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# Rules and Regulations

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

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

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### 2 CFR Parts 700

**RIN 0412–AB12**

## USAID Assistance Regulation: Plain Language and Conforming Revisions

**AGENCY:** U.S. Agency for International Development.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Agency for International Development (USAID) is issuing this final rule revising the Agency for International Development Assistance Regulation to maintain consistency with Federal and agency regulations and guidance, make editorial amendments to clarify the regulation, and implement the Office of Management and Budget's April 2024 revisions.

**DATES:** This rule is effective October 1, 2024, without further action, unless significant adverse comments are received by September 3, 2024. If significant adverse comment(s) are received, USAID will publish a timely withdrawal of those portion(s) of the rule in the **Federal Register**. Submit comments on or before September 3, 2024.

**ADDRESSES:** You may send comments, identified by your name, company name (if any), and the Regulatory Information Number (RIN) 0412–AB12 for this rulemaking via the following method:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for sending comments.

*Instructions:* All submissions received must include the agency name and RIN for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. We recommend that you do not submit information that you consider Confidential Business Information (CBI) or any information that is otherwise protected from disclosure by statute. If your comment cannot be submitted using *https://www.regulations.gov,* please email the point of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

**FOR FURTHER INFORMATION CONTACT:** Kelly Miskowski, 202–256–7378, *policymailbox@usaid.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Public Participation

USAID is publishing this revision as a direct final rule as the changes are conforming and administrative amendments, and the agency does not anticipate any significant adverse comments. This rule will be effective on the date specified in the **DATES** section above without further notice unless significant adverse comment(s) are received by the date specified in the **DATES** section above.

USAID will only address comments that explain why the rule would be inappropriate, ineffective, or unacceptable without a change. USAID may not consider comments that are insubstantial or outside the scope of the rule.

If significant adverse comments are received on the direct final rule, USAID will publish a timely partial withdrawal in the **Federal Register** informing the public what sections of the rule will not take effect. Any portions of the final rule for which no significant adverse comments are received will become final after the designated period.

Additionally, USAID is publishing a separate document in the ''Proposed Rules'' section of this **Federal Register** that will serve as the proposal to approve revision for which significant adverse comments may be received. In this case, USAID will address all public comments in a subsequent final rule based on the proposed rule. USAID will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

### II. Background

On December 13, 2021, the President issued Executive Order 14058 entitled ''Transforming Federal Customer Experience and Service Delivery to Rebuild trust in Government''. Section 4(m) of this E.O. requires that USAID review and revise regulations to ensure that they are clear and intelligible, do not contain unjustified administrative burdens or excessive paperwork requirements, and do not place undue burdens on local organizations and underserved communities.

On April 22, 2024, The Office of Management and Budget (OMB) issued a final rule revising the Uniform Guidance for Federal Financial Assistance (89 FR 30046). This was the result of a comprehensive process to revise and strengthen Title 2 of the Code of Federal Regulations (''2024 Revisions'') with multiple opportunities for the public to provide feedback. OMB then issued OMB Memo M–24–11, ''Reducing Burden in the Administration of Federal Financial Assistance'' which provided implementation guidance to agencies. This memo directs agencies to implement the 2024 Revisions quickly and consistently but no later than October 1, 2024. The purpose of the 2024 revisions was to: (1) incorporate statutory requirements and administration priorities; (2) reduce agency and recipient burden; (3) clarify sections that recipients or agencies have interpreted in different ways; and (4) rewrite applicable sections in plain language.

In furtherance of both E.O. 14058 and the 2024 Revisions, USAID proposes to revise 2 CFR 700 in its entirety to clarify the regulation, make plain language revisions, align text to the 2024 revisions, and reduce agency and recipient burden. Given that USAID will be making mostly editorial revisions to the chapter in its entirety, a courtesy redline copy is located here for ease of reference: *https://www.usaid.gov/document/track-changes-version-2-cfr-700-usaid-assistance-regulation.*

This rule incorporates updates to 2 CFR 700.

The following changes are implemented by this final rule:

• Subpart A of 2 CFR 700 at 2 CFR 700.1 is revised to relocate definitions which are specific to Branding and Marking 2 CFR 700.16 and provide plain language definitions. 2 CFR 700.0, Acronyms, is added and reserved.

• Subpart B of 2 CFR 700 at 2 CFR 700.2, 700.3, 700.4, and 700.5 is revised to align language with the 2024 Revisions and clarify that Subparts A through D of 2 CFR part 200 apply to for-profit entities located in the United States or its territories. The Federal

Acquisition Regulation at 48 Part 30 and 31 takes precedence over the cost principles in Subpart E for both U.S. based and foreign for-profit entities. This is already USAID's policy; so, the language in the applicability section has been revised for clarity.

- Subpart C of 2 CFR 700 at 700.6 and 700.7 is revised for clarity.
- Subpart D of 2 CFR 700 at 700.8, 700.9, 700.10, 700.11, 700.12, 700.13, 700.14, and 700.15 is revised to align language with the 2024 Revisions and for clarity.
- Subpart E of 2 CFR 700 is added and reserved to align with the structure of 2 CFR 200.
- Subpart F of 2 CFR 700 is added and reserved to align with the structure of 2 CFR 200.
- Subpart G is added, and 2 CFR 700.16 is moved to this section to outline USAID specific requirements that are not derived from 2 CFR 200. This section is revised for plain language revisions, to conform with changes to underlying laws, and to reduce agency and recipient burden. Specifically, this section is revised to allow for Agreement Officers to indicate in the Notice of Funding Opportunity that an apparently successful applicant may submit a Branding Strategy and Marking Plan after the award is made rather than requiring one before.

**III. Impact Assessments**

*(1) Executive Order 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14094 (Modernizing Regulatory Review)*

Executive Orders (E.O.s) 12866, Regulatory Planning and Review, and 13563, Improving Regulation and Regulatory Review, 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.

E.O. 14094 amends section 3(f)(1) of E.O. 12866 to define a ''significant regulatory action'' as an action that is likely to result in a rule: (1) having an annual effect on the economy of $200 million or more in any 1 year (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) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising legal or policy issues for which centralized review would meaningfully further the President's priorities or the principles set forth in this Executive order, as specifically authorized in a timely manner by the Administrator of OIRA in each case. A regulatory impact analysis (RIA) must be prepared for regulatory actions with significant effects ($200 million or more in any 1 year). This rule has been determined ''nonsignificant'' under E.O. 12866.

*(2) Congressional Review Act*

This final rule is not a major rule under the Congressional Review Act (5 U.S.C. 801 *et seq.*).

*(3) Executive Order No. 13132*

This rule will not have a substantial direct effect on the states, on the relationships between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not contain policies that have federalism implications.

*(4) Regulatory Flexibility Act*

The rule will not have an impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Further, the rule incorporates administrative changes to 2 CFR 700 and does not add any new requirements on USAID recipients or subrecipients. Therefore, an Initial Regulatory Flexibility Analysis has not been performed.

*(5) Paperwork Reduction Act*

This rule does not establish a new collection of information that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

**List of Subjects in 2 CFR Part 700**

Administration of Federal financial assistance, Administrative practice and procedure, Federal financial assistance programs.

■ For the reasons discussed in the preamble, USAID revises and republishes 2 CFR Part 700 as follows:

## PART 700—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

**Subpart A—Acronyms and Definitions**

Sec.
700.0 Acronyms.
700.1 Definitions.

**Subpart B—General Provisions**

700.2 Adoption of 2 CFR Part 200.
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700.6 Metric system of measurement.
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700.11 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.
700.12 Contract provisions.
700.13 Additional provisions for awards to for-profit entities.
700.14 Award Suspension and Termination.
700.15 Disputes.

**Subpart E—Cost Principles**

[Reserved]

**Subpart F—Audit Requirements**

[Reserved]

**Subpart G—USAID-Specific Requirements**

700.16 Marking.

**Authority:** Sec. 621, Public L. 87–195, 75 Stat 445, (22 U.S.C. 2381) as amended, E.O. 12163, Sept 29, 1979, 44 FR 56673; 2 CFR 1979 Comp., p. 435.

### Subpart A—Acronyms and Definitions

**§ 700.0 Acronyms.**

[Reserved]

**§ 700.1 Definitions.**

These are the definitions for terms used in this part. Different definitions may be found in Federal statutes or regulations that apply more specifically to particular programs or activities.

*Agreement Officer* means a person with the authority to enter into, administer, terminate, and closeout assistance agreements subject to this part, and make related determinations and findings on behalf of USAID. An Agreement Officer can only act within the scope of a duly authorized warrant

or other valid delegation of authority. The term ''Agreement Officer'' includes persons warranted as ''Grant Officers'' and certain authorized representatives of the Agreement Officer acting within the limits of their authority as delegated by the Agreement Officer.

*An apparently successful applicant* means the applicant for USAID funding that the Agreement Officer recommends for an award after merit review, but who has not yet been awarded a grant, cooperative agreement or other assistance award. Apparently successful applicant status confers no right and constitutes no USAID commitment to an award, which still must be executed by the Agreement Officer.

*Award* has the same meaning as *Federal award* as defined in 2 CFR 200.1.

*Commodities* mean any material, article, supply, goods or equipment, excluding recipient offices, vehicles, and non-deliverable items for recipient's internal use in administration of the USAID-funded grant, cooperative agreement, or other agreement or subaward.

*End date* means the date on which the recipient or subrecipient completes all work under an award or the date on the award document, or any supplement or amendment, on which USAID sponsorship ends.

*Program* means the organized set of activities directed toward a common purpose, objective, or goal that a recipient or subrecipient undertakes or proposes.

*Suspension* means an action by USAID that temporarily withdraws Federal sponsorship under an award, pending corrective action by the recipient or pending a decision to resume or terminate the award. Suspension of an award is a separate action from suspension under USAID regulations implementing E.O.s 12549 and 12689, ''Debarment and Suspension.'' See 2 CFR part 780.

*USAID* means the United States Agency for International Development.

## Subpart B—General Provisions

### § 700.2 Adoption of 2 CFR Part 200.

Under the authority listed above, the United States Agency for International Development (USAID) adopts the Office of Management and Budget (OMB) guidance for Federal Financial Assistance (subparts A through F of 2 CFR part 200), as supplemented by this part, as the USAID policies and procedures for Federal financial assistance administration. This part satisfies the requirements of 2 CFR 200.110(a) and gives regulatory effect to the OMB guidance as supplemented by this part.

### § 700.3 Applicability.

(a) Subparts A through D of 2 CFR part 200 apply to for-profit entities located in the United States or its territories. The Federal Acquisition Regulation (FAR) at 48 CFR part 30, Cost Accounting Standards, and Part 31, Contract Cost Principles and Procedures, takes precedence over the cost principles in Subpart E for Federal awards to U.S. for-profit entities.

(b) Subpart E applies to foreign organizations and foreign public entities, except where the Federal agency determines that the application of these subparts would be inconsistent with the international responsibilities of the United States or the laws of a foreign government. The Federal Acquisition Regulation (FAR) at 48 CFR part 30, Cost Accounting Standards, and Part 31, Contract Cost Principles and Procedures, takes precedence over the cost principles in Subpart E for Federal awards to foreign for-profit entities.

### § 700.4 Exceptions.

Consistent with 2 CFR 200.102:

(a) USAID's Assistant Administrator, Bureau for Management, or designee as delegated in Agency policy, may authorize exceptions on a case-by-case basis for individual federal awards, recipients, or subrecipients except where otherwise required by law or where OMB or other approval is expressly required by this Part. No case-by-case exceptions may be granted to the provisions of Subpart F—Audit Requirements of this Part.

(b) USAID's Assistant Administrator, Bureau for Management, or designee as delegated in Agency policy, may authorize exceptions, on a class or an individual case basis, to USAID program specific assistance regulations other than those which implement statutory and executive order requirements.

(c) The Federal agency may apply more restrictive requirements to a class of Federal awards or non-Federal entities when approved by OMB, required by Federal statutes, or regulations except for the requirements in Subpart F—Audit Requirements of this part. The Federal agency may apply less restrictive requirements when making awards at or below the simplified acquisition threshold, or when making fixed amount awards as defined in Subpart A—Acronyms and Definitions of 2 CFR part 200, except for those requirements imposed by statute or in Subpart F—Audit Requirements of this part.

### § 700.5 Supersession.

Effective December 26, 2014, this part supersedes the following regulations under *Title 22 of the Code of Federal Regulations:* 22 CFR part 226, ''Administration of Assistance Awards To U.S. Non-Governmental Organizations.''

## Subpart C—Pre-Federal Award Requirements and Contents of Federal Awards

### § 700.6 Metric system of measurement.

(a) The Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act (15 U.S.C. 205) declares that the metric system is the preferred measurement system for U.S. trade and commerce.

(b) Wherever measurements are required or authorized, the recipient must make, compute, and record in metric system units of measurement, unless the Agreement Officer authorizes in writing that such usage is impractical or is likely to cause U.S. firms to experience significant inefficiencies or the loss of markets. Where the metric system is not the predominant standard for a particular application, the recipient may express the measurements in both the metric and the traditional equivalent units, provided the metric units are listed first.

### § 700.7 Advance payment.

Advance payment mechanisms include, but are not limited to, Letter of Credit, Treasury check and electronic funds transfer and must comply with applicable guidance in 31 CFR part 205.

## Subpart D—Post Federal Award Requirements

### § 700.8 Payment.

(a) Use of resources before requesting advance payments. To the extent available, the non-Federal entity must disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments. This paragraph is not applicable to such earnings which are generated as foreign currencies.

(b) Standards governing the use of banks and other institutions as depositories of advance payments under Federal awards are as follows:

(1) Except for situations described in paragraph (b)(2) of this section, USAID does not require separate depository accounts for funds provided to a non-Federal entity or establish any eligibility requirements for depositories for funds provided to the non-Federal entity.

However, the non-Federal entity must be able to account for receipt, obligation and expenditure of funds.

(2) Recipients must deposit and maintain advance payments of Federal funds in insured accounts whenever possible.

**§ 700.9 Property standards.**

(a) *Real property.* Unless the agreement provides otherwise, title to real property will vest in accordance with 2 CFR 200.311.

(b) *Equipment.* Unless the agreement provides otherwise, title to equipment will vest in accordance with 2 CFR 200.313.

**§ 700.10 Cost sharing.**

(a) ''Unrecovered indirect costs'' has the same meaning as in 2 CFR 200.306(c).

(b) Unrecovered indirect costs, including indirect costs on cost sharing, may be included as part of cost sharing.

**§ 700.11 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

(a) To permit USAID, in accordance with the small business provisions of the Foreign Assistance Act of 1961, as amended, to give United States small business firms an opportunity to participate in supplying commodities and services procured under the award, the recipient should provide the following information to the Office of Small Disadvantaged Business Utilization (OSDBU), USAID, Washington, DC 20523, at least 45 days prior to placing any order or contract in excess of the simplified acquisition threshold:

(1) Brief general description and quantity of goods or services;

(2) Closing date for receiving quotations, proposals or bids; and

(3) Address where solicitations or specifications can be obtained.

(b) [Reserved]

**§ 700.12 Contract provisions.**

(a) The recipient or subrecipient's contracts must contain the applicable provisions described in Appendix II to Part 200.

(b) All negotiated contracts (except those for less than the simplified acquisition threshold) awarded by the recipient or subrecipient must include a provision to the effect that the recipient or subrecipient, USAID, the Comptroller General of the United States, or any of their duly authorized representatives, must have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

**§ 700.13 Additional provisions for awards to for-profit entities.**

(a) This paragraph contains additional provisions that apply to awards to for-profit entities. These provisions supplement and make exceptions for awards to for-profit entities from other provisions of this part.

(1) Prohibition against profit. The agency or pass-through entity will not provide funds as profit to any for-profit entity receiving or administering Federal financial assistance as a recipient or subrecipient. Federal financial assistance does not include contracts as defined at 2 CFR 200.1, other contracts a Federal agency uses to buy goods or services from a contractor, or contracts to operate Federal government owned, contractor operated facilities (GOCOs). Profit is any amount in excess of allowable direct and indirect costs.

(2) [Reserved]

(b) [Reserved]

**§ 700.14 Award Suspension and Termination.**

If at any time USAID determines that continuation of all or part of the funding for a program should be suspended or terminated because such assistance would not be in the national interest of the United States or would be in violation of an applicable law, then USAID may, following notice to the recipient, suspend or terminate the award in whole or in part and prohibit the recipient from incurring additional obligations chargeable to the award other than those costs specified in the notice of suspension. If a suspension is put into effect and the situation causing the suspension continues for 60 calendar days or more, then USAID may terminate the award in whole or in part on written notice to the recipient and cancel any portion of the award which has not been disbursed or irrevocably committed to third parties.

**§ 700.15 Disputes.**

(a) The USAID Agreement Officer will decide any dispute under or relating to Federal financial assistance. The Agreement Officer must furnish the recipient a written copy of the decision.

(b) Decisions of the USAID Agreement Officer will be final unless, within 30 calendar days of receipt of the decision, the recipient appeals the decision to USAID's Assistant Administrator, Bureau for Management, or designee as delegated in Agency policy. Appeals must be in writing with a copy concurrently furnished to the Agreement Officer.

(c) In order to facilitate review of the record by the USAID's Assistant Administrator, Bureau for Management, or designee as delegated in Agency policy, the recipient will be given an opportunity to submit written evidence in support of its appeal. No hearing will be provided.

(d) Decisions by the Assistant Administrator, Bureau for Management, or designee as delegated in Agency policy, will be final.

## Subpart E—Cost Principles

[Reserved]

## Subpart F—Audit Requirements

[Reserved]

## Subpart G—USAID-Specific Requirements

**§ 700.16 Marking.**

(a) *Definitions.* For the purposes of this section, the following definitions apply:

(1) *Activity* means a set of a recipient or subrecipient's actions using resources—such as commodities, technical assistance, or training to produce specific results, such as vaccinations given, schools built, microenterprise loans issued, or policies changed. The recipient or subrecipient undertakes activities to achieve the formally approved objectives of the award.

(2) *Branding strategy* means a strategy the apparently successful applicant or recipient submits describing how they will name and position the program, project, or activity and how they will promote and communicate it to beneficiaries and cooperating country citizens. In the branding strategy, the apparently successful applicant or recipient identifies all donors and explains how they will be acknowledged.

(3) *Marking plan* means a plan that the apparently successful applicant or recipient submits after merit review of an application for USAID funding, detailing the public communications, commodities, and program materials and other items that will visibly bear the USAID Identity.

(4) *Public communications* are documents and messages the recipient or subrecipient intends to distribute to external audiences. They include, but are not limited to, correspondence, publications, studies, reports, audio-visual productions, and other informational products; applications, forms, press and promotional materials used in connection with USAID-funded programs, projects or activities,

including signage and plaques; websites/internet activities; and events such as training courses, conferences, seminars, and press conferences.

(5) *USAID Identity* (Identity) means the official marking for the United States Agency for International Development (USAID) comprised of the USAID logo or seal and new brandmark with the tagline that clearly communicates our assistance is ''from the American people.'' Upon a written determination by the USAID Administrator, or delegate, the definition of the USAID Identity may be amended to include additional or substitute use of a logo or seal and tagline representing a presidential initiative or other high level interagency Federal initiative that requires consistent and uniform branding and marking by all participating agencies. The USAID Identity (including any required additional insignia or related identity) is available on the USAID website at *https://www.usaid.gov/branding* and is provided without royalty, license or other fee to recipients of USAID funded grants or cooperative agreements or other assistance awards.

(6) *Principal officer* means the most senior officer in an USAID Operating Unit in the field, for example, a USAID Mission Director or USAID Representative. For global programs managed from Washington but executed across many countries, such as disaster relief programs and assistance to internally displaced persons, humanitarian emergencies or immediate post conflict and political crisis responses, the cognizant Principal Officer may be an Office Director, for example, the Directors of USAID/W/Office of Foreign Disaster Assistance and Office of Transition Initiatives. For non-presence countries, the cognizant Principal Officer is the Senior USAID officer in a regional USAID Operating Unit responsible for the non-presence country, or in the absence of such a responsible operating unit, the Principal U.S Diplomatic Officer in the non-presence country exercising delegated authority from USAID.

(b) USAID policy is that a recipient or subrecipient must mark all programs, projects, activities, public communications, and commodities, specified further at paragraphs (d) through (g) of this section, partially or fully funded by a USAID grant or cooperative agreement or other assistance award or subaward with the USAID Identity, of a size and prominence equivalent to or greater than the recipient's, other donor's or any other third party's identity or logo.

(1) USAID reserves the right to require the USAID Identity to be larger and more prominent if it is the majority donor, or to require that a cooperating country government's identity be larger and more prominent if circumstances warrant; any such requirement will be on a case-by-case basis depending on the audience, program goals and materials produced.

(2) USAID reserves the right to request pre-production review of USAID funded public communications and program materials for compliance with the approved Marking Plan.

(3) USAID reserves the right to require marking with the USAID Identity in the event the recipient does not choose to mark with its own identity or logo.

(4) Recipients of USAID funded grants and cooperative agreements or other assistance awards must include a USAID-approved marking provision in any USAID funded subaward, to read as follows:

As a condition of receipt of this subaward, marking with the USAID Identity of a size and prominence equivalent to or greater than the recipient's, subrecipient's, other donor's or third party's is required. In the event the recipient chooses not to require marking with its own identity or logo by the subrecipient, USAID may, at its discretion, require marking by the subrecipient with the USAID Identity.

(c) Subject to § 700.16(b), (i), and (k), the recipient or subrecipient must mark program, project, or activity sites funded by USAID, including visible infrastructure projects (for example, roads, bridges, buildings) or other programs, projects, or activities that are physical in nature (for example, agriculture, forestry, water management), with the USAID Identity. The recipient or subrecipient should erect temporary signs or plaques early in the construction or implementation phase. When construction or implementation is complete, the recipient or subrecipient must install a permanent, durable sign, plaque or other marking.

(d) Subject to § 700.16(b), (i), and (k), the recipient or subrecipient must mark technical assistance, studies, reports, papers, publications, audio-visual productions, public service announcements, websites/internet activities and other promotional, informational, media, or communications products funded by USAID with the USAID Identity.

(1) Any ''public communications'' as defined in § 700.1, funded by USAID, in which the content has not been approved by USAID, must contain the following disclaimer:

This study/report/audio/visual/other information/media product (specify) is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of [insert recipient name] and do not necessarily reflect the views of USAID or the United States Government.

(2) The recipient must provide the Agreement Officer's Representative (AOR) or other USAID personnel designated in the grant or cooperative agreement with at least two copies of all program and communications materials produced under the award. In addition, the recipient must submit one electronic and/or one hard copy of all final documents to USAID's Development Experience Clearinghouse.

(e) Subject to § 700.16(b), (i), and (k), the recipient or subrecipient must mark events financed by USAID such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences and other public activities, with the USAID Identity. Unless directly prohibited and as appropriate to the surroundings, recipients should display additional materials such as signs and banners with the USAID Identity. In circumstances in which the USAID Identity cannot be displayed visually, recipients should otherwise acknowledge USAID and the American people's support.

(f) Subject to § 700.16(b), (i), and (k), the recipient or subrecipient must mark all commodities financed by USAID, including commodities or equipment provided under humanitarian assistance or disaster relief programs, and all other equipment, supplies and other materials funded by USAID, and their export packaging, with the USAID Identity.

(g) After merit review of applications for USAID funding, USAID Agreement Officers will request apparently successful applicants to submit a Branding Strategy, defined in § 700.1. The proposed Branding Strategy will not be evaluated competitively. The Agreement Officer will review the proposed Branding Strategy for adequacy, and will negotiate, approve and include the Branding Strategy in the award. The Agreement Officer will specify the timeline for submission in the Notice of Funding Opportunity. If the Notice of Funding Opportunity indicates that the apparently successful applicant may submit a Branding Strategy after the award is made, the Agreement Officer must include a special award condition to indicate the required submission date. If the Agreement Officer requires submission before award, failure to submit or

negotiate a Branding Strategy within the time specified by the Agreement Officer will make the apparently successful applicant ineligible for award.

(h) After merit review of applications for USAID funding, USAID Agreement Officers will request apparently successful applicants to submit a Marking Plan, defined in § 700.1. The Marking Plan may include requests for approval of Presumptive Exceptions, paragraph (i) of this section. The apparently successful applicant must include all estimated costs associated with branding and marking USAID programs, such as plaques, labels, banners, press events, promotional materials, and the like, in the total cost estimate of the grant or cooperative agreement or other assistance award. These costs are subject to revision and negotiation with the Agreement Officer upon submission of the Marking Plan. The Marking Plan will not be evaluated competitively. The Agreement Officer will review the proposed Marking Plan for adequacy, and will negotiate, approve and include the Marking Plan in the award. The Agreement Officer will specify the timeline for submission in the Notice of Funding Opportunity. If the Notice of Funding Opportunity indicates that the apparently successful applicant may submit a Marking Plan after the award is made, the Agreement Officer must include a special award condition to indicate the required submission date. If the Agreement Officer requires submission before award, failure to submit or negotiate a Marking Plan within the time specified by the Agreement Officer will make the apparently successful applicant ineligible for award. Agreement Officers have the discretion to suspend the implementation requirements of the Marking Plan if circumstances warrant. Recipients of a USAID funded grant or cooperative agreement or other assistance award or subaward should retain copies of any specific marking instructions or waivers in their project, program or activity files.

(i) Presumptive exceptions:

(1) The above marking requirements in § 700.16(b) through (f) may not apply if marking would:

(i) Compromise the intrinsic independence or neutrality of a program or materials where independence or neutrality is an inherent aspect of the program and materials, such as election monitoring or ballots, and voter information literature; political party support or public policy advocacy or reform; independent media, such as television and radio broadcasts, newspaper articles and editorials; public service announcements or public opinion polls and surveys.

(ii) Diminish the credibility of audits, reports, analyses, studies, or policy recommendations whose data or findings must be seen as independent.

(iii) Undercut host-country government ''ownership'' of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys or audits, public service announcements, or other communications better positioned as ''by'' or ''from'' a cooperating country ministry or government official.

(iv) Impair the functionality of an item, such as sterilized equipment or spare parts.

(v) Incur substantial costs or be impractical, such as items too small or other otherwise unsuited for individual marking, such as food in bulk.

(vi) Offend local cultural or social norms, or be considered inappropriate on such items as condoms, toilets, bed pans, or similar commodities.

(vii) Conflict with international law.

(2) The Agreement Officer must approve these exceptions. Apparently successful applicants may request approval of one or more of the presumptive exceptions, depending on the circumstances, in their Marking Plan. The Agreement Officer will review requests for presumptive exceptions for adequacy, along with the rest of the Marking Plan. When reviewing a request for approval of a presumptive exception, the Agreement Officer may review how program materials will be marked (if at all) if the USAID identity is removed. Exceptions approved will apply to subrecipients unless otherwise provided by USAID.

(j) In cases where the recipient does not comply with the Marking Plan, the Agreement Officer will initiate corrective action. Such action may involve informing the recipient of a USAID grant or cooperative agreement or other assistance award or subaward of instances of noncompliance and requesting that the recipient carry out its responsibilities as set forth in the Marking Plan and award. Major or repeated non compliance with the Marking Plan will be governed by the uniform suspension and termination procedures set forth at 2 CFR 200.340 through 2 CFR 200.343, and 2 CFR 700.14.

(k) (1) *Waivers.* USAID Principal Officers may at any time after award waive in whole or in part the USAID approved Marking Plan, including USAID marking requirements for each USAID funded program, project, activity, public communication or commodity, or in exceptional circumstances may make a waiver by region or country, if the Principal Officer determines that otherwise USAID required marking would pose compelling political, safety, or security concerns, or marking would have an adverse impact in the cooperating country. USAID recipients may request waivers of the Marking Plan in whole or in part, through the AOR. No marking is required while a waiver determination is pending. The Principal Officer must make the waiver determination on safety or security grounds in consultation with U.S. Government security personnel if available, and must consider the same information that applies to determinations of the safety and security of U.S. Government employees in the cooperating country, as well as any information supplied by the AOR or the recipient for whom the waiver is sought. When reviewing a request for approval of a waiver, the Principal Officer may review how program materials will be marked (if at all) if the USAID Identity is removed. Approved waivers are not limited in duration but are subject to Principal Officer review at any time due to changed circumstances. Approved waivers ''flow down'' to recipients of subawards unless specified otherwise. Principal Officers may also authorize the removal of USAID markings already affixed if circumstances warrant. Principal Officers' determinations regarding waiver requests are subject to appeal to the Principal Officer's cognizant Assistant Administrator. Recipients may appeal by submitting a written request to reconsider the Principal Officer's waiver determination to the cognizant Assistant Administrator.

(2) *Non-retroactivity.* Marking requirements apply to any obligation of USAID funds for new awards as of January 2, 2006. Marking requirements also will apply to new obligations under existing awards, such as incremental funding actions, as of January 2, 2006, when the total estimated cost of the existing award has been increased by USAID or the scope of effort is changed to accommodate any costs associated with marking. In the event a waiver is rescinded, the marking requirements will apply from the date forward that the waiver is rescinded. In the event a waiver is rescinded after the period of performance but before closeout as defined in 2 CFR 200.1, the USAID mission or operating unit with initial responsibility to administer the marking requirements must make a cost benefit analysis as to requiring USAID marking requirements after the end date of the

affected programs, projects, activities, public communications or commodities.

(l) USAID will provide the USAID Identity and other guidance at no cost or fee to recipients of USAID grants, cooperative agreements or other assistance awards or subawards. USAID will fund additional costs associated with marking requirements if reasonable, allowable, and allocable under 2 CFR part 200, subpart E. Recipients must follow the standard cost reimbursement provisions of the grant, cooperative agreement, other assistance award or subaward when applying for reimbursement of additional marking costs.

**Jami J. Rodgers,**

*Chief Acquisition Officer.*

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 959

**[Doc. No. AMS–SC–23–0040]**

## Onions Grown in South Texas; Redistricting and Reapportionment of Committee Membership

**AGENCY:** Agricultural Marketing Service, Department of Agriculture (USDA).

**ACTION:** Final rule.

**SUMMARY:** This final rule implements a recommendation from the South Texas Onion Committee (Committee) to reestablish the districts in the production area and reapportion representation on the Committee. This action reduces the number of districts from two to one and reapportions membership to reflect changes in the industry, provide equitable representation on the Committee, and create the opportunity for more producers and handlers to serve on the Committee.

**DATES:** Effective September 3, 2024.

**FOR FURTHER INFORMATION CONTACT:** Delaney Fuhrmeister, Marketing Specialist, or Christian D. Nissen, Chief, Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Delaney.Fuhrmeister@usda.gov* or *Christian.Nissen@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–8085, Fax: (202) 720–8938, or Email: *Richard.Lower@usda.gov.*

**SUPPLEMENTARY INFORMATION:** This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Order No. 959, as amended (7 CFR part 959), regulating the handling of onions in South Texas. Part 959 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers and handlers of onions operating within the production area.

The Agricultural Marketing Service (AMS) is issuing this rule in conformance with Executive Orders 12866, 13563, and 14094. Executive Orders 12866, 13563, and 14094 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 reaffirms, supplements, and updates Executive Order 12866 and further directs agencies to solicit and consider input from a wide range of affected and interested parties through a variety of means. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined that this rule is unlikely to have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

This rule has been reviewed under Executive Order 12988—Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under sec. 608c(15)(A) of the Act, any handler subject to an order may file with the U.S. Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule redistricts and reapportions the membership of the Committee as prescribed under the Order. This rule consolidates the current two districts into a single district and reapportions all Committee membership to the single district. These actions reflect changes in the industry, will help provide equitable representation on the Committee and create opportunity for more producers and handlers to serve on the Committee. Further, these changes will better enable Committee staff to conduct nominations and ensure the appointment of a full Committee, allowing for an easier achievement of quorum at assembled meetings. The Committee unanimously recommended these changes when meeting on June 8, 2023.

Section 959.22 of the Order provides for the establishment of membership on the Committee and states that the Committee shall consist of thirteen members, eight of whom shall be producers and five of whom shall be handlers. Each member shall have an alternate.

Section 959.24 currently defines the counties in Texas that make up District No. 1 and District No. 2 for the purpose of selecting Committee members. Section 959.26 specifies that District No. 1 is represented by five producer members and alternates and three handler members and alternates, and District No. 2 is represented by three producer members and alternates and two handler members and alternates.

Section 959.25 authorizes the Committee to recommend, with the approval of the Secretary, reapportionment of members among districts, and the reestablishment of districts within the production area. This section also provides that, in making such recommendations, the Committee shall consider shifts in onion acreage or production within the districts, the importance of new

production in relation to existing districts, the equitable relationship of Committee membership in districts, economies to result for producers in promoting efficient administration due to redistricting or reapportionment, and other relevant factors.

This rule adds two new sections to the rules and regulations under the Order using the authority in § 959.25. Section 959.110 reestablishes the districts currently identified in the Order from two districts to one single district, and § 959.111 reapportions the eight producer seats and five handler seats and their alternates to the new single district.

In 2017, the Committee recommended reducing the Committee size from 34 members to 26 members by removing one producer and one handler from each district. The Committee recommended this change due to the decrease in the number of onion handlers and producers, and believed having a smaller Committee would help fulfill membership and quorum requirements. The final rule reducing the Committee size was published in the **Federal Register** on March 22, 2019 (84 FR 10665).

Despite reducing the Committee size in 2019, the Committee continued to face difficulty filling member and alternate seats and meeting quorum. Consequently, at its meeting on June 8, 2023, the Committee reviewed the need to reapportion the membership and/or redistrict the production area. In its discussion, the Committee considered the distribution of production between the two districts and the ongoing difficulty with finding candidates to fill membership positions, with Committee staff reporting that this was a particularly difficult task in District 2. Given the current state of the industry, discussion focused on combining the current two districts into a single district representing the entire production area.

The 2022–2023 fiscal period saw a 39-percent increase in acreage planted from the previous year. However, from 2018–2019 to 2022–2023, industry production decreased by 28 percent. During this time, the percentage of industry acreage has remained stable between the two districts, with District 1 accounting for around 85 percent of industry acreage and District 2 accounting for around 15 percent. Production totals between the two districts also reflect a similar distribution as the percentages for acreage.

Since the reduction in Committee size in 2019, the industry has also experienced some additional consolidation, with the number of producers and handlers continuing to decline. As with acreage and production, there is also a disparity in the number of producers and handlers between the districts, with District 1 having considerably more producers and handlers (71) than District 2 (9). Consequently, District 2 has more representation on the Committee than is supported by either the volume of production or by the numbers of producers and handlers represented.

In addition, because of the limited number of producers and handlers in District 2, it has been difficult to find qualified nominees to fill the available member and alternate seats on the Committee. In its discussion, the Committee recognized this would continue to be a problem, and one that could become more difficult should there be any further consolidation in District 2. The Committee found that this, when combined with the disparity in volume and industry numbers, supports the need to adjust the current membership structure to make the Committee more reflective of the industry.

At the June meeting, there was little interest expressed in considering another reduction in the size of the Committee, or for further reapportioning the membership between the two districts to increase the number of seats available in District 1. Neither of these options received a motion. Committee members discussed that, historically, onion production in South Texas was separated by two distinct seasons with District 1 operating from May to July and District 2 from March to May; however, the Committee recognized the industry has been experiencing a shift, with District 1 and District 2 now aligning as a consolidated industry operationally with a single season from March to July.

Considering this shift in the industry, the distribution of production, and current Committee representation, the Committee recommended combining current Districts 1 and 2 into a new single district representing the entire production area. The Committee also recommended that all member and alternate seats be reapportioned to the reestablished district. By combining both District 1 and District 2 into a single district, the Committee believes it should enable the Committee to fulfill membership and quorum requirements and make the Committee more reflective of the industry.

These changes also make the representation on the Committee more equitable and create the opportunity for more industry members to serve. Currently, producers and handlers in District 1 that may be interested in serving are not eligible to serve in the seats available in District 2. By combining the two districts, the Committee is addressing the issue of the limited number of producers and handlers in District 2, opening the available seats to all producers and handlers within the production area. In considering these changes, Committee members agreed that producers and handlers in District 2 will still have an opportunity to be nominated and elected to serve.

Accordingly, at the June 8, 2023, meeting, the Committee voted unanimously to reduce the number of districts from two to one, and to reapportion the producer and handler membership to the single district. The Committee believes these changes will make the representation on the Committee more reflective of the South Texas onion industry and create opportunities for other producers and handlers to serve on the Committee.

**Final Regulatory Flexibility Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are 23 handlers of South Texas onions subject to regulation under the marketing order and approximately 55 producers of South Texas onions in the production area. At the time this analysis was prepared, the Small Business Administration (SBA) defined small agricultural service firms as those having annual receipts of less than $34,000,000 (North American Industry Classification System (NAICS) code 115114, Postharvest Crop Activities), and small agricultural producers are defined as those having annual receipts of less than $3,750,000 (NAICS code 111219, Other Vegetable and Melon Farming) (13 CFR 121.201).

Based on data from Market News and production records from the Committee, the average price for South Texas onions during the 2023 season was approximately $23.25 per 50-pound equivalent with total shipments of

around 3.02 million 50-pound equivalents shipped. Using the average price and shipment data, handlers have average annual receipts below $34 million and could be considered small businesses under SBA's definition ($23.25 multiplied by 3.02 million 50-pound equivalents equals $70,215,000, divided by 23 equals $3.05 million).

In addition, based on data from the National Agricultural Statistics Service and the Committee, the average price producers received for South Texas onions during the 2022–2023 season was approximately $17 per 50-pound equivalent, with total shipments of around 3.02 million 50-pound equivalents. Using the average price producers received and shipment information, the number of producers, and assuming a normal distribution, the majority of producers have estimated average annual receipts significantly less than $3.75 million ($17 multiplied by 3.02 million 50-pound equivalents equals $51,340,000, divided by 55 producers equals $933,455 per producer). Therefore, the majority of handlers and producers of South Texas onions may be classified as small entities.

This rule reduces the number of districts under the Order from two districts to one and reapportions the producer and handler member and alternate seats to the single district. The Committee believes that these changes will realign the Committee to reflect the composition of the industry, provide for equitable representation, and create the opportunity for more producers and handlers to serve on the Committee. This rulemaking establishes §§ 959.110 and 959.111 in the rules and regulations under the Order to establish the single district and to allot the members and alternates to the single district. The authority for this action is provided in § 959.25. These changes were unanimously recommended by the Committee at a meeting on June 8, 2023.

It is not anticipated that this action will impose any additional costs on the industry. Given the division of production, the distribution of producers and handlers across the industry, and the difficulty in filling member and alternate seats on the Committee, this action will have a beneficial impact that aligns the Committee membership to reflect the industry. Redistricting and reapportionment of the membership also makes it easier for Committee staff to conduct nominations, provide nominees for all seats, and readily achieve a quorum when meetings are assembled. These changes save time and operating resources by making it easier to find candidates to serve on the Committee, improving the efficiency of operations. This also helps avoid the cost associated with travel and assembly of a meeting where a quorum is not achieved.

These changes also provide for more equitable representation on the Committee and increase diversity by allowing more producers and handlers the opportunity to serve. These changes are intended to make the Committee more representative of the current industry. The effects of this rulemaking will not be disproportionately greater or less for small entities than for larger entities. The Committee discussed alternatives to these changes, including making no changes, reapportioning the Committee membership, and further reducing the size of the Committee. The Committee recognized there is a disparity in the volume of onions produced and the number of producers and handlers between the districts. The Committee determined changes were needed to make the districts and the apportionment of members more reflective of the current industry. Members agreed that further reducing the Committee size could negatively affect industry participation, and that combining the districts rather than reducing the number of seats allows for a wider participation from candidates who want to serve on the Committee. Therefore, for the reasons above, these alternatives were rejected.

The Committee's meetings are widely publicized throughout the South Texas onion industry and all interested persons are invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the June meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons were invited to submit comments on this rule, including the regulatory impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements will be necessary as a result of this rule. Should any changes become necessary, they will be submitted to OMB for approval.

This final rule will not impose any additional reporting or recordkeeping requirements on either small or large South Texas onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on April 8, 2024 (89 FR 24393). Copies of the proposed rule were provided to all South Florida onion handlers. The proposal was also made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending May 8, 2024, was provided for interested persons to respond to the proposal. AMS received one comment from an industry member located in District 1 who expressed opposition to the proposal but provided no substantive data or justification. After reviewing the comment, AMS made no changes to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendations submitted by the Committee and other available information, AMS has determined that this final rule is consistent with and will effectuate the purposes of the Act.

**List of Subjects in 7 CFR Part 959**

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agriculture Marketing Service amends 7 CFR part 959 as follows:

## PART 959—ONIONS GROWN IN SOUTH TEXAS

■ 1. The authority citation for part 959 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Add § 959.110 to read as follows:

**§ 959.110 Reestablishment of districts.**

Pursuant to § 959.25, a single district is reestablished to include all counties in the production area as follows: the counties of Aransas, Atascosa, Bee, Brooks, Calhoun, Cameron, DeWitt, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Karnes, Val Verde, Kenedy, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, Refugio, San Patricio, Starr, Uvalde, Victoria, Webb, Willacy, Wilson, Zavala and Zapata in the State of Texas.

