revise existing controls on military-intelligence, and military end users and end uses. These revisions and additions to end-use and end-user controls under the EAR would further the national security and foreign policy of the United States.

On November 14, 1994, Executive Order 12938 (E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950) directed BIS to continue to regulate the activities of ''U.S. persons'' to prevent their participation in activities that could contribute to the proliferation of weapons of mass destruction. This control, which is set forth in § 744.6 of the EAR, imposes licensing requirements on assistance furnished by ''U.S. persons'' in connection with activities of proliferation concern, even when such assistance does not involve any items subject to the EAR or any foreign entities subject to specified restrictions under the EAR (*e.g.,* persons whose export privileges have been denied under the EAR). Subsequently, with the enactment of ECRA as part of the John S. McCain NDAA for FY 2019 (Pub. L. 115–232), Congress authorized in ECRA section 4812(a)(2)(F) the control of ''U.S. persons'' activities related not only to weapons of mass destruction and their means of delivery, but also to specific ''foreign military intelligence services.'' Accordingly, in January 2021, BIS amended § 744.6 of the EAR to add a new restriction on the activities of ''U.S. persons'' in support of certain military-intelligence end uses and end users and also created a new § 744.22 that targeted exports, reexports, and transfers (in-country) destined for certain military-intelligence end uses or end users (86 FR 4865 (Jan. 15, 2021)).

Through the NDAA for FY 2023's amendment to ECRA, section 1753(a)(2)(A–F) of ECRA (50 U.S.C. 4812(a)(2)(A–F)) directs the President to impose controls on the activities of ''U.S. persons,'' wherever located, relating to specific nuclear explosive devices; missiles; chemical or biological weapons; whole plants for chemical weapons precursors; foreign maritime nuclear projects; and foreign military services, foreign intelligence services, and foreign security services. Additionally, § 1754(d) of ECRA (50 U.S.C. 4813(d)) directs the Secretary of Commerce to require U.S. persons to apply to BIS for authorization to engage in the aforementioned activities except to the extent that those activities are already authorized by a statute or regulation administered by a Federal department or agency other than the Department of Commerce.

As described below, BIS proposes amending § 744.6 of the EAR to add additional controls on specific activities of ''U.S. persons'' consistent with ECRA authority as expanded pursuant to the NDAA for FY 2023 related to military and intelligence services. Controls related to security services consistent with the NDAA for FY 2023 will be proposed in a separate rule. Specifically, in this rule, BIS proposes modifying the existing prohibition on ''U.S. persons'' 'support' to military-intelligence end users and end uses in § 744.6(b)(5) to apply to military end users. In addition, BIS proposes to add two new prohibitions in § 744.6(b)(6) and (7) corresponding to 'military-production' activities and intelligence end users, respectively. Furthermore, also consistent with its expanded ECRA authority, BIS proposes to add additional end-use and end-user controls in connection with the U.S. person 'support' activities subject to the EAR's general prohibitions (paragraph in § 744.6(b)(1) through (7)). Specifically, BIS proposes the following changes: (1) revising § 744.21 (Restrictions on certain 'military end uses' or 'military end users'); (2) moving § 744.22 (Restrictions on exports, reexports, and transfers (in-country) to certain military-intelligence end uses or end users) to § 744.24 and renaming it as (Restrictions on certain intelligence end users); and (3) adding a new § 744.22 (Restrictions on certain military-support end users). For some of these controls, BIS proposes new end use and/or end user definitions and new item and country scopes. Each control is described more fully in the preamble below, in order of appearance in the EAR.

I. Revisions to U.S. Person Restrictions

Consistent with new ECRA authority to control certain ''U.S. persons'' activities under the EAR, BIS is proposing amendments to control ''U.S. persons'' support for certain military end users, military support end users, and military production activities, as well as certain intelligence end users. BIS anticipates proposing new controls on security end users and support for foreign maritime nuclear projects in a separate rule. Related to all these controls, BIS proposes adding specific exclusions to the definition of 'support' that is set forth in § 744.6 (Restrictions on certain activities of ''U.S. persons'').

First, BIS proposes to relocate the current definition of 'support' from paragraph (b)(6) to new paragraph (a)(1)(i). The definition of 'support' remains unchanged, although certain exclusions from the definition are proposed. First, this rule proposes that this definition not include activities relating to items that are not subject to the EAR as specified in § 734.3(b). This exclusion renders explicit BIS's longstanding policy that restrictions on ''U.S. persons'' activities do not apply to activities relating to items not subject to the EAR that are specified in § 734.3(b). Due to the expansion of the scope of ''U.S. person'' controls that is proposed in this rule, this clarification of BIS policy will ensure that the regulated public is aware of the intended scope of the proposed controls and reaffirm that the EAR's ''U.S. person'' controls, including as proposed to be expanded, are consistent with the policy objectives underlying the various exclusions set forth in § 734.3(b). For example, activities involving items that are not subject to the EAR because they are, *e.g.,* published, released by instruction in a catalog course or associated teaching laboratory of an academic institution, or ''software'' or ''technology'' arising during or resulting from fundamental research (§ 734.3(b)(3) of the EAR), are not intended to be restricted under these expanded ''U.S. persons'' activities controls.

Second, as a general matter, BIS proposes to regulate those activities of U.S. persons that support the end uses and end users set forth in § 744.6(b) to the extent they are not subject to control by the State Department's Directorate of Defense Trade Controls (DDTC) or another Federal department or agency and are not specifically excluded from control by BIS in proposed new § 744.6(a)(1)(ii). While this approach is already explained in existing § 744.6(a), to add additional clarity, this rule would amend § 744.6 to state explicitly that prohibited ''U.S. persons'' 'support' does not include any activity undertaken with respect to defense articles listed on the United States Munitions List (USML) (22 CFR 121.1) or on the United States Munitions Import List (USMIL) (27 CFR 447.21), to the extent such activities are subject to control under the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130). The ITAR controls a wide range of activities including development, production, maintenance, repair, and brokering, when such activities involve not only defense articles listed on the USML, but also defense articles listed on the USMIL, including when such USMIL defense articles are also enumerated on the Commerce Control List, Supp. No. 1 to part 774 of the EAR (CCL) (*e.g.,* in the case of most semi-automatic firearms). As an illustrative example, BIS does not propose to regulate the brokering of semi-automatic firearms by ''U.S. persons,'' an activity that is subject to ITAR licensing requirements (22 CFR 129.1(b)). An explicit statement referring to this exclusion from coverage under the EAR of ITAR-related activities is proposed to be added to § 744.6(a)(1)(ii), and a related note is proposed to be added to § 744.6(a) to advise ''U.S. persons'' to review ITAR licensing requirements and submit a commodity jurisdiction determination request if any doubt exists as to whether specific activities are subject to control under the ITAR or the EAR.

Third, this rule would exclude from regulation certain activities of ''U.S. persons'' that do not extend beyond administrative services. The proposed exclusion incorporates language used in an exclusion from the ITAR's definition of brokering activities (22 CFR 129.2(b)(2)(iv)) that is already familiar to the regulated industry. BIS anticipates that using existing regulatory terminology will facilitate compliance by industry and will effectively and accurately describe the intended scope of the exclusion under the EAR.

Fourth, also drawing on language from exclusions to the ITAR's brokering registration requirements (22 CFR 129.3(b)(2)), BIS proposes excluding commercial activities related to the movement of goods by common carriers from the EAR's definition of 'support' solely with respect to the expanded controls proposed in this rule to implement new ECRA authority (*i.e.,* the restrictions in § 744.6(b)(5) through (7)). The purpose of this exclusion is to permit ''U.S. persons'' continued involvement in transportation, shipping, and/or transferring items as part of routine business activities of companies such as freight forwarders and shipping lines. This proposed exclusion is intended to ensure that the EAR's ''U.S persons' '' 'support' controls do not adversely impact the basic business operations of shipping lines and air carriers, companies that are generally not involved in arranging underlying transactions involving the sale of the items at issue. However, to the extent a ''U.S. person'' undertakes shipping, transmitting, and transferring activities involving items not subject to the EAR with ''knowledge'' that such items will support certain military end users, military-production activities, military-support end users, and intelligence end users remain controlled activities under § 744.6 of the EAR. BIS intends that these controls apply to ''U.S. persons'' involved in the sale or supply of items not subject to the EAR with ''knowledge'' that such items will be used by the military- and intelligence-related end uses and end users described above, such as ''U.S. persons'' abroad who procure or sell such items for such end uses or end users. Moreover, BIS is excluding the routine business activities of common carriers only with respect to the new military- and intelligence-related activity controls proposed in this rule pursuant to ECRA for consistency with a similar exclusion in complementary ITAR defense services controls proposed in a separate rule in this issue of the **Federal Register**. In 1991, when BIS implemented restrictions on specific activities of ''U.S. persons'' as part of the Enhanced Proliferation Control Initiative (EPCI), BIS specifically restricted activities, including transportation, in connection with the proliferation of nuclear weapons, missiles, and chemical or biological weapons (56 FR 40500, August 15, 1991). Because restrictions on transportation, including by common carriers, applied to the activity controls related to the proliferation of weapons of mass destruction and their means of delivery implemented under E.O. 12938, BIS does not propose to eliminate those longstanding controls.

Fifth, BIS would exclude certain activities that are conducted for, on behalf of, or in connection with the U.S. Government, including specified programs or agreements executed by a U.S. Government department or agency. Specifically, this exclusion draws upon and references three paragraphs of EAR License Exception GOV (Section 740.11(b)(2)), which authorize exports, reexports, and transfers (in-country) made for or on behalf of a department or agency of the U.S. Government to

agencies of the U.S. Government and certain shipments by the Department of Defense (15 CFR 740.11(b)(2)(iii)(B), (C) and (D)). This new exclusion exempts from the licensing requirements of § 744.6 those activities that would meet the conditions for the use of these three provisions of License Exception GOV if conducted with respect to items subject to the EAR.

This rule also proposes several revisions to the end uses and end users set forth in § 744.6(b), with respect to which ''U.S. persons'' activities are restricted. First, this rule proposes to remove the existing restrictions in § 744.6(b)(5) on military-intelligence end uses and end users in connection with a related proposed change (explained further in section IV of this preamble), that would characterize military-intelligence end users as a subset of a new, broader category of defined intelligence end users proposed to be subject to EAR controls. In place of these military-intelligence end use and end user restrictions, this rule proposes to set forth in § 744.6(b)(5) new controls on 'military end users,' which are defined in § 744.21(f)(2) of the EAR, as described further in section II of this preamble.

Sixth, this rule proposes to add paragraph (b)(6) to § 744.6 to control ''U.S. persons'' 'support' of 'military-production activity,' and sets forth a section-specific definition of this term distinct from 'military end use,' as defined in § 744.21(f)(1) of the EAR, for the reasons described further in section II. of this preamble.

Seventh, this rule proposes to add paragraph (b)(7) to § 744.6 to control ''U.S. person'' 'support' of 'intelligence end users,' as described further in section IV of this preamble.

As conforming changes, BIS proposes to ensure that references to ''U.S. persons'' controls throughout the EAR reflect the expanded scope of such controls, including by making necessary revisions to the following sections of the EAR to ensure that they reference not only proliferation-related controls implemented under E.O. 12938, but also broader ''U.S. persons'' activity controls implemented under expanded ECRA authority (section 4812(a)(2)(F) of ECRA): §§ 730.5(d), 732.1(d)(1)(viii) and (d)(3), 732.3(j)(1), 734.4(a)(7), 734.5, and 736.2(b)(7).

Consistent with the current version of § 744.6, paragraph (c) would continue to set forth additional prohibitions on ''U.S. persons'' informed by BIS that their activities could involve support to the end uses or end users described in paragraphs (b)(1) through (7). BIS proposes to add a note to paragraph (b) that explains that General Order 6 of supplement no. 1 to part 736 authorizes the activities described in paragraph (b) when such activities are required for the performance of defense services subject to control under the ITAR that have been authorized by DDTC. This new General Order 6 is intended to ensure ''U.S. persons'' who have received a DDTC authorization to engage in defense services are not required to seek additional authorization from BIS to perform services subject to the license requirements of § 744.6 of the EAR, if such services are required in furtherance of the DDTC-authorized defense services. As an illustrative example, if a ''U.S. person'' is authorized by DDTC to assist a foreign defense contractor in integrating a foreign-origin thermal imaging camera that is not subject to the EAR but meets the parameters of ECCN 6A003 into a USML Category VII(a)(2) combat vehicle destined to the armed forces of a D:5 country, that ''U.S. person'' may rely on General Order 6 to satisfy the BIS licensing requirement that would otherwise apply pursuant to § 744.6(b)(6) of the EAR to the facilitation of the sale of that foreign-origin 6A003-equivalent thermal camera to the same foreign defense contractor to be installed on the Category VII(a)(2) vehicle, as authorized by DDTC.

Finally, paragraph (e) specifies that applications for licenses submitted pursuant to § 744.6(b)(5) through (7) will be reviewed in accordance with the license review policies set forth in the corresponding end-use and end-user controls set forth in §§ 744.21, 744.22, and 744.24, respectively.

II. Military End Users and End Uses

A. End-Use and End-User Controls

BIS proposes amending § 744.21 (Restrictions on certain 'military end uses' or 'military end users') to expand and clarify which military end uses and end users are subject to this control. This rule proposes to update the definition of 'military end user'; expand the provision's end-use and end-user controls to apply to all items subject to the EAR (rather than only the items specified in supplement no. 2 to part 744, which this rule proposes to remove and reserve); and expand the country scope of these end-use and end-user controls to apply to all countries identified in Country Group D:5, as well as Macau. Additionally, this rule proposes a new licensing policy under which license applications would be reviewed. No other changes to § 744.21 are being proposed at this time, although BIS welcomes comment on all requirements set forth in § 744.21 to assess their effectiveness.

In paragraph (a), BIS would revise the current general prohibition set forth in (a)(1) to apply to the export, reexport, and in-country transfer of all items subject to the EAR (currently only items specified in supplement number 2 to part 744 and in connection with only six countries) if at the time of such action a person has ''knowledge'' as defined in the EAR that the item is intended for (1) a 'military end use' that occurs in Macau or a D:5 country or the product of which is destined to Macau or a country listed specified in Country Group D:5 in supplement no. 1 to part 740 of the EAR, or (2) a 'military end user' wherever located, of Macau or a D:5 country.

Through this proposed rule, BIS is expanding the prohibition's scope to cover countries or destinations subject to a policy of denial for exports of defense articles and defense services, as identified by the Department of State. These countries or destinations are listed in 22 CFR 126.1(d) of the ITAR and incorporated by reference in the footnote of Country Group D:5. This grouping includes, but is broader than, the six countries currently subject to MEU controls. BIS believes that using a Country Group reference instead of a specific list of countries or destinations promotes ease of regulatory compliance and reduces regulatory complexity. BIS is also including Macau, which is not listed in Country Group D:5 but is a Special Administrative Region of the People's Republic of China (PRC), which is listed in Country Group D:5. As a general matter, BIS has ensured that all new controls under the EAR applicable to the PRC apply equally to Macau (88 FR 2821 (Jan. 17, 2023); 88 FR 54875 (Aug. 11, 2023)).

BIS also proposes to streamline the text in paragraph (b) and render it consistent with the standard text for additional prohibitions that apply to persons informed by BIS that is found in other end use/user sections in part 744.

As a result of this rule's proposed revisions, all of the end users on the Military End-User List in supplement no. 7 to part 744 would be moved to the Entity List in supplement no. 4 to part 744 with a license requirement that applies to all items subject to the EAR. The removal of entities from supplement no. 7 to part 744 and their corresponding addition to supplement no. 4 to part 744 would be implemented in a separate, final rule published in the **Federal Register**, which would also remove and reserve supplement no. 7 to part 744. Should the revisions to

§ 744.21 proposed in this rule be implemented in final form, this action will be a necessary conforming change, as the Military End-User List differs primarily from the Entity List in that the Military End-User List's license requirements apply only to items specified in supplement no. 2 to part 744. In addition, the license review policy column of the Entity List will point to § 744.21(e), which will be an indicator that the entity is considered a military end user. If the license requirement for 'military end users' is expanded to all items subject to the EAR, as proposed in this rule, 'military end users' will be more appropriately listed on the Entity List, which generally provides for a broader license requirement.

The license review standards currently set forth in paragraphs (e)(1) through (3) are proposed to be combined and consolidated in one paragraph (e). Applications to export, reexport, or transfer (in-country) items for a 'military end use' or to a 'military end user' as described in revised and expanded paragraph (a) or paragraph (b) in connection with Burma, China, Cuba, Iran, Macau, North Korea, Syria, and Venezuela, will be reviewed with a presumption of denial. Applications for Russia and Belarus will be reviewed with a policy of denial consistent with § 746.8(b)(1) of the EAR. All other applications, including those involving Cambodia (currently listed in § 744.21 of the EAR) will be reviewed under a case-by-case review policy, consistent with United States policies set forth in § 126.1 of the ITAR.

BIS also proposes to merge the definitions of military end use and military end user currently located in paragraphs (f) and (g), respectively, into a revised paragraph (f). In addition, a general statement about the purpose and use of the definitions in paragraph (f) would be added to the introduction text of paragraph (f). This rule does not propose to amend the definition of 'military end use.' It only makes a technical correction by removing the phrase ''or items classified under ECCNs ending in 'A018' '' in two places, because these ECCNs do not currently control items and are only used to point to ''600 series'' ECCNs.

The definition of 'military end user' is proposed for revision by removing from its scope the ''national police, government intelligence or reconnaissance organizations (excluding those described in § 744.22(f)(2)), or any person or entity whose actions or functions are intended to support 'military end uses' as defined in paragraph (f) of this section.'' These categories of entities are instead proposed as new types of end users in this rule, *i.e.,* 'military-support end users,' and 'intelligence end users,' or, in the case of national police previously included in the definition of 'military end user,' are expected to be proposed as 'security end users' in a separate rule.

Lastly, this rule proposes to expand the scope of this provision's definition of 'military end user' by adding ''any person or entity performing the functions of a 'military end user,' including mercenaries, paramilitary, or irregular forces.'' This expansion is intended to capture private companies, non-state actors, or parastatal entities that engage in combat or other activities akin to those of traditional armed forces, other than the kinds of activities described below in connection with 'military-support end users,' which generally involves the design, development, production, installation, maintenance, repair, overhaul, or refurbishing of military items. The term 'military end users' would include entities designated with a footnote 3 (Russian or Belarusian military end users) or 5 (Military End Users (other than Russia or Belarus and not subject to the foreign direct product rule set forth in § 734.(g))) on the Entity List in supplement no. 4 to this part.

B. ''U.S. Persons'' Activity Control

Consistent with the proposed revisions to the military end-use controls in § 744.21 of the EAR, BIS also proposes to control specific activities of ''U.S. persons'' that assist defined military end users (as proposed for revision, as described above). In paragraph (b)(5) of Section 744.6, BIS proposes restrictions on ''U.S. persons'' supporting military end users as defined in proposed § 744.21(f)(2), including military end users listed on the Entity List with a footnote 3 or 5 designation. As noted above, this restriction (along with the other restrictions set forth in Section 744.6) applies only to the extent the underlying activities are not regulated by DDTC as defense services (see a complementary rule published elsewhere in this issue of the **Federal Register** in which DDTC proposes to regulate as ITAR defense services assistance that creates, supports, or improves the organization or formation of military or paramilitary forces or operations). Illustrative examples of activities that, depending upon the specific facts of each case, may be subject to this proposed ''U.S. persons'' activity control include:

(1) Facilitating a military end user's acquisition or procurement of foreign-origin items, which if located in the United States would be subject to the EAR (*i.e.,* not USML defense articles) and also not enumerated on the USMIL.

(2) Performing basic repair or maintenance services with respect to items owned or employed by a military end user, which if located in the United States would be subject to the EAR.

Note: BIS does not propose to regulate ''U.S. persons'' engaging in combat or other military operations as a member of, or on behalf of, a foreign military force or paramilitary organization. BIS notes that such activities may be subject to licensing requirements by other U.S. government agencies, or to prohibitions under U.S. criminal statutes.

In addition to the proposed ''U.S. persons'' activity controls with respect to military end users, BIS proposes to add to § 744.6(b)(6) controls on ''U.S. persons'' support to 'military-production activities.' BIS is proposing a new section-specific definition of 'military-production activities,' (distinct from the § 744.21(f)(1) definition of 'military end use') to provide greater clarity for the regulated public and avoid creating a misimpression that the agency is regulating under the EAR services regulated by DDTC under the ITAR. Specifically, the proposed definition of 'military-production activities' differs from Section 744.21(f)(1)'s definition of 'military end use' in two key aspects. First, the 'military-production activities' definition excludes activities directly related to USML defense articles, as such activities are defense services subject to the ITAR. While BIS controls the export, reexport, or transfer (in-country) of items subject to the EAR that will be incorporated abroad into defense articles (see, *inter alia,* § 744.21 of the EAR), BIS does not control services directly related to the underlying incorporation of such items subject to the EAR into defense articles. DDTC regulates activities related to ''600 series'' items to the extent these activities are ITAR defense services regulated by the ITAR. Second, the new 'military- production activities' definition includes activities related to dual-use items which if located in the United States would be subject to the EAR. Consequently, ''U.S. persons'' developing or producing such items for 'military end users' in targeted countries must receive authorization from BIS. Illustrative examples of activities that, depending upon the specific facts of each case, may be subject to this proposed ''U.S. persons'' activity control include:

(1) Assisting a defense contractor in a targeted country in producing an ECCN 0A606.a armored vehicle;

(2) Assisting a defense contractor in a targeted country in installing an ECCN 8A002.g light system in an ECCN 8A620.a submersible vessel; and

(3) Assisting an electronics company in a targeted country in developing ECCN 3A001 integrated circuits that have been ordered by the armed services of a targeted country.

III. 'Military-Support End Users'

A. End-User Control

BIS proposes moving the contents of current § 744.22 ''Restrictions on certain military-intelligence end user(s)'' to § 744.24, and adding a new section, ''Restrictions on certain military-support end users,'' to § 744.22, directly following § 744.21 ''Restrictions on certain military end uses and end users.'' Since the establishment of the military end-use and end-user controls in the EAR, BIS has received numerous questions about the applicability of these controls to persons or entities that provide assistance to military end users and end uses. These 'military-support end users' warrant a separate section in part 744, to clarify that BIS seeks to control exports, reexports, and in-country transfers to these entities by subjecting them to a narrower license requirement, as described below. Separate controls are warranted for these entities in recognition of the various types and roles of end users that fall into this category.

Under this proposed new control, a license would be required only to export, reexport, or transfer (in-country) to 'military-support end users' items subject to the EAR that are specified on the CCL. This license requirement would apply when a person has ''knowledge,'' as defined in part 772 of the EAR, that the item is intended, entirely or in part, for a 'military-support end user,' as defined in § 744.22(f), in Macau or a D:5 country, or wherever located when identified on the Entity List in supplement no. 4 to part 744 of the EAR and identified with a footnote 6 designation.

As in § 744.21, there would also be a license requirement when BIS informs a person either individually by specific notice or through a notice published in the **Federal Register** that a license is required for specific exports, reexport, or transfers (in-country) of any item because there is an unacceptable risk of use in or diversion to a 'military-support end user.' Only License Exception GOV (specifically, the paragraph authorizing certain exports, reexports, or transfers (in-country) by or involving agencies or departments of the U.S. Government) of the EAR (§ 740.11(b)(2)) would overcome the license requirements in § 744.22 of the EAR.

The license review policy for applications submitted pursuant to this section would be the same as under § 744.21. Specifically, applications to export, reexport, or transfer (in-country) items for a 'military-support end user' in connection with Burma, China, Cuba, Iran, Macau, North Korea, Syria, and Venezuela, will be reviewed with a presumption of denial. Applications for Russia and Belarus will be reviewed with a policy of denial consistent with § 746.8(b)(1) of the EAR. All other applications, including those involving Cambodia (currently listed in § 744.21) will be reviewed under a case-by-case review policy, consistent with United States policies set forth in § 126.1 of the ITAR.

The definition of 'military-support end user' would be set forth in § 744.22(f) of the EAR and is proposed to mean any person or entity whose actions or functions support 'military end uses,' as defined in § 744.21(f). In addition, the term would include entities designated with a footnote 6 on the Entity List in supplement no. 4 to this part, as BIS will add these types of entities to the Entity List.