■ 3. Add § 959.111 to read as follows:

**§ 959.111 Reapportionment of Committee membership.**

Pursuant to § 959.25, the Committee membership of eight producer members and five handler members and the respective alternates is reapportioned to a single district made up of all counties in the production area.

**Melissa R. Bailey,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2024–16960 Filed 8–1–24; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2024–0319; Airspace Docket No. 24–ASO–6]**

**RIN 2120–AA66**

## Amendment of Class E Airspace; Reidsville, NC

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; withdrawal.

**SUMMARY:** A final rule was published in the **Federal Register** on June 4, 2024, establishing Class E airspace extending upward from 700 feet above the surface for Rockingham County NC Shiloh Airport, Reidsville, NC, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures serving the airport. The FAA has determined that withdrawal of the final rule is warranted since this action should be considered an amendment.

**DATES:** Effective 0901 UTC, August 2, 2024.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305–6364.

**SUPPLEMENTARY INFORMATION:**

**History**

The FAA published a final rule in the **Federal Register** (89 FR 47847, June 4, 2024) for Doc. No. FAA–2024–0319, establishing Class E airspace extending upward from 700 feet above the surface within a 9.1-mile radius of Rockingham County, NC Shiloh Airport, Reidsville, NC. After publication, the FAA found that Class E airspace had already been charted for this airport. As a result, the final rule is being withdrawn, and a new final rule, amending the existing Class E airspace, will be submitted.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Withdrawal**

■ In consideration of the foregoing, the final rule for Docket No. FAA–2024–0319 (89 FR 47847, June 4, 2024), FR Doc. 2024–12112, is hereby withdrawn.

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

Issued in College Park, Georgia, on July 29, 2024.

**Andreese C. Davis,**

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

[FR Doc. 2024–17008 Filed 8–1–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 203

**[Docket No. FR–6353–F–02]**

**RIN 2502–AJ66**

## Modernization of Engagement With Mortgagors in Default

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, HUD.

**ACTION:** Final rule.

**SUMMARY:** HUD's regulations require mortgagees of Federal Housing Administration insured single family mortgages to meet in person, or make a reasonable effort to meet in person, with mortgagors who are in default on their mortgage payments. This rule modernizes those requirements by amending HUD's regulations to better align with advances in electronic communication technology and mortgagor engagement preferences, while preserving consumer protections. Specifically, this rule revises HUD's in-person, face-to-face meeting requirements by permitting mortgagees to utilize methods of communication most likely to receive a response from the mortgagor, including remote communication methods, to meet with mortgagors who are in default on their mortgage payments. This rule also expands the meeting requirement to all mortgagors in default, including mortgagors who do not reside in the mortgaged property and those with a mortgaged property not within 200 miles of their mortgagee. This final rule adopts HUD's July 31, 2023, proposed rule with only minor, non-substantive revisions.

**DATES:** Effective January 1, 2025.

**FOR FURTHER INFORMATION CONTACT:** Elissa Saunders, Director, Office of Single Family Asset Management, Office of Housing, Department of Housing and Urban Development, 100 South Charles Street, Bank of America Building, Tower II, 11th Floor, Baltimore, MD 21201; telephone number 410–209–6605 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

**SUPPLEMENTARY INFORMATION:**

**I. Background**

First codified in 1976, HUD's regulations at 24 CFR 203.604 require mortgagees of Federal Housing Administration (FHA) insured single family mortgages (mortgagees) to meet in person, or make a reasonable effort to meet in person, with mortgagors who are in default on their mortgage payment. This requirement for an in-person meeting with the mortgagor, commonly referred to as the ''face-to-face meeting'' requirement, originated during a time when mortgage lending and servicing activities were conducted in person at locations in the local communities a mortgagee served. At that time, a face-to-face meeting between the mortgagor and mortgagee was the most effective way to discuss and facilitate loss mitigation options because knowledgeable mortgagee staff were available at locations near the mortgaged property. Beginning in the mid-1990s, many mortgagees began consolidating origination and servicing activities at centralized locations. Today, many mortgagees have a national presence and often employ a single

national servicing center or a limited number of regional servicing centers, operate without retail places of business altogether, and tend to conduct origination and servicing activities with employees and clients not being in close physical proximity. In addition, mortgagors show an increased preference to conduct business online or through other remote methods.

The current face-to-face meeting requirement also reflects a time when electronic methods for conducting virtual meetings were not widely available or commonly used. Since 24 CFR 203.604 was last amended, significant advances have been made in the mortgage industry's use of technology and mortgagors' access to such, including smartphones, tablets, and live video communications. Over the years, HUD has updated certain mortgage servicing policies to increase requirements for mortgagees to engage with mortgagors in default on their mortgage payments. To adapt to changing uses of communication technology, in updates to the FHA Single Family Housing Policy Handbook 4000.1,[1] HUD has expanded its acceptable methods for communicating with mortgagors in default situations, which currently include phone calls, emails, web portals, and other electronic methods.[2] In addition to HUD increasing its requirements for mortgagees to engage with mortgagors in default, the Consumer Financial Protection Bureau (CFPB) mortgage servicing regulations at 12 CFR part 1024 and State laws in many jurisdictions require engagement with mortgagors, causing mortgagees to expand their outreach processes to offer mortgagors timely loss mitigation options.

As a result of mortgagees' expanded outreach processes to mortgagors and mortgagors' ability to independently research loss mitigation options, mortgagees reported very few mortgagors who agreed to participate in face-to-face meetings with their mortgagees prior to the COVID–19 pandemic, as more thoroughly described in the Modernization of Engagement with Mortgagors in Default proposed rule (the proposed rule) that preceded this final rule.[3]

Due to public health concerns around the spread of COVID–19, in March 2020, HUD issued a temporary, partial waiver of the face-to-face meeting requirement found in 24 CFR 203.604, which has been extended on several occasions and remains in effect until this final rule becomes effective on January 1, 2025 (collectively, the ''waiver'').[4] Similar to the regulation revisions codified in this final rule, the waiver permitted mortgagees to use alternative methods for contacting mortgagors, including electronic methods of communication, *e.g.,* phone interviews, email, video calling services, and other communication technologies, to meet the requirements of 24 CFR 203.604. With this waiver in place, mortgagees provided over 2 million mortgagors in default with loss mitigation assistance. HUD received positive feedback from mortgagees and consumer advocates related to the added flexibility to existing loss mitigation outreach requirements permitted by the waiver.

## II. The Proposed Rule

On July 31, 2023, HUD published for public comment the proposed rule to amend 24 CFR 203.604. For mortgages insured pursuant to 24 CFR part 203, except mortgages insured on Indian Land pursuant to section 248 of the National Housing Act (Section 248 Mortgages on Indian Land),[5] the proposed rule sought to make it more convenient for mortgagors in default to meet with their mortgagee by revising the requirement that mortgagees must have a face-to-face meeting with mortgagors to instead permit mortgagees to meet with mortgagors who are in default on their mortgage payments either through a face-to-face meeting or through other communication methods as determined by the Secretary, including electronic or other remote communication methods such as telephone or video calls.

Additionally, given the proposed expanded methods of communication with the mortgagor and recent FHA policy updates that make loss mitigation options available to mortgagors who do not reside in the mortgaged property, the proposed rule sought to eliminate two of the exemptions to the requirement for the mortgagee to meet with mortgagors in default currently found in 24 CFR 203.604(c). The exemptions proposed to be eliminated were (1) mortgagees are not required to meet with a mortgagor if the mortgagor does not reside in the mortgaged property and (2) a meeting with the mortgagor is not required if the mortgaged property is not within 200 miles of the mortgagee, its servicer, or a branch office of either. Finally, the proposed rule sought to amend the definition of a ''reasonable effort'' to arrange a meeting with the mortgagor to align with the proposed updates regarding the addition of the option to use electronic or other remote communication methods as determined by the Secretary to conduct a meeting with the mortgagor.

## III. This Final Rule

After reviewing and considering the public comments received during the proposed rule stage of this rulemaking, HUD is publishing the final rule with only minor, non-substantive revisions from the proposed rule. HUD believes that this final rule will improve mortgagee engagement with mortgagors, reduce the cost of mortgage default servicing, and align HUD's regulations with advancements made in electronic communication technology and in mortgagor communication preferences, while preserving consumer protections. With the addition of other Secretary approved options for mortgagees to conduct the meeting with the mortgagor, the final rule will permit mortgagees to utilize more flexible communication and scheduling options to meet with the mortgagor at the mortgagor's convenience. Furthermore, the increased flexibility will assist mortgagors with disabilities, immuno-compromised mortgagors, and mortgagors with limited English proficiency. Additionally, the final rule will reduce the expense incurred by mortgagees and the difficulties associated with making at least one trip to see the mortgagor at the mortgaged property to schedule a meeting with the mortgagor. The final rule also expands the meeting requirement to all mortgagors in default, including mortgagors who do not reside in the mortgaged property and those with a mortgaged property that is not within 200 miles of the mortgagee, its servicer, or a branch office of either.

[1] The FHA Single Family Housing Policy Handbook 4000.1 is available at *https://www.hud.gov/program_offices/housing/sfh/handbook_4000-1.*

[2] FHA Single Family Housing Policy Handbook 4000.1, section III.A.2.h. Early Default Intervention.

[3] 88 FR 49392 (July 31, 2023).

[4] The original waiver issued on March 13, 2020, and subsequent additional temporary, partial waivers to the face-to-face meeting requirement in 24 CFR 203.604 are posted on HUD's Housing Waivers web page, available at *https://www.hud.gov/program_offices/administration/hudclips/waivers.*

[5] As described in the proposed rule, HUD proposed no substantive revisions to the in-person, face-to-face meeting requirement found in 24 CFR 203.604 for Section 248 Mortgages on Indian Land. Unlike other single-family mortgage insurance programs regulated under 24 CFR part 203, the National Housing Act specifically requires that mortgagees conduct a face-to-face meeting with mortgagors who are in default on their mortgage payments for Section 248 Mortgages on Indian Land. Given these statutory requirements, HUD's proposed revisions to 24 CFR 203.604 as relates to Section 248 Mortgages on Indian Land were limited to non-substantive reorganizational edits to the paragraph structure of § 203.604 to make the requirements for Section 248 Mortgages on Indian Land easier to understand.

While HUD's revisions to 24 CFR 203.604 update the acceptable methods that mortgagees may use to meet with a mortgagor in default, the purpose for the meeting remains the same. The meeting requirement is the mortgagor's opportunity to meet directly with trained mortgagee staff who can provide information about FHA loss mitigation options to assist the mortgagor in curing the default episode and bringing the FHA-insured mortgage current or otherwise avoiding foreclosure. Generally, mortgagors are unfamiliar with FHA's home retention loss mitigation options and do not understand what options like a short-term forbearance, loan modification, or partial claim entail. Many mortgagors are also unaware that FHA provides home disposition options for mortgagors in default who are unable to retain their homes and want to avoid foreclosure. In addition to the meeting providing an opportunity for mortgagors in default to meet with knowledgeable mortgagee staff who can explain available loss mitigation options, the meeting also provides the opportunity for the mortgagee to begin collecting the information needed to evaluate mortgagors for FHA's loss mitigation options.

## IV. Public Comments

This public comment section contains a summary of the public comments that HUD received in response to the proposed rule.

### *A. Support for the Proposed Rule*

*Face-to-face meetings are not necessary and communicating with mortgagors through electronic and other remote communication methods is preferred.*

Commenters in favor of the proposed rule supported a broader range of communication methods for contacting the mortgagor, such as phone calls, emails, video calls, and other communication technologies, to increase the likelihood that a mortgage servicer will receive a response from the mortgagor and be able to engage in a discussion about home retention options with defaulted mortgagors. A commenter stated that broadening the range of communication methods should increase the likelihood of a successful loss mitigation effort and retention of a mortgagor's home.

A commenter supported FHA's ongoing efforts to assist mortgagors to avoid foreclosure and to receive options that help mortgagors in hardship situations, stating that the proposed rule is a positive step in the direction of expanding opportunities to offer loan workout solutions for distressed mortgagors.

A commenter stated that modernizing the permissible methods to communicate with mortgagors will save time, money, and reduce foreclosures. Another commenter supported using modernized communication methods because attempts to reach mortgagors through face-to-face meetings can be costly, difficult to arrange, and may not be fully successful in resulting in a meeting with the mortgagor.

One commenter stated that the mortgage servicing industry has for many years urged HUD to eliminate the outdated requirement for mortgage servicers to conduct in-person, face-to-face meetings with mortgagors who are in default on their mortgage payments. The commenter stated that they support the goal of providing greater flexibility for mortgage servicers to educate mortgagors on available loss mitigation solutions through utilizing modern communication technology.

Another commenter stated that the proposed rule offers communication options for mortgagors that are potentially more convenient than an in-person, face-to-face meeting. A different commenter stated that these proposed changes are supported by the data referenced in the proposed rule and will reduce the regulatory burden in reaching out to mortgagors in default.

A commenter stated that § 203.604, as written, is costly and has not been successful. The commenter also stated that there is no need to require a property visit when mortgage servicers have a Quality Right Party Contact (QRPC) when using modern methods and tools.

One commenter stated that credit unions have indicated that they may be able to service their FHA-insured mortgage loans more efficiently if they do not have to worry about how to address the burdensome face-to-face meeting requirements and could use technology to meet with mortgagors from their central servicing headquarters. The commenter stated that credit unions also believe that the proposed changes will provide for greater efficiency in the loss mitigation process, permitting credit unions to provide more timely information to members in default.

A commenter stated that through the COVID–19 pandemic, mortgage servicers have simplified their processes to improve mortgagor outcomes and that mortgagors facing financial hardship should be able to continue to engage with their mortgage servicers through remote methods of contact that have proven their effectiveness. Another commenter, referencing information cited in the proposed rule, stated that the proposed changes reflect consumer preferences in how consumers use technology for their banking services in a post-pandemic world.

*HUD Response:* HUD appreciates the comments and agrees that the revisions to 24 CFR 203.604 will assist mortgagors in default by improving their engagement with mortgagees. The meeting described in § 203.604 is designed to provide information about and steps to resolve the mortgagor's default and avoid foreclosure. Additionally, HUD believes that mortgagors with disabilities or difficulty accessing an in-person meeting will be greatly assisted by the expanded options that may be used to meet with their mortgagee.

*Removal of the 200-mile exemption.*

Multiple commenters supported the proposed rule's removal of the 200-mile exemption that provided that a meeting with the mortgagor is not required if the mortgaged property is not within 200 miles of the mortgagee, its servicer, or a branch office of either. Some commenters supported the removal of the 200-mile exemption from the proposed rule to create equal opportunity for all mortgagors to engage with their mortgage servicer regardless of where the mortgagor lives.

Commenters stated that because nonbank mortgage servicers without branch offices increasingly service FHA-insured loans, the 200-mile exemption effectively eliminates the opportunity for a meeting for many mortgagors. One commenter stated this is important because nonbank mortgage servicers have limited branch offices, which could allow the nonbank servicers to meet the qualifications for the current 200-mile exemption in many instances.

The commenters also stated that HUD's proposal to retain the mandatory meeting and remove the 200-mile exemption provides a specific opportunity for mortgage servicers and mortgagors to prepare and fully discuss the options that are available to the mortgagor, which will promote compliance with HUD's regulations. One commenter stated that they strongly support HUD's decision to remove the 200-mile exemption because the mandatory meeting will facilitate foreclosure alternatives under FHA's unique loss mitigation waterfall.

*HUD Response:* HUD appreciates the comments and agrees that the change will assist more mortgagors in default. The 200-mile exemption is no longer relevant for many reasons, including those raised by the commenters. HUD agrees with the comment that removing

the 200-mile exemption from the rule will create equal opportunity for all mortgagors to engage with their mortgage servicer, regardless of the mortgagor or mortgagee's physical location.

*Removal of the mortgagor not residing in the mortgaged property exemption.*

A commenter stated that all mortgagors in default should be able to engage with their mortgage servicer regardless of whether the mortgagor occupies the mortgaged property.

*HUD Response:* HUD appreciates the comment and agrees that the change will assist more mortgagors in default. The non-occupant exemption is no longer relevant, as HUD has expanded its loss mitigation assistance to all mortgagors in default, including mortgagors who do not reside in the mortgaged property. This revision to § 203.604 will create equal opportunity for all mortgagors to engage with their mortgage servicer, regardless of the location of the mortgaged property.

*Mandatory meetings should occur early in the default process.*

Commenters stated that they strongly support HUD's proposal to retain the mandatory meeting that mortgage servicers must hold with mortgagors early in the default process.

One commenter stated that if mortgage servicers comply with HUD's rule to conduct the meeting relatively early in the default cycle, the arrearage at the time of a meeting is likely to be of short duration and therefore more manageable through timely application of FHA's loss mitigation waterfall. The commenter stated that they support HUD's further clarification that the mortgage servicer must conduct the meeting prior to foreclosure.

The commenter also stated that the mandatory meeting is designed to ensure that mortgage servicers consider loss mitigation options early in the process in order to avoid prolonged defaults by mortgagors and to minimize risk to the Mutual Mortgage Insurance Fund (MMIF). The commenter stated that mortgage servicers have frequently argued in court that their post-foreclosure actions satisfy the regulation in the absence of pre-foreclosure compliance. The commenter described the case of *Wells Fargo Bank* v. *Awadallah,* 41 NE3d 481 (Ohio Ct. App. 2015), where the lender claimed that it did not have to visit the home prior to filing foreclosure because it engaged in a mediation session scheduled by the court after a foreclosure case had been filed. The commenter stated that the court in *Awadallah* rejected this argument, reversing the trial court's issuance of a decree of foreclosure. The commenter stated that advocates continue to face this type of argument in court, and HUD's further clarification is warranted. The commenter stated that loss mitigation is important for mortgagors at all stages of default, and that mediation is an important tool; however, efforts to address defaults after foreclosure has been filed are not a substitute for the early intervention involved in the mandatory meeting.

*HUD Response:* HUD appreciates the comments and agrees that it is important to retain the meeting requirement between mortgagors and mortgagees early in the default and prior to foreclosure. This meeting provides an important step in helping mortgagors resolve their default and avoid foreclosure.

*B. Objections to the Proposed Rule*

*Benefits of the face-to-face meeting and limits of remote communication methods.*

Some commenters expressed generally that they do not support the proposed rule. One commenter supported the modernization of the requirements in 24 CFR 203.604 but did not support the approach outlined in the proposed rule.

Commenters stated that in-person, face-to-face contact programs are highly effective and have helped countless mortgagors re-engage with their mortgage servicers to pursue repayment and loss mitigation solutions. A commenter stated that the removal of the face-to-face contact attempt requirement in § 203.604 will add significant risk to all stakeholders, including the mortgagor, the mortgage servicer, and HUD. Commenters stated that the assistance from the in-person, face-to-face outreach to mortgagors has irreplaceable value and is immeasurable compared to any other mortgagor outreach tool available. Additionally, commenters stated that in-person, face-to-face contact requirements exist to assist mortgagors who need the most help, are behind on mortgage payments, and are unsure what help is available to them. One commenter stated that informing mortgagors about the advantages of the direct meeting option makes it more likely that they will engage in the loss mitigation process.

A commenter stated that without the in-person, face-to-face contact attempt, there is a significant increase in the risk of foreclosure and that foreclosure is detrimental to a family and very costly to mortgage servicers. The commenter also stated that the cost of foreclosure would greatly exceed the cost to perform an in-person visit to the property, especially given the low cost of mortgagor outreach often provided by professional borrower outreach companies.

Commenters stated that certain people, like older people, members of underserved communities, and those who live in inner cities and rural areas especially benefit from the face-to-face meeting. The commenters said that these populations may be less adept in their use of technology and the in-person requirement helps bridge a communication gap. Commenters further stated that these communities will be most negatively impacted by the proposed rule.

One commenter stated that the in-person, face-to-face meeting requirement is important because, regardless of whether or not in-person contact is made during a visit, a contact letter or loss mitigation package is hand-delivered to the mortgagor or left at the property. The commenter stated that this is important because it informs the mortgagor that there are mortgage assistance options available and it assures the mortgagor that the mortgage servicer wants to help the mortgagor. Commenters said that although the meeting required by § 203.604 could be conducted virtually, the in-person attempt to contact the mortgagor is necessary in many cases to bring awareness to the mortgagor that the mortgagee is trying to contact the mortgagor.

Commenters stated that a benefit of the face-to-face meeting is it allows the mortgage servicer to comfort the mortgagor during their hardship, which may cause embarrassment, fear, or reluctance to contact the mortgage servicer. A commenter stated that the in-person, face-to-face contact from the mortgage servicer to the mortgagor helps instill confidence in the mortgagor.

Commenters stated that the benefit of the face-to-face meeting in 24 CFR 203.604 is the mortgage servicer is required to have the mortgagor meet with someone who has the authority to propose and accept reasonable repayment plans. A commenter said that such an individual with this authority would also be able to resolve other critical issues and problems that exist between the mortgagee and mortgagor. The commenter stated that by eliminating the face-to-face requirement in 24 CFR 203.604, and instead permitting remote communication methods, mortgagors will not be able to speak with a mortgage servicer representative who cares or understands mortgagors' issues.

A commenter said that the face-to-face contact requirement is an effective tool that mortgage servicers should use to

engage mortgagors who have not responded to contact attempts made through remote communication methods.

Commenters stated that it is important for both the mortgagor and mortgage servicer to continue having in-person, face-to-face contact because this will enhance mortgage servicer QRPC and ultimately increase loan workouts to help more mortgagors remain in their homes. One commenter stated that the face-to-face contact requirement has helped mortgagors for decades and allows mortgage servicers to communicate with more mortgagors and increase full and partial payments made in an effort to cure the mortgage default. The commenter also said that FHA-insured loans are considered high risk by their nature, and that FHA-insured mortgages require additional controls to mitigate risk, such as the face-to-face requirement. Another commenter believed that visits to the property would lead to loan workouts that not only allow thousands of mortgagors to retain their homes but would reduce HUD credit losses by more than $250 million.

A commenter stated that remote contact efforts alone are insufficient to maximize mortgagor response. Commenters stated that many obstacles make it improbable that a mortgage servicer will be able to contact a defaulted mortgagor using remote communication methods, referencing obstacles such as tools that block toll free numbers, laws preventing autodialing to cell phones without consent, email spam filters, and mortgagors ignoring calls from unknown numbers.

One commenter stated that the proposed rule would be counterproductive to the CFPB's mission to protect consumers. The commenter stated that it is incorrect to assume that all people who own a home use email, text messaging, mail, and phone calls. The commenter also stated that members of underserved communities who do not respond to their mortgage servicer or have access to email, text message, or phone calls represent a large portion of the demographic that the CFPB is designed to protect.

A commenter stated that the information regarding ''consumer communication preferences'' discussed in the proposed rule conveys misaligned and misleading feedback. The commenter stated that the consumer communication preferences referenced in the proposed rule relate to routine correspondence from a mortgage servicer, *e.g.,* monthly statements, notices, escrow analysis statement. The commenter stated that these communication preferences may be relevant to mortgagors not in default on their mortgage; however, the preferences are not relevant to mortgagors who are behind on payments and potentially ignoring a mortgage servicer's remote communication contact attempt out of a feeling of embarrassment or helplessness or a fear of losing their home to foreclosure.

Other commenters said that, while remote communication methods may be successful for a portion of the default mortgagor population, the face-to-face contact attempt should still be performed as a final attempt to equip mortgagors with vital information that could be the difference between becoming current on the loan and losing the home to foreclosure.

*HUD Response:* HUD appreciates the comments. HUD agrees that it is important to retain the required meeting to help mortgagors resolve their default and avoid foreclosure. HUD believes that by expanding mortgagees' outreach options, the methods for conducting the meeting, and the requirement to hold the meeting with all mortgagors in default prior to foreclosure will reduce the risk of foreclosures, lessen impacts to HUD's MMIF, and decrease costs for mortgagees. HUD believes making two verifiable attempts is sufficient to arrange this meeting, in addition to the multiple outreach requirements as part of early default intervention. HUD appreciates the commenter's concern regarding outreach methods and will take these comments into consideration in developing implementation policy. HUD also agrees with the commenter that a benefit of the required meeting is that the mortgagor has an opportunity to speak with a mortgagee who has the authority to propose and accept reasonable repayment plans. This benefit will be retained while the methods available for conducting the meeting are expanded.

For mortgagors with FHA-insured mortgages, starting in early 2020, HUD temporarily waived the in-person meeting requirement due to public health concerns around the COVID–19 pandemic. Through this temporary waiver, HUD gained critical experience over four years allowing mortgagors to employ alternative methods to in-person outreach and in-person meetings. Overall, mortgagees achieved great success in helping mortgagors resolve their default through alternative measures. During the period the waiver has been in place, over 2 million mortgagors in default were successfully assisted to bring their mortgages current after a default episode. Furthermore, in a Mobile Fact Sheet updated in January 2024, the Pew Research Center reported that ''today, 95% of U.S. adults say they use the internet'' and that ''the vast majority of Americans (97%) now own a cellphone of some kind'' and that 90% own a smartphone, up from 35% in 2011.[6] As reported in the Mobile Fact Sheet, the data reflects a very high use of the internet, cellphones, and smartphones extends across income, race and ethnicity, age, and geography.

By expanding this meeting to all mortgagors in default, the outreach methods, and the means of conducting, the meeting will help more mortgagors avoid foreclosure, including those with disabilities, who are immuno-compromised, and whose schedules and other obligations make an in-person meeting difficult.

The updates are intended to modernize HUD's current in-person, face-to-face meeting requirement by permitting mortgagees to utilize additional methods of communication, as determined by the Secretary, that are most likely to receive a response from the mortgagor, including electronic and other remote communication methods. Although HUD will no longer require the meeting be conducted in person, HUD is not precluding the meeting from being held in-person if the mortgagee offers such an option and it is the mortgagor's preference.

*Commenters say that property visits help mortgagors avoid foreclosure and reduce loss/costs.*

One commenter cited information that described a five-month case study conducted on a nationwide in-person, face-to-face program with mortgagors who were greater than 45 days past due on their mortgage payment. The commenter cited the following data from the case study: 27 percent of the mortgagors in the case study called in after the in-person visit by the mortgage servicer; 40 percent of the mortgagors in the case study made a payment; and an additional 6.6 percent of the mortgagors in the case study were put into a loan workout. The commenter stated that the data on mortgage servicers provided by the Mortgage Bankers Association (MBA) listed in the proposed rule states that a mortgage servicer invested $3.9 million but only realized a 5.8 percent interview acceptance rate. The commenter stated that if this data is applied to the statistics produced in the

[6] Pew Research Center, Mobile Fact Sheet, Tech Adoption Trends (Jan. 31, 2024), available at *https://www.pewresearch.org/internet/fact-sheet/mobile/#:~:text=The%20vast%20majority%20of%20Americans,a%20cellphone%20of%20some%20kind.*

five-month case study, the actual value of that mortgage servicer's face-to-face program can be simulated. The commenter provided the following estimates: $3.9 million in outreach costs equates to approximately 78,000 mortgagors contacted through a mortgage servicer's face-to-face program, which would yield 21,060 mortgagors contacting the mortgage servicer following an in-person visit by the mortgage servicer, 31,200 mortgagors making a full or partial mortgage payment, and 5,148 mortgagors being placed on a loan workout.

A commenter cited data from what the commenter described as a 13-month study of mortgagor response data reported by a large mortgage servicer. The mortgage servicer performed a national face-to-face mortgagor outreach campaign where the mortgagors were approximately 60 days past due on their mortgage loan. As described by the commenter, the key performance indicators monitored in the 13-month study include: (1) payments received by the mortgage servicer after the face-to-face contact attempt was performed; (2) new loss mitigation workouts initiated after the face-to-face contact attempt was performed; and (3) mortgagors who called the mortgage servicer after the face-to-face contact was performed. As stated by the commenter, as a result of the noted mortgage servicer's face-to-face contact program, 40.63 percent of mortgagors made a full or partial loan payment, 4.81 percent pursued a loss mitigation workout to cure the delinquency, and 26.58 percent called their mortgage servicer.

Another commenter provided data demonstrating that property visits help mortgagors avoid foreclosure and reduce losses and costs. The sources cited by the commenter included a blog post published on the Federal Housing Finance Agency Insights Blog in 2023; HUD's Annual Report to Congress regarding the Financial Status of the Federal Housing Administration Mutual Mortgage Insurance Fund for fiscal year (FY) 2022; a report written by RMA Associates, LLC in 2022; and an article published on the Urban Institute's website in 2018.

The commenter stated that mortgage servicers report that, in all market environments, 20 to 30 percent of distressed mortgagors are unresponsive to traditional phone, electronic, and mail contact attempts, including being unresponsive to mortgagees' passive contact attempts. The commenter stated, however, that in-person property visits communicating an offer to help distressed mortgagors, even without a direct contact, lead many unresponsive mortgagors to reach out to their mortgagees. The commenter stated that many financial institutions that hold mortgage credit risk pay for visits to the mortgaged property because this contact method works.

The commenter, describing cited market data, stated that the data from one industry service provider shows that a visit to the mortgaged property of unresponsive delinquent mortgagors led 40 percent of these unresponsive mortgagors to contact their mortgage servicer. The commenter stated that of those mortgagors who contacted their mortgage servicer, half resolved their loan delinquency without foreclosure. The commenter stated that, while a portion of unresponsive mortgagors are expected to self-cure, the proposed rule would result in approximately 20 percent of unresponsive mortgagors proceeding to foreclosure who could avoid foreclosure if a visit to the property is conducted.

The commenter went on to state that, as of year-end for FY 2022, the commenter estimates that visits to the mortgaged property of delinquent mortgagors who are unresponsive to initial contact attempts would lead to thousands of additional mortgagors avoiding foreclosure and retaining their homes. The commenter also estimated that, as of year-end FY 2022, property visits to delinquent mortgagors who are unresponsive to initial contact attempts could reduce the net present value of HUD credit expenses by more than $250 million. The commenter stated that in a future year similar to FY 2022, property visits could reduce the total claim amount by an estimate of more than $40 million. The commenter further estimated that the cost of visits to the mortgaged properties of delinquent mortgagors who are unresponsive to initial contact attempts would be $3.4 million.

One commenter described laws in various jurisdictions that require mortgage servicers to offer mortgagors in default the opportunity to participate in a face-to-face meeting as part of foreclosure-prevention and mediation program with the mortgage servicer. The commenter stated that rates at which mortgagors accept an offer for a meeting has varied by program and jurisdiction; however, at the lower end of the range, between 20 and 30 percent of the mortgagors offered the opportunity to participate in a face-to-face foreclosure-prevention meeting have chosen to do so. The commenter described participation rates of mortgagors in many different jurisdictions having face-to-face foreclosure-prevention meetings with their mortgage servicers. The commenter also stated that scheduled meetings, including those held face-to-face, are effective in preventing foreclosures and increasing mortgage servicers' compliance.

The commenter stated that, while the data collected about the existing State and local laws that facilitate meetings is of great importance in determining the proper conclusions to draw from the mortgage servicers' data, it is essential to keep in mind that these laws are not a substitute for the requirements of § 203.604. The commenter stated that fewer than a dozen States have enacted a legal requirement for mortgage servicers to offer a face-to-face meeting to mortgagors in default. The commenter stated that these State and local requirements are typically triggered by the mortgage servicer taking a concrete step to begin foreclosure proceedings where the loan has been accelerated and foreclosure documents have been filed or recorded. The commenter stated that HUD's conclusion that defaulted mortgagors show a preference for meeting with their mortgage servicers using technology instead of face-to-face is inconsistent with the data about mortgagor attendance at State and local foreclosure prevention and mediation programs cited by the commenter. The commenter highlighted that the data it cited regarding State and local foreclosure prevention and mediation programs is current as of 2022, when current technologies exist, so the existence of the technologies does not mean that they no longer want or value in-person meetings.

Commenters stated that the success of State and local foreclosure prevention and mediation programs for mortgagors in foreclosure demonstrates that mortgagors want to engage with their mortgage servicers. The commenters stated that, like the HUD rule, these programs set up face-to-face meetings between mortgagor and mortgage servicers. As stated by the commenters, participation in the programs has ranged from 20 to 80 percent of eligible mortgagors. The commenters stated that the programs have documented high rates of success in avoiding foreclosures. The commenters stated that these programs succeed because they set standards and hold mortgage servicers accountable for complying with them.

A commenter stated that, given the data showing successful outcomes from various jurisdictions that require mortgage servicers to offer mortgagors in default the opportunity to participate in face-to-face foreclosure-prevention meetings, including with the mortgage servicer, the commenter disagrees with

HUD's conclusion that mortgagors in default do not want to meet directly with their mortgage servicers, and instead, have demonstrated a ''preference'' for virtual meetings. The commenter stated that the attitude of the mortgage servicer staff and the resources the mortgage servicer devotes to communication can make a critical difference for outcomes in default servicing.

*HUD Response:* HUD appreciates the comment and shares the commenter's concerns to help mortgagors in default avoid foreclosure and to avoid costs and losses relating to foreclosures. HUD appreciates the data provided by the commenters but does not have the ability to validate the information and data cited by the commenters. HUD notes that commenters did not provide data to demonstrate that these mortgagors would otherwise not engage with their servicer and that these mortgagors ultimately avoided foreclosure. As stated previously, HUD believes that by expanding mortgagees' outreach options, the methods for conducting the meeting, and the requirement of holding the meeting with all mortgagors in default prior to foreclosure will reduce the risk of foreclosures, lessen impacts to HUD's MMIF, and decrease costs for mortgagees.

HUD agrees with the commenter's statement that rates at which mortgagors accept an offer for a meeting vary significantly. Therefore, by expanding the methods for mortgagee outreach to mortgagors, and the means of conducting these meetings, HUD believes that more mortgagors will participate.

HUD also appreciates the commenter sharing information about State and local foreclosure-prevention and mediation programs. However, HUD recognizes that the foreclosure-prevention program data provided is not a suitable comparison to the requirements under 24 CFR 203.604 for several reasons, including that mortgagors participating in a foreclosure-prevention or mediation program are already in the foreclosure process. The requirements under 24 CFR 203.604 require engagement with mortgagors early in default and prior to initiating foreclosure.

HUD appreciates the commenters' concerns about mortgagee compliance with default servicing requirements and is developing guidance to ensure that mortgagees properly comply with the requirements of 24 CFR 203.604 to assist mortgagors in resolving their default and avoiding foreclosure. HUD agrees that the requirements in 24 CFR 203.604 do not replace mortgagees' requirements to comply with other laws, including any State or local laws that mandate participation in a foreclosure-prevention program.

*The proposed rule does not adequately address the issue of unresponsive mortgagors.*

One commenter stated that the proposed rule lacks a clear solution for engaging defaulted mortgagors who are unresponsive. The commenter said that in later stages of default, mortgagors are harder to reach and, if not cured, the mortgage servicer is forced to foreclose.

Another commenter said that prior to pursuing face-to-face contact at the mortgaged property, a mortgage servicer will have already exhausted the use of remote communication method efforts for upwards of 60 days. The commenter stated that the proposed rule offers no replacement for a face-to-face contact but instead simply reduces the required level of due diligence that is required to be performed to cure a default on a mortgage.

*HUD Response:* HUD agrees with the commenters' concerns about reaching unresponsive mortgagors in default. The primary goal of this rulemaking is not to address unresponsive mortgagors, but HUD believes these revisions may improve the responsiveness of mortgagors in default by allowing mortgagees to leverage various communication options to engage with mortgagors and conduct the meeting.

*Mortgagors may face different circumstances when entering into mortgages compared to mortgagors in default.*

One commenter stated that the analogy in HUD's proposed rule between online mortgage originations and foreclosure avoidance is unreliable because mortgagors facing foreclosure are in a starkly different economic situation than mortgage applicants. The commenter stated that mortgagors facing foreclosure are in a financial crisis and, among mortgagors, they are probably the most likely to have lost their home internet access or have out-of-date, unreliable, or broken smartphones or computers. The commenter stated that mortgagors may be able to travel to their mortgage servicer for a face-to-face meeting but may not be able to restore their internet service or pay for a new computer or smartphone.

Another commenter stated that references in the proposed rule to the growth of technology in terms of completing mortgage applications have nothing to do with using similar technology to assist mortgagors in saving their homes and avoiding foreclosure. The commenter stated that the use of technology in mortgage originations with the mortgagor meetings should not be equated to the use of technology with mortgage servicers for the meeting described in 24 CFR 203.604.

Another commenter stated that HUD incorrectly compared different contexts, specifically relating the increase in the use of automated processes to originate mortgages to mortgagors' communication preferences after a default episode. The commenter stated that mortgagors who have fallen behind in payments often face barriers of shame and fear when a mortgage servicer contacts them and the mortgage servicer is an entity that the mortgagor did not choose. The commenter stated that establishing trust is a much greater concern in the default servicing context than is the case for loan origination.

*HUD Response:* HUD appreciates and shares the commenter's concern about assisting mortgagors in default and preventing foreclosure. HUD understands the commenters' concern that references to data regarding mortgagor communication preferences when originating a mortgage are not exactly the same as those for mortgagors' communication preferences when experiencing a default. As HUD acknowledged in the proposed rule, some of the studies were focused on origination, not foreclosure. HUD agrees with these commenters that there are differences between origination and foreclosure. HUD pointed to this trend in origination only as part of a larger point that mortgagor communication preferences have evolved, and mortgagees are moving to technology solutions to meet this demand.

As mentioned by the commenter, HUD agrees that fear and shame may prevent a mortgagor in default from participating in an in-person meeting with their mortgagee, an entity whom the mortgagor did not choose. However, for some mortgagors who feel such shame, the converse could also be true and allowing mortgagees to use expanded outreach tools to engage mortgagors, and permitting the use of remote technologies to conduct the meeting, may help reduce the shame that these mortgagors may otherwise feel if asked to participate in a face-to-face meeting.

### *C. Revisions to the Proposed Rule and HUD Guidance*

*HUD should revise the requirements regarding mandatory meetings.*

Commenters stated that mortgage servicers that fail to conduct the mandatory meeting with mortgagors

should not have the right to proceed to foreclosure.

One commenter said that a face-to-face contact attempt should be conducted at the mortgaged property prior to day 61 of default to increase mortgagor engagement early in the default cycle to reduce the risk of foreclosure. The commenter stated that once contact is made with the mortgage servicer, a ''face-to-face meeting'' could then be scheduled and conducted by phone or other virtual means.

Additionally, the commenter stated that it is important that the final rule specifies that the mortgagor should determine the method of communication that best facilitates that mortgagor's participation. The commenter said that mortgage servicers should provide multiple options for accessing the meeting. The commenter stated that they understand the proposed rule as continuing to allow mortgagors the option to have the meeting conducted face-to-face as one of the options, and that certain mortgagors may prefer video conferencing to an in-person meeting because it is more convenient.

The commenter stated that on the other hand, HUD must prohibit mortgage servicers from limiting mortgagors to a telephone meeting or a phone call. The commenter said that HUD rejected such a proposal in 1976, when HUD first developed the meeting requirement and a commentator proposed that HUD allow a telephonic interview to satisfy the meeting requirement. The commenter stated that HUD rejected this proposal, noting that phone calls could play a role in the meetings, but if the calls ''did not produce results,'' mortgage servicers must use other means that allow for a more direct interview. The commenter stated that if in 1976 HUD considered reliance solely on telephone calls for meetings to be inappropriate, the same concern should be heightened today. The commenter stated that with the proliferation of offshore vendors, robocall platforms, and privacy concerns, telephone calls will not be the desired option for many mortgagors. The commenter stated that mortgagors, not the mortgage servicers, must have the final say on which form of communication will make the meeting most productive.

Additionally, the commenter stated that at the meeting the mortgage servicer must assess the mortgagor for all available options and document that it did so. The commenter stated that if an option is denied, the representative must explain and document the reason for the decision, and HUD should require the mortgage servicer to provide the mortgagor with a written summary of the meeting, including the identity of all individuals present. The commenter stated that this summary will promote mortgagor understanding and focus HUD's oversight of compliance.

*HUD Response:* HUD appreciates the comments and agrees that mortgage servicers must conduct, or attempt to conduct, a meaningful and productive meeting with mortgagors prior to foreclosure. Although HUD has not historically considered reliance solely on telephone calls to be appropriate to satisfy the mandatory meeting requirement, due to the growth of digital and global commerce since 1976, particularly in the mortgage industry, and changes in consumer behavior, HUD has determined that face-to-face meetings are not always the most effective way to engage with a mortgagor prior to foreclosure. HUD agrees with the commenter that mortgage servicers must make a good faith attempt to establish live contact with the mortgagor and conduct a meaningful pre-foreclosure meeting. HUD appreciates the detailed recommendations, including the recommendation to allow the mortgagor to select which method they prefer to use to participate in the required meeting, and will take these comments into consideration in developing implementation policy regarding specific guidance on how and when mortgagees must attempt to arrange and conduct the mandatory meeting. Although HUD will no longer require the meeting be conducted in person, HUD is not precluding the meeting from being held in-person if the mortgagee offers such an option and it is the mortgagor's preference. HUD acknowledges the commenter's concern about mortgagee compliance and will consider how to address that as part of implementation of the final rule.

*HUD should revise its guidance relating to the requirements of 24 CFR 203.604.*

Commenters urged HUD to revise its guidance to ensure that mortgage servicers follow the spirit of § 203.604 and to require that a scheduled meeting be conducted with certain minimal procedural standards. The commenters stated that HUD should provide guidance regarding the letter and structure of the meeting in the following ways: (1) the mortgage servicer must provide specific notice regarding scheduling of the meeting so that mortgagors understand what options are offered for the meeting and its purpose; (2) the mortgage servicer must give the mortgagors options of when the meeting will be held so that it does not interfere with their schedules and so mortgagors have time to prepare; (3) the mortgage servicer should provide mortgagors with options on how the meeting should be conducted, including an invitation to involve an advocate in the meeting and to hold the meeting in person, if feasible; (4) the mortgage servicer representative who is present must be trained in FHA loss mitigation and have authority to determine eligibility; (5) the mortgage servicer must document the meeting and share the meeting summary with the mortgagor; and (6) the mortgage servicer must develop a written plan that describes the concrete steps it has taken to implement the meeting requirement and this plan must be integrated in HUD's quality control.

A commenter stated that HUD must explicitly require the mortgage servicer to schedule the meeting with the mortgagor in advance so that the mortgagor is able to have the meeting at a time that does not conflict with work, childcare obligations, or other significant life issues. The commenter stated that the mortgagor must have reasonable time to prepare for the meeting, including to assemble documents, prepare questions, review the mortgage servicer's documents, and arrange for a housing counselor or other advocacy assistance.

Another commenter suggested that HUD update the FHA Single Family Housing Policy Handbook 4000.1 to make clear that among the available options, a mortgage servicer may, but is not required to, offer or provide an in-person meeting to the mortgagor. The commenter stated that unless HUD makes clear that the in-person meeting is not required by the mortgage servicer, some mortgagors may demand a face-to-face meeting and the mortgage servicer would be required to fly representatives out to the mortgagors in other States or retain a local vendor to handle the meeting.

*HUD Response:* HUD appreciates the detailed recommendations and will take these comments into consideration in developing implementation policy, including specific guidance on the information that mortgagees must provide to mortgagors prior to the meeting, how and when mortgagees must attempt to arrange and conduct the mandatory meeting, and how mortgagors select their preferred method to participate in the meeting.

*HUD should revise the requirements regarding mandatory notices to mortgagors.*

A commenter stated that notices to mortgagors must clearly identify the loan as subject to HUD guidelines and not rely on generic content designed for

all mortgagors in the mortgage servicer's portfolio. The commenter stated that the notice should identify and briefly describe the major HUD home retention and home disposition loss mitigation options, including forbearance, partial claims, modifications, pre-foreclosure sales, and deeds in lieu. The commenter stated that this is especially important given HUD's unique loss mitigation options and the persistent failure of mortgage servicers to offer the proper option. The commenter stated that HUD should provide a model for mortgage servicers to use that describes these options. The commenter further stated that the notice should identify any financial or other information the mortgagor should have available for a meeting.

Additionally, the commenter stated that if HUD ends the requirement for the personal delivery of written notices of the opportunity for meetings, it must replace the requirement with a reliable alternative. The commenter stated that the current rule requires certified mail, which is extremely valuable to ensure that the notice was properly sent and received. The commenter stated that in addition to certified mailing of the notice, it should also be sent by regular mail because that is generally faster than certified mail and many mortgagors resist certified mail. The commenter stated that mortgage servicers must be informed that they cannot rely solely on electronic communications to notify mortgagors of the meeting opportunity. Another commenter stated that the proposed rule, as drafted, would increase the number of mortgagors who lose their homes through foreclosure and significantly increase HUD's credit losses. The commenter stated that revising § 203.604 by eliminating the requirements of sending at least one letter certified by the Postal Service and at least one trip to the mortgaged property to instead require two verifiable attempts to contact the mortgagor utilizing methods determined by the Secretary would have a negative impact on mortgagors and the MMIF because a mortgagee would be permitted to discontinue efforts to contact delinquent mortgagors after two failed attempts.

The commenter said that so long as § 203.604 mandates service of a written notice of the meeting option, any ''consent'' by a borrower to accept an electronic record as a substitute for the written notice will be unenforceable. The commenter said the Electronic Transactions in Global and National Commerce (E-sign) Act allows consumer consent to an electronic record that can override a legal requirement for a written notice if certain safeguards are implemented, citing to 15 U.S.C. 7001(c). However, the commenter said the E-Sign's general allowance for a waiver that permits reliance on electronic records does not apply to foreclosure-related notices and cited 15 U.S.C. 7003(b)(2)(B).

*HUD Response:* HUD appreciates the comments and agrees with the commenters' concerns that required notification to mortgagors must be provided in ways that will be reliable and verifiable. HUD appreciates the detailed recommendations and will take these comments into consideration in developing implementation policy regarding specific guidance on the content of the notice to mortgagors and how and when mortgagees must attempt to arrange and conduct the mandatory meeting. Existing policy in the FHA Single Family Housing Policy Handbook 4000.1 currently outlines early delinquency engagement requirements, including notices, disclosures, and contact requirements. Any necessary changes to these requirements will be addressed in implementation policy. HUD will also ensure that all electronic notice and signature requirements are in line with the applicable statutory requirements.

*The mortgage servicer should make clear the purpose of the meeting.*

A commenter stated that the most important thing that mortgage servicers should do when meeting with, or scheduling the meeting with, the mortgagor is to make clear that the purpose of the meeting is to assist the mortgagor in avoiding foreclosure and to provide options to help keep the mortgagor in their home and that the mortgagor should not fear they might lose their home on the day of the meeting.

*HUD Response:* HUD appreciates the comments and shares the commenter's position that the purpose of the required meeting with the mortgagee is to inform the mortgagor of their options to resolve their default and avoid foreclosure. HUD will take these comments into consideration in developing implementation policy, including specific information that mortgagees must provide to mortgagors and how and when mortgagees must attempt to arrange and conduct the mandatory meeting.

*HUD should replace the term ''meeting'' in 24 CFR 203.604(a)(1) and define other specific terms.*

One commenter stated that HUD should replace the term ''meeting'' with an alternative term in § 203.604(a)(1), such as ''engagement'' or ''contact.'' The commenter stated that the term ''engagement'' should be defined as ''an activity where an authorized human representative of the mortgagee communicates to a mortgagor regarding available loss mitigation options through acceptable methods of communication in real time.'' The commenter stated that use of the term ''meeting'' suggests in-person contact, and thus, undermines the proposed rule's revisions to communicate with mortgagors online or through remote methods. The commenter stated that, in contrast, creating an ''engagement'' standard clearly effectuates and helps avoid unnecessary confusion regarding the proposed rule's purpose to modernize contact with a mortgagor in default, while recognizing the inefficiency of an in-person meeting. The commenter stated that for mortgage servicers to properly implement an engagement standard, effective FHA Single Family Housing Policy Handbook 4000.1 guidance should clearly describe how mortgage servicers may conduct their engagement with distressed mortgagors. The commenter also stated that the adoption of an ''engagement'' standard further aligns FHA's Early Default Intervention standards with Fannie Mae and Freddie Mac's definition of QRPC.

The commenter also encouraged HUD to define the term ''acceptable methods of communication.'' The commenter stated that HUD should define ''acceptable methods of communication'' to include ''efforts such as outbound telephone calls, web, portal, text, email, or remote or electronic means, such as virtual/online/video calls, as outlined under the FHA Single Family Housing Policy Handbook 4000.1, III.A.2.h.iv (Communication Methods). Acceptable methods of communication can include 'in-person' as an option.''

*HUD Response:* HUD appreciates the commenter's interest in using the most relevant term for this requirement and believes that the term ''meeting'' best reflects the type of required engagement that the mortgagee must conduct or attempt to conduct with the mortgagor in default. ''Engagement'' and ''contact'' are broad terms, whereas this rule refers to a meeting with specific purpose. By specifying that this is a meeting, HUD is reiterating its importance as well as HUD's commitment to retaining this requirement. HUD will take these comments into consideration in developing implementation policy that clarifies acceptable methods of communication. Furthermore, this rule does not preclude mortgagees from using additional engagement or contact efforts to assist the mortgagor in

resolving the delinquency to avoid foreclosure.

*HUD should align the requirements to arrange the engagement under the proposed 24 CFR 203.604 with FHA's early default intervention standards.*

One commenter stated that a mortgage servicer's engagement with a mortgagor or a mortgage servicer's reasonable effort to arrange such an engagement should align with FHA's existing early default intervention standards. The commenter stated that mortgage servicers conduct exhaustive outreach strategies to establish contact with delinquent mortgagors to meet the early intervention servicing requirements of the CFPB, FHA, and various State laws. The commenter stated that HUD guidance should clearly state that compliance with FHA standards is sufficient to meet a mortgage servicer's obligations under the updated rule. Specifically, the commenter requested that guidance clarify that an outbound telephone call where loss mitigation is discussed with a mortgagor constitutes the required contact.

The commenter also stated that by aligning the proposed changes with FHA's existing early intervention standards, mortgage servicers are provided with discretion to offer a variety of appropriate methods of communication. The commenter said this flexibility also eliminates the need for mortgage servicers to send a separate letter to inform mortgagors of in-person meetings, further simplifying processes and avoiding confusion on the mortgagor's part as to how to obtain mortgage assistance.

*HUD Response:* HUD appreciates the comments and agrees that it is important to retain the required meeting between mortgagors in default and mortgagees as an important step in helping mortgagors resolve their default and to avoid foreclosure. HUD appreciates the recommendations and will take these comments into consideration in developing implementation policy regarding specific guidance on how and when mortgagees must attempt to arrange and conduct the mandatory meeting.

*HUD should make clear that the requirements in 24 CFR 203.604 are in addition to those of the Real Estate Settlement Procedures Act's early intervention requirements and clarify that § 203.604 does not apply where compliance with the rule would otherwise conflict with the law.*

One commenter stated that HUD should clarify that the regulation does not apply where compliance would conflict with the law. Specifically, the commenter stated that HUD should not require a mortgage servicer to engage with a mortgagor in instances where a mortgage servicer has received a cease-and-desist order or a mortgagor has received a discharge through Chapter 7 bankruptcy, as required by the Fair Debt Collection Practices Act. The commenter suggested that this exemption could be included in the regulation by adding ''unless otherwise prohibited by law'' as an exemption in the rule.

Another commenter stated that HUD should make clear that § 203.604 sets out requirements that are in addition to those in 12 CFR part 1024 for the Real Estate Settlement Procedures Act (RESPA) requirements, otherwise referred to as Regulation X. The commenter stated that Regulation X directs mortgage servicers to contact mortgagors at an early stage of default and give them certain limited information, including basic information about loss mitigation and mortgage servicer contacts. The commenter stated that Regulation X allows mortgage servicers to combine the content of the early intervention notice with the text of other notices the mortgage servicer delivers to satisfy a different legal requirement. The commenter stated that a mortgage servicer providing the minimum early intervention notice required under Regulation X does not comply with the requirements under 24 CFR 203.604 but that some mortgage servicers may mistakenly believe they have met the requirements under 24 CFR 203.604 by only providing the minimum notice required under the Regulation X early intervention requirements.

The commenter expanded on why the Regulation X early intervention notice does not comply with the requirements of § 203.604, stating that the Regulation X notice does not require the mortgagee to inform the mortgagor of the availability of the specific FHA loss mitigation options or provide a description of the options. The commenter also stated that the basic Regulation X notice does not inform the mortgagor about the benefits of the meeting available under § 203.604.

*HUD Response:* HUD appreciates the recommendations and will take these comments into consideration in developing implementation policy, including specific guidance on complying with 24 CFR 203.604 and other regulatory and statutory requirements. A mortgagee's responsibilities under this updated regulation do not replace or supersede the requirement to fulfill their obligations under other applicable Federal, State, and local laws.

*HUD should reimburse mortgage servicers for the cost of in-person visits.*

A commenter who opposed removal of the face-to-face requirement stated that the implementation of a direct reimbursement incentive from HUD to mortgage servicers for the costs of the face-to-face contact would likely ease the cost concerns of mortgage servicers. Another commenter supported the removal of the face-to-face requirement but suggested HUD reimburse expenses if the mortgagee chooses to attempt an in-person, face-to-face meeting with the mortgagor. A different commenter suggested that the rule should be revised so that FHA requires and pays for a visit to the mortgaged property if the mortgagor has been unresponsive to two remote contact attempts.

*HUD Response:* HUD appreciates the commenters' suggestions. Helping mortgagors in default to avoid foreclosure is in the shared best interest of the mortgagor, the mortgagee, and HUD. HUD policy outlines specific outreach requirements to mortgagors in default, which is included in the cost of servicing. Currently, HUD provides incentives to mortgagees when certain loss mitigation actions are completed to offset the cost to service mortgages in default.

*HUD should update the HUD–2008–5–FHA form.*

One commenter recommended that HUD update form HUD–2008–5–FHA ''Save Your Home: Tips to Avoid Foreclosure'' to include the expanded methods of permitted communication.

*HUD Response:* HUD appreciates the commenter's recommendations. HUD will review form HUD–2008–5–FHA, Save Your Home: Tips to Avoid Foreclosure, and will make revisions, as needed.

*HUD should use the Single Family Drafting Table prior to finalizing the rule.*

A commenter stated that FHA should utilize the Single Family Drafting Table to receive comments before finalizing policy updates to the FHA Single Family Housing Policy Handbook 4000.1 and that this should be completed before the implementation date of the policy. The commenter stated that the Single Family Drafting Table is important to use in this situation because it is very difficult to fully appreciate the operational impacts and implementation challenges raised by the proposed rule as key elements are currently undefined. The commenter stated that mortgage servicers should have the opportunity to evaluate an appropriate implementation deadline to adjust the operations before the required effective date.

*HUD Response:* HUD appreciates the commenter's request to utilize the Single Family Drafting Table and will take this suggestion into consideration in developing implementation policy related to this rule.

*D. Data Cited in the Proposed Rule*

*HUD should not rely upon the MBA-provided data cited in the proposed rule.*

Multiple commenters stated that HUD should not rely on the mortgage servicers' data provided by the MBA that is cited in the proposed rule (''MBA-provided data'') because the data is flawed regarding homeowner participation in face-to-face meetings. One commenter stated that the cited data should not be relied upon either in this rulemaking or when HUD revises the FHA Single Family Housing Policy Handbook 4000.1 to add guidelines for the conduct of the mandatory meetings.

Another commenter suggested that, to get appropriate data, homeowners should be asked about face-to-face meetings. The commenter believed a significant majority of homeowners would report that no mortgage servicer contacted them to offer a face-to-face meeting consistent with the requirements in 24 CFR 203.604.

One commenter stated that the statistical references to MBA-provided data regarding the low in-person, face-to-face ''interview acceptance rate'' used by HUD to support the proposed changes is concerning and that MBA's data paints an incomplete picture. The commenter stated that this MBA-provided data overlooks the most important value-add of the in-person, face-to-face requirement—the in-person visit to the property increases mortgagor response. The commenter stated that, after in-person, face-to-face contact is made, a mortgagor will generally digest the information presented by the mortgage servicer and then contact the mortgage servicer or submit a request for mortgage assistance. The commenter stated that the MBA-provided data does not account for the statistics regarding QRPC, loan workouts initiated, or payments made after the in-person, face-to-face visit to the mortgagor's home. The commenter further stated that the MBA-provided data presents only partial data from three mortgage servicers, noting that there are hundreds of mortgage servicers that service FHA-insured mortgages. The commenter stated that many mortgage servicers realize the value of operating an in-person, face-to-face contact program.

Multiple commenters disagreed with the suggestion in the data HUD cited in the proposed rule that mortgagors are not interested in having a meeting with their mortgage servicers. The commenters stated that the data does not account for the frequency by which mortgage servicers do not comply with the current version of § 203.604. In support of the statements, the commenters cited information from the National Consumer Law Center, Home Foreclosures at 6.2 (2d ed. 2023), available at *https://library.nclc.org/,* and the HUD Office of Inspector General's (OIG) report, Servicers Generally Did Not Meet HUD Requirements When Providing Loss Mitigation Assistance to Borrowers With Delinquent FHA-Insured Loans, 2023–KC–0005 (June 13, 2023). The commenters said that when mortgage servicers have complied with the requirements, the mortgage servicer's actions often meet the letter, but not the spirit, of the regulation and do not facilitate engagement with mortgagors.

One commenter stated that the data relied upon by HUD in the proposed rule does not necessarily mean that mortgagors do not want in-person meetings or that mortgagors would not take advantage of the option to have the mandatory meeting being in person if the rule were properly enforced. The commenter stated that HUD's conclusion in the proposed rule that ''mortgagors are demonstrating their preference for interacting with mortgagees through technology'' is speculative. The commenter stated that data shows that mortgagors in default want to interact with their mortgage servicers, including through face-to-face meetings, and that these face-to-face interactions produce favorable outcomes for many mortgagors, as well as for investors in mortgage loans.

The commenter went on to state that another reason HUD should not rely on the mortgage servicer data on mortgagor engagement with the face-to-face meeting in this rulemaking or subsequent development of guidance is that HUD appears to have assumed that the mortgage servicers providing the data have properly complied with the face-to-face meeting regulation. The commenter stated that this assumption is not warranted given ''significant and persistent evidence of mortgage servicer non-compliance with HUD loss mitigation guidelines, including the face-to-face meeting rule.'' The commenter stated that the data describing limited uptake of meetings in the current proposed rule leaves questions unanswered. The commenter said that it is not clear that a different way of offering meetings, through technology, on its own, would yield significantly different results. The commenter stated that truly engaging with mortgagors and providing essential information about loss mitigation also has a profound effect on mortgagor outcomes.

The commenter stated that it is disappointed by HUD's apparent acceptance that the meetings did not take place because the current rule relies on outdated ''technology'' and that it is concerned by HUD's apparent lack of scrutiny of mortgage servicers' claims regarding past non-participation in the meetings. The commenter stated that according to the MBA-provided data, mortgagors simply did not want to participate in ''face-to-face'' meetings; however, the commenter stated that it is not aware of efforts to ask the mortgagors why they did not participate in § 203.604 meetings.

*HUD Response:* HUD appreciates the comments and shares the commenter's concerns about helping mortgagors in default to resolve their delinquency to avoid foreclosure. HUD prioritizes mortgagor outcomes and safeguarding the MMIF in all regulatory and policy decisions impacting FHA Single Family mortgages. HUD agrees with the commenter that these decisions should not be based solely on the perspective of any one industry partner or industry group.

HUD has taken into consideration the comments provided by all stakeholders. When considering information provided through comments, HUD is focused on the most relevant data that directly relates to the servicing of FHA mortgages currently subject to HUD's requirements.

HUD also notes that information provided by commenters regarding foreclosure-prevention mediation programs discuss efforts that assist mortgagors at a much later stage in the foreclosure process and involve consumer advocates and the court system, unlike the meeting required through this rule. The commenters' comparisons of mortgagors in distinctly different scenarios may not adequately consider these specific and important differences.

As stated in the subsection titled ''Benefits of the face-to-face meeting and limits of remote communication methods'' of this final rule, HUD believes that by expanding the methods mortgagees may use to schedule and conduct the meeting, more mortgagors will participate in the meeting with the mortgagee.

*E. Responses to HUD's Specific Request for Comment in the Proposed Rule*

*What should constitute a ''reasonable effort'' and a ''verifiable attempt'' for the purposes of 24 CFR 203.604?*

A commenter urged HUD to be as expansive as possible when defining ''reasonable effort'' and ''verifiable attempt.'' The commenter stated that any communication that offers homeowners the opportunity either to meet in person or connect with the mortgagee via the to-be-defined-by-HUD acceptable electronic means should be considered as evidence that a mortgagee made a ''reasonable effort'' to contact the homeowner. The commenter stated that a ''verifiable attempt'' should be any record of an action taken to reach a defaulted mortgagor who is noted in the mortgagee's business records, including any notes made by the mortgagee's representative to the mortgagor file.

Another commenter agreed with HUD's proposed rule that two verifiable attempts to meet is ''reasonable'' and stated that these attempts to meet should be documented. A commenter stated that a ''reasonable effort'' would entail an effort to meet before three full monthly installments are due and at least 30 days before foreclosure is commenced. The commenter stated that these efforts should be reflected in the mortgagee's files as evidence of meeting HUD's requirements.

One commenter stated that a ''reasonable effort'' should be defined as two verifiable attempts by the mortgage servicer to establish contact with a delinquent mortgagor as required under the FHA Single Family Housing Policy Handbook 4000.1, III.A.2.h.vi (Contact Efforts with Delinquent Borrowers). The commenter also stated that ''verifiable attempt'' should be defined as the required note in the servicing file documenting compliance with FHA Single Family Housing Policy Handbook 4000.1, III.A.2.h.vi (Contact Efforts with Delinquent Borrowers).

*HUD Response:* HUD appreciates the comments and agrees that it is important to continue requiring the mortgagee to make at least two verifiable attempts to conduct this meeting with mortgagors in default and to document these efforts. Further, HUD appreciates the commenter's suggestion that HUD allow mortgagees to utilize a broad range of communication methods to reach mortgagors. HUD is taking these comments into consideration in developing policy regarding how and when mortgagees must attempt to arrange the meeting.

*F. Mortgagee Compliance With 24 CFR 203.604*

*Mortgagee noncompliance with mandatory meeting rule.*

One commenter stated that oversight from HUD OIG has shown consistent problems with mortgage servicer compliance with HUD regulations and mortgage servicer reporting of their own compliance to HUD. Citing a HUD OIG October 2016 report entitled ''Single-Family Mortgage Insurance Claims'' (2017–KC–0001), the commenter stated that HUD OIG reviewed a sample of FHA insurance claims paid out over a five-year period. The commenter stated they were particularly concerned about HUD OIG's finding regarding the frequency with which mortgage servicers misrepresented their actions when filing insurance claims with HUD. As stated by the commenter, according to HUD OIG's survey sample, mortgage servicers in approximately 45 percent of cases failed to reduce their claim amounts due to their noncompliance with HUD guidelines when they should have reduced those claim amounts. Instead, as stated by the commenter, the mortgage servicers asked for and received full insurance claims as if they had complied with the guidelines.

Citing a HUD OIG September 2017 report entitled ''HUD Did Not Have Adequate Controls to Ensure that Servicers Properly Engaged in Loss Mitigation'' (2017–LA–0004), the commenter stated that HUD OIG found that mortgage servicers frequently failed to properly engage in loss mitigation and that HUD failed to meet its oversight obligations. The commenter stated that the report found almost 30% of claims that HUD OIG reviewed had ''significant servicing deficiencies.'' The commenter stated that specifically, with respect to the face-to-face meeting rule, the audit found that in 17 percent of cases, ''there was no attempt for a face-to-face interview with delinquent borrowers or it was not attempted within the required timeframe. Regulations at 24 CFR 203.604(b) require servicers to attempt the interview before three unpaid payments.''

The commenter stated that significant issues with mortgage servicer compliance with HUD requirements have continued. Citing additional reports issued by HUD OIG, commenters stated that HUD OIG found that mortgage servicers persistently failed to comply with the FHA loss mitigation waterfall. A commenter stated that in a June 13, 2023, report, entitled ''Servicers Generally Did Not Meet HUD Requirements when Providing Loss Mitigation Assistance to Borrowers with Delinquent FHA-Insured Loans'' (2023–KC–0005), HUD OIG found that ''nearly half of the borrowers did not receive the correct loss mitigation assistance.'' The commenter stated that while this report focuses on specific loss mitigation options and not outreach requirements such as the mandatory meeting rule, there is no reason to believe that servicers are better at complying with the face-to-face meeting rule than the waterfall provisions. The commenter stated that, based on the findings in the HUD OIG June 2023 report, expanded access to mandatory meetings will improve compliance with HUD requirements if offered in earnest by trained mortgage servicer staff. The commenter stated that, instead, the report suggests continued problems with FHA servicing as outlined in HUD OIG's 2016 and 2017 reports and calls into question HUD's reliance on mortgage servicer data on compliance. Commenters stated that they believe that if HUD implements the proposed rule without effective oversight, it will have the same failed impact as the old rule.

One commenter stated that case law regarding FHA-insured foreclosures further confirms mortgage servicer resistance to comply with the mandatory meeting rule. The commenter, citing court decisions from Florida, Indiana, Massachusetts, New York, Ohio, and U.S. Federal court, stated that judicial decisions show mortgage servicers failed to provide notice by certified mail, ignored the obligation to visit the home to arrange a meeting, sought to use mediation or some other event as a substitute for a meeting, failed to keep proper records of what they are doing, and simply took no action to properly arrange a mandatory meeting when they are required to do so. The commenter stated that while these cases involve individual mortgagors, HUD should assume that servicing failures are not anomalous. The commenter stated that, moreover, these cases are illustrative in light of the HUD OIG reports over a period of years that show mortgage servicers failing to comply with the mandatory meeting rule. The commenter stated that given all of this, HUD simply should not rely on mortgage servicer data in making policy decisions.

A commenter described that mortgagors have contacted HUD to report mortgagees not complying with § 203.604 and that HUD would not assist the homeowners. The commenter said that, except for in a few States, courts have not required mortgagees to comply with HUD's regulations,

including § 203.604, when taking a foreclosure action, even though HUD's regulations are incorporated by reference into notes and mortgages. The commenter stated that the reason State courts have not required mortgagee compliance with § 203.604 is because the courts were waiting to receive guidance from HUD but HUD never provided that guidance.

*HUD Response:* HUD appreciates the comments and agrees that compliance with this requirement is important in helping mortgagors resolve the default to avoid foreclosure. Further, HUD agrees that the need to comply with the requirements in 24 CFR 203.604 exists, regardless of the communication methods used to reach and conduct the meeting with the mortgagor. HUD is reviewing compliance oversight of this required meeting and is taking these comments into consideration. HUD appreciates the commenters' information regarding various court cases involving FHA-insured mortgages. While HUD will continue to monitor the trends in foreclosure cases throughout the Nation, HUD cannot comment on the individual cases referenced by the commenter in this rulemaking. HUD similarly appreciates the commenter's concerns about mortgagor reporting of mortgagee non-compliance with HUD requirements. HUD encourages mortgagors who are experiencing issues with resolving the delinquency or scheduling this meeting with their mortgagee to call 1–800–CALL–FHA (1–800–225–5342).

HUD notes that the October 2016 HUD OIG audit ''Single-Family Mortgage Insurance Claims'' (2017–KC–0001) cited does not specifically address mortgagee compliance with the in-person requirement.

*Recommendations for HUD monitoring of mortgagee compliance with 24 CFR 203.604.*

Commenters stated that HUD should require mortgage servicers to develop a written plan that describes the concrete steps it has taken to implement the meeting requirement and that this plan must be integrated in HUD's quality control. A commenter stated that a concrete plan for conducting meetings is key to accountability and oversight. The commenter stated that the absence of such a plan is a clear indication that the mortgage servicer does not take the meeting requirement seriously. The commenter stated that elements of a plan must include: (1) the allocation of designated staff to handle the meetings; (2) provision for training and supervision of the designated staff to process mortgagor requests and conduct meetings; (3) description of the content of notices to mortgagors; (4) the protocol for conduct of meetings; (5) documentation of the application of the FHA loss mitigation waterfall at the meeting; (6) a document summarizing the outcome of a meeting for mortgage servicer records and that is provided to the mortgagor; and (7) a protocol for reporting data to HUD on numbers of meetings and outcomes.

The commenter stated that HUD should give its mortgage servicers a fixed deadline to submit the plan to HUD. The commenter stated that each FHA mortgage servicer's plan should be available to the public through the mortgage servicer and HUD's website. The commenter stated that HUD should provide model notice forms and model plans to minimize burden on mortgage servicers.

The commenter went on to state that mortgage servicers must be required to report regularly on the status of their meetings, with data on numbers of mortgagors eligible, participation rates, and outcomes. The commenter stated that HUD must actively investigate patterns of failure to conduct meetings and determine causes of non-participation. The commenter stated that mortgage servicers that report low participation must develop plans to improve their practices so that rates improve. The commenter stated that among other data points, HUD's Neighborhood Watch system should be adjusted to include data on each mortgage servicer's conduct of meetings.

Commenters stated that information on the lack of mortgagor engagement under the current meeting rule was available to HUD for years. The commenters stated that if HUD had timely investigated to find the cause of the systemic issues, HUD could have demanded remedial actions from the mortgage servicers and followed up with appropriate oversight, but this never happened.

One commenter stated that while it appreciates HUD's acknowledgement of the important function that these meetings perform, the commenter has concerns about how a modified rule would be implemented. The commenter stated that this concern stems from HUD's long-standing failure to ensure that mortgage servicers implement the existing rule. The commenter stated that when there is accountability and oversight, as in certain State and local programs, meetings between mortgagors and mortgage servicers take place with a robust frequency and produce good results. The commenter stated that meetings are not difficult to arrange when mortgage servicers act intentionally to facilitate them.

*HUD Response:* HUD appreciates the comments and agrees that compliance with this requirement is important in helping mortgagors resolve mortgage defaults to avoid foreclosure. Further, HUD agrees that the need to comply with the meeting requirements exists regardless of the communication methods used for outreach and conducting the meeting with the mortgagor. HUD is reviewing compliance oversight of this required meeting and is taking these comments into consideration in developing policy regarding how and when mortgagees must attempt to arrange and conduct this meeting.

*G. Keys to Meaningful Engagement With the Mortgagor*

Commenters stated they recognized that if the removal of the 200-mile exemption is finalized, not every mandatory meeting under § 203.604 could be in person; however, commenters stated that HUD must take steps to ensure that the meeting with the mortgagor is meaningful. A commenter suggested that ''FHA keep front of mind the keys to engagement'' with a mortgagor: (1) making quality contact with a mortgagor who is experiencing hardship; and (2) providing the mortgagor with an understanding of their options to address their mortgage delinquency.

*HUD Response:* HUD appreciates the comments and agrees that it is important to retain a meaningful meeting requirement between mortgagors in default and mortgagees. HUD believes that by expanding this meeting to all mortgagors in default, the options for outreach, and the methods for conducting the meeting will improve mortgagor's access to participate in a meeting, leading to more resolved defaults and fewer foreclosures. HUD appreciates the recommendations and will take these comments into consideration in developing policy regarding how and when mortgagees must attempt to arrange and conduct the mandatory meeting and the information that must be provided to the mortgagor.

*H. Value of the Mandatory Meeting Regardless of Whether the Meeting Is In-Person or Held Remotely*

One commenter stated that they agree with HUD's characterization of the goal of the § 203.604 meeting. Commenters stated that the meeting provides particular value for FHA-insured mortgagors and for the MMIF. Commenters stated that because HUD has developed its own loss mitigation waterfall with concepts like a partial claim, the meeting facilitates better

mortgagor understanding of the assistance options available. Commenters said that where a full submission of documents is not required before providing relief, the meeting is even more valuable because the mortgagor and mortgage servicer can work together to identify a loss mitigation option during the meeting.

One commenter stated that the mandatory meeting facilitates effective communication that is necessary due to the nuanced and unique nature of FHA's loss mitigation system. The commenter stated that having the meeting scheduled in advance gives the mortgagor and the mortgage servicing representative the chance to prepare. The commenter stated that the mandatory meeting provides a specific opportunity for mortgagors to seek clarity and a path forward to stability.

Another commenter stated that revisions to 24 CFR 203.604 should maximize the potential for mortgagees to engage with distressed mortgagors about loan rehabilitation and home retention to ensure that FHA responsibly manages its mortgage guarantee program for mortgagors and the MMIF for U.S. taxpayers.

*HUD Response:* HUD appreciates the comments and agrees that it is important to retain the value of the required meeting between mortgagors in default and mortgagees. HUD appreciates the recommendations and will take these comments into consideration in developing policy regarding how and when mortgagees must attempt to arrange and conduct the mandatory meeting and the information that must be provided to the mortgagor.

*I. Mandatory Meeting Helps HUD Satisfy Its Multiple Statutory Obligations*

One commenter stated that the mandatory meeting helps HUD satisfy its multiple statutory obligations to stabilize homeownership for low- to moderate-income mortgagors and mortgagors of color. The commenter stated that, for the FHA-insured loan program at issue in this proposed rule, the National Housing Act requires that FHA must make decisions ''to meet the housing needs of the borrowers that the single family mortgage insurance program under this subchapter is designed to serve.'' The commenter further stated that in its design of programs, including loss mitigation programs, HUD has the obligation to affirmatively further fair housing. The commenter stated that, under 42 U.S.C. 3608(e)(5), HUD must ''administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of the Fair Housing Act.'' The commenter stated that this obligation for HUD is particularly relevant to FHA's insured loan program because Black and Latino mortgagors rely heavily on it to purchase homes. The commenter stated that these statutory obligations require HUD to take into account the needs of their specific mortgagors and design systems to promote their mortgagors' success. The commenter stated that the mandatory meeting facilitates HUD's statutory goals because they improve outcomes for low- to moderate-income mortgagors.

*HUD Response:* HUD appreciates the comments and agrees that it is important for mortgagors in default to meet with their mortgagees to resolve their mortgage default and to avoid foreclosure. HUD's goal is for mortgagors in default to have this opportunity to learn about loss mitigation options that may help them prevent foreclosure and retain their homes.

HUD's commitment to low-to-moderate income mortgagors, first-time mortgagors, and underserved and minority mortgagors extends to considering how best to reach these mortgagors after a default. By expanding the options for mortgagor outreach and the methods for conducting the meeting, HUD believes that other permissible forms of communications will best assist the mortgagors that FHA is designed to serve.

*J. Mortgage Servicers Must Accommodate Mortgagors With Disabilities and Mortgagors With Limited English Proficiency*

*Mortgage servicers must accommodate the needs of mortgagors with disabilities.*

One commenter stated that mortgage servicers should pay special attention to the needs of mortgagors with disabilities. The commenter stated that mortgagors with a disability should be informed whether an assistive device or other reasonable accommodation will be provided at the meeting with the mortgage servicer. The commenter, citing information from the Centers for Disease Control and Prevention, stated that over one quarter of adults in the United States have a disability and the percentage of people living with disabilities increased during the pandemic.

The commenter, citing provisions within the FHA Single Family Housing Policy Handbook 4000.1, further stated that mortgage servicers are required to comply with the Fair Housing Act and provide meaningful access to face-to-face meetings for people with disabilities. The commenter stated that this includes providing communication technology or devices to ease access to the meetings for the visually impaired, Deaf, and hard-of-hearing communities, including an onsite interpreter if necessary. The commenter stated that the Department should work with mortgage servicers to ensure that template notices of the meeting are provided in plain-language formats to make the information accessible to people with intellectual and developmental disabilities. The commenter also stated that mortgage servicers should be required to ask mortgagors whether they have communication disabilities and record their needed auxiliary aid or service in the file so that mortgagors consistently receive effective communication from the mortgage servicer.

The commenter went on to state that to improve accessibility, HUD should also continue to refer mortgagors to available HUD-approved housing counselors in all communications. The commenter stated that many mortgagors will be more comfortable and better able to understand and access their options when they have the assistance of housing counselors during the meetings, whether they are conducted in person, through videoconferencing, or over the phone. The commenter stated that HUD should promote the use of housing counseling and ensure that for homeowners who need in-person interaction, the housing counseling agency can meet with the homeowner in-person and help to coordinate the internet or phone call with the mortgage servicer.

*HUD Response:* HUD appreciates the commenter's suggestions and shares the commenter's concerns about mortgagors with disabilities. HUD agrees that housing counseling serves as a valuable resource for mortgagors in default. HUD's existing policy in the FHA Single Family Housing Policy Handbook 4000.1 requires that mortgagees accommodate mortgagors with disabilities, including providing assistive technology or sign language interpreters, if requested by the mortgagor. In addition, the FHA Single Family Housing Policy Handbook 4000.1 requires that mortgagees provide all mortgagors in default with information on the HUD Housing Counseling services available. This rule also does not prohibit face-to-face meetings, and FHA participating lenders must be prepared to offer other methods to meet the different communication needs of their borrowers and prevent discriminatory effects.

In addition, HUD believes that expanding this meeting to all mortgagors in default, the outreach methods, and the means of conducting the meeting will help more mortgagors resolve their mortgage default and avoid foreclosure, including mortgagors with disabilities. This rule does not prohibit face-to-face meetings and reminds FHA participating lenders to meet different communications needs of their borrowers and prevent discriminatory adverse effects.

*Mortgage servicers must accommodate the needs of mortgagors with limited English proficiency.*

One commenter stated that in developing guidance on the mandatory meeting requirement, it is absolutely crucial that mortgage servicers accommodate mortgagors with limited English proficiency (LEP), especially when the mortgage servicer communicates with mortgagors in default about their right to a meeting under § 203.604. The commenter, citing information from the U.S. Census Bureau, stated that LEP individuals collectively comprise roughly one in twelve Americans, nearly two thirds of whom speak Spanish. The commenter, citing information from the CFPB and the Federal Housing Finance Agency, stated that the challenges that LEP mortgagors face in the mortgage market have been well studied, and that the findings are all unanimous—LEP mortgagors face barriers both understanding the terms of their mortgage loans and in resolving problems when they face hardship.

The commenter stated that an opportunity to meet directly with trained mortgagee staff could make an enormous difference for an LEP mortgagor struggling to understand their options. The commenter stated that it is important that LEP individuals have a meaningful chance to learn that they have this right and that they get the most out of these meetings once they take place. The commenter stated that this is especially relevant given HUD's obligation to affirmatively further fair housing.

The commenter stated that according to the FHA Single Family Housing Policy Handbook 4000.1, mortgage servicers already must take reasonable steps to provide meaningful access to persons with LEP, such as providing oral interpretation or written translation of vital documents. The commenter stated that while this requirement is clear, English-only written communications remains the industry standard for speaking to advocates representing homeowners in foreclosure. The commenter stated that this reality is troubling but not surprising. The commenter further stated that apart from this general mandate to provide meaningful access, there is little detail around how mortgage servicers can meet these obligations and, perhaps most importantly, what mortgage servicer conduct constitutes a failure to meet these obligations.

The commenter recommended that HUD unambiguously impose language access requirements to the most vital communications between mortgagors and mortgage servicers, beginning with notice of the opportunity to meet directly with mortgage servicer staff under § 203.604. The commenter recommended that HUD implement this requirement in two steps. First, the commenter stated that notices of this right to a meeting should always be bilingual, in both English and Spanish, to enable mortgage servicers to reach the largest proportion of LEP mortgagors. The commenter stated that at a minimum, mandatory, yet brief, Spanish language disclosures should be added to predominantly English language notices explaining that mortgagors have a right to meet with ''trained mortgagee staff'' to discuss loss mitigation and that mortgagors may request an interpreter for the meeting at no cost to the mortgagor. The commenter stated that these brief tagline disclosures could also be provided at the bottom of English language notices in a range of languages to reach a larger proportion of LEP mortgagors. Second, the commenter stated that HUD should require mortgage servicers to provide a translated notice whenever the mortgage servicer is both aware of a consumer's language preference and if HUD has provided a model translated notice in that language. The commenter stated that this will ensure that the mandate reaches a broader proportion of language groups. The commenter stated that to accompany these requirements, HUD should publish a model bilingual notice, model tagline disclosures in a range of languages, and additional fully translated notices in at least the top five most commonly spoken languages among U.S. individuals with LEP: Spanish, Chinese, Vietnamese, Korean, and Tagalog.

The commenter also stated that it is absolutely essential that mortgagors with LEP or other language barriers be able to fully participate in these meetings when they take place. The commenter stated that to this end, HUD should clarify that mortgage servicers must provide language services for these meetings without delay and without any cost to these mortgagors. The commenter stated that the language of the mandate in the FHA Single Family Housing Policy Handbook 4000.1 to provide meaningful language access is nearly identical to the mandate to provide meaningful language access under Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and the implementing HUD guidance entitled ''Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons'' (72 FR 2732, Jan. 22, 2007). Thus, the commenter stated that HUD's LEP guidance to recipients of Federal financial assistance through the LEP Toolkit, including HUD-approved housing counseling agencies, may be instructive. The commenter stated that while the HUD guidance offers narrow safe harbors when it comes to providing written assistance to individuals with LEP, these exceptions do not exist for oral interpretation. Thus, the commenter stated that all entities subject to the HUD guidance should provide oral interpretation to all LEP individuals who would benefit from language assistance. The commenter recommended that HUD implement a similar standard for the meeting requirement under § 203.604. The commenter stated that in addition, HUD should provide more detailed guidance on acceptable interpreter qualifications, when to use telephonic, virtual, or in-person interpretation services, and expressly prohibit the use of ad hoc interpreters, which the commenter defined as self-reported bilingual persons who lack formal training, provided by the mortgagor as a substitute for qualified interpretation services offered by mortgage servicers.