B. ''U.S. Persons'' Activity Control

With this rule, BIS does not propose to add a ''U.S. persons'' activity control that corresponds directly to the proposed new control on certain exports, reexports, and transfers (in-country) involving 'military support end users.' However, in § 744.6(b)(5), BIS proposes that controls on ''U.S. persons'' support to 'military end users' will extend to entities listed on the Entity List and designated with a footnote 6, which is applicable to certain 'military support end users.' As a result, while ''U.S. persons'' need to exercise due diligence to ensure they are not providing 'support' without a BIS license to certain 'military end users,' as defined in § 744.21(f)(2) regardless of whether such 'military end users' are designated with a footnote 3 or 5 on the Entity List, for purposes of the activity controls in § 744.6(b)(5), ''U.S. persons'' do not need to determine whether their 'support' activities assist a 'military-support end user' as defined in § 744.22(f) of the EAR. Instead, ''U.S. persons'' only need to identify whether contemplated 'support' assists a 'military-support end user' that is specifically identified on the Entity List with a footnote 6 designation. However, ''U.S. persons'' still need to exercise due diligence to ensure their activities do not involve 'support' for 'military-production activities' described in § 744.6(b)(6), regardless of whether the foreign party the ''U.S. person'' is supporting is listed on the Entity List with a footnote 6 designation. Because the license requirement for footnote 6 entities may be limited to CCL items as specified in § 744.22, or as provided in such entities' entries on the Entity List, BIS also proposes to add a note to § 744.6(b) to clarify that, unlike for other footnote-designated entities subject to a broader restriction on ''U.S. persons'' 'support' activities, for footnote 6 entities, ''U.S. persons'' should consult the license requirement of such entities' entries on the Entity List. Restrictions on ''U.S. persons'' 'support' to 'military-support end users' are limited to activities with respect to items described in the footnote 6 entity's license requirement column on the Entity List, or their foreign-origin equivalents.

IV. 'Intelligence End User'

A. End-User Control

To harmonize with section 4812(a)(2)(F) of ECRA, this rule would revise the term 'military-intelligence end user' by dropping the qualifier ''military,'' resulting in the term 'intelligence end user.' This revision would expand the scope of controls to all intelligence end users of the covered countries, instead of only intelligence end users that are part of the armed services or national guard of the covered countries. As a result of this revision, an 'intelligence end user' would encompass not only military, but also other governmental (*e.g.,* civilian) intelligence and reconnaissance organizations. As noted above, BIS proposes to move current § 744.22 ''Restrictions on export, reexports, and transfers (in-country) to certain military-intelligence end uses or end users'' to § 744.24 and rename the section to reflect the new term, 'intelligence end user'. Within new § 744.24, BIS proposes to revise definitions, license requirements, and license review policy. In particular, as detailed below, BIS proposes the following revisions:

(1) Updating the definition of 'intelligence end users';

(2) Establishing that the control applies to all items subject to the EAR and to the countries identified in Country Groups D and E that are not also listed in Country Groups A:5 and A:6; and

(3) Establishing a new license application review policy.

The country scope of the license requirement would be revised from the current language, which reads as follows: ''Belarus, Burma, Cambodia,

the People's Republic of China (China), Russia, or Venezuela; or a country specified in Country Groups E:1 or E:2 (see supplement no. 1 to part 740 of the EAR)'' and expanded to include all countries or destinations specified in Country Groups D or E that are not also identified in Country Group A:5 or A:6 of supplement no. 1 to part 740 of the EAR. Country Group D comprises countries of national security, nuclear, chemical and biological, and missile technology concerns, along with those subject to U.S. arms embargoes. Country Group E identifies countries that are terrorist-supporting (E:1) or subject to a unilateral embargo (E:2). Country Groups A:5 and A:6 are composed of countries that maintain strong export controls cooperation with the United States. The 45 Country Group D and E countries that are not also identified in Country Group A:5 or A:6 are as follows: Afghanistan, Armenia, Azerbaijan, Bahrain, Belarus, Burma, Cambodia, Central African Republic, People's Republic of China (China), Democratic Republic of Congo, Cuba, Egypt, Eritrea, Georgia, Haiti, Iran, Iraq, Jordan, Kazakhstan, North Korea, Kuwait, Kyrgyzstan, Laos, Lebanon, Libya, Macau, Moldova, Mongolia, Oman, Pakistan, Qatar, Russia, Saudi Arabia, Somalia, South Sudan, Sudan, Syria, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Venezuela, Vietnam, Yemen, and Zimbabwe. BIS assesses that the imposition of a license requirement on exports, reexports, and transfers (in-country) for 'intelligence end users' in these covered countries would enhance U.S. national security by allowing prior U.S. government review of contemplated transactions involving intelligence or reconnaissance organizations located in these countries.

As in §§ 744.21 and 744.22, there would also be a license requirement when BIS informs a person either individually by specific notice, or through a notice published in the **Federal Register**, that a license is required for specific exports, reexports, or transfers (in-country) of any item because there is an unacceptable risk of diversion to a 'foreign-intelligence end user.' Only License Exception GOV set forth in § 740.11(b)(2) of the EAR would overcome the license requirements in § 744.24 of the EAR.

The license review policy for applications submitted pursuant to this section would be the same as under §§ 744.21 and 744.22 of the EAR. Specifically, applications to export, reexport, or transfer (in-country) items for a 'intelligence end user' in connection with Burma, China, Cuba, Iran, Macau, North Korea, Syria, and Venezuela, will be reviewed with a presumption of denial. Applications for Russia and Belarus will be reviewed with a policy of denial consistent with § 746.8(b)(1) of the EAR. All other applications will be reviewed under a case-by-case review policy, consistent with United States policies set forth in § 126.1 of the ITAR.

Finally, as noted above, the definition of an 'intelligence end user' set forth in paragraph (f) would cover ''any government intelligence or reconnaissance organization and other entities performing functions on behalf of such entities.'' BIS intends that this would include entities performing intelligence functions such as planning and directing, processing and exploiting, analyzing and producing, disseminating and integrating, surveilling, and evaluating and providing feedback. This definition is intended to cover traditional espionage and economic espionage activities. Also included in the definition of 'intelligence end users' would be Entity List entities designated with footnote 7. Consistent with the separation of the terms military and intelligence in ECRA as a consequence of the amendment to ECRA in the NDAA for FY 2023, BIS is proposing to remove the term 'military-intelligence end use' and the related definition of this term from this provision. Moreover, as a policy matter, with the expansion of 'military end use' controls to apply to all items subject to the EAR and in light of the expansion of the definition of 'intelligence end user' to include not only civilian government intelligence and reconnaissance organizations, but also private sector entities that perform certain functions on behalf of such entities, BIS does not believe that controls on 'military-intelligence end uses' continue to be warranted. Transactions previously subject to 'military-intelligence end use' controls will now be subject to either 'military end use' controls in § 744.21 of the EAR, or controls on entities performing functions on behalf of government intelligence or reconnaissance organizations in § 744.24 of the EAR.

B. ''U.S. Persons'' Activity Control

Consistent with the proposed revisions to the end-user control in § 744.24 described above, BIS proposes to add new paragraph (b)(7) to § 744.6 to impose controls on ''U.S. persons'' 'support' for 'intelligence end users' of the 45 Country Group D and E countries not also listed in Country Groups A:5 or A:6. As with all § 744.6 controls on specific activities of ''U.S. persons,'' such controls only apply to the extent the underlying activities are not subject to a license requirement or general prohibition administered by another Federal department or agency. In a complementary rule published elsewhere in this issue of the **Federal Register**, DDTC proposes to revise the definition of defense services under the ITAR (22 CFR parts 120—through 130) and to create a specific USML defense service entry to control certain assistance that creates, supports, or improves intelligence activities, regardless of whether such assistance involves the use of a defense article. DDTC proposes several exclusions to the scope of its controls, many of which align with exclusions in proposed § 744.6(a)(1)(ii) of the EAR, which would also not be subject to BIS control.

However, BIS does propose to regulate, with respect to D and E countries not also listed in A:5 or A:6 the types of ''U.S. person'' 'support' for 'intelligence end users,' which DDTC proposes to exclude from the scope of defense services controls and which BIS does not exclude from control under § 744.6(a)(1)(ii). Accordingly, as illustrative examples, ''U.S. persons'' will need to seek authorization from BIS prior to performing the following types of activities with respect to 'intelligence end users' of the targeted countries or destinations:

(1) Maintenance, repair, overhaul, or refurbishing of items which if located in the United States would be subject to the EAR that are owned by or will be used by or to support 'intelligence end users'; and

(2) Information technology services to support ordinary business activities that are not specific to a particular business field.

V. Entity List and Section 744.11

Consistent with to the proposed revisions to §§ 744.6, 744.21, 744.22, and 744.24, BIS proposes amending § 744.11 ''License requirements that apply to entities acting or at significant risk of acting contrary to the national security or foreign policy interests of the United States'' by adding entities that are 'military end users,' 'military-support end users,' and 'intelligence end users' to the Entity List in supplement no. 4 to part 744, designating them by specific footnote, and adding license requirements for these entities to § 744.11 of the EAR. Changes to the Entity List would be made in a separate final rule.

BIS proposes amending § 744.11 by revising the heading for paragraph (a)(2) from ''Entity List foreign-direct product'' (FDP) license requirements, review policy, and license exceptions''

to ''Entities designated by specified footnotes,'' because not all Entity List entities or footnote designated entities have license requirements that include foreign-produced items subject to the EAR pursuant to a foreign-direct product rule in § 734.9 of the EAR. This rule also proposes to redesignate paragraph (a)(2)(ii) as (a)(2)(iii) and to set forth license requirements for footnote 3 entities—Russian and Belarusian 'military end users' in paragraph (a)(2)(ii). To set forth license requirements in § 744.11 for footnote designated entities, this rule proposes to add paragraph (a)(2)(iv) footnote 5 entities—'military-end users'; paragraph (a)(2)(v) footnote 6 entities—'military-support end users'; and paragraph (a)(2)(vi) footnote 7 entities—'intelligence end users.'

This rule also proposes to add introductory text to paragraph (a)(2) to clarify that the ''standards-related activities'' exclusion to the license requirements set forth in paragraph (a)(1) applies to all the footnote designated entities described in paragraph (a)(2).

VI. Conforming Changes

BIS proposes revising § 744.1(a)(1) to update the descriptions of sections in part 744.

Request for Comments on This Proposed Rule

This rule is being issued in proposed form because while it is in the foreign policy and national security interests of the United States to impose these new end-use and end-user controls with the earliest possible effective date, BIS also seeks to provide the interested public with an opportunity to submit comments in order to avoid any unnecessary disruption to supply chains, ensure that the controls are drafted to be as effective as possible, and that the provisions of the controls are clear and unambiguous for ease of compliance by exporters, reexporters, and transferors. BIS continues to evaluate the scope of items subject to this rule, the scope of the end users covered by this rule, and the potential for complementary end-use controls and welcomes comments on these issues.

Therefore, as part of this rule BIS is soliciting public comment on the proposed revisions and additions to the proposed revisions to the military end-use and end-user controls in § 744.21 and the foreign-intelligence end-user controls in § 744.24; the proposed additions of new § 744.22 (Restrictions on certain foreign-military-support end users); and any of the other revisions in this rule. Comments may be submitted in accordance with the DATES and **ADDRESSES** sections of this rule. BIS will review and, if appropriate, address such comments through a related rulemaking process.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for FY 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852). On December 23, 2022, the President signed into law the National Defense Authorization Act for FY 2023 (NDAA, Pub. L. 117–263) section 5589(b) of which amended section 4812(a)(2)(F) of ECRA. ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

1. Executive Order 12866, as amended by Executive Orders 13563 and 14094, directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributed impacts, and equity). This rule has been designated a ''significant regulatory action'' by the Office and Information and Regulatory Affairs under Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and commodity classifications, and carries a burden estimate of 29.4 minutes for a manual or electronic submission for a total burden estimate of 33,133 hours. This rule increases the estimated number of submissions by 150 which is not expected to exceed the current approved estimates.

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) (APA) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date. While section 1762 of ECRA provides sufficient authority for such an exemption, this action is independently exempt from those APA requirements because it involves a military or foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Notwithstanding this determination, for the policy reasons set forth in Section VI. above, BIS is seeking public comment on this proposed rule.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects

15 CFR Part 730

Administrative practice and procedure, Advisory committees, Exports, Reporting and recordkeeping requirements, Strategic and critical materials.

15 CFR Part 732

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 734

Administrative practice and procedure, Exports, Inventions and patents, Research, Science and technology.

15 CFR Part 736

Exports.

15 CFR Part 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, parts 730, 732, 734, 736, 740, and 744 of the Export Administration Regulations (15 CFR parts 730–774) are proposed to be amended as follows:

PART 730—[AMENDED]

■ 1. The authority citation for 15 CFR part 730 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. *4601 et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C.

8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c; 22 U.S.C. 2151 note; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 12002, 42 FR 35623, 3 CFR, 1977 Comp., p. 133; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12214, 45 FR 29783, 3 CFR, 1980 Comp., p. 256; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 179; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12981, 60 FR 62981, 3 CFR, 1995 Comp., p. 419; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; Notice of September 7, 2023, 88 FR 62439 (September 11, 2023); Notice of November 1, 2023, 88 FR 75475 (November 3, 2023); Notice of May 8, 2024, 89 FR 40355 (May 9, 2024).