Commenters also stated that HUD should require mortgage servicers to communicate in writing about the required meeting in the mortgagor's preferred language and to explicitly offer simultaneous language interpretation at the mortgagor's request, at no additional cost to the mortgagor. Two commenters stated that HUD should add to its current regulations by requiring mortgage servicers to collect and maintain information on mortgagor language preference and provide vital loss mitigation information in mortgagors' preferred language.

*HUD Response:* HUD appreciates the comments and shares the commenters' concerns about providing meaningful language access to mortgagors with limited English proficiency. HUD agrees that mortgagees should take reasonable steps to provide meaningful access to

mortgagors with LEP when the mortgage servicer communicates with mortgagors in default about their right to a meeting under § 203.604. Existing policy in the FHA Single Family Housing Policy Handbook 4000.1 requires mortgagees to provide meaningful access to notices and disclosures when mortgagor communications have been requested by persons with LEP, including oral interpretation and/or written translations of vital documents. Furthermore, mortgagees must provide highlight visible information regarding any availability of language access services offered by the mortgagee for mortgagors with LEP, this information must be provided, at a minimum, in Spanish and must include an advisement to seek translation or other language assistance. While HUD appreciates the comments regarding LEP mortgagors, revising requirements related to mortgagees' interactions with LEP mortgagors are outside of the scope of this rulemaking.

HUD believes that expanding this meeting to all mortgagors in default, the outreach methods, and the means of conducting the meeting will help accommodate mortgagors with limited English proficiency to address their mortgage default and avoid foreclosure.

*K. HUD Should Monitor Mortgage Servicer Use of Artificial Intelligence*

One commenter stated that given the rise of artificial intelligence (AI), HUD should specifically require human interactions during the default process and monitor mortgage servicer use of AI. The commenter, citing articles entitled ''The Future of Mortgage Lending: How AI and Humans Can Coexist'' and ''Mr. Cooper is Improving the Home-Buyer Experience with AI and ML,'' stated that mortgage companies are using AI throughout the loan process, including in underwriting and servicing. The commenter, citing an article entitled ''Guaranteed Rate Deploys Gateless' Smart Underwrite Solution,'' stated that this technology can automate mechanical tasks including extracting and validating information from documents to determine whether the information satisfies an investor or guarantor's guidelines. The commenter stated that AI systems are used to detect fraud, predict the risk of default, and analyze data in support of servicing decisions. The commenter, citing an article entitled ''Big Purple Dot Integrates with ChatGPT for AI-Powered Customer Support,'' stated that companies use natural language processing systems, like ChatGPT, to provide customer service chat features and respond to customer service requests.

The commenter stated that while streamlining and automating parts of the loan process can benefit consumers, the servicing of loans in default demands a human touch and individualized attention. The commenter stated that mortgagors facing foreclosure are often under intense financial pressure and need to quickly evaluate and access complicated loss mitigation options. The commenter stated that mortgagors need to meet with a human who can assess their financial situation holistically based on a full view of their situation and offer workable options. The commenter stated that such individualized assessments are necessary for sustainable outcomes that will permanently get mortgagors back on track and avoid foreclosure. The commenter stated that by funding HUD-approved housing organizations to provide default and delinquency counseling, the Department shows that it understands the value of such human/connections.

The commenter stated that given the popularity and availability of AI systems, mortgage servicers may be tempted to replace human personnel with AI generated content or chat features for all or a part of the meeting conducted remotely. The commenter stated that mortgage servicers may, for example, require that mortgagors interact extensively with a chat feature at the start of a meeting before accessing human personnel. The commenter stated that such technological hurdles can be a barrier to consumers who are anxious and afraid about losing their home and need the assurance fostered by interaction with a live person. The commenter, quoting an article entitled ''The Future of Mortgage Lending: How AI and Humans Can Coexist,'' stated that as one industry official said, the ''human touch, rapport, trust and empathy that comes with face-to-face interactions are still considered critical in the mortgage industry and not fully replicable by AI—ever.''

The commenter further stated that there is currently little publicly available information on how AI is deployed in the servicing of defaulted mortgages. The commenter stated that there may be concerns that AI systems treat similarly situated mortgagors differently in assessing risk, servicing defaulted loans, or offering loss mitigation options. The commenter stated that at least one company, Infosys Mortgage Default Prediction System, in assessing risk of default, uses data on unemployment rates in the mortgagor's location and job sector. The commenter stated that use of this data may prove problematic if it persistently leads to negative outcomes, given well-documented occupational segregation that puts many workers of color in lower-wage jobs that are subject to layoffs.

The commenter stated that given the dearth of information, HUD should require that mortgage companies explain how AI is being deployed in default servicing, what types of data is collected and how it is used, and how AI supports default servicing decisions related to loss mitigation options. The commenter stated that the Department should ensure that mortgage servicers are abiding by commonly accepted standards regarding the design, deployment, and testing of these models, such as the standards outlined in the Blueprint for an AI Bill of Rights that was published by the White House in October 2022.

*HUD Response:* HUD appreciates the comments and shares the commenter's concerns about providing a meaningful meeting between mortgagors in default and their mortgagees to help resolve a mortgagor's default and to prevent foreclosure. HUD recognizes that there are challenges, opportunities, and limitations to emerging technologies including artificial intelligence. HUD will take these concerns into consideration in developing guidance regarding how and when mortgagees must attempt to arrange and conduct this mandatory meeting.

*L. HUD Should Extend the Temporary, Partial Regulatory Waiver of the Face-to-Face Meeting Requirements in 24 CFR 203.604*

A commenter urged HUD to extend the temporary, partial regulatory waiver of the face-to-face meeting requirements in 24 CFR 203.604, currently in place, so as to minimize the potential disruption that would arise if the rule is not finalized before the waiver expires. The commenter further stated that HUD should align the expiration date of the waiver with the effective date of any final rule and the applicable guidance in the FHA Single Family Housing Policy Handbook 4000.1. Specifically, the commenter recommended that HUD extend the waiver through calendar year 2024 and then rescind the waiver when the new rule and guidance are effective. The commenter stated that returning to requiring in-person meetings, even temporarily, unnecessarily complicates a mortgage servicer's operations, adds costs, and increases the risk of noncompliance. The commenter additionally stated that a return to in-person meetings would inconvenience

consumers. The commenter, referencing the mortgage servicer data in the proposed rule, stated that mortgagors accepted in-person meetings less than 0.1 percent of the time and that avoiding a gap before the new rule is effective should be a priority of HUD.

*HUD Response:* HUD appreciates the comments and the commenter's concerns. On April 4, 2024, HUD further extended the waiver of 24 CFR 203.604 until this final rule becomes effective on January 1, 2025. Extending the waiver until this final rule becomes effective will allow for a smoother transition from the waiver to these updated regulatory requirements and forthcoming policy implementation guidance. This will limit confusion that could have been caused by removing the waiver prior to the effective date of the updated regulation and accompanying policy. It will also remove the burden on industry partners of having to temporarily resume full compliance the regulation, which would require significant effort in staffing, contracting, and updating internal processes and borrower communications for an interim period.

## VI. Findings and Certifications

*Regulatory Review—Executive Orders 12866, 13563, and 14094*

Pursuant to Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The order also directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 further directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. Executive Order 14094 (Modernizing Regulatory Review) amends section 3(f) of Executive Order 12866, among other things. As discussed above, this final rule revises HUD's in-person, face-to-face meeting requirements by permitting mortgagees to utilize methods of communication most likely to receive a response from the mortgagor, including remote communication methods to meet with mortgagors who are in default on their mortgage payments. This rule also expands the meeting requirement to all mortgagors in default, including mortgagors who do not reside in the mortgaged property and those with a mortgaged property not within 200 miles of their mortgagee. This rule was determined to be not significant under Executive Orders 12866, 13563, and 14094.

*Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The updates described in this rule are limited to permitting mortgagees to communicate with mortgagors who are in default on their mortgage payments via electronic or other communication methods as determined by the Secretary rather than in-person. Since mortgagees are already required to communicate with these mortgagors, this rule only alters the options for how mortgagees communicate with this population of mortgagors. If there is an economic impact on mortgagees, it falls equally on all mortgagees. Further, HUD anticipates that the rule will have a net positive economic impact on mortgagees by reducing the expenses associated with making an in-person visit to a mortgagor's property to comply with the requirements of 24 CFR 203.604.

*Environmental Impact*

This rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

*Executive Order 13132, Federalism*

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either: (i) imposes substantial direct compliance costs on State and local governments and is not required by statute, or (ii) preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

*Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments, and on the private sector. This rule does not impose any Federal mandates on any State, local, or Tribal governments, or on the private sector, within the meaning of the UMRA.

**List of Subjects in 24 CFR Part 203**

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

For the reasons stated above, HUD amends 24 CFR part 203 as follows:

## PART 203—SINGLE FAMILY MORTGAGE INSURANCE

■ 1. The authority citation for part 203 continues to read as follows:

**Authority:** 12 U.S.C. 1707, 1709, 1710, 1715b, 1715z–16, 1715u, and 1715z–21; 15 U.S.C. 1639c; 42 U.S.C. 3535(d).

■ 2. Revise § 203.604 to read as follows:

### § 203.604 Contact with the mortgagor.

(a) For mortgages insured pursuant to this part, except those mortgages insured on Indian Land pursuant to section 248 of the National Housing Act:

(1) The mortgagee must conduct a meeting with the mortgagor, or make a reasonable effort to arrange such a meeting, before three full monthly installments due on the mortgage are unpaid and at least 30 days before foreclosure is commenced, or at least 30 days before assignment is requested if the mortgage is insured on Hawaiian homelands pursuant to section 247 of the National Housing Act. The meeting with the mortgagor must be conducted in a manner as determined by the Secretary.

(i) If default occurs on a repayment plan, the mortgagee must conduct a meeting with the mortgagor, or make a reasonable effort to arrange such a

meeting, no later than 30 days after such default.

(ii) [Reserved]

(2) A meeting with the mortgagor is not required if:

(i) The mortgagor has clearly indicated that they will not cooperate in the meeting;

(ii) The mortgagor is on a repayment plan to bring the mortgage current, and the mortgagor is meeting the terms of the repayment plan; or

(iii) A reasonable effort to arrange a meeting with the mortgagor is unsuccessful.

(3) A reasonable effort to arrange a meeting with the mortgagor shall consist of, at a minimum, two verifiable attempts to contact the mortgagor utilizing methods determined by the Secretary.

(b) For mortgages insured on Indian Land pursuant to section 248 of the National Housing Act:

(1) The mortgagee must conduct a face-to-face meeting with the mortgagor, or make a reasonable effort to arrange such a meeting, before three full monthly installments due on the mortgage are unpaid and at least 30 days before assignment is requested.

(i) If default occurs on a repayment plan arranged other than during a face-to-face meeting, the mortgagee must have a face-to-face meeting with the mortgagor, or make a reasonable effort to arrange such a meeting, within 30 days after default or at least 30 days before assignment is requested.

(ii) [Reserved]

(2) A face-to-face meeting is not required if:

(i) The mortgagor has clearly indicated that they will not cooperate in the meeting;

(ii) The mortgagor is on a repayment plan to bring the mortgage current, and the mortgagor is meeting the terms of the repayment plan; or

(iii) A reasonable effort to arrange a meeting with the mortgagor is unsuccessful.

(3) A reasonable effort to arrange a face-to-face meeting with the mortgagor shall include at a minimum, one letter sent to the mortgagor certified by the Postal Service as having been dispatched and at least one trip to see the mortgagor at the mortgaged property. In addition, the mortgagee must document that it has made at least one telephone call to the mortgagor for the purpose of trying to arrange a face-to-face meeting. The mortgagee may appoint an agent to perform its responsibilities under paragraph (b) of this section.

(4) The mortgagee must also:

(i) Inform the mortgagor that HUD will make information regarding the status and payment history of the mortgagor's loan available to credit bureaus and prospective creditors;

(ii) Inform the mortgagor of other available assistance, if any; and

(iii) Inform the mortgagor of the names and addresses of HUD officials to whom further communications may be addressed.

**Julia R. Gordon,**

*Assistant Secretary for Housing, Federal Housing Commissioner.*

[FR Doc. 2024–16728 Filed 8–1–24; 8:45 am]

**BILLING CODE 4210–67–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

**[EPA–R10–OAR–2023–0553; FRL–11570–01–R10]**

## Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Idaho; Delegation of Authority, Federal Plan for Existing Hospital/Medical/Infectious Waste Incinerators

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the State of Idaho's request to implement and enforce the Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators (HMIWI) Constructed on or before December 1, 2008 (the Federal Plan). The Federal Plan establishes emission limits, monitoring, and other requirements for certain existing HMIWI units. The EPA and the Idaho Department of Environmental Quality (IDEQ) entered into a Memorandum of Agreement (MOA), effective November 7, 2014, documenting the policies, responsibilities, and procedures the IDEQ will follow, as well as the authorities retained by the EPA.

**DATES:** This final rule is effective on September 3, 2024.

**ADDRESSES:** The EPA has established a docket for this action, identified by Docket ID No. EPA–R10–OAR–2023–0553 at *https://www.regulations.gov.* All documents cited in this rule or used by the EPA in its analysis of this rulemaking (with the exception of documents containing confidential business information and documents generally available to the public), including the IDEQ's submittal are accessible through the docket. If alternative means of reviewing the documents is required, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Bryan Holtrop, Air and Radiation Division, EPA, Region 10, 1200 Sixth Avenue, Suite 155, M/S 15–H13, Seattle, WA 98101–3144, telephone number: (206) 553–4473, email address: *holtrop.bryan@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

Section 129 of the Clean Air Act (the ''CAA'' or ''Act''), titled ''Solid Waste Combustion,'' requires the EPA to develop and adopt standards for solid waste incineration units pursuant to sections 111(d) and 129 of the Act. The EPA promulgated revisions to the emissions guidelines (EG) for HMIWI units on April 4, 2011 (76 FR 18407), and May 13, 2013 (78 FR 28052), as amended by a correction published on September 6, 2013 (78 FR 54766). Codified at 40 CFR part 60, subpart Ce, this final rule sets limits for nine pollutants under section 129 of the CAA: Cadmium (Cd), carbon monoxide (CO), hydrogen chloride (HCL), lead (Pb), mercury (Hg), nitrogen oxides ($NO_X$), particulate matter (PM), dioxins/furans, and sulfur dioxide ($SO_2$). The EG apply to existing HMIWI units, which are those units that commenced construction on or before December 1, 2008, or that commenced modification on or before April 6, 2010 (see 40 CFR 60.32e).

CAA section 129 also requires each state in which HMIWI units are operating to submit a plan to implement and enforce the EG with respect to such units. State plan requirements must be ''at least as protective'' as the EG and become federally enforceable upon approval by the EPA. The procedures for adoption and submittal of state plans are codified in 40 CFR part 60, subpart B. For each state that does not submit a plan, the EPA is required to develop and implement a Federal Plan within two years following promulgation of the emission guidelines. Accordingly, the EPA promulgated the HMIWI Federal Plan on May 13, 2013 (78 FR 28052). The EPA implementation and enforcement of the Federal Plan is viewed as an interim measure until a state assumes its role as the preferred implementer of the emission guidelines requirements stipulated in the Federal Plan. In the Federal Plan rulemaking, the EPA strongly encouraged each state and local agency in a jurisdiction that did not submit an approvable state plan to request delegation of the HMIWI Federal Plan so that it can have the

primary responsibility for implementing and enforcing regulations affecting existing HMIWI units, consistent with the intent of section 129 of the CAA.

## II. Submittal and EPA Approval of Requests for Delegation of the Federal Plan

On April 14, 2014, the IDEQ requested delegation of authority from the EPA to implement and enforce the Federal Plan for any existing HMIWI units operating within the State of Idaho, codified at 40 CFR part 62, subpart HHH. The delegation of authority does not apply to sources located in Indian country.

The EPA evaluates requests for delegation of the HMIWI Federal Plan pursuant to the provisions of the HMIWI Federal Plan and the EPA's Delegations Manual. Pursuant to the HMIWI Federal Plan, a state may meet its CAA section 111(d)/129 obligations by submitting an acceptable written request for delegation of the Federal Plan that includes the following elements: (1) a demonstration of adequate resources and legal authority to administer and enforce the Federal Plan; (2) an inventory of affected HMIWI units, an inventory of emissions from affected HMIWI units, and provisions for state progress reports; (3) certification that the state held a hearing on the state delegation request; and (4) a commitment to enter into a MOA with the Regional Administrator that sets forth the terms, conditions, and effective date of the delegation and that serves as the mechanism for the transfer of authority (see 40 CFR 62.14401) (78 FR 28052, May 13, 2013). The IDEQ met delegation requirements (1) through (3) in a letter to the EPA dated April 14, 2014, which is included in the docket for this action, as well as requirement (4), which is addressed in the following paragraphs of this preamble.

Pursuant to the EPA's Delegations Manual, item 7–139, Implementation and Enforcement of 111(d)(2) and 111(d)(2)/129(b)(3) Federal Plans, a copy of which is included in the docket for this action, the Regional Administrator is authorized to delegate authority to implement and enforce section 111(d)/129 Federal Plans to states. The requirements and limitations of a delegation agreement are set forth in item 7–139 of the Delegations Manual. Consistent with those requirements, the EPA prepared an MOA between the EPA and the IDEQ which defines policies, responsibilities, and procedures pursuant to the HMIWI Federal Plan by which the Federal Plan will be administered by the IDEQ. The MOA was signed by the Regional Administrator for EPA Region 10 on October 9, 2014. Subsequently, on November 7, 2014, the Director of the IDEQ signed the MOA, thus agreeing to the terms and conditions of the MOA and accepting responsibility for implementation and enforcement of the policies and procedures of the Federal Plan, except for certain authorities (*e.g.,* approval of major alternatives to test methods or monitoring) retained by the EPA. The EPA continues to retain enforcement authority. The MOA, and resulting delegation of authority, became effective upon signature by the IDEQ Director on November 7, 2014. The MOA is located in the docket for this action.

The EPA has evaluated the IDEQ submittal for consistency with the CAA, EPA regulations, and EPA policy. The IDEQ has met the requirements for obtaining delegation of authority to implement and enforce the HMWI Federal Plan. The IDEQ entered into a MOA with the EPA and it became effective on November 7, 2014. Accordingly, the EPA is codifying approval of the IDEQ request, dated April 14, 2014, for delegation of authority to implement and enforce the Federal Plan for existing HMIWI units. The EPA will continue to retain certain specific authorities as specified in the HMIWI Federal Plan and as indicated in the MOA (*e.g.,* authority to approve major alternatives to test methods or monitoring, etc.).

## III. EPA Action

In this action, the EPA is notifying the public and is codifying approval of a request submitted by the IDEQ for delegation of authority to implement and enforce the Federal Plan for existing HMIWI units in Idaho, pursuant to 40 CFR part 62, subpart HHH.

## IV. Good Cause Finding

Section 553(b) of the Administrative Procedure Act (APA) requires publication of notice of proposed rulemaking and specifies what the notice shall include. *See* 5 U.S.C. 553(b). However, the APA provides an exception from this requirement ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(3)(B).

The EPA has found good cause for making this action final without prior proposal and opportunity for comment because this ministerial action merely codifies the EPA's delegation of authority to implement and enforce the HMIWI Federal Plan to the IDEQ. This action does not alter the universe of sources regulated under the Federal Plan, which was previously subject to the IDEQ's State plan implementing the HMIWI EG and is now subject to functionally identical requirements contained in the Federal Plan. In other words, this action does not substantively alter the regulatory requirements applicable to HMIWI units residing within the IDEQ's jurisdiction. In these circumstances, notice and comment procedures are unnecessary.

## V. Statutory and Executive Order Reviews

Under the CAA, the Administrator has the authority to delegate the authority to implement a 111(d)/129 Federal Plan that complies with the provisions of the CAA and applicable Federal regulations (see 40 CFR 60.27). In reviewing 111(d)/129 Federal Plan delegation requests, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA and of the EPA's implementing regulations. Accordingly, this action merely codifies in the Code of Federal Regulations the EPA's delegation of authority to implement the Federal Plan and does not impose additional requirements beyond those imposed by the already-applicable Federal Plan. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because

application of those requirements would be inconsistent with the Clean Air Act.

In addition, the delegation of authority is not approved to apply on any Indian reservation land or in any other area where the 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. The 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.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.''

The IDEQ did not evaluate environmental justice considerations as part of its submittal; the Clean Air Act and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of this action, it 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 Executive Order 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

This action is subject to the Congressional Review Act and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

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 October 1, 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 62**

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: July 25, 2024.

**Casey Sixkiller,**

*Regional Administrator, Region 10.*

For the reasons set forth in the preamble, 40 CFR part 62 is amended as follows:

## PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

### Subpart N—Idaho

■ 2. Add an undesignated center heading immediately before § 62.3110 and revise § 62.3110 to read as follows:

**Air Emissions from Hospital/Medical/Infectious Waste Incinerators (HMIWI)—Section 111(d)/129 Plan**

**§ 62.3110 Identification of plan—Idaho Department of Environmental Quality.**

(a) *Delegation of authority.* On October 9, 2014, and November 7, 2014, the EPA and the IDEQ, respectively, signed a Memorandum of Agreement (MOA) that defines policies, responsibilities, and procedures pursuant to subpart HHH of this part (the ''Federal Plan'') by which the Federal Plan will be administered by the Idaho Department of Environmental Quality (IDEQ).

(b) *Identification of sources.* The MOA and related Federal Plan apply to existing hospital/medical/infectious waste incinerators for which construction was commenced on or before December 1, 2008, or for which modification was commenced on or before April 6, 2010.

(c) *Effective date of delegation.* The delegation became fully effective on November 7, 2014, the effective date of the MOA between the EPA and the IDEQ.

[FR Doc. 2024–16952 Filed 8–1–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 282

**[EPA–R01–UST–2023–0321; FRL–11752–02–R1]**

### Massachusetts: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference

**AGENCY:** Environmental Protection Agency (EPA)

**ACTION:** Direct final rule.

**SUMMARY:** Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State of Massachusetts' Underground Storage Tank (UST) program submitted by the Massachusetts Department of Environmental Protection (MassDEP). This action also codifies EPA's approval of Massachusetts' state program and incorporates by reference those provisions of the State statutes and regulations that we have determined meet the requirements for approval. The provisions will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions.

**DATES:** This rule is effective October 1, 2024, unless EPA receives adverse comment by September 3, 2024. If EPA receives adverse comments, it will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. The incorporation by reference of a certain publication listed in the regulations is approved by the Director of the Federal Register, as of October 1, 2024, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

**ADDRESSES:** Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.

2. *Email: coyle.joan@epa.gov.*

*Instructions:* Direct your comments to Docket ID No. EPA–R01–UST–2023–0321. EPA's policy is that all comments received will be included in the public

docket without change and may be available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov,* or email. The Federal *https://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. EPA encourages electronic submittals, but if you are unable to submit electronically, please reach out to the EPA contact person listed in the notice for assistance.

*Docket:* All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information might not be publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, might be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy.

*IBR and supporting material:* The EPA encourages electronic reviewing of these documents, but if you are unable to review these documents electronically, please contact Joan Coyle to schedule an appointment to view the documents at the EPA Region 1 Library, 5 Post Office Square, 1st floor, Boston, MA 02109–3912. The facility is open from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Interested persons wanting to examine these documents should make an appointment at least two weeks in advance. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:** Joan Coyle, (617) 918–1303, *coyle.joan@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Approval of Revisions to Massachusetts' Underground Storage Tank Program

### *A. Why are revisions to state programs necessary?*

States that have received final approval from the EPA under RCRA section 9004(b) of RCRA, 42 U.S.C. 6991c(b), must maintain an underground storage tank program that is equivalent to, consistent with, and no less stringent than the Federal UST program. Either EPA or the approved state may initiate program revision. When EPA makes revisions to the regulations that govern the UST program, states must revise their programs to comply with the updated regulations and submit these revisions to the EPA for approval. Program revision may be necessary when the controlling Federal or state statutory or regulatory authority is modified or when responsibility for the state program is shifted to a new agency or agencies.

### *B. What decisions has the EPA made in this rule?*

On December 21, 2022, in accordance with 40 CFR 281.51(a), Massachusetts submitted a complete program revision application seeking EPA approval for its UST program revisions (State Application). Massachusetts' revisions correspond to the EPA final rule published on July 15, 2015 (80 FR 41566), which revised the 1988 UST regulations and the 1988 State program approval (SPA) regulations (2015 Federal Revisions). As required by 40 CFR 281.20, the State Application contains the following: a transmittal letter requesting approval, a description of the program and operating procedures, a demonstration of the State's procedures to ensure adequate enforcement, a Memorandum of Agreement outlining the roles and responsibilities of the EPA and the implementing agency, a statement of certification from the Attorney General, and copies of all relevant State statutes and regulations. We have reviewed the State Application and determined that the revisions to Massachusetts' UST program are equivalent to, consistent with, and no less stringent than the corresponding Federal requirements in subpart C of 40 CFR part 281, and that the Massachusetts program provides for adequate enforcement of compliance (40 CFR 281.11(b)). Therefore, the EPA grants Massachusetts final approval to operate its UST program with the changes described in the program revision application, and as outlined below in section I.G. of this document.

### *C. What is the effect of this approval decision?*

This action does not impose additional requirements on the regulated community because the regulations being approved by today's rule are already effective in Massachusetts, and they are not changed by today's action. This action merely approves the existing state regulations as meeting the federal requirements and renders them federally enforceable.

### *D. Why is EPA using a direct final rule?*

EPA is publishing this direct final rule concurrent with a proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. EPA is providing an opportunity for public comment now.

### *E. What happens if the EPA receives comments that oppose this action?*

Along with this direct final, the EPA is publishing a separate document in the ''Proposed Rules'' section of this **Federal Register** that serves as the proposal to approve the State's UST program revision, providing opportunity for public comment. If EPA receives comments that oppose this approval, EPA will withdraw the direct final rule by publishing a document in the **Federal Register** before the rule becomes effective. The EPA will base any further decision on the approval of the State program changes on the proposal to approve after considering all comments received during the comment period. EPA will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this approval, you must do so at this time.

### *F. For what has Massachusetts previously been approved?*

On March 17, 1995, effective April 17, 1995 (60 FR 14371), EPA approved the State's UST program administered at that time by the Massachusetts Department of Fire Services (DFS). Effective December 30, 1996 (61 FR 56135), EPA codified the Massachusetts' statutes and regulations comprising the State's approved UST program, incorporating by reference those

approved provisions that are subject to EPA's inspection and enforcement authorities under RCRA sections 9005 and 9006, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions.

The responsibility for administering the underground storage tank program was transferred to the Massachusetts Department of Environmental Protection (MassDEP), effective July 1, 2009. MassDEP adopted UST regulations (310 CMR 80.00) which became effective on January 2, 2015. These maintained the basic requirements established by the DFS (Board of Fire Prevention Regulations 527 CMR 9.00) and authorized by EPA in 1995. On July 18, 2019, the EPA approved these Massachusetts UST program revisions, effective September 16, 2019.

*G. What changes are we approving with today's action?*

On December 21, 2022, in accordance with 40 CFR 281.51(a), Massachusetts submitted a complete application for final approval of its UST program revisions, adopted on October 1, 2021. The EPA now makes an immediate final decision, subject to receipt of written comments that oppose this action, that Massachusetts' UST program revisions satisfy all the requirements necessary to qualify for final approval. Therefore, EPA grants Massachusetts final approval for the following program changes:

| Required Federal element | Implementing State authority |
|---|---|
| 40 CFR 281.30, New UST Systems and Notification. | 310 CMR 80.14; 80.16; 80.17(1) and (2); 80.18; 80.21(1); 80.22; 80.23; 80.64; M.G.L. c.21O,§ 5. |
| 40 CFR 281.31, Upgrading Existing UST Systems. | 310 CMR 80.19; 80.21; 80.22; 80.64; M.G.L. c.21O,§ 5. |
| 40 CFR 281.32, General Operating Requirements. | 310 CMR 80.03; 80.10; 80.18; 80.22; 80.26; 80.27; 80.28; 80.29; 80.30; 80.31; 80.32; 80.33; 80.35; 80.36; 80.64; M.G.L. c.21O§ 5. |
| 40 CFR 281.33, Release Detection | 310 CMR 80.04; 80.19; 80.26; 80.31; 80.35; 80.64; M.G.L. c.21O, § 5. |
| 40 CFR 281.34, Release Reporting, Investigation, and Confirmation. | 310 CMR 80.23; 80.26; 80.31(1)–(3); 80.32; 80.38(2); 80.39; 80.40; 80.64; M.G.L. c.21O,§ 5; M.G.L. c.21E §§ 3A, 5, 7, 8, 9. |
| 40 CFR 281.35, Release Response and Corrective Action. | 310 CMR 80.33; 310 CMR 80.38–80.40; 80.64. |
| 40 CFR 281.36, Out-of-service Systems and Closure. | 310 CMR 80.42; 80.43; 80.46; 80.47; 80.64. |
| 40 CFR 281.37, Financial Responsibility for USTs Containing Petroleum. | 310 CMR 80.04; 80.36; 80.52–80.57; 80.59–80.60; 80.64. |
| 40 CFR 281.38, Lender Liability | No security interest exemption |
| 40 CFR 281.39, Operator Training | 310 CMR 80.37; 80.64 |
| 40 CFR 281.40, Requirements for Compliance Monitoring and Authority. | 310 CMR 80.10; 80.13; M.G.L. c. 21O, § 6 |
| 40 CFR 281.41, Requirements for Enforcement Authority. | 310 CMR 80.48; 80.50; 310 CMR 5.00; M.G.L. c. 21O, §§ 7 and 8. |

The State also demonstrates that its program provides adequate enforcement of compliance as described in 40 CFR 281.11(b) and part 281, Subpart D. The MassDEP has broad statutory authority with respect to USTs to regulate installation, operation, maintenance, closure, and UST releases, and to the issuance of orders. These statutory authorities are found in: Massachusetts General Laws, Chapter 21O, Operation and Removal of Underground Storage Tanks; Massachusetts General Laws, Chapter 21E, Massachusetts Oil and Hazardous Material Release Prevention and Response Act; and Massachusetts General Laws, Chapter 21J, Underground Storage Tank Petroleum Product Cleanup Fund.

*H. Where are the revised rules different from the Federal rules?*

Broader in Scope Provisions

The following statutory and regulatory provisions are considered broader in scope than the federal program, and are therefore not enforceable as a matter of federal law:

The Owner or Operator of an underground storage tank used for the keeping or storage of flammable or combustible fluids may need to obtain a permit from the fire department in which the UST system is located for closure or relocation of the UST system. It is the responsibility of the Owner or Operator to obtain any required permit(s).

Owners and operators of UST systems containing low level radioactive waste or its mixture with hazardous waste regulated by the Nuclear Regulatory Commission and the Department of Public Health must ensure that the UST systems will prevent releases due to corrosion or structural failure, be cathodically protected against corrosion, be constructed of non-corrodible material, and be constructed or lined with material that is compatible with the stored regulated substance.

Massachusetts requires that consumptive use (CU) tanks of 1,100 gallons or less must comply with release response requirements and, if installed on and after March 21, 2008, be double walled and equipped with continuous interstitial monitoring. Consumptive use tanks greater than 1,100 gallons installed on and after January 1, 1989 must comply with most of the regulatory requirements, except registration and fill pipe cover requirements. If CU tanks greater than 1,100 gallons were installed before January 1, 1989, they must meet most requirements except those for installation, leak detection, tank specifications, and corrosion protection.

Farm and residential tanks having a capacity of 1,100 gallons or less used exclusively for the storage of motor fuel must be double walled and must comply with release response requirements.

UST systems used solely for emergency spill or overflow containment of a regulated substance installed on or after January 1, 1989, must be double walled, protected from corrosion, comply with registration and release response requirements, and be emptied within 72 hours of introduction of product.

Owners or operators must maintain, until the UST system is removed or permanently closed in place, a scaled drawing or set of as-built plans of all UST systems prepared by the installer or a registered professional engineer, with specific information, and must submit a copy of the as-built plans to the Department.

Owners and operators of UST systems are required to hire certified Third-Party Inspectors (TPIs) to conduct compliance inspections of those systems every three years. MassDEP's TPI Certification Program requires that qualified individuals must pass a written exam and meet certain minimum eligibility requirements, are certified for five years, and need to apply for renewal at least 90 days before their current certifications expire.

Owners or operators of all UST systems must submit a performance-based compliance certification to the Department in accordance with the *Environmental Results Program Certification* requirements.

Massachusetts requires that an owner or operator hire a Licensed Site Professional (LSP) to work on their behalf to oversee the assessment and cleanup of contaminated properties. Massachusetts provisions that are broader in scope than the federal program are not incorporated by reference and are not part of the federally-approved program.

More Stringent Provisions

The following statutory and regulatory provisions are considered more stringent than the federal program and are therefore enforceable as a matter of federal law:

All single-walled steel tanks in-service and temporarily out-of-service must be permanently closed and removed from the ground, or be permanently closed in-place, by August 7, 2017, except for consumptive use tanks, and tanks that were relined prior to August 8, 2007.

Groundwater monitoring is not permitted as a form of release detection.

After January 2, 2017, owners and operators may no longer use soil vapor monitoring as a primary form of release detection.

Regulated substance dispensers installed, repaired, or replaced on or after March 21, 2008 must be equipped with a dispenser sump that is continuously monitored with a dispenser sump sensor.

All turbine sumps, including intermediate sumps, shall be continuously monitored for liquids utilizing a sump sensor.

Turbine, intermediate, and dispenser sumps must pass a tightness test at installation to ensure the sump is liquid tight.

All high-level alarms installed on and after January 2, 2015 must be visible and audible, and be clearly labeled as a tank overfill alarm.

Owners or Operators shall inspect and test the overfill prevention equipment annually to ensure that it is operational and will activate at the correct level.

Massachusetts requires all UST systems, regardless of the amount of regulated product received at one time, to have a spill bucket. Spill buckets must be at least five gallons in capacity, if installed after January 2, 2015. If installed before that date, must have a minimum capacity of three gallons. Spill buckets must pass a tightness test at installation.

All submersible pumps that do not have a turbine containment sump shall be visually inspected every 30 days.

Single-walled and double-walled sumps without continuous monitoring sensors in the sump must be inspected every 90 days.

Impressed current cathodic protection systems must be tested every 12 months.

All cathodic protection systems must be tested within 60 days of a repair.

Owners or operators of regulated tanks that are not double-walled and do not have continuous monitoring must conduct daily and monthly inventory monitoring, with the exception of emergency generator tanks installed before January 2, 2015.

Financial responsibility must be maintained and demonstrated for UST systems containing hazardous substances.

When an UST system is taken temporarily out of service, all regulated substances must be removed from the tank and the UST rendered inert. Vent lines must be kept open and functioning and all other lines capped, locked, and secured.

## II. Codification

### *A. What is codification?*

Codification is the process of placing a state's statutes and regulations that comprise the state's approved UST program into the CFR. Section 9004(b) of RCRA, as amended, allows the EPA to approve State UST programs to operate in lieu of the Federal program. The EPA codifies its authorization of state programs in 40 CFR part 282 and incorporates by reference state regulations that the EPA will enforce under sections 9005 and 9006 of RCRA and any other applicable statutory provisions. The incorporation by reference of state authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the approved state program and state requirements that can be federally enforced. This effort provides clear notice to the public of the scope of the approved program in each state.

### *B. What is the history of codification of Massachusetts' UST program?*

EPA incorporated by reference the Massachusetts DFS approved UST program effective December 30, 1996 (61 FR 56135; October 31, 1996). In this document, EPA is revising 40 CFR 282.71 to include the approval revision actions.

### *C. What codification decisions have we made in this rule?*

*Incorporation by reference:* In this rule, we are finalizing the Federal regulatory text that incorporates by reference the federally authorized Massachusetts UST Program. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the Massachusetts statutes and regulations described in the amendments to 40 CFR part 282 set forth below. The EPA has made, and will continue to make, this document generally available through *www.regulations.gov* and at the EPA Region 1 office (see the **ADDRESSES** section of this preamble for more information).

The purpose of this **Federal Register** document is to codify Massachusetts' approved UST program. The codification reflects the State program in effect at the time EPA's approved revisions to the Massachusetts UST program addressed in this direct final rule become final. The document incorporates by reference Massachusetts' UST statutes and regulations and clarifies which of these provisions are included in the approved and federally enforceable program. By codifying the approved Massachusetts program and by amending the CFR, the public will more easily be able to discern the status of the federally-approved requirements of the Massachusetts program.

EPA is incorporating by reference the Massachusetts approved UST program in 40 CFR 282.71. Section 282.71(d)(1)(i)(A) incorporates by reference for enforcement purposes the State's statutes and regulations. Section 282.71 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the UST program under Subtitle I of RCRA.

### *D. What is the effect of Massachusetts' codification on enforcement?*

The EPA retains the authority under sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and

regulatory provisions to undertake inspections and enforcement actions and to issue orders in approved states. With respect to these actions, EPA will rely on federal sanctions, federal inspection authorities, and federal procedures rather than the state authorized analogues to these provisions. Therefore, the EPA is not incorporating by reference such particular, approved Massachusetts procedural and enforcement authorities. Section 282.71(d)(1)(ii) of 40 CFR lists those approved Massachusetts authorities that would fall into this category.

*E. What State provisions are not part of the codification?*

The public also needs to be aware that some provisions of the State's UST program are not part of the federally approved State program. Such provisions are not part of the RCRA Subtitle I program because they are ''broader in scope'' than Subtitle I of RCRA. 40 CFR 281.12(a)(3)(ii) states that where an approved state program has provisions that are broader in scope than the federal program, those provisions are not a part of the federally approved program. As a result, State provisions which are broader in scope than the federal program are not incorporated by reference for purposes of enforcement in part 282. Section 282.71(d)(1)(iii) of the codification simply lists for reference and clarity the Massachusetts statutory and regulatory provisions which are broader in scope than the federal program and which are not, therefore, part of the approved program being codified today. Provisions that are broader in scope cannot be enforced by EPA; the State, however, will continue to implement and enforce such provisions under State law.

## III. Statutory and Executive Order Reviews

This action only applies to Massachusetts' UST Program requirements pursuant to RCRA Section 9004 and imposes no requirements other than those imposed by State law. It complies with applicable Executive Orders (EOs) and statutory provisions as follows:

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

*A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review*

This action is not a significant regulatory action as defined in Executive Order 12866 (58 FR 51735, October 4, 1993), as amended by Executive Order 14094 (88 FR 21879, April 11, 2023), because this action approves and codifies State requirements for the purpose of RCRA section 9004 and imposes no additional requirements beyond those imposed by State law. Therefore, this action was not subject to a requirement for Executive Order 12866 review.

*B. Paperwork Reduction Act (PRA)*

This rule does not impose an information collection burden under the provisions of the PRA, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

*C. Regulatory Flexibility Act (RFA)*

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.,* because this action authorizes State requirements pursuant to RCRA section 9004 and imposes no requirements beyond those imposed by State law.

*D. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any unfunded mandates as described in UMRA, 2 U.S.C. 1501 *et seq.,* and does not significantly or uniquely affect small governments because this action approves and codifies pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law.

*E. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

Because this action approves and codifies pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). As discussed above, EPA is not acting on approval to operate the State's UST program as it applies to Tribal lands in the State. Therefore, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

*F. Executive Order 13132: Federalism*

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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves and codifies State requirements as part of the State RCRA underground storage tank program without altering the relationship or the distribution of power and responsibilities established by RCRA.

*G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks*

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it approves a State program.

*H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

This rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

*I. National Technology Transfer and Advancement Act (NTTAA)*

Under RCRA section 9004(b), EPA grants a State's application for approval as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State approval application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the NTTAA, 15 U.S.C. 272 note, do not apply to this action.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629, February 16, 1994) directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high

and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color and/or Indigenous peoples) and low-income populations. Because this action approves pre-existing State rules that are no less stringent than existing Federal requirements and imposes no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, this rule is not subject to Executive Order 12898.

*K. Congressional Review Act (CRA)*

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report containing this document and other required information to each House of the Congress and the Comptroller General of the United States prior to publication 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). However, this action will be effective October 1, 2024 because it is a direct final rule.

**List of Subjects in 40 CFR Part 282**

Environmental Protection, Administrative practice and procedure, Confidential Business Information, Hazardous substances, Incorporation by Reference, Insurance, Intergovernmental relations, Penalties, Petroleum, Reporting and recordkeeping requirements, Surety bonds, Water supply.

**David W. Cash,**

*Regional Administrator, EPA Region 1.*

For the reasons set forth in the preamble, EPA is amending 40 CFR part 282 as follows:

## PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

■ 1. The authority citation for part 282 continues to read as follows:

**Authority:** 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

■ 2. Revise § 282.2 by revising and republishing the introductory text of paragraph (b) and paragraph (b)(1) to read as follows:

**§ 282.2 Incorporation by reference.**

* * * * *

(b) Copies of materials incorporated by reference may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/crf/ibr-locations.* Copies of materials incorporated by reference may be obtained or inspected at the EPA UST Docket, located at 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202 (telephone number: 703–603–9231), or send mail to Mail Code 5305G, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and at the library of the appropriate Regional Office listed below:

(1) Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont): 5 Post Office Square, 1st floor, Boston, MA 02109–3912; Phone Number: (617) 918–1303.

* * * * *

■ 3. Revise and republish § 282.71 to read as follows:

**§ 282.71 Massachusetts State-Administered Program.**

(a) Massachusetts is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Massachusetts Department Environmental Protection (MassDEP), was approved by EPA pursuant to 42 U.S.C. 6991c and 40 CFR part 281 of this Chapter. EPA approved the Massachusetts program on March 3, 1995, which was effective on April 17, 1995.

(b) Massachusetts has primary responsibility for administering and enforcing its federally approved underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under any other applicable statutory and regulatory provisions.

(c) To retain program approval, Massachusetts must revise its approved program to adopt new changes to the federal Subtitle I program which makes it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c and 40 CFR part 281, subpart E. If Massachusetts obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notification of any change will be published in the **Federal Register**.

(d) Massachusetts has final approval for the following elements of its program application originally submitted to EPA and approved effective April 17, 1995, and the program revision application approved by EPA, effective on October 1, 2024.

(1) *State statutes and regulations.*

(i) *Incorporation by reference.* The material cited in this paragraph, and listed in appendix A to part 282, is incorporated by reference as part of the underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.* (See § 282.2 for incorporation by reference approval and inspection information.) You may obtain copies of the Massachusetts regulations and statutes that are incorporated by reference in this paragraph from the State Bookstore, State House, Room 116, Boston, MA 02133; phone number: (617) 727–2834; Hours: Monday–Friday, 8:45 a.m. to 5:00 p.m.; website: *https://www.sec.state.ma.us/divisions/bookstore/agencies/310-environmental-protection.htm.*

(A) ''EPA Approved Massachusetts Statutory and Regulatory Requirements Applicable to the Underground Storage Tank Program, March 2024.''

(B) [Reserved]

(ii) *Legal basis.* EPA evaluated the following statutes and regulations which are part of the approved program, but they are not being incorporated by reference for enforcement purposes, and do not replace Federal authorities:

(A) The statutory provisions include:

(1) Massachusetts General Laws, Chapter 21A, *Executive Office of Energy and Environmental Affairs,* section 16, Civil Administrative Penalties.

(2) Massachusetts General Laws, Chapter 21E, *Massachusetts Oil and Hazardous Material Release Prevention and Response Act (2014),* sections 4 through 6, 8 through 12 and 15 through 18.

(3) Massachusetts General Laws, Chapter 21J, *Underground Petroleum Product Cleanup Fund,* sections 11 through 14.

(4) Massachusetts General Laws, Chapter 21O, *Operation and Removal of Underground Storage Tanks,* section 4, sections 6 through 9.

(B) The regulatory provisions include:

(1) Code of Massachusetts Regulations, 310 CMR 80, *Underground Storage Tank (UST) Systems:* 80.11, Submittals to the Department; 80.12 Presumption of Irreparable Harm; 80.13, Department Access to UST Facilities and Records; 80.48, Delivery Prohibition; 80.50, Enforcement and Appeals.

(2) Code of Massachusetts Regulations, 310 CMR 40, *Massachusetts Contingency Plan:* 40.0010, Effect of Orders and Appeals;

40.0011, Confidentiality of Information; 40.0013, Presumption of Irreparable Harm; 40.0019, Violations of Environmental Restrictions; 40.0020, Violations of a Permanent Solution or Temporary Solution; 40.0021, Unlawful Interference with Response Actions; 40.0050, Appeals of Orders and Permits; 40.0051, Appeals Relative to Administrative Penalties; 40.0160, Departmental Notice to Responsible Parties and Potentially Responsible Parties; 40.0165, Department Request for Information (RFI); 40.0166, Department Right of Entry; 40.0171, Failure to Perform a Response Action.

(iii) *Provisions not incorporated by reference.*

The following specifically identified statutory and regulatory provisions applicable to the Massachusetts' UST program are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes:

(A) *Massachusetts General Laws, Chapter 21E: Massachusetts Oil and Hazardous Material Release Prevention and Response Act,* sections 3A, 3B, sections 13, 14, and 19 through 22; *Chapter 21J: Underground Petroleum Product Cleanup Fund,* sections 1 through 10; *Chapter 21O: Operation and Removal of Underground Storage Tanks,* section 1, Removal or relocation of underground flammable or combustible fluid tanks; permits; abandoned underground residential tanks;

(B) *Code of Massachusetts Regulations, Title 310 CMR Chapter 80, Underground Storage Tank Systems:* General Provisions section, Applicability, 80.04(6)(c), (8) through (12); Design, Construction And Installation Requirements section, Installation requirements, 80.16(7); Specifications for Tanks, 80.17(3); Requirements for Turbine, Intermediate and Dispenser Sumps, 80.20(6); Requirements for Spill Buckets and Overfill Prevention Equipment, 80.21(1)(d); General Operating Requirements section, Requirements for Registration and Reporting, 80.23(1)(b)(2); Requirements for a UST System or UST Component Emergency Response, 80.25; Requirements for Compliance Certification section, 80.34; Change-In-Product, Out Of Service Systems And Closure section, Requirements for Removal and permanent Closure In-place, 80.43(7); Third Party Inspections section, 80.49; *310 CMR Chapter 40, Massachusetts Contingency Plan:* Subpart B: Organization and Responsibilities, The Role of Licensed Site Professionals section, 40.0169; and other provisions of Chapter 40.0000 Subparts A–P insofar as they do not relate to underground storage tanks and with respect to underground storage tanks insofar as they are broader in scope than the federal requirements.

*(2) Statement of Legal Authority.* The Attorney General's Statements, signed by the Attorney General of Massachusetts on August 18, 1993, March 2, 2017, and December 13, 2022, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The ''Demonstration of Procedures for Adequate Enforcement'' submitted as part of the original application on October 5, 1992, and as part of the program revision applications for approval on June 21, 2017 and December 21, 2022, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on October 5, 1992, and as part of the program revision applications on June 21, 2017 and December 21, 2022, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 1 and the Massachusetts Department of Environmental Protection, signed by the EPA Regional Administrator on November 21, 2018 though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

■ 4. Appendix A to part 282 is amended by revising the entry for Massachusetts as follows:

**Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations**

* * * * *

Massachusetts

(a) The statutory provisions include:

Massachusetts General Laws, Part I, Title II

1. Chapter 21E, *Massachusetts Oil and Hazardous Material Release Prevention and Response Act*

*Section 1:* Short title; section 2: Definitions; section 3: Implementation; regulations; response actions; section 7: Notice of release or threat of release.

2. Chapter 21O, *Operation and Removal of Underground Storage Tanks*

*Section 2:* Notification of operation of underground storage tanks; definitions; section 3: Notification of operation of underground storage tanks; requirements; exceptions; section 5: Notification of operation of underground storage tanks; regulations for requirements and standards of tanks;

(b) The regulatory provisions include:

1. *Code of Massachusetts Regulations, Title 310 CMR Chapter 80, Underground Storage Tank Systems:* (effective October 1, 2021)

General Provisions section, 80.01: Authority; 80.02: Purpose; 80.03: Definitions; 80.04: Applicability, (1) through (13), except (6)(c), and (8) through (12); 80.05: Rules of Construction; 80.06: Computation of Time; 80.07: Accurate and Timely Submittals to the Department and Record Keeping; 80.08: Accurate and Complete Record Keeping; 80.09: Accurate Monitoring; 80.10: Duty to Provide Information.

Design, Construction, and Installation Requirements section, 80.14: General Requirements; 80.15: General Prohibitions; 80.16: Installation Requirements, except (7); 80.17: Specifications for Tanks, except (3); 80.18: Specifications for Regulated Substance Piping; 80.19: Leak Detection; 80.20: Requirements for Turbine, Intermediate and Dispenser Sumps, except (6); 80.21: Requirements for Spill Buckets and Overfill Prevention Equipment, except (1)(d); 80.22: Requirements for Corrosion Protection.

General Operating Requirements section, 80.23: Requirements for Registration and Reporting, except (1)(b) 2; 80.24: General Requirements; 80.26: Requirements for Leak Detection Systems; 80.27: Requirements for Turbine, Intermediate and Dispenser Sumps; 80.28: Requirements for Spill Buckets and Overfill Prevention Equipment; 80.29: Requirements for Corrosion Protection; 80.30: Requirements for Compatibility; 80.31: Requirements for Inventory Monitoring; 80.32: Requirements for Tank and Pipe/Line Tightness Testing; 80.33: Requirements for Repairs and Replacements; 80.35: Requirements for Periodic Inspections, except (2)(c); 80.36: Requirements for Recordkeeping;

Operator Training section, 80.37: Class A, B, and C Operator Requirement and Certifications

Leakage and Release: Response, Reporting and Remediation section, 80.38: Response to a Release; 80.39: Response to Leakage; 80.40: Reportable Releases.

Change-In-Product, Out of Service Systems and Closure section, 80.41: Requirements for Change-in-product; 80.42: Requirements for Taking a UST System Temporarily Out-of-service; 80.43: Requirements for Removal and Permanent Closure In-place, except (7); 80.44: Requirements for a Tank within a Tank; 80.45: UST Systems Temporarily Out-of-service for over Five Years; 80.46: Requirements for Previously Closed-in-place UST Systems; 80.47: Standards for Cleaning and Closure.

Financial Responsibility section, 80.51: Definitions; 80.52: Requirements for Amount

and Scope of Financial Responsibility; 80.53: Allowable Mechanisms and Combinations of Mechanisms; 80.54: Requirements for Financial Responsibility Mechanisms; 80.55: Requirements for a Standby Trust; 80.56: Substitution of Financial Assurance Mechanisms by Owner or Operator; 80.57: Cancellation or Nonrenewal by a Provider of Financial Assurance; 80.58: Requirements for Reporting by Owner or Operator; 80.59: Requirements for Recordkeeping; 80.60: Requirements for Drawing on Financial Assurance Mechanisms; 80.61: Release from Financial Responsibility Requirements; 80.62: Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance; 80.63: Requirements for Replenishment of Local Government Guarantees, Letters of Credit, or Surety Bonds.

Requirements for Airport Hydrant Fuel Distribution Systems section, 80.64: Requirements for Airport Hydrant Fuel Distribution Systems.

2. *Code of Massachusetts Regulations, Title 310 CMR 40: Massachusetts Contingency Plan* (effective March 1, 2024) only insofar as they pertain to the regulation of underground storage tanks in Massachusetts and only insofar as they are incorporated by reference and are not broader in scope than the federal requirements. Note that reserved sections of 310 CMR 40.0000 *et seq.* are not incorporated by reference:

Subpart A: General Provisions, except 40.0010 through 40.0013, 40.0016 through 40.0021, and 40.0030 through 40.0070; Subpart B: Organization and Responsibilities, except 40.0160 through 40.0171; Subpart C: Notification of Releases and Threats of Release of Oil and Hazardous Material; Identification and Listing of Oil and Hazardous Material; Subpart D: Preliminary Response Actions and Risk Reduction Measures.

(c) Official copies of 310 CMR 80.00, the Massachusetts regulations that are incorporated by reference, are available at: State Bookstore, State House, Room 116, Boston, MA 02133; Phone number: 617–727–2834; Hours: Monday–Friday, 8:45 a.m. to 5:00 p.m.; website: *https://www.sec.state.ma.us/divisions/bookstore/agencies/310-environmental-protection.htm.*

* * * * *

[FR Doc. 2024–16812 Filed 8–1–24; 8:45 am]

**BILLING CODE 6560–50–P**

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Part 570

**[GSAR Case 2024–G503; Docket No. 2024–0014; Sequence No. 1]**

**RIN 3090–AK82**

## General Services Administration Acquisition Regulation; GSAR Case 2024–G503; Updates to References to GSA Sustainable Leasing

**AGENCY:** Office of Acquisition Policy, General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** General Services Administration (GSA) is issuing this final rule amending the General Services Administration Acquisition Regulation (GSAR) to update sustainable leasing requirement language.

**DATES:** Effective September 3, 2024.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Ms. Adina Torberntsson, GSA Acquisition Policy Division, GSA Acquisition Policy Division, at *gsarpolicy@gsa.gov* or 720–475–0568. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755 or *GSARegsec@gsa.gov.* Please cite GSAR Case 2024–G503.

**SUPPLEMENTARY INFORMATION:**

### I. Background

The General Services Administration (GSA) conducts routine reviews of its acquisition regulations to identify outdated content and to ensure information referenced within the General Services Administration Acquisition Regulation (GSAR) is current.

GSA discovered that the GSAR guidance on sustainable leasing is outdated because it references Executive Order (E.O.) 13514, Federal Leadership in Environmental, Energy, and Economic Performance, which was revoked on March 19, 2015, with the publication of E.O. 13693, Planning for Federal Sustainability in the Next Decade.

E.O. 13963 was in turn revoked on May 17, 2018, with the publication of E.O. 13834, Efficient Federal Operations. E.O. 13834 was then revoked by E.O. 14057, Executive Order on Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, issued on December 13, 2021.

Regardless of specific E.O. requirements, GSA leasing has a long history adopting sustainable practices and intends to continue adopting sustainable practices. To maintain this intent, references to E.O.s will be removed and replaced with the word ''sustainability.''

The previous language also included an expired website; a working website link has been included.

Small editorial changes have also been made to the text to increase readability.

### II. Publication of This Final Rule for Public Comment Is Not Required By Statute

The statute that applies to the publication of the GSAR is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This rule is not required to be published for public comment because GSA is not issuing a new regulation; rather, this rule removes expired E.O. references and making editorial updates for readability purposes.

### III. Executive Order 12866, 13563, and 14094

Executive Order (E.O.) 12866 (Regulatory Planning and Review) 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 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14094 (Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in E.O. 12866 and E.O. 13563. The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) has determined that this is not a significant regulatory action and, therefore, is not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

### IV. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a ''major 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. The General Services Administration will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. OIRA has determined this rule is not a ''major rule'' under 5 U.S.C. 804(2).

### V. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rule, because an opportunity for public comment is not required to be given for this rule under 41 U.S.C. 1707(a)(1). Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

### VI. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

### List of Subjects in 48 CFR Part 570

Government procurement.

**Jeffrey A. Koses,**

*Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.*

Therefore, GSA amends 48 CFR part 570 as set forth below:

## PART 570—ACQUIRING LEASEHOLD INTERESTS IN REAL PROPERTY

■ 1. The authority citation for 48 CFR part 570 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

■ 2. Revise section 570.117 to read as follows:

**570.117 Sustainable requirements for lease acquisition.**

Contracting officers must include sustainable design requirements appropriate for the type of leasing action in the solicitations. Contracting officers can find solicitation requirements and instructions at *https://www.gsa.gov/real-estate/real-estate-services/leasing/leasing-policy* under the ''Sustainability Policies'' tab and within the applicable Leasing Desk Guide chapter to assist them in complying with GSA's sustainable requirements.

■ 3. Revise section 570.117–1 to read as follows:

**570.117–1 Federal leadership in environmental, energy, and economic performance.**

In order to create a clean energy economy that will increase our Nation's prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment, GSA will accomplish all sustainability requirements described in 570.117–2 that apply to lease acquisitions.

**570.117–2 [Amended]**

■ 4. Amend section 570.117–2 in the introductory text by removing ''comply'' and adding ''complies'' in its place.

[FR Doc. 2024–16918 Filed 8–1–24; 8:45 am]

**BILLING CODE 6820–61–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 635

**[Docket No. 220919–0193; RTID 0648–XE138]**

## Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Closure of the Harpoon Category Fishery for 2024

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the Harpoon category fishery for large medium and giant (*i.e.,* measuring 73 inches (185 cm) curved fork length (CFL) or greater) Atlantic bluefin tuna (BFT) for the remainder of the 2024 fishing year. This closure applies to Atlantic Tunas Harpoon category permitted vessels.

**DATES:** Effective 11:30 p.m., local time, July 31, 2024, through December 31, 2024.

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

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

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure notice for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified.

As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area per § 635.27(a)(3)). The Harpoon category baseline quota is 59.2 mt. Effective July 15, 2024, NMFS transferred 10.8 mt from the Reserve category to the Harpoon category, resulting in an adjusted quota of 70.0 mt for the Harpoon category and 27.4 mt for the Reserve category (89 FR 58074, July 17, 2024). As described under § 635.27(a)(4), the Harpoon category quota is only available between June 1 and November 15 of each year.

### Harpoon Category Closure

To date, reported landings for the Harpoon category total approximately 74.5 mt. Based on these landings data, as well as average catch rates and anticipated fishing conditions, NMFS has determined that the adjusted quota of 70 mt has been reached and exceeded, and that the Harpoon category should be closed. Therefore, retaining, possessing, or landing large medium or giant (*i.e.,* measuring 73 inches (185 cm) CFL or greater) BFT by persons aboard vessels permitted in the Harpoon category must cease at 11:30 p.m. local time on July 31, 2024. The Harpoon category BFT fishery will be

closed for the remainder of the Harpoon category season, which ends November 15, 2024, and thus for the year. The Harpoon category will reopen automatically on June 1, 2025, for the 2025 fishing season. This action applies to Atlantic Tunas Harpoon category (commercial) permitted vessels, and is taken consistent with the regulations at § 635.28(a)(1).

**Monitoring and Reporting**

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

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

**Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons. Specifically, the regulations implementing the 2006 Consolidated HMS FMP and its amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and opportunity to comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information, the available quota for the category has been reached. Delaying this action could result in further BFT landings which exceed the Harpoon category quota, which may result in future potential quota reductions for other BFT categories, depending on the magnitude of a potential Harpoon category overharvest. Taking this action does not raise conservation and management concerns and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment and closure criteria.

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

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

Dated: July 30, 2024.

**Lindsay Fullenkamp,**

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

[FR Doc. 2024–17107 Filed 7–30–24; 4:15 pm]

**BILLING CODE 3510–22–P**

# Proposed Rules

Federal Register
Vol. 89, No. 149
Friday, August 2, 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.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### 2 CFR Parts 700

**RIN 0412–AB12**

### USAID Assistance Regulation: Plain Language and Conforming Revisions

**AGENCY:** U.S. Agency for International Development.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Agency for International Development (USAID) seeks public comment on a proposed rule that would revise the Agency for International Development Assistance Regulation to maintain consistency with Federal and agency regulations and guidance, make editorial amendments to clarify the regulation, and implement the Office of Management and Budget's April 2024 revisions.

**DATES:** Comments must be received no later than September 3, 2024.

**ADDRESSES:** You may send comments, identified by your name, company name (if any), and the Regulatory Information Number (RIN) 0412–AB12 for this rulemaking via the following method:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for sending comments.

*Instructions:* All submissions received must include the agency name and RIN for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. We recommend that you do not submit information that you consider Confidential Business Information (CBI) or any information that is otherwise protected from disclosure by statute. If your comment cannot be submitted using *https://www.regulations.gov,* please email the point of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

**FOR FURTHER INFORMATION CONTACT:** Kelly Miskowski, 202–256–7378, *policymailbox@usaid.gov.*

**SUPPLEMENTARY INFORMATION:**

#### A. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (12 U.S.C. 553(b)(4)) requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of the proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note). In summary: ''USAID seeks public comment on a proposed rule that would revise the Agency for International Development Assistance Regulation to maintain consistency with Federal and agency regulations and guidance, make editorial amendments to clarify the regulation, and implement the Office of Management and Budget's April 2024 revisions to Title 2, Subtitle A, Chapter II, Part 200 of the Code of Federal Regulations.''

The proposal, including the summary provided herein, can be found at *https://www.regulations.gov.*

#### B. Additional Information

USAID is publishing in the ''Rules and Regulations'' section of this **Federal Register** a final rule with the same title that identifies administrative and editorial revisions to the Assistance Regulation. USAID is publishing these changes in the direct final rule because the Agency views it as a conforming and administrative amendment and does not anticipate any adverse comments. A detailed discussion of revisions proposed to the Assistance Regulation is set forth in the preamble of the direct final rule. If no significant adverse comment is received in response to the direct final rule, no further action will be taken related to this proposed rule. If significant adverse comment(s) are received on the direct final rule, USAID will publish a timely withdrawal in the **Federal Register** informing the public of changes to what part(s) or subpart(s) of the Assistance Regulation, as announced in the direct final rule, will not take effect. Any portions of the final rule for which no significant adverse comment is received will become final after the designated period. All public comments received on the direct final rule will be addressed in a subsequent final rule based on this proposed rule. USAID will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

#### C. Instructions

All comments must be in writing and submitted through one of the methods specified in the **ADDRESSES** section above. All submissions must include the title of the action and RIN for this rulemaking. Please include your name, title, organization, postal address, telephone number, and email address in the text of the message. Please note, however, that because security screening precautions have slowed the delivery and dependability of surface mail to USAID/Washington, USAID recommends sending all comments to the Federal eRulemaking Portal. All comments received will be posted without change to the Federal eRulemaking Portal including any personal information provided. As noted above, in the ''Rules and Regulations'' section of this **Federal Register**, USAID is publishing a direct final rule with the same title that announces revisions to the Agency for International Development Assistance Regulation at 2 CFR 700. For detailed information on these revisions, please see the direct final rule.

**Jami J. Rodgers,**

*Chief Acquisition Officer.*

[FR Doc. 2024–16946 Filed 8–1–24; 8:45 am]

**BILLING CODE 6116–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 25

**[Docket No. FAA–2021–0894; Notice No. 25–23–04–SC]**

### Special Conditions: The Boeing Company Model 777–9 Airplane; Operation Without Normal Electrical Power

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

**ACTION:** Notice of proposed special conditions; amendment.

**SUMMARY:** This action proposes to amend Special Conditions No. 25–791–SC for The Boeing Company (Boeing) Model 777–9 series airplane. This

airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is electrical and electronic systems that perform critical functions, the loss of which could be catastrophic to the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions, as amended, contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** Send comments on or before September 16, 2024.

**ADDRESSES:** Send comments identified by Docket No. FAA–2021–0894 using any of the following methods:

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

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

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

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

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

**FOR FURTHER INFORMATION CONTACT:** Nazih Khaouly, Electrical Systems, AIR–626A, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone 206–231–3160; email *nazih.khaouly@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

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

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

## Privacy

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

## Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these special conditions.

## Background

On September 30, 2018, Boeing applied for an amendment to Type Certificate No. T00001SE to include the new Model 777–9 series airplane. The Boeing Model 777–9 airplane, which is a derivative of the Boeing Model 777 airplane currently approved under Type Certificate No. T00001SE, is a twin-engine, transport category airplane with seating for 495 passengers, and a maximum takeoff weight of 775,000 lbs.

On September 29, 2021, special conditions (No. 25–791–SC) were issued for this design feature and became effective on October 4, 2021 (86 FR 54588, Oct. 4, 2021). The FAA is proposing minor changes to those special conditions.

## Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that the Model 777–9 series airplane meets the applicable provisions of the regulations listed in Type Certificate No. T00001SE, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 777–9 series airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 777–9 series airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise-certification requirements of 14 CFR part 36.

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

## Novel or Unusual Design Features

The Boeing Model 777–9 series airplane will incorporate the following novel or unusual design feature:

Electrical and electronic systems that perform critical functions, the loss of which may result in loss of flight controls and other critical systems and may be catastrophic to the airplane.

## Discussion

The Boeing Model 777–9 series airplane has a fly-by-wire flight control

system that requires a continuous source of electrical power in order to maintain an operable flight control system. Section 25.1351(d), ''Operation without normal electrical power,'' requires safe operation in visual flight rule (VFR) conditions for at least 5 minutes after the loss of normal electrical power excluding the battery. This rule is structured around a traditional design using mechanical control cables and linkages for flight control. These manual controls allow the crew to maintain aerodynamic control of the airplane for an indefinite period of time after loss of all electrical power. Under these conditions, a mechanical flight control system provides the crew with the ability to fly the airplane while attempting to identify the cause of the electrical failure, restart engine(s) if necessary, and attempt to re-establish some of the electrical power generation capability.

A critical assumption in § 25.1351(d) is that the airplane is in VFR conditions at the time of the failure. This is not a valid assumption in today's airline operating environment where airplanes fly much of the time in instrument meteorological conditions (IMC) on air traffic control defined flight paths. Another assumption in the existing rule is that the loss of all normal electrical power is the result of the loss of all engines. The 5-minute period in the rule is to allow at least one engine to be restarted following an all-engine power loss in order to continue the flight to a safe landing. However, service experience on airplane models with similar electrical power system architecture as the Boeing Model 777–9 airplane has shown that at least the temporary loss of all electrical power for causes other than all-engine failure is not extremely improbable.

To maintain the same level of safety envisioned by the existing rule with traditional mechanical flight controls, the Boeing Model 777–9 series airplane design must not be time-limited in its operation under all reasonably foreseeable conditions, including loss of all normal sources of engine or auxiliary power unit (APU)-generated electrical power. Unless Boeing can show that the non-restorable loss of the engine and APU power sources is extremely improbable, Boeing must demonstrate that the airplanes can maintain safe flight and landing (including steering and braking on the ground for airplanes using steer/brake-by-wire and/or fly-by-wire speed brake panels) with the use of its emergency/alternate electrical power systems. These electrical power systems, or the minimum restorable electrical power sources, must be able to power loads that are essential for continued safe flight and landing, including those required for the maximum length of approved flight diversion.

The FAA proposes to change two paragraphs from the original special conditions. Those paragraphs are (d)(2) and (e)(4). Paragraph (d)(2) of the original special conditions states that the operating limitations section of the airplane flight manual (AFM) must incorporate non-normal procedures that direct the pilot to take appropriate actions to activate the APU after loss of normal engine-driven generated electrical power. The FAA proposes to require that these non-normal procedures be incorporated in the AFM instead of requiring them to be in the operating limitations section of the AFM.

Paragraph (e)(4) of the original special conditions states that the airplane must provide adequate indication of loss of normal electrical power to direct the pilot to the non-normal procedures, and the operating limitations section of the AFM must incorporate non-normal procedures that will direct the pilot to take appropriate actions. As in paragraph (d)(2), the FAA proposes to require that these non-normal procedures be incorporated in the AFM instead of specifying the particular section of the AFM that these procedures need to reside.

The proposed changes are to remedy an oversight that occurred during the issuance of the original special conditions where the FAA inadvertently required the non-normal procedures to be in the limitations section of the AFM. The FAA found that this requirement is inconsistent with similarly issued special conditions for other transport category airplanes. The Boeing 777–9 electrical power system does not require pilot activation of the APU after loss of normal engine-driven generated electrical power. Paragraph (d) does not apply to designs that do not rely on the APU for an alternate source of power. The intent of paragraphs (d)(2) and (e)(4) is to ensure that non-normal procedures that provide instructions to the pilot to take appropriate action are incorporated into the AFM. These procedures are more appropriate for the operating procedures section of the AFM and were not intended to be an operating limitation.

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

**Applicability**

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

**Conclusion**

This action affects only a certain novel or unusual design feature on one model series of airplanes. It is not a rule of general applicability.

**List of Subjects in 14 CFR Part 25**

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

**Authority Citation**

The authority citation for these special conditions is as follows:

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

**The Proposed Special Conditions**

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions, as amended, as part of the type certification basis for The Boeing Company Model 777–9 series airplanes.

(a) The applicant must show by test or a combination of test and analysis that the airplane is capable of continued safe flight and landing with all normal electrical power sources inoperative, as prescribed by paragraphs (a)(1) and (a)(2), below. For purposes of these special conditions, normal sources of electrical power generation do not include any alternate power sources such as the battery, ram air turbine, or independent power systems such as the flight control permanent magnet generating system. In showing capability for continued safe flight and landing, the applicant must account for systems capability, effects on crew workload and operating conditions, and the physiological needs of the flightcrew and passengers for the longest diversion time for which the applicant is seeking approval.

(1) In showing compliance with this requirement, the applicant must account for common-cause failures, cascading failures, and zonal physical threats.

(2) The applicant may consider the ability to restore operation of portions of the electrical power generation and distribution system if it can be shown

that unrecoverable loss of those portions of the system is extremely improbable. The design must provide an alternative source of electrical power for the time required to restore the minimum electrical power generation capability required for safe flight and landing. The applicant may exclude unrecoverable loss of all engines when showing compliance with this requirement.

(b) Regardless of any electrical generation and distribution system recovery capability shown under paragraph (a) of these special conditions, sufficient electrical system capability must be provided to:

(1) Allow time to descend, with all engines inoperative, at the speed that provides the best glide distance, from the maximum operating altitude to the top of the engine restart envelope; and

(2) Subsequently allow multiple start attempts of the engines and auxiliary power unit (APU). The design must provide this capability in addition to the electrical capability required by existing part 25 requirements related to operation with all engines inoperative.

(c) The airplane emergency electrical power system must be designed to supply:

(1) Electrical power required for immediate safety, which must continue to operate without the need for crew action following the loss of the normal electrical power, for a duration sufficient to allow reconfiguration to provide a non-time-limited source of electrical power.

(2) Electrical power required for continued safe flight and landing for the maximum diversion time.

(d) If the applicant uses APU-generated electrical power to satisfy the requirements of these special conditions, and if reaching a suitable runway for landing is beyond the capacity of the battery systems, then the APU must be able to be started under any foreseeable flight condition prior to the depletion of the battery or the restoration of normal electrical power, whichever occurs first. Flight test must demonstrate this capability at the most critical condition.

(1) The applicant must show that the APU will provide adequate electrical power for continued safe flight and landing.

(2) The AFM must incorporate non-normal procedures that direct the pilot to take appropriate actions to activate the APU after loss of normal engine-driven generated electrical power.

(e) As part of showing compliance with these special conditions, the tests to demonstrate loss of all normal electrical power must also take into account the following:

(1) The assumption that the failure condition occurs during night instrument meteorological conditions (IMC) at the most critical phase of the flight, relative to the worst possible electrical power distribution and equipment-loads-demand condition.

(2) After the un-restorable loss of normal engine generator power, the airplane engine restart capability is provided, and operations continued in IMC.

(3) The airplane is demonstrated to be capable of continued safe flight and landing. The length of time must be computed based on the maximum diversion time capability for which the airplane is being certified. The applicant must account for airspeed reductions resulting from the associated failure or failures.

(4) The airplane must provide adequate indication of loss of normal electrical power to direct the pilot to the non-normal procedures, and the AFM must incorporate non-normal procedures that will direct the pilot to take appropriate actions.

Issued in Kansas City, Missouri, on July 29, 2024.

**Patrick R. Mullen,**

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

[FR Doc. 2024–16979 Filed 8–1–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2023–2254; Airspace Docket No. 23–ASO–51]**

**RIN 2120–AA66**

## Amendment of Class E Airspace; Asheville, NC

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace extending upward from 700 feet above the surface for Mission Hospitals, Asheville, NC, as new instrument approach procedures have been designed for Mission Hospitals. This action would also update the coordinates for Mission Hospitals.

**DATES:** Comments must be received on or before September 16, 2024.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA–2023–2254 and Airspace Docket No. 23–ASO–51 using any of the following methods:

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

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

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

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

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

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

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

**SUPPLEMENTARY INFORMATION:**

### Authority for This Rulemaking

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

amend Class E airspace for Mission Hospital, Asheville, NC.

**Comments Invited**

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

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

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

**Availability of Rulemaking Documents**

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

**Incorporation by Reference**

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

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

**The Proposal**

This action proposes to amend 14 CFR part 71 by amending Class E airspace extending upward from 700 feet above the surface for Mission Hospitals, Asheville, NC, by relocating the center point of the Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of Mission Hospitals. Additionally, this action would also delete the Point in Space Coordinates for St. Josephs-Mission Hospital and use Mission Hospitals as a reference to accommodate Class E airspace requirements. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**Regulatory Notices and Analyses**

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

**Environmental Review**

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

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

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

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

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

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

**§ 71.1 [Amended]**

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

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

* * * * *

**ASO NC E5 Asheville, NC [AMENDED]**

Asheville Regional Airport, NC
(Lat. 35°26′10″ N, long. 82°32′30″ W)
Mission Hospitals, NC
(Lat. 35°34′31″ N, long. 82°32′55″ W)

That airspace extending upward from 700 feet above the surface within 6 miles on each side of Runway 16/34 centerline, extending 17 miles north and 21 miles south of the Asheville Regional Airport, and that airspace within a 6-mile radius of Mission Hospitals.

* * * * *

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

**Andreese C. Davis,**

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

[FR Doc. 2024–17023 Filed 8–1–24; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA–2023–2212; Airspace Docket No. 23–ASO–50]**

**RIN 2120–AA66**

## Amendment of Class E Airspace; Highlands, NC

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace extending upward from 700 feet above the surface for Highlands-Cashiers Hospital, Highlands, NC, as new instrument approach procedures have been designed for Highlands-Cashiers Hospital. This action would also update the coordinates for Highland-Cashiers Hospital.

**DATES:** Comments must be received on or before September 16, 2024.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA–2023–2212 and Airspace Docket No. 23–ASO–50 using any of the following methods:

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

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

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

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

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

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

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

**SUPPLEMENTARY INFORMATION:**

### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class E airspace for Highlands-Cashiers Hospital, Highlands, NC.

### Comments Invited

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

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

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

### Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA, 30337.

### Incorporation by Reference

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

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

### The Proposal

This action proposes to amend 14 CFR part 71 by amending Class E airspace extending upward from 700 feet above the surface for Highlands-Cashiers Hospital, Highlands, NC, by relocating the center point of the Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of Highlands-Cashiers Hospital. Additionally, this action would also delete the Point In Space Coordinates for Highlands-Cashiers Hospital and use Highlands-Cashiers Hospital as a

reference to accommodate Class E airspace requirements. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**Regulatory Notices and Analyses**

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

**Environmental Review**

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

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

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

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

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

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

**§ 71.1 [Amended]**

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

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

* * * * *

**ASO NC E5 Highlands, NC [Amended]**

Highlands-Cashiers Hospital
(Lat. 35°05′09″ N, long. 83°11′12″ W)

That airspace extending upward from 700 feet or more above the surface within a 6-mile radius of Highlands-Cashiers Hospital.

* * * * *

Issued in College Park, Georgia, on July 24, 2024.

**Andreese C. Davis,**

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

[FR Doc. 2024–17022 Filed 8–1–24; 8:45 am]

**BILLING CODE 4910–13–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R06–OAR–2022–0311; FRL–12123–01–R6]**

## Air Plan Limited Approval and Limited Disapproval; Texas; Attainment Plan for the Rusk and Panola Counties 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard Nonattainment Area; Finding of Failure To Attain the Primary 2010 One-Hour Sulfur Dioxide Standard for Rusk and Panola Counties

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing two actions in this notice. First, EPA is proposing to determine that the Rusk-Panola Counties, Texas nonattainment area failed to attain the 2010 1-hour primary sulfur dioxide ($SO_2$) national ambient air quality standard (NAAQS) by the applicable attainment date of January 12, 2022. Second, EPA is proposing a limited approval and limited disapproval of the State Implementation Plan (SIP) revision for the Rusk-Panola 2010 1-hour $SO_2$ Primary NAAQS nonattainment area. EPA is proposing a limited disapproval because the SIP contains a force majeure clause that, if triggered, is such that the emissions limitations are not continuously applicable or enforceable. EPA is proposing limited approval because the SIP revision strengthens the SIP but does not fully meet the Act's requirements and provides for attainment, albeit not by the required deadline and with the exception of the force majeure clause. Under this limited approval action, if finalized, all provisions will be fully incorporated into the SIP. The limited disapproval, if finalized, will start sanctions clocks until the deficiency is corrected by the State and approved by EPA. EPA plans to address the deficiency in the SIP through a separate action promulgating a Federal Implementation Plan (FIP).

**DATES:** Written comments must be received on or before September 3, 2024.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA–R06–OAR–2022–0311, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Andrew Lee, 214–665–6750, *lee.andrew.c@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

*Docket:* The index to the docket for this action is available electronically at *www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available in the electronic docket due to docket file size and/or file type restrictions or content (*e.g.,* modeling files, model code, copyrighted material, CBI).

**FOR FURTHER INFORMATION CONTACT:** Andrew Lee, EPA Region 6 Office, Ozone and Infrastructure section, 214–665–6750, *lee.andrew.c@epa.gov.* We encourage the public to submit comments via *https://www.regulations.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket. Modeling files and other files related to the alternative model review are

available upon request. Copyrighted materials are available for review in person at EPA Region 6 office in Dallas.

**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

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## I. Background

### *A. Rusk and Panola Counties $SO_2$ Nonattainment Area*

On June 22, 2010, the EPA published a new 1-hour primary $SO_2$ NAAQS of 75 parts per billion (ppb), which is met at an ambient air quality monitoring site (or in the case of dispersion modeling, at an ambient air quality receptor location) when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations does not exceed 75 ppb, as determined in accordance with appendix T of 40 CFR part 50.[1] On December 13, 2016, the EPA designated portions of Rusk and Panola Counties, Texas as nonattainment for the 2010 1-hour primary $SO_2$ NAAQS, effective January 12, 2017.[2] The primary major source of emissions in the area is the Martin Lake Steam Electric Station (Martin Lake), a coal-fired power plant owned by Luminant Generation Company LLC (Luminant), a subsidiary of Vistra Energy Corporation (Vistra). Section 191 of the CAA directs states to submit SIPs for nonattainment areas to the EPA within 18 months of the effective date of the designation, *i.e.,* by no later than July 12, 2018 for the Rusk-Panola area. Under CAA section 192, these SIPs are required to demonstrate that their respective areas will attain the NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of designation, *i.e.,* January 12, 2022.

On August 10, 2020, the EPA published a ''Findings of Failure to Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide ($SO_2$) National Ambient Air Quality Standard (NAAQS)'' that found that Texas failed to submit the required $SO_2$ attainment plan for the Rusk-Panola area by the July 12, 2018 CAA deadline.[3] This finding, effective on September 9, 2020, triggered 18-month and 24-month deadlines (March 9, 2022 and September 9, 2022) under CAA section 179(a) for the imposition of mandatory emission offsets and highway funding sanctions, respectively, unless and until the state submits a SIP revision satisfying the CAA's completeness criteria. Additionally, this finding triggered the CAA section 110(c) requirement for EPA to promulgate a federal implementation plan (FIP) within two years of the finding (September 9, 2022) unless the state submits and obtains EPA approval of a SIP revision which corrects the deficiency before EPA promulgates a FIP.

On February 28, 2022, the Texas Commission on Environmental Quality (TCEQ) submitted a Nonattainment SIP for the Rusk-Panola area. TCEQ's SIP includes an Agreed Order for the Martin Lake facility in the area, adopted on February 14, 2022, which includes emission limits and monitoring requirements. On August 24, 2022, EPA determined that the February 28, 2022 submittal was complete under 40 CFR part 51, App. V, which stopped the mandatory emissions offsets sanctions that were in effect and the 24-month sanction clock for the imposition of highway funding sanctions.[4] However, EPA's completeness determination did not have an effect on EPA's FIP obligation, which is only satisfied by the promulgation of a FIP or the full approval of a SIP.

### *B. $SO_2$ Nonattainment Area Plans*

$SO_2$ Nonattainment area SIPs must meet the applicable requirements of CAA sections 110, 172, 191, and 192. The EPA's regulations governing nonattainment area SIPs are set forth at 40 CFR part 51, with specific procedural requirements and control strategy requirements found at subparts F and G, respectively. Soon after Congress enacted the 1990 Amendments to the CAA, the EPA issued comprehensive guidance on SIPs, in a document entitled the ''General Preamble for the Implementation of Title I of the Clean Air Act amendments of 1990,'' published at 57 FR 13498 (April 16, 1992) (General Preamble). Among other things, the General Preamble addressed $SO_2$ SIPs and fundamental principles for SIP control strategies. *Id.,* at 13545–49, 13567–68. On April 23, 2014, the EPA issued additional guidance for meeting the statutory requirements in $SO_2$ SIPs in a document titled, ''Guidance for 1-Hour $SO_2$ Nonattainment Area SIP Submissions'' (April 2014 $SO_2$ Guidance).[5] In this guidance, the EPA describes how a nonattainment area SIP can satisfy the following CAA requirements: an accurate emissions inventory of current emissions for all sources of $SO_2$ within the nonattainment area, an attainment demonstration, demonstration of reasonable further progress (RFP), implementation of reasonably available control measures (RACM) (including reasonably available control technology (RACT)), an approvable nonattainment new source review (NNSR) program, enforceable emissions limitations and control measures, and adequate contingency measures for the affected area.[6]

Under CAA sections 110(l) and 193, the EPA may not approve a SIP that would interfere with any applicable requirement concerning NAAQS attainment and RFP, or any other applicable requirement under the Act.

[1] *See* 75 FR 35520. *See also* 40 CFR 50.17(a)–(b).