■ 2. Section 730.5 is amended by revising paragraph (d) to read as follows:

§ 730.5 Coverage of more than exports.

* * * * *

(d) ''*U.S. person*'' *activities.* The EAR restrict specific activities of ''U.S. persons,'' wherever located, as described in § 744.6 of the EAR.

PART 732—[AMENDED]

■ 3. The authority citation for 15 CFR part 732 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 4. Section 732.1 is amended by revising paragraphs (d)(1)(vii) and (d)(3), to read as follows:

§ 732.1 Steps overview.

* * * * *

(d) * * *

(1) * * *

(vii) General Prohibition Seven (Support of proliferation activities and certain military end users, military-production activities, and intelligence end users (''U.S. person'' activities)).

* * * * *

(3) *Controls on activities.* Steps 12 through 18 refer to General Prohibitions Four through Ten. Those general prohibitions apply to all items subject to the EAR, not merely those items listed on the CCL in part 774 of the EAR. For example, they refer to the general prohibitions for persons denied export privileges, prohibited end uses and end users, countries subject to a comprehensive embargo (*e.g.,* Cuba, Iran, North Korea and Syria), prohibited activities of ''U.S. persons'' in support of proliferation of weapons of mass destruction and certain military and intelligence end users and military-production activities, prohibited unlading of shipments, compliance with orders, terms, and conditions, and activities when a violation has occurred or is about to occur.

* * * * *

■ 5. Section 732.3 is amended by revising paragraph (j)(1) to read as follows:

§ 732.3 Steps regarding the ten general prohibitions.

* * * * *

(j) * * *

(1) Review the scope of activity prohibited by General Prohibition Seven (''U.S. person'' activities) (§ 736.2(b)(7) of the EAR) as that activity is described in § 744.6 of the EAR. Keep in mind that such activity is not limited to exports, reexports, or transfers (in-country). ''U.S. persons'' activities extend to services and shipping or transmitting certain wholly foreign-origin items, or facilitating such shipments or transmissions, in 'support' of the specified weapons of mass destruction and military and intelligence end users and military-production activities and are not limited to items subject to the EAR. See § 744.6(a)(1) of the EAR for the full definition of 'support,' which includes, *inter alia,* ordering, storing, using, selling, loaning, disposing, servicing, financing, transporting, freight forwarding, or conducting negotiations to facilitate such activities.

* * * * *

PART 734—[AMENDED]

■ 6. The authority citation for 15 CFR part 734 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; Notice of November 1, 2023, 88 FR 75475 (November 3, 2023).

■ 7. Section 734.4 is amended by revising paragraph (a)(7) to read as follows:

§ 734.4 De minimis U.S. content.

(a) * * *

(7) Under certain rules issued by the Office of Foreign Assets Control, certain exports from abroad by U.S.-owned or controlled entities may be prohibited notwithstanding the *de minimis* provisions of the EAR. In addition, the *de minimis* rules do not relieve ''U.S. persons'' of the obligation to refrain from supporting the proliferation of weapons of mass destruction, their means of delivery, military and intelligence end uses, and military-production activities as provided in § 744.6 of the EAR.

* * * * *

■ 8. Section 734.5 is amended by revising paragraph (a) to read as follows:

§ 734.5 Activities of U.S. and foreign persons subject to the EAR.

* * * * *

(a) Specific activities of ''U.S. persons,'' wherever located, related to the proliferation of nuclear explosive devices, ''missiles,'' chemical or biological weapons, and whole plants for chemical weapons precursors; and to certain military and intelligence end users and military-production activities described in § 744.6 of the EAR.

* * * * *

PART 736—[AMENDED]

■ 9. The authority citation for 15 CFR part 736 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of November 1, 2023, 88 FR 75475 (November 3, 2023); Notice of May 8, 2024, 89 FR 40355 (May 9, 2024).

■ 10. Section 736.2 is amended by revising paragraph (b)(7) introductory text to read as follows:

§ 736.2 General prohibitions and determination of applicability.

* * * * *

(b) * * *

(7) General Prohibition Seven—Support of proliferation activities and certain military and intelligence end uses and end users (''U.S. person'' activities). A ''U.S. person,'' with ''knowledge'' and wherever located, may not without a license 'support,' as defined in § 744.6(a), proliferation activities specified in § 744.6, *e.g.,* nuclear explosive or unsafeguarded activities; rocket systems (including ballistic missiles, space launch vehicles and sounding rockets); unmanned aerial vehicle (including cruise missiles, target drones and reconnaissance drones) end uses; chemical (including chemical precursors) or biological weapons end uses; a 'military end user' or 'military-production activity,' as defined in § 744.6(b)(6) of the EAR; or an

'intelligence end user,' as defined in § 744.24(f) of the EAR.

* * * * *

■ 11. Supplement no. 1 to part 736 is amended by adding paragraph f to read as follows:

Supplement No. 1 to Part 736—General Orders

* * * * *

(f) General Order No. 6:

General Order No. 6 of [DATE EFFECTIVE] authorizes ''U.S. persons'' to perform services that require a license pursuant to § 744.6(b) of the EAR if required for the performance of defense services subject to control under the ITAR and authorized by the Department of State, Directorate of Defense Trade Controls (DDTC).

* * * * *

PART 740—[AMENDED]

■ 12. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 13. Section 740.11 is amended by revising paragraph (b)(2)(ii) to read as follows:

§ 740.11 Governments, international organizations, international inspections under the Chemical Weapons Convention, and the International Space Station (GOV).

* * * * *

(b) * * *

(2) * * *

(ii) *Exports, reexports, and transfers (in-country) made by or consigned to a department or agency of the U.S. Government.* This paragraph authorizes exports, reexports, and transfers of items when made by or consigned to a department or agency of the U.S. Government, solely for its official use, including for use in any lawfully authorized investigative, protective, or intelligence activity of a law enforcement or intelligence agency of the United States or of a territory, possession, State, or District of the United States, including political subdivisions thereof, or for carrying out any U.S. Government program with foreign governments or international organizations that is authorized by law and subject to control by the President by other means. This paragraph does not authorize a department or agency of the U.S. Government to make any export, reexport, or transfer that is otherwise prohibited by other administrative provisions or by statute. Contractor support personnel of a department or agency of the U.S. Government are eligible for this authorization when in the performance of their duties pursuant to the applicable contract or other official duties. 'Contractor support personnel' for the purpose of this provision means those persons who provide administrative, managerial, scientific or technical support under contract to a U.S. Government department or agency (*e.g.,* contractor employees of Federally Funded Research Facilities or Systems Engineering and Technical Assistance contractors). The term 'contractor support personnel' for purposes of this paragraph (b)(2)(ii) is limited to those individuals who are providing such support within a U.S. Government owned or operated facility or under the direct supervision of a U.S. government employee (*i.e.,* an individual directly employed by the U.S. Government). Private security contractors are not 'contractor support personnel' for purposes of this paragraph (b)(2)(ii) because although they may work within a U.S. Government owned or operated facility, such contractors do not provide administrative, managerial, scientific or technical support under contract to the U.S. Government. This authorization is not available when a department or agency of the U.S. Government acts as a transmittal agent on behalf of a non-U.S. Government person, either as a convenience or in satisfaction of security requirements.

* * * * *

PART 744—[AMENDED]

■ 14. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 7, 2023, 88 FR 62439 (September 11, 2023); Notice of November 1, 2023, 88 FR 75475 (November 3, 2023).

■ 15. Section 744.1 is amended by revising paragraph (a)(1) to read as follows:

§ 744.1 General provisions.

(a)(1) *Introduction.* In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. This part contains prohibitions against exports, reexports, and selected transfers (in-country) to certain end users and end uses, as well as certain ''U.S. person'' activities, as described in General Prohibitions Five (End use/End users), Seven (''U.S. person'' activities), and Nine (Orders, Terms, and Conditions), unless authorized by BIS. It should also be noted that part 764 of the EAR prohibits exports, reexports and certain transfers (in-country) of items subject to the EAR to denied parties.

* * * * *

■ 16. Section 744.6 is amended by:

■ a. Revising paragraph (a);

■ b. Revising paragraphs (b)(4) through (6);

■ c. Adding paragraph (b)(7);

■ d. Revising paragraph (c)(1);

■ e. Revising paragraphs (d) introductory text and (d)(2); and

■ f. Revising paragraph (e)(2).

The revisions and additions read as follows:

§ 744.6 Restrictions on specific activities of "U.S. persons."

(a) *Scope and order of review.* The general prohibitions in this section apply only to the extent that the underlying activities are not subject to a license requirement or general prohibition administered by another federal department or agency, see, for example, Assistance to Foreign Atomic Energy Activities regulations (10 CFR part 810), administered by the Department of Energy; International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130), administered by the Department of State; and certain sanctions regulations (to include, but not limited to, 31 CFR parts 500 through 599), administered by the Department of the Treasury. Accordingly, ''U.S. persons'' are required to seek a license from BIS only for the activities described in this section that are not subject to a license requirement or general prohibition administered by the Department of Energy, Department of State, Department of the Treasury, or other Federal department or agency. The issuance of a license by BIS, or any other Federal department or agency, does not authorize ''U.S. persons'' to engage in any activity that is otherwise prohibited by law, including criminal statutes.

(1) *Definition of support*—(i) Support means:

(A) Shipping or transmitting from one foreign country to another foreign country any item not subject to the EAR you know will be used in or by any of the end uses or end users described in paragraphs (b)(1) through (7) of this section, including the sending or taking of such item to or from foreign countries in any manner;

(B) Transferring (in-country) any item not subject to the EAR you know will be used in or by any of the end uses or end users described in paragraphs (b)(1) through (7) of this section;

(C) Facilitating such shipment, transmission, or transfer (in-country); or

(D) Performing any contract, service, or employment you know may assist or benefit any of the end uses or end users described in paragraphs (b)(1) through (7) of this section, including, but not limited to: ordering, buying, removing, concealing, storing, using, selling, loaning, disposing, servicing, financing, transporting, freight forwarding, or conducting negotiations to facilitate such activities.

(ii) *Exclusions.* Support does not include:

(A) Activities related to items described in § 734.3(b) of the EAR;

(B) Activities related to items enumerated on the USML or on the United States Munitions Import List (USMIL) (27 CFR 447.21), to the extent such activities are subject to control under the ITAR.

(C) Activities limited to administrative services, such as providing or arranging office space and equipment, hospitality, advertising, or clerical, visa, or translation services, collecting product and pricing information to prepare a response to a request for proposal, generally promoting company goodwill at trade shows, or activities by an attorney that are limited to the provision of legal advice;

(D) With respect to the end uses and end users in paragraphs (b)(5) through (7) only, commercial activities related to the movement of goods by common carriers; or

(E) Activities conducted for, on behalf of, or in connection with:

(*1*) A department or agency of the U.S. Government, including any lawfully authorized investigative, protective, or intelligence activity of a law enforcement or intelligence agency of the United States or of a territory, possession, State, or District of the United States, including political subdivisions thereof;

(*2*) Any U.S. Government cooperative program, project, agreement, or arrangement with a foreign government or international organization or agency that is authorized by law and subject to control by the President, as further described in § 740.11(b)(2)(iii)(B) of the EAR;

(*3*) Any U.S. Government foreign assistance or sales program authorized by law and subject to the control of the President as further described in § 740.11(b)(2)(iii)(C) of the EAR; or

(*4*) An Acquisition and Cross Servicing Agreement (ACSA) that is executed at the direction of the U.S. Department of Defense as further described in § 740.11(b)(2)(iii)(D).

(2) [Reserved]

Note 1 to paragraph (a): Activities subject to ITAR licensing requirements, including as defense services (see 22 CFR 120.32 and the United States Munitions List (USML) (22 CFR 121.1)) or brokering (see 22 CFR part 129) are not subject to EAR licensing requirements pursuant to § 744.6(a) of the EAR. Particularly in the case of ''support'' to 'military end users,' 'military-production activities,' and 'intelligence end users,' ''U.S. persons'' should be aware that their activities may be subject to ITAR licensing requirements and conduct their review accordingly. For a formal determination as to whether a specific ''U.S. person'' activity is subject to the ITAR or the EAR, you may submit a commodity jurisdiction request to the Department of State, consistent with the procedures in 22 CFR 120.12.