[2] *See* 81 FR 89870 *See also* 40 CFR part 81, subpart C.

[3] *See* 85 FR 48111

[4] August 24, 2022 Completeness Determination Letter from David Garcia, EPA Region 6 to Jon Niermann, TCEQ, available in the docket for this action.

[5] ''Guidance for 1-Hour $SO_2$ Nonattainment Area SIP Submissions'' available at: *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.*

[6] See section V. of ''Guidance for 1-Hour $SO_2$ Nonattainment Area SIP Submissions''.

*C. Attainment Demonstration for $SO_2$ Nonattainment Area Plan*

CAA section 172(c)(1) requires a State's nonattainment area SIP to provide for attainment of the NAAQS. 40 CFR part 51, subpart G further delineates the control strategy requirements that SIPs must meet. The EPA has long required that all SIPs and control strategies reflect four fundamental principles of quantification, enforceability, replicability, and accountability.[7] Generally, $SO_2$ attainment demonstrations consist of two components: (1) emission limits and other control measures that assure implementation of permanent, enforceable and necessary emission controls and (2) a modeling analysis which demonstrates that the emission limits and control measures provide for attainment as expeditiously as practicable, but no later than the attainment date, and meets the requirements of 40 CFR part 51, appendix W (*Guideline on Air Quality Models*).

In all cases, the emission limits and control measures must be accompanied by appropriate methods and conditions to determine compliance and must be quantifiable (*i.e.,* a specific amount of emission reduction can be ascribed to the measures), fully enforceable (specifying clear, unambiguous and measurable requirements for which compliance can be practicably determined), replicable (the procedures for determining compliance are sufficiently specific and non-subjective so that two independent entities applying the procedures would obtain the same result), and accountable (source specific limits must be permanent and must reflect the assumptions used in the SIP demonstrations).[8]

40 CFR part 51.112(a)(1) states that all applications of air quality modeling shall be based on the applicable models specified in the Guideline on Air Quality Models (Modeling Guideline). Appendix A to the *Guideline on Air Quality Models* delineates EPA's preferred models and other recommended techniques, as well as guidance for their use in estimating ambient concentrations of air pollutants.[9] [10] In 2005, the EPA promulgated AERMOD as the Agency's preferred near-field dispersion modeling for a wide range of regulatory applications addressing stationary sources (*e.g.,* for estimating $SO_2$ concentrations) in all types of terrain based on extensive developmental and performance evaluation.[11]

The Modeling Guideline is periodically updated, with the most recent revisions adopted in a **Federal Register** action on January 17, 2017, effective May 22, 2017.[12] This most recent version of the Modeling Guideline was in effect at the time Texas developed and submitted its SIP to EPA.

While appendix A contains EPA's preferred models, 51.112(a)(2) also provides that on a case-by-case basis, an alternative air quality model may be used following written approval from EPA. In addition, the use of an alternative model is subject to notice and opportunity for public comment. The Modeling Guideline, in sections 4.2.2 and 4.2.2.1 and appendix A, identifies AERMOD as EPA's preferred model for development of a 1-hour $SO_2$ attainment demonstration SIP.

EPA's Modeling Guideline requires written approval finding that the criteria in section 3.2 Alternative Models to utilize any modification or substitution of EPA's preferred model, AERMOD, in a modeling demonstration have been satisfied. The Modeling Guideline section 3.2.2(a) specifies that the determination of acceptability of an alternative model is a Regional Office responsibility in consultation with the Model Clearinghouse (MCH). Modeling Guideline section 3.2.2(b) (sometimes referred to as ''Condition 2'') states the alternative model shall be evaluated from both a theoretical and performance perspective before regulatory use and outlines the three separate conditions that may justify use of an alternative model.[13] TCEQ's alternative model request uses a statistical performance evaluation (Condition 2) to justify AERMOD–HBP.[14] A Condition 2 Alternative Model Request must satisfy the Modeling Guideline requirements, including sections 3.2.2(b)(2), 3.2.2(d),[15] and 3.2.2(e),[16] While not specifically cross-referenced, section 3.2.2(e) sets forth five conditions that provide part of the framework and analytical process for evaluating alternative model performance from both a theoretical and performance perspective under 3.2.2 (b)(3)(sometimes referred to as Condition 3), but that also provide guidance for what should be considered in any alternative model approval in general, including for alternative model approval under 3.2.2(b)(2) to help address the requirements of appendix W 3.2.2(d) and as part of the elements of a modeling protocol and submission of an alternative model request.

As required by the Modeling Guideline, EPA Region 6 has consulted and coordinated with the EPA's Model Clearinghouse on TCEQ's alternative model AERMOD–HBP request and received concurrence from the Model Clearinghouse with EPA Region 6's approval of the AERMOD–HBP.[17] While the Regional Administrators are delegated authority to issue such approvals under section 3.2 of the Modeling Guideline, all alternative model approvals will only be issued after consultation with the EPA's MCH and formal documentation through a concurrence memorandum which demonstrates that the requirements within section 3.2 for use of an alternative model have been met.

In addition to the Modeling Guideline's requirements, EPA has

[7] *See* General Preamble at 13567–68.

[8] See General Preamble at 13567–68.

[9] See 80 FR 45340 (July 29, 2015).

[10] The EPA published revisions to the *Guideline on Air Quality Models* on January 17, 2017. See 82 FR 5182 (January 17, 2017).

[11] See 70 FR 68218 (November 9, 2005).

[12] 82 FR 5182 (January 17, 2017) and 82 FR 14324 (March 20, 2017).

[13] *See* Modeling Guideline, section 3.2.2.(b)(1) (Condition 1) (''If a demonstration can be made that the model produces concentration estimates equivalent to the estimates obtained using a preferred model''); section 3.2.2.(b)(2) (Condition 2) (''If a statistical performance evaluation has been conducted using air quality data and the results of that evaluation indicate the alternative model performs better for the given application than a comparable model in appendix A''); and section 3.2.2.(b)(3) (Condition 3) (''If there is no preferred model'').

[14] TCEQ submitted a letter dated May 24, 2021 from Ms. Tonya Baer (Director of the Office of Air) to Mr. David Garcia (Air and Radiation Division Director) of EPA Region 6 requesting approval of an alternative model request for use AERMOD with Highly Buoyant Plume (HBP) code modifications in the Rusk-Panola 2010 1-Hour $SO_2$ NAAQS attainment demonstration. This document is available in the Docket for this action.

[15] App. W 3.2.2(d) states, ''For condition (2) in paragraph (b) of this subsection [above], established statistical performance evaluation procedures and technique for determining the acceptability of a model for an individual case based on superior performance should be followed, as appropriate. Preparation and implementation of an evaluation protocol that is acceptable to both control agencies and regulated industry is an important element in such an evaluation.''

[16] App. W 3.2.2(e) states, ''Finally, for condition (3) in paragraph (b) of this subsection, an alternative model or technique may be approved for use provided that: The model or technique has received a scientific peer review; ii. The model or technique can be demonstrated to be applicable to the problem on a theoretical basis; iii. The databases which are necessary to perform the analysis are available and adequate; iv. Appropriate performance evaluations of the model or technique have shown that the model or technique is not inappropriately biased for regulatory application; and v. A protocol on methods and procedures to be followed has been established.''

[17] EPA Region 6 Concurrence request memorandum to MCH dated July 11, 2024 and MCH Concurrence memorandum to EPA Region 6 dated July 24, 2024 that are included in the docket for this action.

issued supplemental guidance on modeling for purposes of demonstrating attainment of the 2010 $SO_2$ NAAQS as part of the April 2014 $SO_2$ Guidance titled ''appendix A. Modeling Guidance for Nonattainment Areas'' (April 2014 $SO_2$ Guidance appendix A) which is based on and is consistent with the Modeling Guideline. April 2014 $SO_2$ Guidance appendix A provides specific $SO_2$ modeling guidance on the modeling domain, the source inputs, assorted types of meteorological data, and background concentrations.

As stated previously, attainment demonstrations for the 2010 $SO_2$ NAAQS must demonstrate future attainment of the NAAQS in the entire area designated as nonattainment (*i.e.,* not just at the violating monitor) by using air quality dispersion modeling in accordance with the Modeling Guideline and April 2014 $SO_2$ Guidance to show that the mix of sources and enforceable control measures and emission rates in an identified area will not lead to a violation of the $SO_2$ NAAQS.[18] For a short-term (*i.e.,* 1-hour) standard, the EPA has stated that dispersion modeling, using allowable emissions and addressing stationary sources in the affected area (and in some cases those sources located outside the nonattainment area which may affect attainment in the area) is technically appropriate, efficient, and effective in demonstrating attainment in nonattainment areas because it takes into consideration combinations of meteorological and emission source operating conditions that may contribute to peak ground-level concentrations of $SO_2$. Estimated concentrations should include ambient background concentrations, should follow the form of the standard, and should be calculated as described in section 2.6.1.2 of the August 23, 2010, clarification memo on ''Applicability of appendix W Modeling Guidance for the 1-hr $SO_2$ National Ambient Air Quality Standard.'' [19]

## II. Proposed Determination—Finding of Failure To Attain the Primary 2010 One-Hour Sulfur Dioxide Standard

### *A. Applicable Statutory and Regulatory Provisions*

CAA section 179(c)(1) requires the EPA to determine whether a nonattainment area has attained the NAAQS by the applicable attainment date based on the area's air quality as of the attainment date. A determination of whether an area's air quality meets applicable standards is generally based upon the most recent three years of complete, quality-assured monitoring data gathered at established state and local air monitoring stations (SLAMS) in a nonattainment area and entered into the EPA's Air Quality System (AQS) database. The accuracy of that data is annually certified by monitoring agencies and the EPA relied on that certified air monitoring data to calculate the design values used to determine the area's air quality status.

Under EPA regulations in 40 CFR 50.17 and in accordance with 40 CFR part 50 appendix T, the 2010 $SO_2$ NAAQS is met when the design value is less than or equal to 75 ppb. Design values are calculated by computing the three-year average of the annual 99th percentile daily maximum one-hour average concentrations.[20] An $SO_2$ one-hour primary standard design value is valid if it encompasses three consecutive calendar years of complete monitoring data. A year is considered complete when all four quarters are complete, and a quarter is complete when at least 75 percent of the sampling days are complete. A sampling day is considered complete if 75 percent of the hourly concentration values are reported; this includes data affected by exceptional events that have been approved for exclusion by the Administrator.[21] We note that when determining the attainment status of $SO_2$ nonattainment areas, in addition to ambient monitoring data, the EPA may also consider air quality dispersion modeling and/or a demonstration that the control strategy in the SIP has been fully implemented.[22]

With regard to the use of monitoring data for such determinations, the EPA's $SO_2$ Nonattainment Area Guidance specifically notes that ''if the EPA determines that the air quality monitors located in the affected area are located in the area of maximum concentration, the EPA may be able to use the data from these monitors to make the determination of attainment without the use of air quality modeling data.'' [23] If there are no air quality monitors located in the affected area or there are air quality monitors located in the area, but analyses show that none of the monitors are located in the area of maximum concentration, then air quality dispersion modeling will generally be needed to estimate $SO_2$ concentrations in the area. [24] This language might be read to suggest that the EPA must always assess whether the air quality monitors in the affected area are located in the area of maximum concentration prior to using monitoring data to determine area's attainment status. However, this language was intended to refer to a situation where the EPA is considering making a determination that the area has attained the NAAQS based on a finding that all of the monitoring sites within the affected area had an attaining design value for the relevant period.

As described in section II.C of this notice, in this instance, the monitoring sites in the Rusk-Panola $SO_2$ NAAs did not have attaining design values for the relevant period. Consequently, even if the monitoring sites are not located in the area of maximum concentration, any monitors that would be located in the area of maximum concentration could not record concentrations lower than those recorded at the existing monitor at the Martin Creek site (EPA AQS Site ID 48–401–1082). Accordingly, since the Martin Creek monitor was violating the 2010 1-hour primary $SO_2$ NAAQS during the relevant time period, it is not necessary to consider whether the monitors are located in the area of maximum concentration in order to determine that the Rusk-Panola area did not attain the 2010 1-hour primary $SO_2$ NAAQS by the January 12, 2022, attainment date. However, in any future assessment of whether these areas have attained the NAAQS, the EPA may assess whether the monitors are located in the area of maximum concentration and may also consider modeling and/or control implementation information, as appropriate.

### *B. Monitoring Network Considerations*

Section 110(a)(2)(B)(i) of the CAA requires states to establish and operate air monitoring networks to compile data on ambient air quality for all criteria pollutants. The EPA's monitoring requirements are specified by regulation in 40 CFR part 58. These requirements are applicable to state, and where delegated, local air monitoring agencies that operate criteria pollutant monitors. In 40 CFR part 58, the EPA specifies the minimum requirements for $SO_2$ monitoring sites to be classified as state or local air monitoring stations (SLAMS)

[18] April 2014 $SO_2$ Guidance Pages 11–12.

[19] *See https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/20100823_page_1-hr_so2_naaqs_psd_program.pdf.*

[20] As defined in 40 CFR part 50, appendix T section 1(c), daily maximum 1-hour values refer to the maximum one-hour SO 2 concentration values measured from midnight to midnight that are used in the NAAQS computations.

[21] See 40 CFR part 50, appendix T sections 1(c), 3(b), 4(c), and 5(a).

[22] EPA, April 23, 2014, Guidance for 1-Hour SO 2 Nonattainment Area SIP Submissions (''$SO_2$ Nonattainment Area Guidance''), page 49.

[23] See page 50 of the $SO_2$ Nonattainment Area Guidance.

[24] See section VIII.A of the $SO_2$ Nonattainment Area Guidance

or special purpose monitors (SPM). SLAMS and SPM produce data that are eligible for comparison with the NAAQS and, therefore, the monitor must be an approved federal reference method (FRM) or federal equivalent method (FEM) per section 2 of appendix C to 40 CFR part 58. In the Rusk-Panola Area, TCEQ operates a SPM monitor at Martin Creek site (EPA AQS Site ID 48–401–1082, 9515 County Road 2181d).

*C. Data Considerations and Proposed Determination*

Under 40 CFR 58.15, monitoring agencies must annually certify that prior year data collected by FRM and FEM at all SLAMS and special purpose monitors (SPMs) meet EPA quality assurance requirements. Monitoring agencies must also certify that the previous year of data was completely submitted to AQS and is accurate to the best of their knowledge.

The one-hour $SO_2$ design values, based on certified data at the Martin Creek site (AQS ID: 48–401–1082) within the Rusk-Panola nonattainment area for the 2019–2021 and 2020–2022 periods, are shown in table 1.

TABLE 1—2019–2022 ONE-HOUR $SO_2$ DESIGN VALUES FOR THE RUSK-PANOLA AREA

| Years | Martin Creek design value (ppb) |
|---|---|
| 2019–2021 | 93 |
| 2020–2022 | 81 |

The attainment date for the area was January 12, 2022. In order for the EPA to determine that the area attained by the January 12, 2022, attainment date based solely on air quality monitoring data, the design value must be based upon complete, quality-assured monitored air quality data from three consecutive years (2019–2021) at each eligible monitoring site and equal to or less than the 75 ppb standard.

The one-hour $SO_2$ design value at the Martin Creek monitoring site located within the Rusk-Panola area shows a violation of the 1-hour primary $SO_2$ NAAQS with a concentration greater than 75 ppb for the 2019–2021 design value, and thus, EPA is making the determination that the Rusk-Panola area did not attain by its January 12, 2022, attainment date. We also note that the 2020–2022 design value also shows a violation of the NAAQS.

Under CAA section 179(d)(2), if the EPA determines that an area did not attain the NAAQS by the applicable deadline, the responsible air agency has up to 12 months from the effective date of the determination to submit a revised SIP for the area demonstrating attainment and containing any additional measures that the EPA may reasonably prescribe that can be feasibly implemented in the area in light of technological achievability, costs, and any non-air quality and other air quality-related health and environmental impacts as required. According to CAA section 179(d)(3), this revised SIP is to achieve attainment of the one-hour $SO_2$ NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of the area's failure to attain (*i.e.,* 5 years after the EPA publishes a final action in the **Federal Register** determining that the nonattainment area failed to attain the $SO_2$ NAAQS). In addition to triggering requirements for a new SIP submittal, a final determination that a nonattainment area failed to attain the NAAQS by the attainment date would trigger the implementation of contingency measures adopted under 172(c)(9).

## III. Limited Approval/Limited Disapproval

Under CAA sections 110(k)(3) and 301(a) and EPA's long-standing guidance,[25] the EPA is proposing a Limited Approval/Limited Disapproval action. A limited approval is appropriate when a SIP contains provisions that are SIP strengthening, but also contains a non-severable deficiency that prevents EPA from granting a full approval of the SIP. EPA's limited approval action allows the EPA to codify SIP requirements, in this case, that would meet all requirements of the CAA but for the noted force majeure and timely compliance deficiencies. Under this limited approval, the area would make progress toward attaining the NAAQS, even if the SIP cannot be fully approved as meeting all applicable requirements for demonstrating NAAQS attainment by the attainment date. EPA's limited disapproval action will ensure that the deficient portions of the SIP submittal will be addressed, either through an EPA approved SIP or a FIP. This subsection will discuss the deficiencies identified in the SIP, the reasoning for and impact of a limited approval and limited disapproval, and EPA's plan to cure the deficiency.

Section 172(c)(6) of the CAA requires that nonattainment area SIP's ''include enforceable emission limitations, and such other control measures means or techniques . . . . as well as schedules and timetables for compliance, as may be necessary or appropriate to provide for attainment of such standard in such area by the applicable attainment date . . .''. Further, CAA section 302(k) defines ''emission limitation'' to mean a requirement which limits the quantity, rate, or concentration of air pollutant emissions on a continuous basis.

For an $SO_2$ attainment plan to be fully approvable, a modeled attainment demonstration must be based on the maximum allowable emissions permitted under the SIP's emission limitations and under 172(c)(6) those limitations must be practically and legally enforceable and under 302(k) must be continuous. The same is true for the demonstration of RACM/RACT, RFP, and contingency measures. Satisfying the enforceability criteria ensures that NAAQS attainment will be achieved via compliance with the SIP as adopted.

*A. Force Majeure Provision Deficiency*

The control strategy for the Rusk-Panola area is found in the February 14, 2022, Agreed Order between TCEQ and Luminant for the Martin Lake Facility incorporated into the SIP submittal. The Agreed Order establishes emissions limits and control requirements for the source which are necessary for the area to attain the NAAQS. However, the Agreed Order also includes a force majeure provision which states that, under a triggering event, the facility's failure to comply with an emissions limitation or other provision is not a violation of the Agreed Order.[26] This provision allows exceedances of emission limitations of unknown frequency, duration, and magnitude, and thus impermissibly interferes with the ability to continuously enforce the emissions limitations relied upon to provide for attainment. The provision is not contemplated in the attainment modeling which relies on the emissions limits being continuously and permanently applied, and, therefore, makes the modeling not representative of actual air quality in the area should this provision of the SIP be triggered. In all cases, the emission limits and control measures must be continuously applicable and accompanied by

[25] Processing of State Implementation Plan (SIP) Revisions, EPA Memorandum from John Calcagni, Director, Air Quality Management Division, OAQPS, to Air Division Directors, EPA Regional Offices I–X (1992 Calcagni Memorandum) located at *https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2_old/19920721_calcagni_sip_submittal_processing.pdf.*

[26] See page 9 of the Agreed Order. The full text of the Agreed Order can be found in the docket for this rulemaking action.

appropriate methods and conditions to determine compliance and must be quantifiable (*i.e.,* a specific amount of emission reduction can be ascribed to the measures), fully enforceable (specifying clear, unambiguous and measurable requirements for which compliance can be practicably determined), replicable (the procedures for determining compliance are sufficiently specific and non-subjective so that two independent entities applying the procedures would obtain the same result), and accountable (source specific limits must be permanent and must reflect the assumptions used in the SIP demonstrations).[27] As written, emissions associated with a force majeure event may increase with unknown frequency, duration, and magnitude notwithstanding the emission limitations because if the force majeure provision is triggered it is no longer a violation to emit above the limitations set in the SIP.

Emissions reductions under this SIP submission are quantifiable, except if the force majeure provision is triggered and the facility is exempted from complying with emissions limitations to an unknown extent. The emissions limitations outlined in the SIP are enforceable by the state, EPA, and citizens, except in the case of a force majeure event when lack of compliance with the emission limitations does not constitute a violation and therefore cannot be enforced. There are no clear, unambiguous, and measurable requirements for emissions that occur once the force majeure provision is triggered. This could result in excess emissions and periods of non-compliance which are ''not a violation of [the] Agreed Order.'' [28] These unaccounted emissions could jeopardize the ability of the area to attain and maintain the NAAQS while also cutting off the ability to enforce emissions limitations necessary to attain. The provisions of this SIP are replicable and are written sufficiently specific and non-subjective, except for the force majeure provision that does not provide specific procedures on how the provision should be interpreted, when compliance should be exempt, or for how long compliance should be exempt. Accountability is also an issue as the impact of triggering the force majeure provision may exempt compliance with SIP requirements and lead to unknowable, unaccounted for emissions associated with that event.

If the control strategy in the SIP fails to adhere to these principles, then the attainment demonstration relying on that control strategy, that contemplates no such force majeure event, may no longer be representative of the nonattainment area when the provision is triggered. The force majeure provision impacts the enforceability of the agreed order and thus, cannot be severed from the emissions limitations contained in the Agreed Order and consequently impacts the entirety of the SIP revision. The provision could interfere with the SIP revision's ability to provide for attainment and maintenance of the NAAQS, RFP, implementation of RACM/RACT, enforceable emission limitations as necessary to provide for timely attainment, and implementation of contingency measures. Therefore, the force majeure provision included in the SIP submission warrants a limited disapproval.

*B. Compliance Date Deficiency*

Second, EPA proposes a limited disapproval on the basis that the date for compliance with the emission limitations as written in the Agreed Order and SIP submittal is several months after the attainment date for the area. Under CAA section 172(c)(6), the nonattainment plan must include provisions as necessary or appropriate to provide for the attainment by the applicable attainment date. Here, the applicable attainment date for the Rusk-Panola Nonattainment area was January 12, 2022, but the Martin Lake Facility was not required to comply with all of the emissions limitations set forth in the SIP submission's control strategy until 180 days later, July 11, 2022. Therefore, because the compliance date for the full control strategy is not until after the attainment date for the area, EPA proposes a limited disapproval for this SIP submission.

*C. Limited Approval*

Despite these deficiencies, and as further elaborated on in section V with the full analysis of the attainment plan, EPA proposes that absent this force majeure provision and the compliance date deficiency, the SIP's attainment modeling, controls, emissions limitations, and other requirements would otherwise be adequate to provide the needed emission reductions to provide for attainment in the Rusk-Panola area. Currently, there are no federally enforceable requirements that will bring the Rusk/Panola area into attainment for the 2010 $SO_2$ NAAQS. Therefore, despite the enforceability concerns, EPA is proposing a limited approval to make these new requirements federally enforceable as a SIP strengthening measure that will result in emissions reductions and provide for progress towards attainment of the 1-hour primary $SO_2$ NAAQS.

The Limited Approval encompasses the entire submittal, both the SIP strengthening and deficient provisions, making all provisions federally enforceable. The major source in the area will have to additionally incorporate the control requirements and emissions limits prescribed in the SIP into their CAA title V operating permit, which will also be subject to federal enforcement.

*D. Limited Disapproval and Consequences*

On the basis of the deficiencies noted above, EPA is also proposing a Limited Disapproval, which carries the same consequences as a full disapproval. In accordance with CAA section 179, this Limited Disapproval triggers an 18-month NSR emissions offset sanction clock and a 24-month federal highway sanction clock. This action also establishes a requirement under CAA section 110(c) for the EPA to promulgate a FIP within two years. However, because of EPA's previous Finding of Failure to Submit, EPA is past due to issue a FIP revision. The sanctions are terminated when EPA fully approves a corrective SIP revision. The FIP clock obligation is addressed when EPA issues a FIP or fully approves the required SIP revision. Issuing a Limited Approval/Limited Disapproval ensures that the area is subject to federally enforceable requirements that will provide for progress toward attainment, while simultaneously providing for the correction of the deficient portion of the SIP submittal.

As stated previously in this section, the force majeure provision, exempts enforcement of the emissions limitations and controls during a specific type of event. To remedy this deficiency in the SIP, the EPA plans to promulgate a FIP that reflects the control strategy included in TCEQ's SIP submission but does not include the force majeure provision.

## IV. Attainment Demonstration and Longer-Term Averaging

In accordance with CAA section 172(c)(1), nonattainment SIPs must include provisions that provide for attainment of the NAAQS. Please see section I. Background, C. Attainment Demonstration for $SO_2$ Nonattainment Areas subsection for a more detailed discussion of the Attainment Demonstration requirements. An area can achieve attainment by

[27] *See* General Preamble at 13567–68.

[28] See page 9 of the Agreed Order.

implementing the appropriate control strategy identified to reduce pollution at the requisite sources. 40 CFR part 51, subpart G further delineates the control strategy requirements that SIPs must meet, and EPA has long required that all SIPs and control strategies reflect the four fundamental principles of quantification, enforceability, replicability, and accountability. *See* General Preamble, at 13567–68. Generally, for 1-hour standards control strategies include requirements that are based on 1-hour averaging times as this is the most straight forward way to ensure variability in the emission rate will not interfere with attainment of the standard. However, EPA does allow states to adopt requirements using longer-term averaging limits as long as they can demonstrate they are comparably stringent to modeled 1-hour critical emissions values (CEV) that would, if adopted as emission limits, provide for attainment of the one-hour standard.

Texas' plan applies a 24-hour block average emission limit to Martin Lake. Therefore, EPA is providing the following discussion of its rationale for approving the use of longer-term average limits in plans designed to provide for attainment. EPA's April 2014 $SO_2$ Guidance recommends that the emission limits be expressed as short-term average limits (*e.g.,* addressing emissions averaged over one or three hours), but also allows for emission limits with longer averaging times, up to 30 days, if certain criteria are met. *See* April 2014 $SO_2$ Guidance, pp. 22 to 39. The guidance recommends that, should states and sources utilize a longer-term average limit, the limit should be set at an adjusted level that reflects a comparable degree of stringency as the modeled 1-hour CEVs (lb/hr and lb/MMBtu limits) {Note MMBtu is million British Thermal Units}.

In evaluating this option, EPA considered the nature of the standard, conducted detailed analyses of the impact of the use of up to 30-day average limits on the prospects for attaining the standard, and carefully reviewed how best to achieve an appropriate balance among the various factors that warrant consideration in judging whether a state's plan provides for attainment. *See* April 2014 $SO_2$ Guidance at appendices B, C and D.

As stated above and specified in 40 CFR 50.17(b), the 1-hour primary $SO_2$ NAAQS is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations is less than or equal to 75 ppb. In a year with 365 days of valid monitoring data, the 99th percentile would be the fourth highest daily maximum 1-hour value. For longer-term average limits, States must demonstrate with adequate assurance that a longer-term averaging limit will have comparable stringency as the one-hour average CEV and provide for attainment. Critical to this demonstration is the frequency and magnitude of hourly exceedances occurring under a longer-term average limit and the control level needed to constrain those occurrences to provide for attainment comparable to a strategy based on a one-hour emission standard. The following is a synopsis of EPA's review of whether such plans provide for attainment based on modeling of the one-hour CEV (1-hour CEV emission rates lb/hr and lb/MMBtu) and in light of the NAAQS form for determining attainment.

For plans relying on longer-term averaging limits, EPA's guidance recommends that States establish a CEV based off of a continuously applicable 1-hour emissions limit before determining their longer-term averaging period and limits using fixed emission rates. The maximum emission rate that would be modeled to result in attainment (*i.e.,* in an ''average year'' [29] shows three, not four days with maximum hourly levels exceeding 75 ppb, over three consecutive years) is labeled the ''critical emission value.'' The modeling process for identifying this critical emission value considers the numerous variables that affect ambient concentrations of $SO_2$, such as meteorological data, background concentrations, and topography. In the standard approach, the state would then provide for attainment by setting a continuously applicable 1-hour emission limit at this critical emission value.

EPA recognizes that some sources have highly variable emissions, for example, due to variations in fuel sulfur content and operating rate, that can make it extremely difficult, even with a well-designed control strategy, to ensure in practice that emissions for any given hour do not exceed the critical emissions value. EPA also acknowledges the concern that longer-term emission limits can allow short periods with emissions above the critical emissions value, which, if coincident with meteorological conditions conducive to high $SO_2$ concentrations, could in turn create the possibility of a NAAQS level exceedance occurring on a day when an exceedance would not have occurred if emissions were continuously controlled at the level corresponding to the critical emissions value. However, for several reasons, EPA believes that the approach recommended in its April 2014 $SO_2$ Guidance document suitably addresses this concern. First, from a practical perspective, EPA expects the actual emission profile of a source subject to an appropriately set longer-term average limit to be like the emission profile of a source subject to an analogous 1-hour average limit. EPA expects this similarity because it has recommended that the longer-term average limit be set at a level that is comparably stringent to the otherwise applicable 1-hour limit (reflecting a downward adjustment from the critical emissions value) and that takes the source's emissions profile into account. As a result, EPA expects either form of emissions limit to yield comparable air quality.

Second, from a more theoretical perspective, EPA has compared the likely air quality from a source that has maximum allowable emissions under an appropriately set longer-term limit, to the likely air quality from a source that has maximum allowable emissions under the comparable 1-hour limit. In this comparison, in the 1-hour average limit scenario, the source is presumed at all times to emit at the critical emissions level. In the longer-term average limit scenario, the source is presumed occasionally to emit more than the critical emissions value but on average, and presumably at most times, to emit well below the critical emissions value. In an ''average year,'' compliance with the 1-hour limit is expected to result in three exceedance days (*i.e.,* three days with an hourly value above 75 ppb) and a fourth day with a maximum hourly value at 75 ppb. By comparison, for the source complying with a longer-term limit, it is possible that additional exceedances would occur that would not occur in the 1-hour limit scenario (if emissions exceed the critical emissions value at times when meteorology is conducive to poor air quality). However, this comparison must also factor in the likelihood that exceedances that would be expected in the 1-hour limit scenario would not occur in the longer-term limit scenario. This result arises because the longer-term limit requires lower emissions most of the time since the limit is set well below the critical emissions value, so a source complying

[29] An ''average year'' is used to mean a year with average air quality. While 40 CFR 50 appendix T provides for averaging three years of 99th percentile daily maximum values (*e.g.,* the fourth highest maximum daily concentration in a year with 365 days with valid data), this discussion and an example below uses a single ''average year'' in order to simplify the illustration of relevant principles.

with an appropriately set longer term limit is likely to have lower emissions at critical times than would be the case if the source were emitting as allowed with a 1-hour limit.

As a hypothetical example to illustrate these points, suppose a source that always emits 1,000 pounds of $SO_2$ per hour and this results in air quality at the level of the NAAQS (*i.e.,* results in a design value of 75 ppb). Suppose further that in an ''average year,'' these emissions cause the 5 highest maximum daily average 1-hour concentrations to be 100 ppb, 90 ppb, 80 ppb, 75 ppb, and 70 ppb. Then suppose that the source becomes subject to a 30-day average emission limit of 700 pounds per hour. It is theoretically possible for a source meeting this limit to have emissions that occasionally exceed 1,000 pounds per hour, but with a typical emissions profile, emissions would much more commonly be between 600 and 800 pounds per hour. This simplified example assumes a zero-background concentration, which allows one to assume a linear relationship between emissions and air quality. A nonzero background concentration would make the mathematics more difficult but would give similar results. Air quality will depend on what emissions happen at what critical hours but suppose that emissions at the relevant times on these 5 days are 800 pounds per hour, 1,100 pounds per hour, 500 pounds per hour, 900 pounds per hour, and 1,200 pounds per hour, respectively. This is a conservative example because the average of these emissions, 900 pounds per hour, is well over the 30-day average emission limit. These emissions would result in daily maximum 1-hour concentrations of 80 ppb, 99 ppb, 40 ppb, 67.5 ppb, and 84 ppb. In this example, the fifth day would have an exceedance that would not otherwise have occurred, but the third day would not have an exceedance that otherwise would have occurred, and the fourth day would have been below, rather than at, 75 ppb. In this example, the fourth highest maximum daily concentration under the 30-day average would be 67.5 ppb.

This simplified example encapsulates the findings of a more complicated statistical analysis that EPA conducted using a range of scenarios using actual plant data. As described in appendix B of EPA's April 2014 Guidance, EPA found that the requirement for a lower long term average emission limit is highly likely to yield better air quality than is required with a comparably stringent 1-hour limit. Based on analyses described in appendix B of its 2014 Guidance, EPA expects that an emissions profile with maximum allowable emissions under an appropriately set, comparably stringent 30-day average limit is likely to produce the net effect of having a *lower* number of hourly exceedances of the NAAQS level and better air quality than an emission profile with maximum allowable emissions under a 1-hour emission limit at the critical emissions value.[30] This result provides a compelling policy rationale for allowing the use of a longer averaging period, in appropriate circumstances where the facts indicate this result can be expected to occur.

The question then becomes whether this approach—which is likely to produce a lower number of overall hourly NAAQS level exceedances even though it may produce some unexpected exceedances above the critical emission value—meets the requirement in section 110(a)(1) and 172(c)(1) for state implementation plans to ''provide for attainment'' of the NAAQS. For $SO_2$, a variety of factors can cause a well-designed attainment plan to fail and unexpectedly not result in attainment. For example, this can occur if meteorology occurs that is more conducive to poor air quality than was anticipated in the plan. Therefore, the plan must provide an adequate level of confidence that it will provide for attainment of the NAAQS. Additionally, when evaluating longer-term average limits, EPA must weigh the likely net effect on air quality. This evaluation must consider the risk that occasions with meteorology conducive to high concentrations will have elevated emissions leading to NAAQS level exceedances that would not otherwise have occurred and must also weigh the likelihood that the requirement for lower emissions on average will result in days not having hourly exceedances that would have been expected with emissions at the critical emissions value. Additional policy considerations, including the desirability of accommodating real world emissions variability without significant risk of NAAQS violations, are also appropriate factors for EPA to weigh in judging whether a plan provides for attainment with a reasonable degree of confidence. Based on these considerations, especially given the high likelihood that a continuously enforceable limit averaged over as long as 30 days, determined in accordance with EPA's guidance, will result in attainment, EPA believes as a general matter that such limits, if appropriately determined, can reasonably be considered to provide for attainment of the 2010 $SO_2$ NAAQS.

EPA's April 2014 $SO_2$ Guidance appendix B prescribes how a state's SIP should develop and demonstrate that an appropriate longer-term average limit provides for attainment. Development of longer-term average limits starts with a determination of the 1-hour emission limit that would provide for attainment (*i.e.,* the critical emissions value), establishment of an adjustment factor to determine the (lower) level of the longer-term average emission limit that would be estimated to have a stringency comparable to the otherwise necessary 1-hour emission limit, and application of the adjustment factor to the emissions limits. The method for deriving an appropriate adjustment factor uses a database of continuous emission data reflecting the type of control that the source will be using to comply with the SIP emission limits, which (if compliance requires new controls) may require use of an emission database from another source. The recommended method involves using this data to compute a complete set of emission averages, computed according to the averaging time and averaging procedures of the prospective emissions limit. In this recommended method, the ratio of the 99th percentile among these long-term averages to the 99th percentile of the 1-hour values represents an adjustment factor that may be multiplied by the candidate 1-hour emission limit to determine a longer-term average emission limit that may be considered comparably stringent.[31] The guidance also addresses a variety of related topics, such as the potential utility of setting supplemental emission limits, such as mass-based limits, to reduce the likelihood and/or magnitude of elevated emission levels that might occur under the longer-term emission rate limit.

[30] See also further analyses described in rulemaking on the $SO_2$ attainment plan for Southwest Indiana. In response to comments expressing concern that the emissions profiles analyzed for appendix B represented actual rather than allowable emissions, EPA conducted additional work formulating sample allowable emission profiles and analyzing the resulting air quality impact. These analyses provided further support for the conclusion that an appropriately set longer term average emission limit in appropriate circumstances can suitably provide for attainment. The rulemaking describing these further analyses was published on August 17, 2020, at 85 FR 49967. A more detailed description of these analyses is available in the docket for that action, specifically at *https://www.regulations.gov/document?D=EPA-R05-OAR-2015-0700-0023.*

[31] For example, if the critical emission value is 1,000 pounds of $SO_2$ per hour, and a suitable adjustment factor is determined to be 70 percent, the recommended longer term average limit would be 700 pounds per hour.

## V. Review of Modeled Attainment Plan

This section discusses EPA's review and analysis of the modeled attainment plan, including model selection, meteorological data, emissions data, receptor grid, emissions limits, and background concentrations. As discussed in detail in prior section III., EPA is proposing that a limited approval and limited disapproval action is necessary because, but for the presence of the force majeure provision in the SIP submission, the modeled attainment plan satisfies the EPA's CAA requirements and would adequately demonstrate the SIP requirements will provide for attainment absent the force majeure provision.

TCEQ's SIP submittal relies on an alternative model, which modifies the version of AERMOD approved for regulatory modeling. EPA reviewed the TCEQ's alternative model and also performed its own additional modeling analysis to determine whether the emission limits and control measures in the State's SIP, absent the force majeure provision, would provide for attainment in the Rusk-Panola area. The EPA's additional modeling analysis used the Alternative Model AERMOD v.21112 with Highly Buoyant Plume (TCEQ's alternative model AERMOD–HBP) and reflecting what was done in the TCEQ modeling. EPA modeled two of the highest modeled concentration scenarios utilizing the AERMOD–HBP v.21112 with HBP. Those scenarios produced a modeled maximum design value, with background concentration included, of 73.6 ppb of $SO_2$, confirming TCEQ's modeling results for these two scenarios. EPA also ran these same two scenarios with the most recent version of AERMOD v.23132 with HBP code. EPA has included the HBP code for scientific testing and investigation as an alpha option in AERMOD v.23132, but it is important to note that alpha options are for scientific investigation and not approved for regulatory use. EPA compared the HBP code in AERMOD v.23132 with TCEQ's AERMOD–HBP, and it appears to be the same exact code. This modeling was performed by EPA to confirm that any other changes in AERMOD between v.21112 and v.23132 would not result in significant changes to TCEQ's attainment demonstration modeling, and the maximum modeled results for these two scenarios were the same. This modeling also confirms that the HBP code included in TCEQ's AERMOD–HBP and the alpha option implemented in AERMOD v.23132 resulted in the same maximum modeled concentrations. Additional, more detailed discussion of the State's modeling and EPA's modeling of these two highest concentration scenarios with both versions of AERMOD (TCEQ's v.21112 with HBP and EPA's v.23132 with non-regulatory alpha option HBP code) are contained in the Technical Support Document (TSD) for this proposed action. For EPA's alternative model review of the TCEQ's AERMOD–HBP see the AERMOD–HBP TSD.

### *A. Model Selection*

According to the Modeling Guideline, alternative models may only be used instead of AERMOD with EPA review and approval. Texas' attainment demonstration used an alternative model instead of the Modeling Guideline preferred model, AERMOD v.21112.[32] TCEQ's alternative model modifies AERMOD's treatment of penetrated plumes which affects the resultant modeled concentrations by delaying mix down of the penetrated plume component under certain circumstances resulting in less emissions mixing down to add to surface level concentrations. The modified code added is referred to as the Highly Buoyant Plume Model Code [33] and the resultant alternative model is called AERMOD-Highly Buoyant Plume (AERMOD–HBP). Along with the AERMOD–HBP, Texas used the regulatory versions of AERMOD preprocessors (AERMET, AERMINUTE, AERSURFACE, AERMAP, and Building Profile Input Program for PRIME (BPIPPRM)), and where applicable, used the preprocessor's regulatory default parameters.