(b) * * *

(4) The design, ''development,'' ''production,'' operation, installation (including on-site installation), maintenance (checking), repair, overhaul, refurbishing, shipment, or transfer (in-country) of a whole plant to make chemical weapons precursors identified in ECCN 1C350, in or by countries other than those listed in Country Group A:3 (Australia Group);

(5) A 'military end user,' as defined in § 744.21(f)(2), in or from a destination specified in Country Group D:5 or Macau, including, but not limited to, 'military end users' designated with a footnote 3 or 5 on the Entity List in supplement no. 4 to this part, and only those 'military-support end users' designated with a footnote 6 on the Entity List in supplement no. 4 to this part;

(6) A 'military-production activity,' when such activity occurs in or the product of such activity is destined to a country listed in Country Group D:5 or Macau. The term 'military-production activity' means incorporation into the following types of items or any other activity that supports or contributes to the operation, installation, maintenance, repair, overhaul, refurbishing, ''development,'' or ''production'' of the following types of items:

(i) ''600 series'' items, including foreign-origin items not subject to the EAR; or

(ii) Any other item that is either described on the Commerce Control List in other than a ''600 series'' ECCN, or designated EAR99, including foreign-origin items not subject to the EAR, that you ''know'' is ultimately destined to or for use by a 'military end user,' as defined in § 744.21(f)(2); or

(7) An 'intelligence end user,' as defined in § 744.24(f), wherever located, from a destination specified in Country Group D or E, but not also listed in Country Group A:5 or A:6 (see supplement no. 1 to part 740 of the EAR for Country Groups), including, but not limited to, 'intelligence end users' designated with a footnote 7 on the Entity List in supplement no. 4 of this part.

Note 2 to paragraph (b): General Order No. 6 authorizes ''U.S. persons'' to perform activities subject to the license requirements of paragraph (b) of this section, when required for the performance of defense services subject to control under the ITAR and authorized by the Department of State, Directorate of Defense Trade Controls (see supplement no. 1 to part 736 of the EAR).

Note 3 to paragraph (b): Restrictions on 'support' to entities designated with a footnote 6 on the Entity List in supplement no. 4 of this part only apply when the support activities relate to items described in the license requirement column of the entity's entry in supplement no. 4 of this part, or their foreign-origin equivalents.

* * * * *

(c) * * *

(1) BIS may inform ''U.S. persons,'' either individually by specific notice, through amendment to the EAR published in the **Federal Register**, or through a separate notice published in the **Federal Register**, that a license is required because an activity could involve the types of 'support' (as defined in paragraph (a)(1) of this section) to the end uses or end users described in paragraphs (b)(1) through (7) of this section. Specific notice is to be given only by, or at the direction of, the Principal Deputy Assistant Secretary for Strategic Trade and Technology Security or the Deputy Assistant Secretary for Strategic Trade. When such notice is provided orally, it will be followed by a written notice within two working days signed by the Principal Deputy Assistant Secretary or Deputy Assistant Secretary or their designee. However, the absence of any such notification does not excuse the ''U.S. person'' from compliance with the license requirements of paragraph (b) of this section.

* * * * *

(d) *Exceptions and exclusions.* No license exceptions apply to the prohibitions described in paragraphs (b)(1) through (7) or paragraph (c)(2) of this section.

* * * * *

(2) *Exclusion to paragraphs (b)(5) through (7) and (c)(2)(iii) of this section.* Notwithstanding the prohibitions in paragraphs (b)(5) through (7) and

(c)(2)(iii) of this section, ''U.S. persons'' who are employees of a department or agency of the U.S. Government may 'support' a 'military-production activity,' 'military end user,' a 'military support end user,' or an 'intelligence end user,' as described in paragraphs (b)(5) through (7) and (c)(2)(iii) of this section, if the 'support' is provided in the performance of official duties in furtherance of a U.S. Government program that is authorized by law and subject to control by the President by other means. This paragraph (d)(2) does not authorize a department or agency of the U.S. Government to provide 'support' that is otherwise prohibited by other administrative provisions or by statute. 'Contractor support personnel' of a department or agency of the U.S. Government are eligible for this authorization when in the performance of their duties pursuant to the applicable contract or other official duties. 'Contractor support personnel' for the purposes of this paragraph (d)(2) has the same meaning given to that term in § 740.11(b)(2)(ii) of the EAR. This authorization is not available when a department or agency of the U.S. Government acts as an agent on behalf of a non-U.S. Government person.

* * * * *

(e) * * *

(2) Applications for a ''U.S. person'' to 'support' an end use or end user as described in paragraphs (b)(5) through (7) of this section will be reviewed consistent with the applicable policies described in §§ 744.21, 744.22, and 744.24.

* * * * *

■ 17. Section 744.11 is amended by:
■ a. Revising the heading of paragraph (a)(2) and adding introductory text;
■ b. Redesignating paragraph (a)(2)(ii) as paragraph (iii); and
■ c. Adding paragraphs (a)(2)(ii) and (iv) through (vi).

The revisions and additions read as follows:

§ 744.11 License requirements that apply to entities acting or at significant risk of acting contrary to the national security or foreign policy interests of the United States.

* * * * *

(a) * * *

(2) *Entities designated by specified footnotes.* With the exception of ''standards-related activities'' described in paragraph (a)(1) of this section, license requirements are set forth for footnote designated entities as described in this paragraph (a)(2) .

* * * * *

(ii) *Footnote 3 entities.* You may not export, reexport, or transfer (in-country) any item subject to the EAR, including foreign-produced items that are subject to the EAR under § 734.9(g) of the EAR, without a license from BIS if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge'' that the item is intended, entirely or in part, for a Russian or Belarusian 'military end user,' as defined in § 744.21(f)(2), wherever located that is listed on the Entity List in supplement no. 4 to this part with a footnote 3 designation. See §§ 744.21 and 746.8 of the EAR for license review policy, and restrictions on license exceptions. See § 744.6(b)(5) for restrictions on specific activities of ''U.S. persons'' related to such entities.

* * * * *

(iv) *Footnote 5 entities.* You may not export, reexport, or transfer (in-country) any item subject to the EAR without a license from BIS if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge'' that the item is intended, entirely or in part, for a 'military end user,' wherever located, that is listed on the Entity List in supplement no. 4 to this part with a footnote 5 designation. See § 744.21. See also § 744.6(b)(5) for restrictions on specific activities of ''U.S. persons'' related to such entities.

(v) *Footnote 6 entities.* You may not export, reexport, or transfer (in-country) any item subject to the EAR specified in the license requirement column of the corresponding entry in supplement no. 4 to this part without a license from BIS if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge'' that the item is intended, entirely or in part, for a 'military-support end user,' wherever located, that is listed on the Entity List in supplement no. 4 to this part with a footnote 6 designation. See § 744.22. See also § 744.6(b)(5) for restrictions on specific activities of ''U.S. persons'' related to such entities.

(vi) *Footnote 7 entities.* You may not export, reexport, or transfer (in-country) any item subject to the EAR without a license from BIS if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge'' that the item is intended, entirely or in part, for an 'intelligence end user,' wherever located, that is listed on the Entity List in supplement no. 4 to this part with a footnote 7 designation. See § 744.24. See also § 744.6(b)(7) for restrictions on specific activities of ''U.S. persons'' related to such entities.

* * * * *

■ 18. Section 744.21 is revised to read as follows:

§ 744.21 Restrictions on certain 'military end uses' and 'military end users.'

(a) *General prohibition.* In addition to the license requirements for items specified on the Commerce Control List (CCL) (supplement no. 1 to part 774), you may not export, reexport, or transfer (in-country) any item subject to the EAR without a license if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge,'' as defined in § 772.1 of the EAR, that the item is intended, entirely or in part, for:

(1) A 'military end use,' as defined in paragraph (f)(1) of this section, when the 'military end use' occurs in, or the product of the 'military end use' is destined to Macau or a country specified in Country Group D:5 in supplement no. 1 to part 740 of the EAR; or

(2) A 'military end user,' as defined in paragraph (f)(2) of this section, wherever located, of Macau or a country specified in Country Group D:5 in supplement no. 1 to part 740 of the EAR.

(b) *Additional prohibition on those informed by BIS.* BIS may inform persons, either individually by specific notice or through amendment to the EAR published in the **Federal Register**, or through a separate notification published in the **Federal Register**, that a license is required for a specific export, reexport, or transfer (in-country) because there is an unacceptable risk of use in, or diversion to a 'military end use,' or 'military end user,' from or in Macau or a country specified in Country Group D:5. Specific notice is to be given only by, or at the direction of, the Principal Deputy Assistant Secretary for Strategic Trade and Technology Security or the Deputy Assistant Secretary for Strategic Trade. When such notice is provided orally, it will be followed by a written notice within two working days signed by the Principal Deputy Assistant Secretary or Deputy Assistant Secretary or their designee. However, the absence of any such notification does not excuse persons from compliance with the license requirements in paragraph (a) of this section.

(c) *License exception.* Despite the prohibitions described in paragraphs (a) and (b) of this section, you may export, reexport, or transfer (in-country) items subject to the EAR under the provisions of License Exception GOV set forth in § 740.11(b)(2) of the EAR.

(d) *License application procedure.* When submitting a license application pursuant to this section, you must state in the ''additional information'' block of the application that ''this application is submitted because of the license requirement in § 744.21 (''Restrictions

on certain 'military end uses' and 'military end users'.'') In addition, either in the additional information block of the application or in an attachment to the application, you must include all known information concerning the 'military end use(r)(s)' of the item(s). If you submit an attachment with your license application, you must reference the attachment in the ''additional information'' block of the application.

(e) *License review policy.* Applications to export, reexport, or transfer (in-country) items described in paragraphs (a) and (b) of this section will be reviewed with a presumption of denial for Burma, China, Cuba, Iran, Macau, Nicaragua, North Korea, Syria, and Venezuela. Applications for Russia and Belarus will be reviewed with a policy of denial consistent with § 746.8(b)(1) of the EAR. All other applications will be reviewed under a case-by-case review policy, consistent with United States policies articulated in § 126.1 of the ITAR.

(f) *Definitions.* For purposes of this section or references to this section, the following definitions apply:

(1) *Military end use* means incorporation occurring outside the United States into a defense article described on the U.S. Munitions List (USML) (22 CFR 121.1, International Traffic in Arms Regulations); incorporation into items classified under Export Control Classification Numbers (ECCNs) under ''600 series'' ECCNs; or any item that supports or contributes to the operation, installation, maintenance, repair, overhaul, refurbishing, ''development,'' or ''production,'' of defense articles described on the USML, or items classified under ECCNs under ''600 series'' ECCNs.

(2) *Military end user (MEU)* means the national armed services (army, navy, marine, air force, or coast guard), the national guard, or any person or entity performing the functions of a 'military end user,' including mercenaries, paramilitary, or irregular forces. MEU also includes entities designated with a footnote 3 or 5 on the Entity List in supplement no. 4 of this part.

■ 19. Section 744.22 is revised to read as follows:

§ 744.22 Restrictions on certain 'military-support end users.'

(a) *General prohibition.* In addition to the license requirements for items specified on the Commerce Control List (CCL) (supplement no. 1 to part 774), you may not export, reexport, or transfer (in-country) any item subject to the EAR specified in any ECCN on the CCL without a license if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge,'' as defined in § 772.1 of the EAR, that the item is intended, entirely or in part, for a 'military-support end user,' as defined in paragraph (f) of this section, in Macau or a country specified in Country Group D:5 in supplement no. 1 to part 740 of the EAR, or wherever located if identified on the Entity List in supplement no. 4 of this part 744 with a footnote 6 designation.

(b) *Additional prohibition on those informed by BIS.* BIS may inform persons, either individually by specific notice or through amendment to the EAR, that a license is required for a specific export, reexport, or transfer (in-country), or for the export, reexport, or transfer (in-country) of any item subject to the EAR to a certain end user, because there is an unacceptable risk of use in, or diversion to, the activities specified in paragraph (a) of this section. Specific notice is to be given only by, or at the direction of, the Principal Deputy Assistant Secretary for Strategic Trade and Technology Security or the Deputy Assistant Secretary for Strategic Trade or their designee. When such notice is provided orally, it will be followed by a written notice within two working days signed by the Principal Deputy Assistant Secretary or Deputy Assistant Secretary. However, the absence of any such notification does not excuse persons from compliance with the license requirements in paragraph (a) of this section.

(c) *License exception.* Notwithstanding the prohibitions described in paragraphs (a) and (b) of this section, you may export, reexport, or transfer (in-country) items subject to the EAR under the provisions of License Exception GOV set forth in § 740.11(b)(2) of the EAR.

(d) *License application procedure.* When submitting a license application pursuant to this section, you must state in the ''additional information'' block of the application that ''this application is submitted because of the license requirement in § 744.22 (Restrictions on certain 'military-support end users').'' In addition, either in the additional information block of the application or in an attachment to the application, you must include all known information concerning the 'military-support end users' of the item(s). If you submit an attachment with your license application, you must reference the attachment in the ''additional information'' block of the application.