Texas requested use of an alternative model in a letter dated May 24, 2021. Vistra's consultant, AECOM, performed initial dispersion modeling for the Rusk-Panola area using AERMOD v. 19191. AECOM asserted its initial modeling showed that AERMOD v. 19191 can overpredict $SO_2$ concentrations relative to available $SO_2$ observations at the Longview and Martin Creek monitors some of the time.[34] Based on AECOM's initial modeling, TCEQ and Vistra approached EPA Region 6 in Fall 2020, that led to TCEQ requesting and having discussions with EPA, TCEQ's contractor, Vistra, and Vistra's contractor AECOM to develop an understanding of what information and analysis were needed to support a potential alternative model request with modified treatment of penetrated plumes. TCEQ formally requested EPA's review and approval of an alternative model in a letter dated May 24, 2021.[35] TCEQ's request did not include all of the necessary components previously discussed between October 2020 through April 2021 for the EPA to complete an alternative model review. The EPA continued to receive materials from TCEQ through August 2021, and EPA provided some feedback and clarification on some technical analyses that were needed for EPA to conduct its review of the alternative model request. EPA did not receive all necessary components until August 2021. Those components included the necessary information and modeling analysis to enable EPA to perform a full review in accordance with the alternative model review and approval guidelines. Several of these technical analyses are based on the available data including: AERMOD v.21112 regulatory version and AERMOD–HBP modeling results comparisons using actual emissions and meteorological data for the 2016–2020 period coupled with available $SO_2$ monitoring data at the Martin Creek and Longview monitors.[36]

EPA Region 6 performed a detailed analysis of the alternative model request materials, including evaluating the theoretical rationale for modifying how penetrated plumes are treated in AERMOD. TCEQ and EPA's analysis centered on evaluation of the modeling results centered at the two monitors in the area, the Martin Creek monitor and Longview monitor, in order to compare modeled concentrations to monitored

[32] The most current version of AERMOD is version 23132, and version 21112 was the version of AERMOD available at the time TCEQ developed and adopted the SIP. See *https://www.epa.gov/scram/air-quality-dispersion-modeling-preferred-and-recommended-models.*

[33] Weil, J.C., Corio, L.A., and Brower, R.P., 1997, A *PDF Dispersion Model for Buoyant Plumes in the Convective Boundary Layer,* Journal of Applied Meteorology. 36, 982–1003.Weil, J.C., January 2, 2020, *New Dispersion Model for Highly-Buoyant Plumes in the Convective Boundary Layer,* Preliminary Draft v4.

[34] TCEQ SIP appendix M Alternative Model Documentation PDF, page 222.

[35] TCEQ submitted a letter dated May 24, 2021 from Ms. Tonya Baer (Director of the Office of Air) to Mr. David Garcia (Air and Radiation Division Director) of EPA Region 6 requesting approval of an alternative model request for use AERMOD with Highly Buoyant Plume (HBP) code modifications in the Rusk-Panola 2010 1-Hour $SO_2$ NAAQS attainment demonstration. This document is available in the Docket for this action.

[36] Martin Creek monitor (AQS 484011082) is located approximately 2 km to the north of Martin Lake EGU facility and Longview Monitor (AQS 481830001) is located approximately 19 km to the northwest of the Martin Lake EGU facility. While the Longview monitor is relatively far away from the Martin Lake facility it was found to have elevated $SO_2$ data when Martin Lake's emissions were transported to the monitor, that was not representative of maximum ambient concentrations from Martin Lake facility emissions, was still useful to consider in evaluating the alternative model request since there was limited monitoring data in the area.

values. The evaluation and technical analysis of regulatory AERMOD results and the alternative model AERMOD–HBP results at receptors placed at the two monitor locations were compared with the monitored data for these two monitors using actual emissions, meteorology, and monitored concentrations in the 2016–2020 timeframe for the Longview monitor and 2018–2020 for the Martin Creek monitor. In addition to TCEQ's submittal materials, EPA also performed several technical analyses, including its own Cox-Tikvart statistical analysis to confirm the conclusions. Overall, EPA's review of TCEQ's submittal materials and EPA's own analyses confirmed TCEQ's conclusion that based on the data available, AERMOD–HBP performed better than AERMOD in this one case-specific and location-specific situation in the area around the Martin Lake Electric Generating Facility (EGF) facility. Full details of EPA's review and conclusions related to the alternative model approval are provided in the ''EPA's Review of TCEQ's Alternative Model Request of AERMOD with Highly Buoyant Plume Treatment (HBP)'' (AERMOD–HBP TSD), included in the docket for this action.

Once EPA Region 6 modelers and Office of Air Quality Planning and Standards' Air Quality Modeling Group (OAQPS–AQMG) modelers were in agreement that the Alternative Model could be approved in accordance with the Modeling Guideline section 3.2.2, EPA Region 6 sent a memorandum with the detailed AERMOD–HBP TSD attached (dated July 11, 2024) to the Model Clearinghouse (part of OAQPS–AQMG) that proposed approval of the Alternative Model and requested concurrence from the Model Clearinghouse. The Model Clearinghouse sent a memorandum (dated July 24, 2024) to EPA Region 6 concurring with the case specific approval of the Alternative Model in this case-specific situation. The AERMOD–HBP approval is limited specifically to only allow AERMOD–HBP to be used in the attainment demonstration modeling for this Rusk-Panola attainment demonstration. This approval limited to the specific attainment demonstration at Martin Lake is based on the location and situation-specific factors, including available monitoring data, that were considered when evaluating this alternative model for this specific case. The EPA notes that attempting to use this alternative model for any other purposes at the Martin Lake facility, or any other facility, would require a separate, stand-alone evaluation and approval in accordance with EPA's alternative model requirements. Please see the TSD, the Model Clearinghouse Memorandums, and EPA's AERMOD–HBP TSD for more details.

*B. Meteorological Data*

The State's modeling utilized surface meteorological data obtained from the Longview East Texas Regional Airport and upper air data from the Shreveport, Louisiana station from 2015–2019. The Longview East Texas Regional Airport is the closest National Weather Service (NWS) site to the Martin Lake facility and monitor at Tatum County Road, 2181d Martin Creek Lake site (Air Quality System (AQS) 484011082), approximately 19 kilometers (km) away and is representative of the meteorology in the Rusk-Panola area due to its proximity. The Shreveport, Louisiana NWS upper air site is the closest site of upper air data. TCEQ processed the surface and upper air data using the meteorological processing tools: AERMINUTE (v.15272), AERMET (v.21112), and AERSURFACE (v.20060). AERMINUTE was used to include measured one-minute wind averages, AERMET was used to generate meteorological data files, and AERSURFACE was used to determine the surface characteristics for the meteorological station. The current version of each preprocessor at the time the modeling demonstration was performed was AERMINUTE v.15272, AERMET v.21112, and AERSURFACE v. 20060. While the most recent versions of AERMINUTE and AERSURFACE were used, AERMET has been updated since the State conducted its modeling. However, based on the changes that the EPA made to AERMET, we would not expect to see any significant changes to modeling results if the data were processed with the latest version of AERMET, and EPA finds that TCEQ's data are still representative. EPA recommends using the closest NWS sites for surface and upper air data if they are considered representative of the area being modeled. In this situation, EPA concurs with the use of these two sites for this modeling as meeting EPA's criteria as being nearby and representative. EPA also finds that TCEQ adequately processed the data in accordance with the Modeling Guideline and EPA's Guidance to generate the necessary modeling data to be used in the AERMOD model runs. Therefore, the EPA is proposing to find the selection and processing of this data to be acceptable.

*C. Emissions Data*

The SIP revision identifies the Martin Lake facility as the primary $SO_2$ source in the Rusk-Panola area. As there were no monitors in the area at the time of designation, EPA relied on modeling to designate the area and found that Martin Lake is likely producing almost all, if not 100%, of the emissions causing the maximum modeled design values that were above the NAAQS.[37] This information is also confirmed by review the of $SO_2$ sources in the Rusk-Panola area provided in the SIP revision's emission inventory analysis. The emissions inventory analysis shows that there are no other major sources of $SO_2$ within the boundary of the Rusk-Panola area. TCEQ appropriately modeled the maximum hourly emission rate for the Martin Lake facility emission sources. The only nearby $SO_2$ source with emissions greater than 100 tons per year within 50 km of Martin Lake is the American Electric Power Pirkey Power Plant (Pirkey) located approximately 17 km outside of the Rusk-Panola area boundary in Harrison County. Since Pirkey is a background source outside of the Rusk-Panola NAA that could potentially contribute to concentrations in the Rusk-Panola NAA, pursuant to the Modeling Guideline table 8–1, a hybrid of actual and allowable emission factors was used for emissions from Pirkey in TCEQ's modeling for the Rusk-Panola area. The remainder of the sources are captured by using monitoring data that is representative of background concentrations. The inclusion of Pirkey assures that Texas incorporated all sources in the modeling that are considered to possibly create $SO_2$ concentrations and/or concentration gradients anywhere in the Rusk-Panola NAA that are not represented by the background monitoring data.

The other facility, Pirkey, that is located outside of the Rusk-Panola area included in the modeling, is not located in a direction such that it can contribute to the maximum $SO_2$ concentrations in the Rusk-Panola area (not upwind), and thus, would have a negligible impact on maximum modeled concentrations within the Rusk-Panola area. Therefore, TCEQ did not require new $SO_2$ emission limits on Pirkey. EPA has reviewed the facility's data and notes that the Pirkey facility is 17 km away from Martin Lake and the nearby Martin Creek monitor near Tatum County Road, and thus adding emission limits to Pirkey are not critical to demonstrating attainment in the area. EPA concurs with TCEQ's

[37] *See* 81 FR 45039.

approach of including Martin Lake (allowable emissions modeled) and Pirkey (hybrid of actual and allowable emission related factors to generate emissions modeled) emission sources, which comports with EPA's Modeling Guideline, including table 8–1, that provides guidance on what sources to include in the modeling and whether to model actuals or allowable emissions.

TCEQ used site specific building and stack data and modeled all stacks in Martin Lake at the lesser of actual stack height or Good Engineering Practice (GEP) stack height. The State's modeling included building downwash influences for all sources except for Pirkey because the effects of downwash from Pirkey are localized and would not affect modeled concentrations in the Rusk-Panola area. The EPA has determined that the SIP's selection of sources and preprocessing of that source data satisfies the requirements of the Modeling Guideline. For a more detailed analysis and conclusions on what sources were included in the modeling and how they were modeled, see the TSD.

As discussed in the TSD, Martin Lake was identified as the primary contributor to NAAQS violations in the Rusk-Panola area. Martin Lake is an EGF, with four point sources and one fugitive area source for $SO_2$; the four point sources consist of three EGF boiler unit stacks and one combined stack for two auxiliary boilers. Modeling indicated emission reductions for Martin Lake were necessary to provide for attainment, and based on the modeling emission limitations were developed and included in the Agreed Order between TCEQ and Luminant that was submitted as part of this SIP revision. The modeling covers 42 operating scenarios in total. These different scenarios were developed based on a combination of an emissions limit specific to each EGF boiler, an overall emission cap on emissions from the three main EGF boiler stacks, and four different operating loads. There are four different operating loads for the EGF boilers: (1) high load, (2) medium load, (3) low load, and (4) a maintenance, startup and shutdown (MSS) load. TCEQ modeled control measures using the critical emission value of 8,208 lbs/hour as the one-hour averaging period emission cap for the three EGF boilers that correlates with the Agreed Order's longer-term averaging emissions limit of 7,469 lb/hr over a 24-hour block averaging period. TCEQ's modeling also modeled the critical emission value of 0.33 lb/MMBtu limit for each boiler that correlates to the agreed order limit of 0.32 lb/MMBtu limit on a 24-hour block averaging period for each boiler. TCEQ developed the 42 different emission scenarios based on these limits as discussed in the TSD. For more detailed discussion and evaluation of the Agreed Order 24-hour block averaging limits and the critical emission value comparably stringent 1-hour averaging limitation values used in the modeling, see section V.E. In conclusion, the EPA is proposing to find that Texas' choice of included sources and the scenarios modeled to cover the potential range of operating scenarios that could occur with the new limits in place to be appropriate and inclusive of worst-case scenarios, in the absence of the force majeure provision.

*D. Receptor Grid*

Within AERMOD, air quality concentration results are calculated at discrete locations identified by the user; these locations are called receptors. Receptors are placed in areas and outside the plant boundaries and areas within the plant boundary where the public has access. Areas within the plant where public access is restricted, are not considered ambient air for the purposes of compliance with NAAQS. TCEQ's modeling domain for this demonstration consisted of a 25.5 km by 24.5 km rectangular area centered around Martin Lake with three nested receptor grids. TCEQ placed receptors within and outside the Rusk-Panola nonattainment area: (1) receptors at 25 meter (m) spacing along the non-ambient air fence/boundary lines, (2) the innermost grid spanning 0 to 3 km from the center point, encompassing Martin Lake, with 50m spacing between receptors; (3) the middle-nested grid extended from 3 km to 9 km, with 100 m spacing between receptors; and (4) the outermost grid, which extends beyond the nonattainment boundary covers the rest of the modeled domain, had 500 m spacing. The TCEQ, after discussions with EPA and Vistra, removed receptors from the grid found within the property owned and controlled (public access is restricted) by Vistra,[38] Vistra restricts public access to this area through fencing, posting, and patrolling. Again, the air in the area controlled by Vistra is considered non-ambient air relative to its own emissions, and thus, they are not required to place receptors within these boundaries. Receptors with 25m spacing were also added along a section of public road within Vistra's property, and an additional receptor was placed at the location of the Martin Creek monitor. TCEQ determined receptor elevations using AERMAP in its modeling. EPA proposes that the receptor grid is consistent with EPA's Modeling Guideline and is adequate for demonstrating attainment within the NAA and the immediately surrounding area in this attainment demonstration modeling.

*E. Emission Limits*

As part of its control strategy for the Rusk-Panola area, Texas entered an Agreed Order with Luminant set emissions limitations for the Martin Lake facility, adopted on February 14 2022, pursuant to §§ 382.011, 382.012, 382.023, and 382.024 of the Texas Clean Air Act, Texas Health & Safety Code, Chapter 382, and the CAA. TCEQ incorporated the Agreed Order as part of its SIP revision submittal as a source-specific SIP revision seeking to establish federally enforceable emission limits. The limits in table 2 are hourly limits, and compliance with the limits is determined using the longer-term 24-hour block averaging period.

As stated in subsection C of this notice, there are no other major sources of $SO_2$ within the nonattainment area that could contribute to nonattainment in the Rusk-Panola area. The Agreed Order set the compliance date for emission limits as ''the date by which the State of Texas is required to demonstrate compliance with the 2010 1-hour $SO_2$ NAAQS for the Rusk-Panola $SO_2$ Nonattainment Area.'' This means that the compliance date for the Agreed Order would be the attainment date, January 12, 2022 for limits other than the lb/MMBtu limits, which require compliance 180 days later (July 11, 2022).[39] EPA proposes to find that the source specific emissions limits as laid out in the Agreed Order submitted with this SIP revision would be sufficient, based on the above described modeling and recognizing the longer than 1 hour averaging period, to provide for attainment in the Rusk-Panola area absent the force majeure provision.

[38] See TCEQ's SIP appendix L—''Documentation from Vistra Energy Corporation for Property Boundaries''.

[39] Vistra and TCEQ signed the Agreed Order on January 19, 2022. TCEQ formally adopted the Agreed Order on February 14, 2022.

TABLE 2—MARTIN LAKE AGREED ORDER EMISSION LIMITATIONS

| Source ID | Source description | Sulfur Dioxide ($SO_2$) limit |
|---|---|---|
| S–1, S–2, S–3 ..... | EGF Boiler Units ..... | II.a.(i)<br>(1) Burn only subbituminous coal, No. 2 fuel oil, or natural gas;<br>(2) limit the firing rate (when fired) for all three EGF boiler units to a combined rate not to exceed 27,000 million British thermal units (MMBtu) per hour (the firing rate is an operating cap for all three EGF boiler units combined); and<br>(3) Optimize the FGD systems to ensure compliance with a combined $SO_2$ emission rate not to exceed 7,469 lb/hr on a block 24-hour average basis for the three EGF boiler units (the 7,469 lb/hr is an emission cap for all three EGF boiler units combined). The emission cap of 7,469 lb/hr applies at all times when fuel of any type is fired in any EGF boiler unit.<br>(ii) . . . the Company shall ensure compliance with an $SO_2$ emission rate not to exceed 0.32 lb/MMBtu on a block 24-hour average basis for each EGF boiler unit. This emission rate applies at all times when fuel of any type is fired in any EGF boiler unit. |
| S–1A and B ..... | Auxiliary Boilers ..... | II.b.<br>(i) Fire only No. 2 fuel oil with a sulfur content of 0.10% by weight or less;<br>(ii) Not exceed an $SO_2$ emission rate of 51.46 lbs/hr on a one-hour basis and 22.54 tpy on an annual basis, combined for the two Auxiliary Boilers (the 51.46 lbs/hr and 22.54 tpy are emission caps for the two auxiliary boilers combined); and<br>(iii) Comply with a 10 percent annual capacity factor for each of the two Auxiliary Boilers. Annual capacity factor is the ratio between the actual heat input from all fuels burned during a calendar year and the potential heat input had the boiler been operated for 8,760 hours during a year at the maximum steady state design heat input capacity. The 10 percent annual capacity factor limit corresponds to a heat input of 219,000 MMBtu per calendar year, per Auxiliary Boiler.<br>(iv) The Company shall monitor the sulfur content of the liquid fuel in accordance with fuel sampling requirements specified in 40 CFR part 75, appendix D, 2.2 Oil Sampling and Analysis. |

1. Enforceability

An attainment plan must include emission limits that provide for attainment and that are: quantifiable, fully enforceable, replicable, and accountable.[40] Full enforceability includes the ability to enforce emissions limitations by the state, the EPA, or by private citizens through a citizen suit.[41] As discussed in detail in section III. of this notice, EPA proposes to find that the force majeure provision included in the SIP submission interferes with enforceability such that the Agreed Order and attainment plan may not be fully approved as meeting the requirements of CAA sections 110, 172, 191 and 192.

2. Longer-Term Average Emission Limits

As noted in section IV. and section V.C, the Texas SIP is using longer-term lb/hr and lb/MMBtu emission limits with 24-hour block averaging compliance limits for three EGF boilers at the Martin Lake facility. Therefore, the critical emissions values are the modeled emission rates/limits based on 1-hour averaging period and serve as the basis for developing emission rate limits for longer averaging period and the limits used in the attainment modeling for the area. Modeled emission rates of 8,208 lb/hr and 0.33 lbs/MMBtu (one hour averaging period) were calculated by Vistra to convert to 7,469 lbs/hour and 0.32 lbs/MMBtu averaged over a 24-hour block period. Martin Lake will be switching fuels from lignite and lignite blend operations to subbituminous coal, and therefore, Vistra and Texas evaluated other similar subbituminous coal fired units elsewhere in Texas with similar $SO_2$ control devices that would be more representative of operating conditions rather than comparing to the past performance of the Martin Lake units operating on lignite coal. As such, Vistra and Texas determined that the NRG Limestone units would be appropriate sources to derive an adjustment factor to apply to the EGF boilers at Martin Lake due to the use of subbituminous coal at the NRG Limestone units and both facilities have wet FGD controls. In the SIP, Texas utilized three years of NRG Limestone (located near Jewett, Texas) emissions data from October 2018 through September 2021 to conduct the variability analysis, which coincides with when NRG Limestone burned only subbituminous coal. Texas employed the method detailed in our 2014 $SO_2$ Guidance appendices B, C, and D for deriving an appropriate adjustment factor to adjust the lb/hr modeled emission rates and the lb/MMBtu emission limit, to result in equivalent 24-hour block averaging lb/hr and lb/MMBtu emission limits. Texas followed EPA's guidance and evaluated the historic 1-hour 99th percentile of $SO_2$ emissions information (lb/hr and lb/MMBtu) against the 99th percentile 24-hour block average for the lb/hr and lb/MMBtu data to derive the appropriate adjustment factors of 0.91 for lb/hr and 0.97 lb/MMBtu. These factors were used by Texas to derive the emission limits of 7,469 lbs/hour and 0.32 lbs/MMBtu averaged over a 24-hour block period that were included in the Agreed Order for Martin Lake. EPA has reviewed TCEQ's information supporting the 24-hour block averaging limits and is proposing to find the analysis acceptable and that these represent comparably stringent limits that would, absent the force majeure clause be protective of the NAAQS. For a more detailed discussion of our analysis please see the TSD prepared for this action.

*F. Background Concentrations*

To develop background concentrations for the NAA, Texas relied on 2015–2019 $SO_2$ data from the Midlothian OFW monitor in Ellis County (CAMS C52), approximately 220 km west of the NAA.[42] Texas determined that there were no representative nearby monitors to capture background concentrations, as the nearby monitors were all $SO_2$ Data Requirements Rule (DRR) monitors sited to capture the impacts of major $SO_2$ sources or other monitors with data significantly impacted by large $SO_2$ sources (*e.g.,* Longview monitor in Gregg County is 19 km from Martin Lake but Martin Lake's emissions have historically had a large impact on this

[40] *See* General Preamble at 13567–68.

[41] 42 U.S.C. 7604.

[42] Data is available in EPA's Air Quality System (AQS). (*https://www.epa.gov/aqs*).

monitor's data). Therefore, Texas used a monitor located away from the source but still considered to be representative of background concentrations in the area. The Midlothian OFW monitor in Ellis County, Texas was chosen as it had complete $SO_2$ Design Values (DVs) for the 2015 through 2019 period and had a more stable DV across recent years.

A fixed background concentration of 15.72 $\mu g/m^3$ was added to modeled concentrations to result in maximum modeled concentrations for all 42 scenarios. These background values are representative of the contribution due to other sources within the Rusk-Panola area and surrounding areas that were not explicitly modeled combined with regional continental background in this area. See the TSD for additional information. Using this approach, the EPA is proposing to find the State's treatment of $SO_2$ background levels to be acceptable for adding to modeled concentrations to represent background $SO_2$ levels in this attainment demonstration modeling.

*G. Summary of Results*

The State's alternative modeling demonstration, which incorporates emissions scenarios based on the February 14, 2022, Agreed Order emission limits for the Martin Lake facility but recognizing the longer than 1 hour averaging time, resulted in modeled concentrations below the 1-hour primary $SO_2$ NAAQS using the alternative model AERMOD–HBP. As noted, EPA Region 6 proposed approval and obtained concurrence from the Model Clearinghouse for the use of the alternative model for this specific application. TCEQ modeled 42 different scenarios representing the range of operations, emissions, and dispersion that could occur, incorporating the Agreed Order's required emission limits. These 42 modeled scenarios had maximum ambient air modeled DVs ranging from 40 ppb to 73.6 ppb (104.8 $\mu g/m^3$ to 192.8 $\mu g/m^3$) that all demonstrated attainment of the 1-hour $SO_2$ NAAQS, without accounting for the possible excused non-compliant emissions periods under the force majeure provision.[43]

As part of EPA's modeling review, EPA modeled the two scenarios that resulted in the highest maximum DV of 73.6 ppb using the AERMOD–HBP alternative model (based on AERMOD v.21112), and the results duplicated TCEQ's results with the same maximum modeled design values. The only differences between EPA's model runs and TCEQ's model runs for these two scenarios were that EPA modeled all of the receptors in one AERMOD run using a single CPU processor, and EPA relied on AERMOD to generate the maximum DVs with inclusion of the background concentrations instead of all of the post-processing steps that TCEQ performed. TCEQ modified a prior version of AERMOD that was the current version at the time TCEQ developed their SIP, version v.21112. Since TCEQ submitted their SIP, there have been two updates to AERMOD, and the most recent version is AERMOD v.23132. EPA ran these same two scenarios using the current version of AERMOD, v.23132, with the non-regulatory alpha option HBP code (same as TCEQ's HBP code). The EPA has included the HBP code in AERMOD as an alpha option that is only for scientific testing and investigation, and the HBP code is not approved for any regulatory modeling. EPA did these model runs to see if the current version of AERMOD with the alternative HBP model code (not approved for use in regulatory modeling) would still result in the same maximum DV values obtained using the AERMOD HBP Alternative Model (AERMOD v.21112 with HBP code). This test is to verify that the code changes in the regulatory version of the model (non-HBP code) did not result in any model concentration changes. The more recent version of AERMOD with the non-regulatory HBP code included resulted in the same modeled results as TCEQ's AERMOD v.21112 with HBP code. This test confirms that the updates in the regulatory version of AERMOD between v.21112 and v.23132 do not result in any differences in the maximum design value when both AERMOD versions were run with the non-regulatory alternative model code HBP.

With the exception of the HBP code that is an alternative model, EPA's review of the rest of TCEQ's modeling components indicated that TCEQ used the regulatory AERMOD preprocessors (AERMET, AERMINUTE, AERSURFACE, AERMAP, and Building Profile Input Program for PRIME (BPIPPRM) for building/structure downwash). TCEQ's submitted modeling, where applicable, used the regulatory default parameters, and the options and settings for AERMOD and the processors used are acceptable. TCEQ broke up the receptor grid into multiple runs and post-processed the results outside of AERMOD, which complicated review. The EPA reviewed model input and output files for all 42 modeling runs and modeled two of the scenarios that had the highest design value and confirmed that TCEQ's approach resulted in the same maximum modeled concentration results. For more detailed information, explanation, and analysis of TCEQ's modeling please see the following documents included in this docket: TSD, AERMOD–HBP TSD, Model Clearing House memoranda.

After reviewing Texas' attainment demonstration and conducting additional modeling runs, the EPA agrees that Texas' submittal and supplemental materials, along with the Agreed Order (February 14, 2022) limits, constitute an attainment plan that would strengthen the SIP and sufficiently reduce emissions to meet the NAAQS in the Rusk-Panola area, but for the force majeure provision. However, due to the untimely compliance date for aspects of the attainment plan and the impacts of the force majeure provision of the Agreed Order on all of the Agreed Order's emission limits for the Martin Lake facility, Texas' attainment plan is insufficient to fully provide for attainment in the Rusk-Panola area or fully meet the requirements of CAA sections 110, 172, 191 and 192. EPA therefore proposes to issue a limited approval and limited disapproval for this attainment plan SIP revision. See section III. Limited Approval/Limited Disapproval for additional discussion. We therefore propose to determine that, absent the force majeure provision, Texas' plan would provide for attaining air quality under the 2010 1-hour primary $SO_2$ NAAQS in the Rusk-Panola nonattainment area.

## VI. Review of Other Plan Requirements

Section VI includes EPA's review of the following SIP elements: Emissions inventory, RACM and RACT, NSR, RFP, contingency measures, and conformity. EPA proposes that the SIP adequately satisfies the requirements for a baseline emissions inventory and nonattainment NSR, but due to the presence of the force majeure provision affecting the enforceability of the limits relied upon in the attainment demonstration, cannot otherwise meet the requirements of CAA sections 110, 172, 191 and 192, particularly for RACM/RACT, RFP, emissions limits necessary to provide for attainment, and contingency measures.

*A. Emissions Inventory*

The emissions inventory and source emission rate data for an area serve as the foundation for air quality modeling and other analyses that enable states to: (1) estimate the degree to which different sources within a nonattainment area contribute to

[43] TSD pages 24–26.

violations within the affected area; and (2) assess the expected improvement in air quality within the nonattainment area due to the adoption and implementation of control measures. A nonattainment SIP must include a comprehensive, accurate, and current inventory of actual emissions from all sources of $SO_2$ in the nonattainment area as well as any sources located outside the nonattainment area which may affect attainment in the area. *See* CAA section 172(c)(3). In its submittal, Texas included a current emissions inventory for the Rusk-Panola area covering the 2017–2022 period, which can be found below at table 3.

The State of Texas compiles a statewide emissions inventory for stationary sources in accordance with Texas regulations at 30 Texas Administrative Code (TAC) § 101.10, CAA requirements, and EPA guidance. The submitted data is then reviewed for quality assurance purposes and stored in the State of Texas Air Reporting System (STARS) database. In its submittal, Texas confirmed that stationary point sources (*i.e.,* Martin Lake) comprised over 99% of the $SO_2$ emissions in the Rusk-Panola area. Texas determined the forecasted 2022 emissions for Martin Lake through historical point source heat input and a future year emissions limit that accounts for enforceable emissions reductions as required in the Agreed Order. According to the 2014 $SO_2$ Guidance, nearby sources outside the NAA (Pirkey) should also be included in the emissions inventory.

TCEQ chose the year 2017 as the base year for its analyses as the most complete and representative record of annual $SO_2$ emissions because (1) it was the most recent periodic inventory year available and (2) it was also the year that the EPA designated the Rusk-Panola area as nonattainment for the 2010 $SO_2$ NAAQS.

The 2017 baseline area source emissions inventories were developed in accordance with the requirements of the Air Emissions Reporting Requirements (AERR) rule and developed using EPA-generated EIs, TCEQ-contracted projects, TCEQ staff projects, and 2014 EIs by applying growth factors derived from different sources.[44] TCEQ also developed non-road and on-road mobile source emissions inventories by using EPA's mobile source emissions models, Texas-specific utility of the EPA mobile source models, and EPA-approved methods and guidance.

A summary of the State's submitted emissions inventory is provided in the following table:

TABLE 3–1—RUSK-PANOLA NONATTAINMENT AREA $SO_2$ EMISSIONS IN TONS PER YEAR (TPY)

| Source category | 2017 Base year reported emissions | 2018 Reported emissions | 2019 Reported emissions | 2022 Attainment year emissions | Agreed order federally enforceable maximum emissions |
|---|---|---|---|---|---|
| Point—Martin Lake | 36,441.46 | 56,198.55 | 46,549.50 | 22,269.31 | 32,736.76 |
| Non-point | 0.31 | N/A | N/A | 0.43 | N/A |
| On-road Mobile | 0.14 | N/A | N/A | 0.14 | N/A |
| Non-road Mobile | 0.02 | N/A | N/A | 0.02 | N/A |
| Total | 36,441.93 | 56,198.55 | 46,549.50 | 22,269.90 | 32,736.76 |

TABLE 3–2—AEP PIRKEY POWER PLANT $SO_2$ EI ANNUAL AND PERMITTED EMISSIONS IN TPY[45]

| Source | 2017 Reported emissions | 2017 Reported emissions | 2017 Reported emissions | 2022 Attainment year emissions | Permitted emissions |
|---|---|---|---|---|---|
| Point—AEP Pirkey | 3,959.80 | 5,084.80 | 3,073.00 | 4,039.20 | 35,820.00 |

The EPA agrees that the State's emissions inventories for point, nonpoint, and mobile sources are appropriate because they have been accumulated and reported in accordance with established methods and criteria. EPA proposes that the base year emissions inventory is representative and satisfies the EI requirement, however, EPA cannot fully approve the future year emission inventory due to enforceability concerns arising from the force majeure provision included in the Agreed Order.

*B. Reasonably Available Control Measures and Reasonably Available Control Technology (RACM/RACT)*

Section 172(c)(1) of the CAA requires states to adopt and submit all RACM, including RACT, as needed to attain the standards as expeditiously as practicable. Section 172(c)(6) requires the SIP to contain enforceable emission limits and control measures necessary to provide for timely attainment of the standard. The plan relies on ambient $SO_2$ concentration reductions achieved by implementation of the Agreed Order's control requirements and emissions limits at Martin Lake. Martin Lake plans to implement $SO_2$ emission limits (lb/hr and lb/MMBtu) for the three EGF boilers.

The control strategy at Martin Lake incorporates pre-combustion and post-combustion controls for the three EGF boilers and sets $SO_2$ emission limits for the two auxiliary boilers. The EGF boilers will be limited to burning subbituminous coal, No. 2 fuel oil, and natural gas during operations and additionally have a combined cap on their firing rate (MMBtu/hr). Martin Lake intends for the subbituminous coal to be the primary fuel burned, which is lower in sulfur content compared to the lignite and lignite-blended mix of coals historically used by the facility. TCEQ

[44] Eastern Research Group (ERG) study data, the Economy and Consumer Credit Analytics website (*https://www.economy.com/default.asp*), and the United States Energy Information Administration's Annual Energy Outlook publication.

[45] AEP Pirkey Power Plant was retired in Spring of 2023.

additionally provides that the existing $SO_2$ wet limestone scrubber system for the EGF boilers will be optimized to increase efficiency to meet the limits in the Agreed Order.

The final emission limitations as included in the February 14, 2022, Agreed Order are provided earlier in this document in section V.E., Emission Limitations. Texas has provided modeling which demonstrates that these measures for Martin Lake provide for timely attainment and meet the RACM and RACT requirements, without accounting for excused emissions not in compliance with the limits during force majeure periods. The EPA proposes that, but for the presence of the force majeure provision, the state would satisfy the requirements in section 172(c)(1) to adopt and submit all RACM, including RACT, as needed to attain the standard as expeditiously as practicable and in section 172(c)(6) to include emission limits as necessary to attain. However, due to the presence of the force majeure provision, at this time EPA can only propose a limited approval of the emission limits for SIP strengthening purposes.

*C. New Source Review (NSR)*

In its submittal, TCEQ provided a certification statement that Texas already has EPA-approved rules that address nonattainment NSR requirements. EPA initially approved Texas' nonattainment NSR regulations for $SO_2$ on November 27, 1995 (60 FR 49781). TCEQ determined that because previously approved revisions to the Texas SIP already includes 30 TAC section 116.12 (Nonattainment and Prevention of Significant Deterioration Review Definitions) and 30 TAC section 116.151 (New Major Source or Major Modification in Nonattainment Area Other Than Ozone), Texas has satisfied the nonattainment NSR SIP requirements for the Rusk-Panola nonattainment area. Further, TCEQ already certified that Texas has EPA-approved rules that cover nonattainment NSR requirements with the timely-submitted 2010 $SO_2$ NAAQS Infrastructure and Transport SIP Revision. Therefore, EPA concludes that the SIP satisfies the CAA's NSR requirements.

*D. Reasonable Further Progress (RFP)*

Section 171(1) of the CAA defines RFP as ''such annual incremental reductions in emissions of the relevant air pollutant as are required by [part D] or may reasonably be required by the [EPA] for the purpose of ensuring attainment of the applicable [NAAQS] by the applicable attainment date.'' For purposes of $SO_2$, the EPA issued guidance prescribing how states could satisfy this requirement when developing their nonattainment SIPs.[46] Since pollutants like $SO_2$ usually have a limited number of sources affecting areas of air quality that are relatively well defined, and emissions control measures for such sources generally provide significant and immediate improvements in air quality, there is usually a single ''step'' between pre-control nonattainment and post-control attainment. Therefore, due to the discernible relationship between emissions and air quality, EPA interprets RFP in the $SO_2$ context as ''adherence to an ambitious compliance schedule'' which ''ensures that affected sources implement appropriate control measures as expeditiously as practicable'' to ensure attainment by the applicable attainment date. See General Preamble, 74 FR 13498, 13547 (April l6, 1992).

In its submittal, TCEQ provided its rationale for concluding that the plan met the requirement for RFP in accordance with EPA guidance. According to TCEQ, the Rusk-Panola area contains a single source with well-defined emissions, such that emissions controls for this source should result in a ''swift and dramatic improvement in air quality.'' TCEQ further explained that enforceable emission limitations would be implemented for the source (Martin Lake) in this area and, therefore, this compliance schedule fulfills the RFP requirement for the Rusk-Panola area. In its submittal, TCEQ sets two compliance deadlines for Vistra to meet its emissions limits from the Agreed Order. For limits expressed in lbs/hr, compliance is required no later than the date by which Texas is required to demonstrate compliance with the 2010 $SO_2$ NAAQS, which would be the area's attainment date of January 12, 2022. For limits expressed in lbs/MMBtu, compliance is required by July 11, 2022. EPA has determined that once control requirements and emissions limits have been implemented, these measures will provide for attainment in the area. This meets the requirement for RFP for the Rusk-Panola area. EPA proposes a limited approval/limited disapproval for this SIP submission in part because the compliance date is several months after the attainment date for this area. EPA proposes that, but for the presence of the force majeure provision, the SIP submittal would provide for RFP. However, due to the force majeure provision and untimely compliance date, EPA proposes a limited approval and limited disapproval of the SIP limits Texas relied upon for its RFP demonstration for SIP strengthening purposes and to apply federally enforceable limits to the area as expeditiously as possible.

*E. Contingency Measures*

As discussed in our 2014 $SO_2$ Guidance, section 172(c)(9) of the CAA defines contingency measures as such measures in a SIP that are to be implemented in the event that an area fails to make RFP, or fails to attain the NAAQS, by the applicable attainment date. Contingency measures are to become effective without further action by the state or the EPA, where the area has failed to (1) achieve RFP or (2) attain the NAAQS by the statutory attainment date for the affected area. These control measures are to consist of other available control measures that are not included in the control strategy for the nonattainment area SIP. EPA guidance describes special features of $SO_2$ planning that influence the suitability of alternative means of addressing the requirement in section 172(c)(9) for contingency measures. Because $SO_2$ control measures are by definition based on what is directly and quantifiably necessary for emissions controls, any violations of the NAAQS are likely related to source violations of a source's permit or agreed order terms. Therefore, an appropriate means of satisfying this requirement for $SO_2$ is for the state to have a comprehensive enforcement program that identifies sources of violations of the $SO_2$ NAAQS and to undertake an aggressive follow-up for compliance and enforcement.

For its contingency plan, Texas stated that TCEQ's comprehensive program to (1) identify sources of violations of the NAAQS is satisfied through its monitoring network and (2) follow-up for compliance and enforcement is satisfied through TCEQ's enforcement programs authorized under the Texas Water Code and Texas Health and Safety Code. If EPA makes the determination that that the Rusk-Panola Area has failed to attain, TCEQ will notify Martin Lake and upon notification the owner or operator will be required to do a full system audit of all $SO_2$ emissions from Martin Lake within 90 days. The owner or operator of Martin Lake must conduct a root cause analysis for the reason why the area failed to attain and recommend provisional $SO_2$ emission controls as

[46] See ''Guidance for 1-Hour $SO_2$ Nonattainment Area SIP Submissions'', U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, April 23, 2014, which can be accessed at: *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.*

necessary. Additionally, Texas has the authority to issue orders pursuant to the Texas Clean Air Act and Texas Health and Safety Code for the purpose of supporting attainment and maintenance of the 2010 $SO_2$ NAAQS. EPA believes that this approach generally continues to be a valid approach for the implementation of contingency measures to address the 2010 $SO_2$ NAAQS. However, as previously discussed, the presence of the force majeure provision undermines the enforceability of the emission limits in the SIP submission, and consequently undermines the utility of Texas' enforcement authority to address periods of non-compliance with the limits. Therefore, EPA is proposing that but for the presence of the force majeure provision, Texas' plan would adequately provide for contingency measures as required by the CAA. As a result, EPA can only propose limited approval of the limits upon which the SIP relies for SIP strengthening purposes.

*F. Conformity*

Generally, as set forth in section 176(c) of the CAA, conformity requires that actions by federal agencies do not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS. General conformity applies to federal actions, other than certain highway and transportation projects, if the action takes place in a nonattainment area or maintenance area (*i.e.,* an area which submitted a maintenance plan that meets the requirements of section 175A of the CAA and has been redesignated to attainment) for ozone, particulate matter, nitrogen dioxide, carbon monoxide, lead, or $SO_2$. EPA's General Conformity Rule (40 CFR 93.150 to 93.165) establishes the criteria and procedures for determining if a federal action conforms to the SIP. With respect to the 2010 $SO_2$ NAAQS, federal agencies are expected to continue to estimate emissions for conformity analyses in the same manner as they estimated emissions for conformity analyses under the previous $SO_2$ NAAQS. EPA's General Conformity Rule includes the basic requirement that a federal agency's general conformity analysis be based on the latest and most accurate emission estimation techniques available (40 CFR 93.159(b)). When updated and improved emissions estimation techniques become available, EPA expects the federal agency to use these techniques. EPA finds that the Rusk-Panola $SO_2$ Attainment Plan SIP Revision submission meets these conformity requirements.

Transportation conformity determinations are not required in $SO_2$ nonattainment and maintenance areas. EPA concluded in its 1993 transportation conformity rule that highway and transit vehicles are not significant sources of $SO_2$. Therefore, transportation plans, transportation improvement programs and projects are presumed to conform to applicable implementation plans for $SO_2$. (*See* 58 FR 3776, January 11, 1993.)

## VII. Proposed Action

For Texas' February 28, 2022 SIP revision submittal, we are proposing a limited approval which will incorporate all of the submissions requirements, including the emission limits and associated control requirements such as monitoring, recordkeeping and reporting requirements into the State Implementation Plan. We have determined that the revision provides for emissions controls and limits that strengthen the existing EPA-approved Texas SIP and would satisfy the applicable CAA requirements of sections 110, 172, 191 and 192. We are proposing limited disapproval due to the enforceability deficiency caused by the force majeure provision in the SIP and the timing of the compliance date for the emissions limitations several months after the attainment date for this nonattainment area, as is necessary under the CAA and associated regulations. The State has demonstrated that its current Nonattainment NSR program covers this NAAQS; therefore, no revision to the SIP is required for the Nonattainment NSR element. Under CAA section 179(c)(1), EPA also proposes to determine that the Rusk-Panola $SO_2$ NAA failed to attain the 2010 1-hour $SO_2$ standard by the applicable attainment date of January 12, 2022 based on monitored data from 2019–2021.

## VIII. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Texas source-specific requirements for Vistra's Martin Lake Electrical Station (Martin Lake) as described in section VII of this preamble, Proposed Action. These source-specific requirements for Martin Lake include $SO_2$ emission limits and fuel limitations for the facility as well as other monitoring, recordkeeping, and reporting requirements. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## IX. Environmental Justice Considerations

Information on Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994), and how EPA defines environmental justice (EJ) can be found in the section titled ''VII. Statutory and Executive Order Reviews,'' in this proposed rulemaking. EPA is providing additional analysis of environmental justice associated with this action. The results of this analysis are being provided for informational and transparency purposes only, not as a basis of our proposed action.