(e) *License review policy.* Applications to export, reexport, or transfer (in-country) items described in paragraphs (a) and (b) of this section will be reviewed with a presumption of denial for Macau and countries described in in ITAR § 126.1(d)(1), with the exception of Russia and Belarus. Applications involving Belarus and Russia will be reviewed with a policy of denial consistent with § 746.8(b)(1) of the EAR. All other applications will be reviewed under a case-by-case review policy, consistent with United States policies articulated in § 126.1 of the ITAR.

(f) *Definition.* For purposes of this section, references to this section, or references to the terms in this paragraph, the following definitions apply:

Military-support end user (MSEU) means any person or entity whose actions or functions support 'military end uses,' as defined in § 744.21(f) of this section. MSEU also includes entities designated with a footnote 6 on the Entity List in supplement no. 4 to this part.

■ 20. Add § 744.24 to read as follows:

§ 744.24 Restrictions on certain intelligence end users.

(a) *General prohibitions.* In addition to the license requirements for items specified on the Commerce Control List (CCL) (supplement no. 1 to part 774 of the EAR), you may not export, reexport, or transfer (in-country) any item subject to the EAR without a license from BIS if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge'' that the item is intended, entirely or in part, for an 'intelligence end user,' wherever located, that is from a country or destination specified in Country Group D or E, but not also listed in A:5 or A:6 in supplement no. 1 to part 740 of the EAR.

(b) *Additional prohibition for those informed by BIS.* BIS may inform persons, either individually by specific notice, through amendment to the EAR published in the **Federal Register**, or through a separate notification published in the **Federal Register**, that a license is required for a specific export, reexport, or transfer (in-country), including to a certain end user, because there is an unacceptable risk of use in, or diversion to, the activities specified in paragraph (a) of this section. Specific notice is to be given only by, or at the direction of, the Principal Deputy Assistant Secretary for Strategic Trade and Technology Security or the Deputy Assistant Secretary for Strategic Trade. When such notice is provided orally, it will be followed by a written notice within two working days signed by the Principal Deputy Assistant Secretary or Deputy Assistant Secretary or their

designee. However, the absence of any such notification does not excuse persons from compliance with the license requirements in paragraph (a) of this section.

(c) *License exception.* Notwithstanding the prohibitions described in paragraphs (a) and (b) of this section, you may export, reexport, or transfer (in-country) items subject to the EAR under the provision of License Exception GOV set forth in § 740.11(b)(2) of the EAR.

(d) *License application procedure.* When submitting a license application pursuant to this section, you must state in the ''additional information'' block of the application that ''this application is submitted because of the license requirement in § 744.24 (Restrictions on exports, reexports, and transfers (in-country) to certain intelligence end users).'' In addition, either in the additional information block of the application or in an attachment to the application, you must include all known information concerning the intelligence end user(s) of the item(s). If you submit an attachment with your license application, you must reference the attachment in the ''additional information'' block of the application.

(e) *License review policy.* Applications to export, reexport, or transfer (in-country) items described in paragraphs (a) and (b) of this section will be reviewed with a presumption of denial for Macau and countries in ITAR § 126.1(d)(1), with the exception of Russia and Belarus. Applications for Russia and Belarus will be reviewed with a policy of denial consistent with § 746.8(b)(1) of the EAR. All other applications will be reviewed under a case-by-case review policy, consistent with United States policies articulated in § 126.1 of the ITAR.

(f) *Definition.* For the purposes of this section, references to this section, or references to the term in this paragraph, the following definition applies:

Intelligence end user (IEU) means any foreign government intelligence, surveillance, or reconnaissance organizations or other entities performing functions on behalf of such organizations. IEU includes entities designated with a footnote 7 on the Entity List in supplement no. 4 of this part.

Supplement No. 2 to Part 744 [Removed and Reserved]

■ 21. Supplement No. 2 to part 744 is removed and reserved.

■ 22. Supplement No. 4 to part 744 is amended by adding Footnotes 5 through 7, to read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

[5] For this 'military end user,' (MEU) as defined in § 744.21(f) of this part, entity, see §§ 744.6, 744.11(a)(2)(iv), and 744.21 for related license requirements and license review policy.

[6] For this 'military-support end user,' (MSEU) as defined in § 744.22(f) of the EAR, entity, see §§ 744.6, 744.11(a)(2)(v), and 744.22 for related license requirements and license review policy.

[7] For this 'intelligence end user,' (IEU) as defined in § 744.24(f) of the EAR, entity, see §§ 744.6, 744.11(a)(2)(vi), and 744.24 for related license requirements and license review policy.

* * * * *

Thea D. Rozman Kendler,

Assistant Secretary for Export Administration.

[FR Doc. 2024–16496 Filed 7–25–24; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 736, 744, and 774

[Docket No. 240712–0191]

RIN 0694–AI35

Export Administration Regulations: Crime Controls and Expansion/Update of U.S. Persons Controls

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Proposed rule, with request for comments.

SUMMARY: The Department of Commerce, Bureau of Industry and Security (BIS), seeks public comments on proposed amendments to the Export Administration Regulations (EAR) in support of U.S. national security and foreign policy interests. To build upon existing controls, BIS proposes establishing certain Foreign-Security End User (FSEU) and ''U.S. persons'' activities controls and Commerce Control List-based (CCL) controls. The proposed additions of the foreign-security end user control and ''U.S. persons'' activity controls would implement expanded authority under the Export Control Reform Act of 2018 (ECRA), as amended, to control certain ''U.S. persons'' activities under the EAR. Specific to the EAR's ''U.S. persons'' activities controls, BIS is proposing amendments to control ''support'' furnished by ''U.S. persons'' to identified foreign-security end users. In addition, BIS is proposing to add to the Commerce Control List two new unilateral item controls on facial recognition technology.

DATES: Comments must be received by BIS no later than September 27, 2024.

ADDRESSES: Comments on this rule may be submitted to the Federal rulemaking portal (*www.regulations.gov*). The *regulations.gov* ID for this rule is: BIS–2023–0006. Please refer to RIN 0694–AI35 in all comments.

All filers using the portal should use the name of the person or entity submitting the comments as the name of their files, in accordance with the instructions below. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission. For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC.'' Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The corresponding non-confidential version of those comments must be clearly marked ''PUBLIC.'' The file name of the non-confidential version should begin with the character ''P.'' Any submissions with file names that do not begin with either a ''BC'' or a ''P'' will be assumed to be public and will be made publicly available through *https://www.regulations.gov.* Commenters submitting business confidential information are encouraged to scan a hard copy of the non-confidential version to create an image of the file, rather than submitting a digital copy with redactions applied, to avoid inadvertent redaction errors which could enable the public to read business confidential information.

FOR FURTHER INFORMATION CONTACT: For questions specific to the human rights or foreign-security end-user provisions set forth in proposed § 744.25, contact Anthony Christino, Director, Human Rights and Embargoes Division, *Anthony.Christino@bis.doc.gov,* Phone: (202) 482–3241. For general questions, contact Hillary Hess, Director, Regulatory Policy Division, *rpd2@bis.doc.gov.* Include, ''Human Rights End Users'' on subject line of emails. Phone: (202) 482–2440.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Export Control Reform Act of 2018 (ECRA), the Bureau

of Industry and Security (BIS) utilizes item-based controls, end-user-based controls, and specific licensing policies to address proliferation and prevent items subject to the Export Administration Regulations (EAR) from being diverted or misused contrary to U.S. national security and foreign policy interests. *See* 50 U.S.C. 4811(2); 4813(a)(16); 15 CFR 742.7, 744.11.

As set forth in 15 CFR 742.7, BIS imposes license requirements that support the protection of human rights (described in the EAR as crime control (CC) reasons for control). Under the licensing policy for CC-controlled items in § 742.7(b), BIS generally considers license applications favorably on a case-by-case basis unless there is civil disorder in the country or region of destination or unless there is a risk that the items will be used to violate or abuse human rights. In October 2020, BIS expanded this licensing policy beyond CC-controlled items to include those items controlled for any other reason (85 FR 63007, Oct. 6, 2020). In April 2024, BIS further revised the CC licensing policy such that certain firearms and related items have a distinct licensing policy (89 FR 34680, April 30, 2024).

In addition to item-based controls and licensing policy, BIS imposes end-user controls to promote the national security and foreign policy interests of the United States, which includes the promotion and protection of human rights. Entity List additions may be made to address activities that present a risk of being contrary to the national security and foreign policy interests of the United States, including the protection of human rights. *See* 15 CFR 744.11(b). To date, BIS has added 103 entities for such human rights reasons. With this proposed rule, BIS would add end user, end use, and item-based controls.

On November 14, 1994, Executive Order 12938 (E.O. 12938, 59 FR 59099) directed BIS to continue to regulate the activities of ''U.S. persons'' to prevent their participation in activities that could contribute to the proliferation of weapons of mass destruction. This control, which is set forth in § 744.6 of the EAR, imposes licensing requirements on assistance furnished by ''U.S. persons'' in connection with activities of proliferation concern, even when such assistance does not involve any items subject to the EAR or any foreign entities subject to specified restrictions under the EAR (*e.g.,* persons whose export privileges have been denied under the EAR). Subsequently, with the enactment of ECRA as part of the John S. McCain NDAA for FY 2019 (Pub. L. 115–232), Congress authorized, in ECRA section 1753(a)(2)(F), the control of ''U.S. persons'' activities related not only to weapons of mass destruction and their means of delivery, but also to specific ''foreign military intelligence services.'' Accordingly, in January 2021, BIS amended § 744.6 of the EAR to add a new restriction on the activities of ''U.S. persons'' in support of certain military-intelligence end uses and end users. BIS also created a new § 744.22 that targeted exports, reexports, and transfers (in- country) destined for certain military-intelligence end uses or end users (86 FR 4865, Jan. 15, 2021).

Subsequently, section 5589(b) of the December 2022 National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 (Pub. L. 117–263, NDAA for FY 2023) amended section 1753(a)(2)(F) of ECRA (50 U.S.C. 4812(a)(2)(F)) by providing BIS with the statutory authority to impose controls on ''the activities of United States persons, wherever located, relating to specific foreign military, security, or intelligence services.'' Consistent with this statutory amendment, in this proposed rule, BIS would add to the ''U.S. persons'' activities control in § 744.6 ''support'' of foreign-security end user activities and would expand existing part 744 restrictions to encompass activities of ''U.S. persons'' in connection with defined foreign-security end users. Specifically, BIS proposes to add paragraph (b)(8) as the prohibition on ''U.S. persons'' 'support' in § 744.6(b)(8) to apply to foreign-security end users. BIS is proposing amendments to the EAR on military and intelligence end user controls, and controls that would restrict U.S. persons' support of such end users, in a separate rule published concurrently with this rule.

Consistent with section 1754(d)(1) of ECRA (50 U.S.C. 4813(d)(1)) and § 744.6 of the EAR, BIS proposes to regulate the ''U.S. persons'' activities described above only to the extent they are not subject to a license requirement or general prohibition administered by another Federal department or agency. Accordingly, ''U.S. persons'' are required to seek a license from BIS only for the activities described in section 744.6 that are not subject to a license requirement or general prohibition administered by the Department of Energy, Department of State, Department of the Treasury, or other federal department or agency. The issuance of a license by BIS, or any other federal department or agency, does not authorize ''U.S. persons'' to engage in any activity that is otherwise prohibited by law, including criminal statutes. *See* 15. CFR 744.6(a).

In addition to the ''U.S. persons'' activities control and foreign-security end user controls, BIS is proposing new item controls for facial recognition systems. In July 2020, BIS published a *Notice of Inquiry (NOI) on Advanced Surveillance Systems and Other Items of Human Rights Concern* NOI. (85 FR 43532, July 17, 2020; ''July 2020 NOI''). The proposed amendments in this proposed rule were informed by the public comments on the July 2020 NOI. In that NOI, BIS requested comments on: (1) new license requirements on crime control and detection items, including facial recognition software and other biometric systems for surveillance; (2) the proposed removal or modification of the CC controls on several items on the CCL; and (3) potential revisions to CC controls that are based on end uses and end users, such as end use and end user controls set forth in part 744 of the EAR.

Of the 22 public comments received, eleven supported the implementation of end-use-and end-user-based controls, instead of list-based controls (*i.e.,* controls that derive from items' placement on the CCL). Overall, commenters that supported end-use and end-user-based controls over list-based controls noted several implementation challenges for list-based controls imposed to address concerns about misuse. Exporters cautioned that, in the human rights context, items are often ubiquitous and have a wide variety of end uses. Thus, depending on the item at issue, it may be difficult to tailor list-based controls to precisely guard against the potential for human rights violations or abuses. Moreover, commenters warned that, in trying to meet the challenge of preventing items subject to the EAR from being used to commit or enable human rights violations or abuses, applying list-based controls may lead to over-broad controls that could stifle innovation and harm U.S. technological leadership. Exporters noted that even where list-based controls are successfully implemented, they may quickly become obsolete given the rapid advancement of technology. Commenters suggested that, in contrast to broad list-based controls on items that are often ubiquitous and have multiple uses, in the human rights context, targeted end-use and end-user controls, preferably end user controls, would allow BIS to review each item, end use, and end user to assess whether the item may be used to commit human rights violations or abuses.

Additionally, several comments focused specifically on the expected

impact of new license requirements for facial recognition technology. Certain comments raised concerns with controls that could stifle the beneficial use of facial recognition technology. For example, commenters noted that the auto industry is developing new technologies that utilize facial-recognition-related capabilities to verify authorized users and allow for keyless entry and ignition. Commenters also noted that facial recognition technology is used in airports to enhance public safety and has several beneficial investigative and law enforcement applications when appropriate legal frameworks are in place to protect civil rights and liberties. In contrast, other commenters noted that certain state actors of concern are using facial recognition technology for more nefarious end uses—namely, to target individuals; track individuals' movements and actions; link individuals' actions to biometric profiles that include blood types, fingerprints, irises, and DNA analysis; and log spoken and written digital communications. BIS has considered these comments in proposing both the foreign-security end user control and the item controls.

Discussed below are the proposed: 'foreign-security end user' rule license requirement; expansion of the ''U.S. persons'' control for ''support'' furnished by ''U.S. persons'' to identified 'foreign-security end users'; conforming changes to § 744.11; and unilateral item controls on facial recognition technology.

I. Proposed New § 744.25, Controls on 'Foreign-Security End Users'

License Requirement for 'Foreign-Security End Users'

State actors exploit advancements in technologies to reinforce existing repression; target civil society actors, human rights defenders, journalists, activists, and dissidents; surveil and profile women in all their diversity, ethnic, religious, and racial minorities, and other members of marginalized populations; censor speech; spread misinformation and disinformation; engage in mass surveillance; control the flow of information; infringe privacy; and suppress freedom through a variety of end users, including traditional law enforcement bodies, public security agencies, private prisons, and private contractors. These practices are not new, but advances in technology have supercharged the ability of such state actors to leverage new mechanisms to deploy their repressive agendas. With this proposed rule, BIS would require a license for exports, reexports, and transfers (in-country) for items subject to the EAR that are specified on the CCL when they are destined for 'foreign-security end users,' as newly defined in the proposed new section, of a specified destination.

The country scope of the license requirement would apply to Country Groups D:5 and E. Country Group D:5 includes countries subject to a U.S. arms embargo under the State Department's International Traffic in Arms Regulations (ITAR). Under the ITAR, with certain enumerated exceptions, it is the policy of the United States to deny licenses or other approval for exports of defense articles or defense services destined to these countries, including their armed forces, police, intelligence, or other internal security forces. *See* 22 CFR 126.1. Similarly, BIS requires a license for many ''600 series'' items—items that are of a military nature but do not warrant control on the U.S. Munitions List—to these countries. Country Group E represents countries that are state sponsors of terrorism or against which the United States imposes a unilateral embargo. BIS would impose a license requirement on foreign-security end users of D:5 and E countries for all items on the CCL to provide visibility into the end uses and end users of these items and to contribute to efforts to prevent use of these items to violate or abuse human rights.

Application of the Term 'Foreign-Security End Users'

The license requirement under this section would apply when a person has ''knowledge,'' as defined in part 772, that a CCL item is intended, entirely or in part, for 'foreign-security end users.' The term 'foreign-security end users' is defined in paragraph (f) of proposed new § 744.25 as ''governmental and other entities with the authority to arrest, detain, monitor, search, or use force in the furtherance of their official duties.'' This definition would include persons or entities at all levels of the government police and security services, from the national headquarters or the ministry level to all subordinate agencies/bureaus (*e.g.,* municipal, provincial, regional). The proposed definition of 'foreign-security end users' also includes other persons or entities performing functions of a 'foreign-security end user,' such as arrest, detention, monitoring, or search, and may include analytic and data centers (*e.g.,* genomic data centers), forensic laboratories, jails, prisons, detention facilities, labor camps, and reeducation facilities, because government 'foreign-security end users' often hire non-government entities to assist in their duties. Also included in the proposed definition of 'foreign-security end users' would be Entity List entities identified through new footnote ''8'' designation.

In this proposed rule, BIS would not apply the term 'foreign-security end users' to civilian emergency medical, firefighting, and search-and-rescue end users. In situations in which a country integrates police, emergency medical, firefighting, and search-and-rescue services into a single public safety department, BIS seeks to ensure that the export, reexport, or transfer (in-country) of items necessary to protect lives is not disrupted and therefore would apply a case-by-case review standard. BIS also seeks to ensure that the export, reexport, or transfer (in-country) of items necessary to protect lives at airport terminals, railway and rapid transit stations, and other public transport hubs is not disrupted. Where an entity that appears to satisfy the definition of 'foreign-security end user' but the end user is integrated into or organized under the military, the 'Military End User' control in section 744.21 applies.

License Application Review Standard/ Policy

BIS would review license applications submitted pursuant to § 744.25 on a case-by-case basis to determine whether the proposed transaction presents an unacceptable risk of enabling human rights violations or abuses. Applications for transactions that would pose an unacceptable risk will be reviewed under a presumption of denial.

This proposed rule would also establish a case-by-case license review policy to allow for the approval of items necessary for public health or safety, or for other end uses that do not implicate human rights. This case-by-case license review policy is intended to ensure that such exports, reexports, and transfers (in-country) would not be disrupted, while also allowing for the U.S. Government to review such license applications to ensure that such exports are consistent with that purpose and are not otherwise contrary to U.S. national security or foreign policy interests.

Proposed paragraph (b) of § 744.25 states that BIS may inform the public either individually by specific notice or through a rulemaking or notice published in the **Federal Register** that a license is required for specific exports, reexports, or transfers (in-county) of any item subject to the EAR because there is an unacceptable risk of use by, or diversion to, a certain end user in the specified destination. Only License Exception GOV, set forth in existing

§ 740.11(b)(2) and (c)(2), would be available to overcome the proposed license requirement if conditions of that license exception are met.

II. Proposed Expansion of U.S. Persons Controls

This proposed rule would expand existing restrictions to encompass certain activities of U.S. persons in connection with 'foreign-security end users.' Specifically, this proposed rule would revise § 744.6(b) of the EAR to add paragraph (b)(8) to reflect the expanded scope of U.S. person activities subject to the EAR, as described below, which includes activities identified in that section that support foreign-security end users defined by proposed new § 744.25(f) and that are identified on the Entity List with a new footnote ''8'' designation. As with all existing § 744.6(b) controls on specific activities of ''U.S. persons,'' such controls would only apply to the extent that the underlying activities would not be subject to a license requirement or general prohibition administered by another Federal department or agency. Thus, as proposed, the ''U.S. persons'' control would only apply to entities that fit the definition of proposed new § 744.25(f) if they are identified on the Entity List with a footnote 8.

III. Proposed Conforming Amendments to § 744.11

Consistent with the proposed revisions to § 744.6 and addition of § 744.25, BIS proposes to amend § 744.11 ''License requirements that apply to entities acting or at significant risk of acting contrary to the national security or foreign policy interests of the United States'' by adding entities that are 'foreign-security end users' to the Entity List in supplement no. 4 to part 744, designating them by specific footnote, and adding license requirements for these entities to § 744.11 of the EAR. Amendments to the Entity List would be made in a separate final rule.

BIS proposes to amend § 744.11 by revising the heading for paragraph (a)(2) from ''Entity List foreign-direct product'' (FDP) license requirements, review policy, and license exceptions'' to ''Entities designated with specific conditions identified by footnote,'' because not all Entity List entities or footnote designated entities would have license requirements that include foreign-produced items subject to the EAR pursuant to a foreign-direct product rule in existing § 734.9 of the EAR. This proposed rule would also move the description of footnote 4 entities in existing (a)(2)(ii) to (a)(2)(iii) and would include in (a)(2)(ii) requirements for footnote 3 entities—Russian and Belarusian 'military end users.' This proposed rule would reserve (a)(2)(iv), (v), (vi) for future use. Finally, this proposed rule would add paragraph (a)(2)(vii) footnote 8 entities—'foreign-security end users.'

Additionally, this proposed rule would add introductory text to paragraph (a)(2) to clarify that the ''standards-related activities'' exclusion to the license requirements set forth in existing paragraph (a)(1) would apply to all the footnote designated entities described in paragraph (a)(2).

IV. Proposed Amendments to CCL for Protection of Human Rights

As described below, this proposed rule would revise three ECCNs in Category 3 of the CCL (Electronics) to enable further protection against human rights abuses.

Facial Recognition Systems

Facial recognition technology coupled with artificial intelligence technology has bolstered the ability of foreign-security end users, such as law enforcement agencies (municipal, provincial, regional, national) and other government affiliated entities to target victims at a higher rate, leading to increased capabilities for violations or abuses of human rights. Working in concert, these technologies can log countless images to help state actors of concern arbitrarily and unlawfully track, mistreat, detain, and monitor people. Facial recognition technology can be used to draw inferences about individuals, such as inferences about ethnicity or religion, that can result in discriminatory treatment or detention. Previously, this same task would have been accomplished manually with a cost of thousands of hours and was difficult or impossible to perform at scale. In this way, advances in digital technology can be weaponized to deploy repressive tactics at lower cost, with greater ease, and larger impact.

To further promote and protect human rights throughout the world, this proposed rule would create a new CC1 control for facial recognition systems specially designed for mass-surveillance and crowd scanning. CC1 controls would apply to crime control and detection instruments and equipment and related ''technology'' and ''software'' identified in the appropriate ECCNs on the CCL. A license would be required for exports of these items to countries listed in CC Column 1 in the Country Chart (Supplement No. 1 to part 738 of the EAR). As these proposed controls are narrowly tailored, they would not apply to systems that merely restrict individual access to personal devices, automobiles, or residential or work premises by verifying that a person attempting to gain such access is authorized to do so.

One of the ways facial recognition systems identify or verify a person from a digital image or a video frame is by comparing selected facial features from an input image to the features of faces stored in a database. The major components of such systems are input camera(s), data storage, processing computers, and the software algorithms needed to model facial images.

There is no longer any effective difference between systems that require active permission by the subject and systems that can be utilized clandestinely, whether for individual or crowd identification. The capture components of these systems can be very small and easily concealable. Targets can employ limited measures to thwart identification, but these measures are expected to be less effective and less available as the technology matures.

Accordingly, this proposed rule would amend ECCN 3A981 to include a proposed new item for facial recognition systems. Facial recognition software would be controlled under ECCN 3D980. As a result of the proposed changes to ECCN 3A981, facial recognition technology would be controlled under ECCN 3E980. All of these ECCNs would be controlled for CC1 reasons. CC reasons for control support U.S. foreign policy to promote the observance of human rights throughout the world.

V. Additional Conforming Amendments

This proposed rule would make conforming revisions to §§ 736.2 to update the descriptions and applicability of the proposed new § 744.25 'Foreign-Security End User' controls and § 744.6 revisions of U.S. Persons controls.

Request for Comments on This Proposed Rule

BIS seeks to provide the interested public with an opportunity to submit comments in order to mitigate any unnecessary disruption to supply chains, ensure that the controls are drafted to be as effective as possible, and that the provisions of the controls are clear and unambiguous for ease of compliance for exporters, reexporters, and transferors. BIS continues to evaluate the scope of items subject to this rule, the scope of the end users covered by this rule, and the potential

for complementary controls, and welcomes comments on these issues.

In particular, BIS is soliciting public comment on the proposed addition of § 744.25 (Restrictions on certain human rights related end uses and end users: foreign-security end users) and the proposed revision to § 744.6 (Restrictions on certain activities of U.S. persons), as well as any other proposed revisions. Comments may be submitted in accordance with the **DATES** and **ADDRESSES** sections above. BIS will review and, if appropriate, address such comments through a related rulemaking process.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852). On December 23, 2022, the President signed into law the National Defense Authorization Act for Fiscal Year 2023 (NDAA, Pub. L. 117–263) section 5589(b) of which amended section 4812(a)(2)(F) of ECRA. ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this proposed rule.

Rulemaking Requirements

1. This proposed rule has been designated a ''significant regulatory action'' under Executive Order 12866, as amended by Executive Order 14094.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and commodity classifications, and carries a burden estimate of 29.4 minutes for a manual or electronic submission for a total burden estimate of 33,133 hours. Total license applications associated with the PRA and OMB control number 0694–0088 are expected to be fewer than 200 license applications as a result of this rule. Therefore, the increase in burden hours will not exceed that approved for OMB control number 0694–0088.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018 (50 U.S.C. 4801–4852), this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date. Notwithstanding this exemption, BIS is providing the public with an opportunity to comment on this proposed rule.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

List of Subjects

15 CFR Part 736

Exports.

15 CFR Parts 744 and 774

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, 15 CFR parts 736, 744, and 774 of the EAR (15 CFR parts 730–774) is proposed to be amended as follows:

PART 736—GENERAL PROHIBITIONS

■ 1. The authority citation for 15 CFR part 736 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of November 8, 2022, 87 FR 68015 (November 10, 2022); Notice of May 8, 2023, 88 FR 30211 (May 10, 2023).

■ 2. Section 736.2 is amended by adding paragraph (b)(7)(i)(A)(*6*) to read as follows:

§ 736.2 General prohibitions and determination of applicability.

* * * * *

(b) * * *

(7) * * *

(i) * * *

(A) * * *

(*6*) A 'foreign-security end user' as defined in § 744.25(f) designated with a footnote 8 on the Entity List in supplement no. 4 of part 744 of the EAR.

* * * * *

PART 744—CONTROL POLICY: END-USER AND END-USE BASED

■ 3. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 7, 2023, 88 FR 62439 (September 11, 2023); Notice of November 1, 2023, 88 FR 75475 (November 3, 2023).

■ 4. Section 744.6 is amended by:

■ a. Adding paragraph (b)(8);

■ b. Revising paragraph (c)(1);

■ c. Redesignating paragraph (e)(3) as (e)(4) and adding new paragraph (e)(3); and

■ d. Revising newly redesignated paragraphs (e)(4) introductory text, (e)(4)(i), and (e)(4)(ii)(C).

The additions and revisions read as follows:

§ 744.6 Restrictions on specific activities of "U.S. persons."

* * * * *

(b) * * *

(8) A 'foreign-security end user,' as defined in § 744.25(f) designated with a footnote 8 on the Entity List in supplement no. 4 of part 744 of the EAR.

(c) * * *

(1) BIS may inform ''U.S. persons,'' either individually by specific notice, through amendment to the EAR published in the **Federal Register**, or through a separate notice published in the **Federal Register**, that a license is required because an activity could involve the types of 'support' (as defined in paragraph (a)(1) of this section) to the end uses or end users described in paragraph (b) of this section. Specific notice is to be given only by, or at the direction of, the Principal Deputy Assistant Secretary for Strategic Trade and Technology Security or the Deputy Assistant Secretary for Strategic Trade. When such notice is provided orally, it will be followed by a written notice within two working days signed by the Principal Deputy Assistant Secretary for Strategic Trade and Technology Security or the Deputy Assistant Secretary for Strategic Trade or their designee. However, the absence of any such notification does not excuse the ''U.S. person'' from compliance with the license

requirements of paragraph (b) of this section.

* * * * *

(e) * * *

(3) Applications for a ''U.S. person'' to 'support' a 'foreign-security end user' will be reviewed consistent with the applicable policies described in § 744.25 of the EAR.

(4) In addition to any applicable license review standards in paragraphs (e)(1) through (3), applications for licenses submitted pursuant to the notice of a license requirement set forth in paragraph (c)(2) of this section will be reviewed in accordance with the policies described in this paragraph (e)(4). License review will take into account factors including technology level, customers, compliance plans, and contract sanctity.

(i) Presumption of denial. Applications will be reviewed with a presumption of denial for Macau and destinations specified in Country Group D:5 and E and entities headquartered or whose ultimate parent is headquartered in Macau or destinations specified in Country Group D:5 and E, unless paragraph (e)(4)(ii) of this section applies.

(ii) * * *

(C) For all other applications not specified in paragraph (e)(4)(i) or (e)(4)(ii)(A) or (B) of this section.

* * * * *

■ 5. Section 744.11 is amended by revising and republishing paragraph (a)(2) to read as follows:

§ 744.11 License requirements that apply to entities acting or at significant risk of acting contrary to the national security or foreign policy interests of the United States.

* * * * *

(a) * * *

(2) *Entities designated with specific conditions identified by footnote.* With the exception of ''standards-related activities'' described in paragraph (a)(1) of this section, license requirements are set forth for footnote designated entities as described in paragraphs (a)(2)(i) through (vii) of this section.

(i) *Footnote 1 entities.* You may not, without a license or license exception, reexport, export from abroad, or transfer (in-country) any foreign-produced item subject to the EAR pursuant to § 734.9(e)(1)(i) of the EAR when an entity designated with footnote 1 on the Entity List in supplement. no. 4 to this part is a party to the transaction. All license exceptions described in part 740 of the EAR are available for foreign-produced items that are subject to this license requirement if all terms and conditions of the applicable license exception are met and the restrictions in § 740.2 of this EAR do not apply. The sophistication and capabilities of technology in items is a factor in license application review; license applications for foreign-produced items subject to a license requirement by this paragraph (a)(2) that are capable of supporting the ''development'' or ''production'' of telecom systems, equipment, and devices below the 5G level (*e.g.,* 4G, 3G) will be reviewed on a case-by-case basis.

(ii) *Footnote 3 entities.* You may not export, reexport, or transfer (in-country) any item subject to the EAR, including foreign-produced items that are subject to the EAR under § 734.9(g) of the EAR, without a license from BIS if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge'' that the item is intended, entirely or in part, for a Russian or Belarusian 'military end user,' as defined in § 744.21(g), wherever located, that is listed on the Entity List in supplement no. 4 to this part with a footnote 3 designation. See § 744.21 and part 746 of the EAR for license review policy, and restrictions on license exceptions.

(iii) *Footnote 4 entities.* You may not, without a license, reexport, export from abroad, or transfer (in-country) any foreign-produced item subject to the EAR pursuant to § 734.9(e)(2) of the EAR when an entity designated with footnote 4 on the Entity List in supp. no. 4 to this part is a party to the transaction, or that will be used in the ''development'' or ''production'' of any ''part,'' ''component,'' or ''equipment'' produced, purchased, or ordered by any such entity. See § 744.23 for additional license requirements that may apply to these entities. The license review policy for foreign-produced items subject to this license requirement is set forth in the entry in supplement no. 4 to this part for each entity with a footnote 4 designation.

(iv) [Reserved]

(v) [Reserved]

(vi) [Reserved]

(vii) *Footnote 8 entities.* You may not export, reexport, or transfer (in-country) any item on the CCL without a license from BIS if, at the time of the export, reexport, or transfer (in-country), if the item is intended, entirely or in part, for a 'foreign-security end user,' wherever located, that is listed on the Entity List in supplement no. 4 to this part with a footnote 8 designation. *See* § 744.25 of the EAR. See also § 744.6(b)(8) for restrictions on specific activities of ''U.S. persons'' related to such entities.

* * * * *

■ 8. Add § 744.25 to read as follows:

§ 744.25 Restrictions on certain human rights related end users: foreign-security end users.

(a) *General prohibition.* In addition to the license requirements for items on the Commerce Control List (CCL) in supplement no. 1 to part 774 of the EAR, you may not export, reexport, or transfer (in-country) without a license items subject to the EAR that are specified on the CCL if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge'' that the item is intended, entirely or in part for 'foreign-security end users,' as this term is defined in paragraph (f) of this section, of a country listed in Country Group D:5 or E.

(b) *Additional prohibition on those informed by BIS.* BIS may inform persons, either individually by specific notice or through amendment to the EAR, that a license is required for a specific export, reexport, or transfer (in-country), or for the export, reexport, or transfer (in-country) of any item subject to the EAR to a certain end user, because there is an unacceptable risk of use in, or diversion to, the activities specified in paragraph (a) of this section. Specific notice is to be given only by, or at the direction of, the Principal Deputy Assistant Secretary for Strategic Trade and Technology Security or the Deputy Assistant Secretary for Strategic Trade. When such notice is provided orally, it will be followed by a written notice within two working days signed by the Principal Deputy Assistant Secretary for Strategic Trade and Technology Security, the Deputy Assistant Secretary for Strategic Trade, or their designee. However, the absence of any such notification does not excuse persons from compliance with the license requirements in paragraph (a) of this section.

(c) *License exception.* Notwithstanding the prohibitions described in paragraphs (a) and (b) of this section, you may export, reexport, or transfer (in-country) items subject to the EAR under the provisions of License Exception GOV set forth in § 740.11(b)(2) and (c)(2). No other license exceptions are available.

(d) *License application procedure.* When submitting a license application pursuant to this section, you must state in the ''additional information'' block of the application, ''this application is submitted because of the license requirement in § 744.25 of the EAR.''

(e) *License review policy.* Applications to export, reexport, or transfer (in-country) items requiring a license pursuant to paragraph (a) or (b) of this section will be reviewed on a case-by-case basis to determine whether

there is an unacceptable risk of use in human rights violations or abuses. Applications for transactions that would pose such an unacceptable risk will be reviewed with a presumption of denial. Applications will also be reviewed consistent with United States arms embargo policies in § 126.1 of the ITAR (22 CFR 126.1).

(f) *Definition.* For the purposes of this section, references to this section, or references to the terms in this paragraph, 'foreign-security end user' means any of the following:

(1) Governmental and other entities with the authority to arrest, detain, monitor, search, or use force in furtherance of their official duties, including persons or entities at all levels of the government police and security services from the national headquarters or the Ministry level, down to all subordinate agencies/bureaus (*e.g.,* municipal, provincial, regional),

(2) Other persons or entities performing functions of a 'foreign-security end user,' such as arrest, detention, monitoring, or search, and may include analytic and data centers (*e.g.,* genomic data centers) forensic laboratories, jails, prisons, other detention facilities, labor camps, and reeducation facilities, or

(3) Entities designated with a footnote 8 on the Entity List in supplement no. 4 to this part.

Note 1 to paragraph (f): This definition does not include civilian emergency medical, firefighting, and search-and-rescue end users. In situations in which a country integrates police, emergency medical, firefighting, and search-and-rescue services into a single public safety department, BIS seeks to ensure that the export, reexport, or transfer (in-country) of items necessary to protect lives is not disrupted and will apply a case-by-case review.

Note 2 to paragraph (f): If the end user also satisfies the definition of 'Military end user' in § 744.21, then the control in § 744.21 applies (*e.g.,* if the national police is integrated into or organized under the military of a country listed in country group D:5 or E, the control in § 744.21 applies.)

PART 774—THE COMMERCE CONTROL LIST

■ 9. The authority citation for part 774 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 10. Supplement No. 1 to Part 774 is amended under Category 3 by revising ECCNs 3A981 and 3D980 to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

3A981 Polygraphs (except biomedical recorders designed for use in medical facilities for monitoring biological and neurophysical responses); fingerprint analyzers, cameras and equipment, n.e.s.; automated fingerprint and identification retrieval systems, n.e.s.; psychological stress analysis equipment; electronic monitoring restraint devices; facial recognition systems; and ''specially designed'' ''components'' and ''accessories'' therefor, n.e.s.

License Requirements

Reason for Control: CC

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
CC applies to entire entry.	CC Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A

List of Items Controlled

Related Controls: See ECCN *0A982* for other types of restraint devices
Related Definitions: N/A
Items: The list of items controlled is contained in the ECCN heading.

Note 1 to ECCN 3A981. *In this ECCN, electronic monitoring restraint devices are devices used to record or report the location of confined persons for law enforcement or penal reasons. The term does not include devices that confine memory impaired patents to appropriate medical facilities.*

Note 2 to ECCN 3A981. *Item 3A981 does not control detection or authentication items versus identification items, nor items that facilitate individual access to personal devices or facilities.*

* * * * *

3D980 ''Software'' ''specially designed'' for any of the following (see List of Items Controlled).

License Requirements

Reason for Control: CC, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
CC applies to entire entry.	CC Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

a. Software ''specially designed'' for the ''development,'' ''production'' or ''use'' of commodities controlled by 3A980 and 3A981,

b. Software ''specially designed'' for the analysis and matching of voice, fingerprints, or facial features for facial recognition. This entry does not control software solely for person or object detection or for individual authentication to facilitate individual access to personal devices or facilities.

* * * * *

Thea D. Rozman Kendler,

Assistant Secretary for Export Administration.

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