The EPA conducted a screening analysis using EJSCREEN, an environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach for combining various environmental and demographic indicators.[47] The EJSCREEN tool presents these indicators at a Census block group (CBG) level or a larger user-specified ''buffer'' area that covers multiple CBGs.[48] An individual CBG is a cluster of contiguous blocks within the same census tract and generally contains between 600 and 3,000 people. EJSCREEN is not a tool for performing in-depth risk analysis, but is instead a screening tool that provides an initial representation of indicators related to environmental justice and is subject to uncertainty in some underlying data (*e.g.,* some environmental indicators are based on monitoring data which are not uniformly available; others are based on self-reported data).[49] To help mitigate this uncertainty, we have summarized EJSCREEN data within larger ''buffer'' areas covering multiple block groups and representing the average resident within the buffer area surrounding Martin Lake. We present EJSCREEN environmental indicators to help screen

[47] The EJSCREEN tool is available at *https://www.epa.gov/ejscreen.*

[48] *See https://www.census.gov/programs-surveys/geography/about/glossary.html.*

[49] In addition, EJSCREEN relies on the five-year block group estimates from the U.S. Census American Community Survey. The advantage of using five-year over single-year estimates is increased statistical reliability of the data (*i.e.,* lower sampling error), particularly for small geographic areas and population groups. For more information, see *https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs_general_handbook_2020.pdf.*

for locations where residents may experience a higher overall pollution burden than would be expected for a block group with the same total population. These indicators of overall pollution burden include estimates of ambient particulate matter ($PM_{2.5}$) and ozone concentration, a score for traffic proximity and volume, percentage of pre-1960 housing units (lead paint indicator), and scores for proximity to Superfund sites, risk management plan (RMP) sites, and hazardous waste facilities.[50] EJSCREEN also provides information on demographic indicators, including percent low-income, communities of color, linguistic isolation, and less than high school education.

The EPA prepared an EJSCREEN report covering a buffer area of approximately a 6-mile radius around the Martin Lake facility. Table 4 presents a summary of results from the EPA's screening-level analysis for Martin Lake compared to the U.S. as a whole. From that report, Martin Lake did not show EJ indices greater than the 80th percentiles. The full, detailed EJSCREEN report is provided in the docket for this rulemaking.

TABLE 4—EJSCREEN ANALYSIS SUMMARY FOR MARTIN LAKE

| Variables | EJSCREEN values for buffer area (radius) for Martin Lake and the U.S. (percentile within U.S. where indicated) | |
|---|---|---|
| | Martin Lake (Rusk-Panola Area, 6 miles) | U.S. |
| *Pollution Burden Indicators:* | | |
| Particulate matter ($PM_{2.5}$), annual average | 9.57 µg/m³ (77th %ile) | 8.67 µg/m³ (—). |
| Ozone, summer seasonal average of daily 8-hour max | 40.1 ppb (32nd %ile) | 42.5 ppb (—). |
| Traffic proximity and volume score* | 0.72 (2nd %ile) | 760 (—). |
| Lead paint (percentage pre-1960 housing) | 0.12% (37th %ile) | 0.27% (—). |
| Superfund proximity score* | 0.048 (42nd %ile) | 0.13 (—). |
| RMP proximity score* | 0.17 (32nd %ile) | 0.77 (—). |
| Hazardous waste proximity score* | 0.059 (11th %ile) | 2.2 (—). |
| *Demographic Indicators:* | | |
| People of color population | 31% (52nd %ile) | 40% (—). |
| Low-income population | 25% (46th %ile) | 30% (—). |
| Linguistically isolated population | 2% (62nd %ile) | 5% (—). |
| Population with less than high school education | 13% (65th %ile) | 12% (—). |
| Population under 5 years of age | 9% (82nd %ile) | 6%. |
| Population over 64 years of age | 14% (44th %ile) | 16% (—). |

*The traffic proximity and volume indicator is a score calculated by daily traffic count divided by distance in meters to the road. The Superfund proximity, RMP proximity, and hazardous waste proximity indicators are all scores calculated by site or facility counts divided by distance in kilometers.

This proposed action is proposing limited approval and limited disapproval of Texas' February 28, 2022, SIP submittal to strengthen the SIP requirements for the Rusk-Panola NAA for the 2010 1-hour primary $SO_2$ NAAQS. Information on $SO_2$ and its relationship to negative health impacts can be found at final **Federal Register** notice titled ''Primary National Ambient Air Quality Standard for Sulfur Dioxide'' (75 FR 35520, June 22, 2010).[51] We expect that this action and resulting emissions reductions will generally be neutral or contribute to reduced environmental and health impacts on all populations in the Rusk-Panola NAA, including people of color and low-income populations in the Rusk-Panola nonattainment area. At a minimum, this action would not worsen any existing air quality and is expected to help the area make progress towards meeting requirements to attain air quality standards. Further, there is no information in the record indicating that this action is expected to have disproportionately high or adverse human health or environmental effects on a particular group of people.

## X. Statutory and Executive Order Reviews

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

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

[50] For additional information on environmental indicators and proximity scores in EJSCREEN, *see* ''EJSCREEN Environmental Justice Mapping and Screening Tool: EJSCREEN Technical Documentation for Version 2.2,'' Chapter 3 (July 2023) at *https://www.epa.gov/system/files/documents/2023-06/ejscreen-tech-doc-version-2-2.pdf*.

[51] See *https://www.federalregister.gov/d/2010-13947*.

• 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.

• 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.''

TCEQ did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA performed an environmental justice analysis, as is described above in the section titled, ''Environmental Justice Considerations.'' The analysis was done for the purpose of providing additional context and information about this rulemaking to the public, not as a basis of the 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. In addition, there is no information in the record upon which this decision is based inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed 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).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: July 29, 2024.

**Earthea Nance,**

*Regional Administrator, Region 6.*

[FR Doc. 2024–17053 Filed 8–1–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 282

**[EPA–R01–UST–2023–0321; FRL–11752–01–R1]**

## Massachusetts: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference, Proposed Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the State of Massachusetts' Underground Storage Tank (UST) program submitted by the Massachusetts Department of Environmental Protection (MassDEP). This action is based on EPA's determination that these revisions satisfy all requirements needed for program approval. This action also proposes to codify EPA's approval of Massachusetts' state program and to incorporate by reference those provisions of the State regulations that we have determined meet the requirements for approval. The provisions will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions.

**DATES:** Send written comments by September 3, 2024.

**ADDRESSES:** Submit any comments, identified by EPA–R01–UST–2023–0321, by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: coyle.joan@epa.gov.*

*Instructions:* Direct your comments to Docket ID No. EPA–R01–UST–2023–0321. EPA's policy is that all comments received will be included in the public docket without change and may be available online at *https://www.regulations.gov* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. The Federal *https://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. EPA encourages electronic submittals, but if you are unable to submit electronically, please reach out to the EPA contact person listed in the document for assistance.

**FOR FURTHER INFORMATION CONTACT:** Joan Coyle, Pesticides and UST Branch; Land, Chemicals, and Redevelopment Division; U.S. Environmental Protection Agency, Region 1, 5 Post Office Square (Mail Code 07–1), Boston, MA 02109–3912, 617–918–1393, *coyle.joan@epa.gov.*

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

**Authority:** This rule is issued under the authority of sections 2002(a), 9004, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

**David W. Cash,**

*Regional Administrator, EPA Region 1.*

[FR Doc. 2024–16809 Filed 8–1–24; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 79

**[CG Docket No. 05–231; FCC 24–80, FR ID 235802]**

## Closed Captioning of Video Programming

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Communications Commission (Commission) proposes to amend its closed captioning rules to relieve video programmers that provide programming exclusively to Public, Educational, and Governmental (PEG) channels that are exempt from the closed captioning requirements from the obligation to register with the Commission and certify captioning compliance. In addition, for programming carried on nonbroadcast networks for distribution by a cable operator or other multichannel video programming distributor (MVPD), the Commission proposes that captioning registration and certification requirements shall not apply to the providers of such programming if the network itself certifies that it is exempt or that all programming comprising the network's linear line-up is either exempt from or compliant with the closed captioning rules. This action is intended to simplify compliance procedures and reduce administrative costs for video programmers, without compromising the quality and availability of closed captioning.

**DATES:** Comments are due September 3, 2024. Reply comments are due September 16, 2024.

**ADDRESSES:** You may submit comments, identified by CG Docket No. 05–231, via the Federal Communications Commission's website: *https://www.fcc.gov/ecfs/.* Follow the instructions for submitting comments.

For detailed instructions for submitting comments and additional information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Joshua Mendelsohn, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202–559–7304, or *Joshua.Mendelsohn@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Further Notice of Proposed Rulemaking, document FCC 24–80, adopted on July 16, 2024, released on July 18, 2024, in CG Docket No. 05–231. The full text of document FCC 24–80 is available for public inspection and copying via the Commission's Electronic Comment Filing System (ECFS). To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

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

*Ex Parte Rules.* This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

### Initial Paperwork Reduction Act of 1995 Analysis

Document FCC 24–80 may result in a new or revised information collection requirement. If the Commission adopts any new or revised information collection requirement, the Commission will publish a notice in the **Federal Register** inviting the public to comment on the requirement, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

### Synopsis

### Background

Section 713 of the Communications Act (the Act) directs the Commission to

ensure that video programming is fully accessible through the provision of closed captioning. 47 U.S.C. 613(b). At present, all new English and Spanish language video programming, both analog and digital, and 75 percent of pre-rule video programming that is not exempt from the Commission's rules must be captioned. 47 CFR 79.1(b). Programming is exempt from the Commission's captioning rules if it (1) falls into one of 13 self-implementing, categorical exemptions, 47 CFR 79.1(d), or (2) has been granted an individual exemption from the closed captioning obligations after making a showing that providing captions would be economically burdensome. 47 U.S.C. 613(d)(3); 47 CFR 79.1(f). Categorical or individual captioning exemptions may apply on a channel-wide or program-by-program basis.

Since the inception of the Commission's closed captioning rules, the Commission has assigned primary responsibility for the provision of closed captioning on television programming to video programming distributors (VPDs). In 2014, the Commission added quality requirements for captions. In 2016, the Commission also placed captioning obligations on video programmers, as well as VPDs, and adopted requirements for each video programmer to register with the Commission and certify compliance with the captioning rules. Video programmers are required to register and submit certifications of compliance to the Commission once the Commission's website is ready to receive such certifications and a compliance date is published in the **Federal Register**.

Section 611 of the Act allows cable franchising authorities to establish requirements in a franchise with respect to designation or use of channel capacity for PEG use. Public access channels are available for the general public's use and typically are administered either by a cable operator or by a third party designated by the franchising authority. Programming time on *educational* access channels is typically allocated among local schools, colleges and universities by the franchising authority or the cable operator. Governmental access channels generally are controlled by local governments, which use these channels for governmental programming in their jurisdictions.

In a petition filed in August 2016, the Alliance for Community Media (ACM) requests that the closed captioning registration and certification requirements be waived for program producers that provide programs exclusively over PEG channels. ACM states that the vast majority of PEG channels fall within one or more of the Commission's closed captioning exemption categories, *e.g.,* because the channel produces annual revenue less than $3,000,000. Requiring each PEG program producer to register and certify compliance for its video programming on channels that are themselves exempt, ACM argues, would impose a significant and unnecessary burden on such programmers and needlessly clutter the Commission's registration system. The Commission sought and received comments on this petition.

In its comments, NCTA requests a clarification that video program owners (VPOs) of individual programs included in linear program networks distributed by MVPDs need not register or certify compliance with the captioning rules—or alternatively, that such obligations are waived if the network itself certifies compliance. NCTA suggests that a program-by-program certification or registration for each program licensed to a network for distribution by an MVPD is unnecessary.

The Commission proposes to amend its rules to provide that the closed-caption registration and certification requirements do not apply to any video programmer that provides video programming exclusively to PEG channels that are exempt on a channel-wide basis (under either a self-implementing exemption or the economic-burden exemption) and for which exemption certifications have been filed by the channel administrator. The Commission also seeks comment on the extent to which cable operators or other PEG channel administrators would be able, if they chose, to file accurate certifications of captioning compliance or exemption for the programming carried on non-exempt PEG channels, *i.e.,* those PEG channels that do not qualify for a channel-wide exemption. Finally, the Commission proposes to amend the captioning rules to provide that the registration and certification requirements do not apply to any video programmer that only licenses video programming to a nonbroadcast network for distribution by a cable operator or other MVPD, if such network has registered and certified to the Commission that the network itself is exempt or that all the programming comprising its linear line-up is either compliant with captioning obligations or exempt.

*Exempt PEG Channels.* The Commission tentatively concludes that the purpose of its captioning rules—to ensure the accessibility of all video programming for which an exemption from captioning is not warranted—is not served by requiring video programmers to file registrations and certifications if their programs are distributed exclusively on exempt PEG channels for which an exemption certification has been filed. The record indicates that most PEG programs are exhibited on PEG channels that are themselves exempt from the Commission's captioning rules, and for which an exemption certification could be filed by the channel administrator. Requiring that PEG programmers also certify to the same exemptions, ACM and others contend, would result in the filing of redundant exemption certifications by thousands of PEG programmers. A number of commenters point out that this would be burdensome and would serve no useful purpose. So long as the PEG channel administrator files the required contact information and a certification attesting to the channel's exemption from the captioning rules, the record to date suggests that consumers will have access to the information intended by the certification requirement, and that the Commission will have sufficient documentation to ensure accountability for compliance with its rules. Under the Commission's proposal, the PEG channel administrator would be responsible for the truthfulness of its certification. The Commission seeks comment on its tentative conclusion and its underlying rationale.

If the rules are amended as the Commission proposes, the Commission anticipates that most administrators of exempt PEG channels will certify as to the channel's exempt status. The Commission seeks comment on this expectation. In instances where a channel administrator does not register and certify, the Commission does not propose to relieve individual video programmers of their obligations to comply with the registration and certification requirements.

*Non-Exempt PEG Channels.* The Commission also seeks comment on whether there are circumstances in which video programmers whose programs are carried on *non-exempt* PEG channels should be relieved from registration and certification obligations. A non-exempt PEG channel is a PEG channel that does *not* qualify on a channel-wide basis for a categorical or individual exemption based on its revenues or the type of programming it carries. Specifically, are there instances in which the administrator of a non-exempt PEG channel would have the ability to certify that all the programming carried on the channel is either compliant with or exempt from

captioning obligations, thereby making it unnecessary for the individual programmers to provide certifications? The Commission notes that, because section 611(e) of the Act bars a cable operator from exercising editorial control over PEG channels, 47 U.S.C. 531(e), Commission rules do not require cable operators to *provide* closed captioning for PEG channel programming. 47 CFR 79.1. Where a PEG channel is administered by a cable operator, the Commission seeks comment on the extent to which, consistent with section 611(e) of the Act and Commission rules, a cable operator would be able to make accurate *certifications* of captioning compliance for video programming distributed on non-exempt PEG channels. Are other PEG channel administrators—such as government agencies, educational institutions, and designees of franchising authorities—able, as a factual matter, to make accurate certifications as to the exemption or captioning compliance of programming carried on non-exempt PEG channels? Do public interest considerations weigh in favor of or against the Commission relying on such certifications by cable operators or other administrators of non-exempt PEG channels? To the extent that the administrators of non-exempt PEG channels are able and willing to make such certifications, should the Commission amend its rules to relieve video programmers from filing duplicative certifications (as well as registration information) in such cases?

To be clear, the Commission is not proposing to *require* that cable operators or other PEG channel administrators submit certifications regarding any PEG channels or PEG channel programming; rather, the Commission seeks comment on the extent to which such certifications are feasible—*i.e.,* whether they could be accurately made, on a *voluntary* basis, to ease a regulatory burden that, under the current rules, would fall on producers of video programming carried on non-exempt PEG channels—and on whether to modify the Commission's rules to permit this.

*Effect on Caption Quality.* The Commission seeks comment on whether, and if so how, its proposed rule amendments would affect the quality of closed captioning on exempt and non-exempt PEG channels. The Commission further requests that all commenters identify costs and benefits to support their positions. The Commission notes that it does not propose any change in any video programmer's substantive captioning obligations for non-exempt programming. Accordingly, each such video programmer must either qualify individually for an exemption or provide closed captions. 47 CFR 79.1(b). The Commission also notes that even if a PEG channel is exempt under the Commission's rules, PEG channel administrators and the associated video programmers may still have obligations under other federal laws, such as the Americans with Disabilities Act, to make their video programming accessible to individuals with disabilities. Further, if the administrator of a PEG channel does not certify to the compliance or exemption of all programming on the channel, the providers of such programming would remain subject to the registration and certification requirements.

*Nonbroadcast Network Programming.* The Commission tentatively concludes that closed captioning registration and certification requirements should not apply to video programmers that provide or license video programming exclusively to a nonbroadcast network for distribution by a cable operator or other MVPD if such network has filed registration information and a certification with the Commission indicating that (1) the network itself is exempt or (2) all programming comprising its linear line-up is compliant with or exempt from captioning obligations. Conversely, if a nonbroadcast network does not certify that it is itself fully exempt, or that each of the programs comprising its channel line-up is in compliance with, or exempt from, the closed captioning obligations, each video programmer that provides programming on such network will remain subject to the registration and certification requirements. As an example, if the proposed rules are adopted, a food or sports network would continue to have an obligation to register with the Commission and certify the overall compliance of their programming with the captioning rules—or with applicable exemptions therefrom. However, the individual programmers that provide programs shown on these networks—such as baking shows and cooking contests in the case of a food network, and football and baseball games in the case of a sports network—would not be obligated to make these filings so long as their networks meet their own filing requirements.

Nonbroadcast networks are those networks whose programming is delivered via MVPDs, such as cable systems or satellite services. The Commission includes local and regional cable channels, such as local and regional cable news and sports channels, within the meaning of the term *nonbroadcast networks.* The Commission does not include PEG channels within the meaning of the term *nonbroadcast networks.* Nonbroadcast networks are themselves ''video programmers'' under the Commission's captioning rules. *See* 47 CFR 79.1(a)(9). Therefore, after the compliance date for registration and certification by video programmers, each nonbroadcast network must register with the Commission and annually certify either that the network itself is exempt or that each of the programs comprising its channel line-up is compliant with (or exempt from) the captioning rules. 47 CFR 79.1(i)(3), (m). These nonbroadcast networks must identify the categories of exemptions that are claimed, although they need not provide specific details, such as the names and timeslots for each such program.

In light of these existing registration and certification requirements for nonbroadcast networks, the Commission tentatively concludes that it would be unnecessarily duplicative for potentially thousands of program owners that supply programming exclusively to nonbroadcast networks to also register and file annual certifications with the Commission for the same programming addressed in the networks' filings. It appears that such redundant certifications would impose significant and unnecessary regulatory burdens. The Commission seeks comment on its tentative conclusion and its underlying rationale. Will the registration and certifications made by nonbroadcast networks provide the necessary information for consumers and the Commission to ensure accountability with and enforcement of Commission rules? Commenters should discuss the costs and benefits of any advocated approach.

*Digital Equity and Inclusion.* The Commission, as part of its continuing effort to advance digital equity for all, including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations and benefits (if any) that may be associated with the issues discussed herein. Specifically, the Commission seeks comment on how any Commission actions taken to address barriers to the distribution of independent and diverse programming may promote or inhibit advances in diversity, equity, inclusion, and accessibility.

**Initial Regulatory Flexibility Analysis**

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this document. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of this document.

*Need for, and Objective of, the Proposed Rules*

The Commission proposes to modify the video programmer registration and certification requirements by *not* applying those requirements to video programmers that *either:* provide video programming exclusively to public, educational, and governmental access channels (PEG channels) that are exempt from the provision of closed captioning pursuant to § 79.1(d) or (f) of the Commission's rules, or that certify compliance with or exemption from the closed captioning obligations for all programming shown over the PEG channel itself; *or* provide or license video programming to nonbroadcast networks for distribution by a cable operator or other MVPD, to the extent that such networks certify that the network itself is exempt, or certify compliance with or exemption from the closed captioning obligations for all programming comprising the network's linear line-up. The purpose of this proposed rule change is to relieve providers of video programming to cable or other multichannel systems from the obligation to register with the Commission and to certify captioning compliance if the relevant certification has been filed by another competent entity.

*Legal Basis.* The proposed action is authorized under sections 151, 154(i), 154(j), 303(r) and 713 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 303(r), and 613.

*Small Entities Impacted.* The proposals will affect obligations of small businesses, small organizations, and small governmental jurisdictions; establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis; establishments primarily engaged in producing, or producing and distributing motion pictures, videos, television programs, or television commercials; closed captioning services—teleproduction and other postproduction services; and court reporting and stenotype services.

*Description of Reporting, Recordkeeping, and Other Compliance Requirements*

The Commission proposes to amend the rules to *not* apply registration and certification requirements to those video programmers that *either* provide video programming exclusively to PEG access channels that are exempt from the provision of closed captioning or that certify compliance with or exemption from the closed captioning obligations for all programming shown over the PEG channel itself; *or* provide or license video programming to nonbroadcast networks, to the extent that such networks certify that the network itself is exempt, or certify compliance with or exemption from the closed captioning obligations for all programming comprising the network's linear line-up.

*Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered*

In proposing to amend the Commission's closed captioning rules, the Commission believes that it will minimize the effect on small entities while continuing to make television programming accessible to persons who are deaf and hard of hearing. The Commission's proposed amendments would relieve many entities, including small entities, from reporting requirements. Thus, the Commission proposes an amendment to the rules that would exclude coverage of the rule for many entities, including small entities, under certain circumstances.

*Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Proposals*

None.

**List of Subjects in 47 CFR Part 79**

Cable television, Television.

Federal Communications Commission.

**Katura Jackson,**

*Federal Register Liaison Officer.*

**Proposed Rules**

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 part 79 as follows:

## PART 79—ACCESSIBILITY OF VIDEO PROGRAMMING

■ 1. The authority citation for part 79 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, 330, 544a, 613, 617.

■ 2. Amend § 79.1 by redesignating paragraphs (a)(6) through (a)(13) as paragraphs (a)(7) through (a)(14) and adding paragraphs (a)(6), (i)(3)(iii), and (m)(6) to read as follows:

**§ 79.1 Closed captioning of televised video programming.**

* * * * *

(a) * * *

(6) *Nonbroadcast Network.* Networks whose programming is delivered via multichannel video programming distributors. Local and regional cable channels are included within the meaning of the term nonbroadcast networks.

* * * * *

(i) * * *

(3) * * *

(iii) Video programmers shall not be required to file contact information with the Commission pursuant to paragraph (i)(3)(ii) of this section if they provide video programming exclusively to a public, educational, or governmental (PEG) access channel, as described in section 531 of title 47 of the United States Code, or a nonbroadcast network, for which the administrator of the PEG access channel or nonbroadcast network has on file with the Commission:

(A) the contact information required by paragraph (i)(3)(ii); and

(B) a certification pursuant to paragraph (m) of this section attesting to:

(*1*) an exemption from the captioning rules for the nonbroadcast network or PEG channel itself; or

(*2*) compliance with, or exemption from, the captioning rules for the entire programming line-up of the nonbroadcast network or PEG channel itself.

* * * * *

(m) * * *

(6) Video programmers shall not be required to submit certifications to the Commission pursuant to this paragraph (m) if they provide video programming exclusively on a public, educational, or governmental (PEG) access channel, as described in section 531 of title 47 of the United States Code, or a nonbroadcast network, for which the administrator of the PEG access channel or nonbroadcast network has on file with the Commission:

(i) the contact information required by paragraph (i)(3)(ii); and

(ii) a certification pursuant to this paragraph (m) attesting to:

(A) an exemption from the captioning rules for the nonbroadcast network or PEG channel itself; or

(B) compliance with, or exemption from, the captioning rules for the entire programming line-up of the

nonbroadcast network or PEG channel itself.

[FR Doc. 2024–17071 Filed 8–1–24; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 32

**[Docket No. FWS–HQ–NWRS–2024–0034; FXRS12610900000–245–FF09R20000]**

**RIN 1018–BH17**

## National Wildlife Refuge System; 2024–2025 Station-Specific Hunting and Sport Fishing Regulations

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to open hunting opportunities on six National Wildlife Refuges (NWRs) and to expand hunting or sport fishing opportunities on seven NWRs. Crab Orchard NWR is proposing to close hunting on 111 acres so that the area can be used for visitor services facilities and activities. We also propose to make changes to existing station-specific regulations in order to reduce the regulatory burden on the public, increase access for hunters and anglers on Service lands and waters, and comply with a Presidential mandate for plain-language standards. Finally, the best available science, analyzed as part of this proposed rulemaking, indicates that lead ammunition and tackle have negative impacts on both wildlife and human health. In this proposed rule, Canaan Valley NWR in West Virginia is proposing to require lead-free ammunition for all hunting on the new Big Cove Unit. Additionally, Des Lacs, J. Clark Salyer, Lostwood, and Upper Souris NWRs in North Dakota are proposing to require lead-free ammunition for elk hunting. These proposals would be effective immediately in fall 2024, if adopted as part of a final rule. While the Service continues to evaluate the future of lead use in hunting and fishing on Service lands and waters, this rulemaking does not include any opportunities proposing to increase or authorize the new use of lead.

**DATES:** We will accept comments received or postmarked on or before September 3, 2024.

**ADDRESSES:**

*Written comments:* You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: *https://www.regulations.gov.* In the Search box, type in FWS–HQ–NWRS–2024–0034, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting screen, find the correct document and submit a comment by clicking on ''Comment.''
- *By hard copy:* Submit by U.S. mail or hand delivery: Public Comments Processing, Attn: FWS–HQ–NWRS–2024–0034, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803.

We will not accept email or faxes. We will post all comments on *https://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Request for Comments, below, for more information).

*Supporting documents:* For information on a specific refuge's or hatchery's public use program and the conditions that apply to it, contact the respective regional office at the address or phone number given in Available Information for Specific Stations under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Christian Myers, (571) 422–3595. Please see Docket No. FWS–HQ–NWRS–2024–0034 on *https://www.regulations.gov* for a document that summarizes this proposed rule.

**SUPPLEMENTARY INFORMATION:**

### Background

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), as amended (Administration Act), closes NWRs in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that the use is compatible with the purposes of the refuge and National Wildlife Refuge System (Refuge System) mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

We annually review hunting and sport fishing programs to determine whether to include additional stations or whether individual station regulations governing existing programs need modifications. Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to station-specific regulations to ensure the continued compatibility of hunting and sport fishing programs and to ensure that these programs will not materially interfere with or detract from the fulfillment of station purposes or the Refuge System's mission.

Provisions governing hunting and sport fishing on refuges are in title 50 of the Code of Federal Regulations at part 32 (50 CFR part 32), and on hatcheries at part 71 (50 CFR part 71). We regulate hunting and sport fishing to:

- Ensure compatibility with refuge and hatchery purpose(s);
- Properly manage fish and wildlife resource(s);
- Protect other values;
- Ensure visitor safety; and
- Provide opportunities for fish- and wildlife-dependent recreation.

On many stations where we decide to allow hunting and sport fishing, our general policy of adopting regulations identical to State hunting and sport fishing regulations is adequate to meet these objectives. On other stations, we must supplement State regulations with more-restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined under Statutory Authority, below. We issue station-specific hunting and sport fishing regulations when we open national wildlife refuges and fish hatcheries to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations may list the wildlife species that you may hunt or fish; seasons; bag or creel (container for carrying fish) limits; methods of hunting or sport fishing; descriptions of areas open to hunting or sport fishing; and other provisions as appropriate.

### Statutory Authority

The Administration Act, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act; Pub. L. 105–57), governs the administration and public use of refuges, and the Refuge Recreation Act of 1962 (Recreation Act; 16 U.S.C. 460k–460k–4) governs the administration and public use of refuges and hatcheries.

Amendments enacted by the Improvement Act were built upon the Administration Act in a manner that

provides an ''organic act'' for the Refuge System, similar to organic acts that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the Refuge System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on conservation of fish, wildlife, and plant resources and their habitats. The Improvement Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible with the purpose for which the refuge was established and the mission of the Refuge System. The Improvement Act established as the policy of the United States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife. The Improvement Act established six wildlife-dependent recreational uses as the priority general public uses of the Refuge System. These uses are hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Recreation Act authorizes the Secretary to administer areas within the Refuge System and Hatchery System for public recreation as an appropriate incidental or secondary use only to the extent that doing so is practicable and not inconsistent with the primary purpose(s) for which Congress and the Service established the areas. The Recreation Act requires that any recreational use of refuge or hatchery lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The Administration Act and Recreation Act also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

We develop specific management plans for each refuge prior to opening it to hunting or sport fishing. In many cases, we develop station-specific regulations to ensure the compatibility of the programs with the purpose(s) for which we established the refuge or hatchery and the Refuge and Hatchery System mission. We ensure initial compliance with the Administration Act and the Recreation Act for hunting and sport fishing on newly acquired land through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these acts prior to adding refuges or hatcheries to the lists of areas open to hunting and sport fishing in 50 CFR part 32 or 71, respectively. We ensure continued compliance by the development of comprehensive conservation plans and step-down management plans, and by annual review of hunting and sport fishing programs and regulations.

**Proposed Amendments to Existing Regulations**

*Updates to Hunting and Fishing Opportunities on NWRs*

This document proposes to codify in the Code of Federal Regulations all the Service's hunting and/or sport fishing regulations that we would update since the last time we published a rule amending these regulations (88 FR 74050; October 30, 2023) and that are applicable at Refuge System units previously opened to hunting and/or sport fishing. We propose this to better inform the general public of the regulations at each station, to increase understanding and compliance with these regulations, and to make enforcement of these regulations more efficient. In addition to finding these regulations in 50 CFR part 32, visitors to our stations may find them reiterated in literature distributed by each station or posted on signs.

TABLE 1—PROPOSED CHANGES FOR 2024–2025 HUNTING/SPORT FISHING SEASON

| Station | State | Migratory bird hunting | Upland game hunting | Big game hunting | Sport fishing |
|---|---|---|---|---|---|
| Bayou Teche NWR | Louisiana | E | Already Open | E | Already Open. |
| Canaan Valley NWR | West Virginia | E | E | E | Already Open. |
| Des Lacs NWR | North Dakota | Already Closed | Already Open | O | Already Closed. |
| Green River NWR | Kentucky | N | Already Closed | N | Already Closed. |
| Horicon NWR | Wisconsin | Already Open | Already Open | Already Open | E. |
| J. Clark Salyer NWR | North Dakota | Already Open | Already Open | O | Already Open. |
| Lostwood NWR | North Dakota | Already Closed | Already Open | O | Already Closed. |
| Trinity River NWR | Texas | O | Already Open | E | Already Open. |
| Turnbull NWR | Washington | Already Open | Already Closed | E | Already Closed. |
| Upper Souris NWR | North Dakota | Already Closed | Already Open | O | Already Open. |
| Valentine NWR | Nebraska | Already Open | E | Already Open | Already Open. |
| Waccamaw NWR | South Carolina | E | Already Open | Already Open | Already Open. |

Key:
N = New station opened for the first time.
O = Opening (New species and/or new activity on a station previously open to other activities)
E = Expansion (Station is already open to the activity: the proposed rule would add new lands/waters, modify areas open to hunting or fishing, extend season dates, add a targeted hunt, modify season dates, modify hunting hours, etc.).

The changes for the 2024–2025 hunting/fishing season noted in the table above are each based on a complete administrative record which, among other detailed documentation, also includes a hunt plan, a compatibility determination, and the appropriate National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) analysis, all of which are subject to a public review and comment process. These supporting documents are available alongside this proposed rule at Docket No. FWS–HQ–NWRS–2024–0034 on *https://www.regulations.gov.*

The Service remains concerned that lead is an important issue, and we will continue to appropriately evaluate and regulate the use of lead ammunition and tackle on Service lands and waters. The Service has initiated stakeholder engagement to implement a deliberate, open, and transparent process of evaluating the future of lead use on Service lands and waters, working with our State partners, and seeking input and recommendations from the Hunting and Wildlife Conservation Council, other stakeholders, and the public. The best available science, analyzed as part

of this proposed rulemaking, indicates that lead ammunition and tackle can have negative impacts on wildlife, and that exposure to lead has negative impacts to human health. Based on the best available science and sound professional judgment, where appropriate, the Service may propose to require the use of lead-free ammunition and tackle on Service lands and waters, as we have done in certain cases already. While the Service continues to evaluate the future of lead use in hunting and fishing on Service lands and waters, we will continue to work with stakeholders and the public to evaluate lead use through the annual rulemaking process. In the interim, we will not allow for any increase in lead use on Service lands and waters. Therefore, this proposed rule does not include any opportunities proposing to increase or authorize the new use of lead. Crab Orchard NWR is proposing to close hunting on 111 acres that are currently open to hunting so that the area can be used for visitor services facilities and activities, which is not expected to impact hunter use rates or lead use. Turnbull, Horicon, and Valentine NWRs are proposing hunting and fishing expansions to species where lead-free ammunition or tackle is already required on the refuges. Trinity River, Bayou Teche, Green River, and Waccamaw NWRs are either proposing to open or expand archery deer hunting or to open or expand migratory bird hunting, which do not involve lead ammunition. Des Lacs, J. Clark Salyer, Lostwood, and Upper Souris NWRs are proposing to open elk hunting that would require the use of lead-free ammunition immediately in the fall 2024 season. In this proposed rule, Canaan Valley NWR is proposing to expand all hunting to the Big Cove Unit and proposing to require the use of lead-free ammunition immediately in the fall 2024 season on the Big Cove Unit.

**Fish Advisory**

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish-consumption advisories on the internet at *https://www.epa.gov/choose-fish-and-shellfish-wisely*.

**Request for Comments**

You may submit comments and materials on this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES.** We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES.**

We will post your entire comment on *https://www.regulations.gov*. Before including personal identifying information in your comment, you should be aware that we may make your entire comment—including your personal identifying information—publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *https://www.regulations.gov*.

**Required Determinations**

*Clarity of This Proposed Rule*

Executive Orders 12866 and 12988 and the Presidential Memorandum of June 1, 1998, require us to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

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

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

Executive Order (E.O.) 14094 reaffirms the principles of E.O. 12866 and E.O. 13563 and states that regulatory analysis should facilitate agency efforts to develop regulations that serve the public interest, advance statutory objectives, and are consistent with E.O. 12866, E.O. 13563, and the Presidential Memorandum of January 20, 2021 (Modernizing Regulatory Review). Regulatory analysis, as practicable and appropriate, shall recognize distributive impacts and equity, to the extent permitted by law. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

E.O. 12866, as reaffirmed by E.O. 13563 and E.O. 14094, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this proposed rule is not significant.

*Regulatory Flexibility Act*

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule would open or expand hunting on 12 NWRs. As a result, visitor use for wildlife-dependent recreation on these stations will change. If the stations establishing new programs were a pure addition to the current supply of those activities, it would mean an estimated maximum increase of 1,481 user days (one person per day participating in a recreational opportunity; see table 2). Because the participation trend is flat in these activities, this increase in supply will most likely be offset by other sites losing participants. Therefore, this is likely to be a substitute site for the activity and not necessarily an increase in participation rates for the activity.

TABLE 2—ESTIMATED MAXIMUM CHANGE IN RECREATION OPPORTUNITIES IN 2024–2025

[2023 Dollars in thousands]

| Station | Additional hunting days | Additional fishing days | Additional expenditures |
|---|---|---|---|
| Bayou Teche NWR | 40 | ..... | $1.6 |
| Canaan Valley NWR | 20 | ..... | 0.8 |
| Des Lacs NWR | 70 | ..... | 2.8 |
| Green River NWR | 144 | ..... | 5.7 |
| Horicon NWR | ..... | 365 | 15.1 |
| J. Clark Salyer NWR | 70 | ..... | 2.8 |
| Lostwood NWR | 70 | ..... | 2.8 |
| Trinity River NWR | 300 | ..... | 11.9 |
| Turnbull NWR | 272 | ..... | 10.8 |
| Upper Souris NWR | 70 | ..... | 2.8 |
| Valentine NWR | 60 | ..... | 2.4 |
| Waccamaw NWR | 0 | ..... | 0 |
| Total | 1,116 | 365 | 59.5 |

To the extent visitors spend time and money in the area of the station that they would not have spent there anyway, they contribute new income to the regional economy and benefit local businesses. Due to the unavailability of site-specific expenditure data, we use the national estimates from the 2016 National Survey of Fishing, Hunting, and Wildlife Associated Recreation to identify expenditures for food and lodging, transportation, and other incidental expenses. Using the average expenditures for these categories with the maximum expected additional participation of the Refuge System yields approximately $59,500 in recreation-related expenditures (see table 2, above). By having ripple effects throughout the economy, these direct expenditures are only part of the economic impact of these recreational activities. Using a national impact multiplier for hunting activities (2.51) derived from the report ''Hunting in America: An Economic Force for Conservation'' and for fishing activities (2.51) derived from the report ''Sportfishing in America'' yields a total maximum economic impact of approximately $150,000 (2023 dollars) (Southwick Associates, Inc., 2018).

Since we know that most of the fishing and hunting occurs within 100 miles of a participant's residence, then it is unlikely that most of this spending will be ''new'' money coming into a local economy; therefore, this spending will be offset with a decrease in some other sector of the local economy. The net gain to the local economies will be no more than $149,000 and likely less. Since 80 percent of the participants travel less than 100 miles to engage in hunting and fishing activities, their spending patterns will not add new money into the local economy and, therefore, the real impact will be on the order of about $30,000 annually.

Small businesses within the retail trade industry (such as hotels, gas stations, taxidermy shops, bait-and-tackle shops, and similar businesses) may be affected by some increased or decreased station visitation. A large percentage of these retail trade establishments in the local communities around NWRs qualify as small businesses (see table 3, below). We expect that the incremental recreational changes will be scattered, and so we do not expect that the rule will have a significant economic effect on a substantial number of small entities in any region or nationally. As noted previously, we expect at most $59,500 to be spent in total in the refuges' local economies. The maximum increase will be less than one-tenth of 1 percent for local retail trade spending (see table 3, below). Table 3 does not include entries for those NWRs for which we project no changes in recreation opportunities in 2024–2025; see table 2, above.

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL STATION VISITATION FOR 2024–2025

[Thousands, 2023 dollars]

| Station/county(ies) | Retail trade in 2017 [1] | Estimated maximum addition from new activities | Addition as (%) of total | Establishments in 2017 [1] | Establishments with fewer than 10 employees in 2017 |
|---|---|---|---|---|---|
| Bayou Teche: | | | | | |
| St. Mary Parish, LA | $658,214 | $2 | <0.1 | 186 | 145 |
| Canaan Valley: | | | | | |
| Grant, WV | 133,024 | 0 | <0.1 | 42 | 28 |
| Tucker, WV | 79,611 | 0 | <0.1 | 28 | 20 |
| Des Lacs: | | | | | |
| Renville, ND | 43,869 | 3 | <0.1 | 13 | 11 |
| Green River: | | | | | |
| Henderson, KY | 825,225 | 6 | <0.1 | 150 | 98 |
| Horicon: | | | | | |
| Dodge, WI | 1,069,734 | 8 | <0.1 | 232 | 154 |
| Fond du Lac, WI | 2,137,970 | 8 | <0.1 | 344 | 207 |
| J. Clark Salyer: | | | | | |
| McHenry, ND | 39,926 | 3 | <0.1 | 19 | 14 |

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL STATION VISITATION FOR 2024–2025—Continued

[Thousands, 2023 dollars]

| Station/county(ies) | Retail trade in 2017 [1] | Estimated maximum addition from new activities | Addition as (%) of total | Establishments in 2017 [1] | Establishments with fewer than 10 employees in 2017 |
|---|---|---|---|---|---|
| Lostwood: | | | | | |
| Burke, ND | 38,614 | 1 | <0.1 | 8 | 4 |
| Mountrail, ND | $228,282 | 1 | <0.1 | 47 | 27 |
| Trinity River: | | | | | |
| Liberty, TX | 1,047,020 | 12 | <0.1 | 201 | 143 |
| Turnbull: | | | | | |
| Spokane, WA | 9,754,429 | 11 | <0.1 | 1,627 | 1,036 |
| Upper Souris: | | | | | |
| Renville, ND | 43,869 | 1 | <0.1 | 13 | 11 |
| Ward, ND | 1,844,525 | 1 | <0.1 | 309 | 169 |
| Valentine: | | | | | |
| Cherry, NE | 116,107 | 2 | <0.1 | 43 | 30 |
| Waccamaw: | | | | | |
| Georgetown, SC | 1,035,984 | 0 | 0 | 287 | 206 |

[1] U.S. Census Bureau.

With the small change in overall spending anticipated from this proposed rule, it is unlikely that a substantial number of small entities will have more than a small impact from the spending change near the affected stations. Therefore, we certify that this rule, as proposed, will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required.

*Congressional Review Act*

The proposed rule is not a major rule under 5 U.S.C. 804(2), the Congressional Review Act. We anticipate no significant employment or small business effects. This proposed rule:

a. Would not have an annual effect on the economy of $100 million or more. The minimal impact would be scattered across the country and would most likely not be significant in any local area.

b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This proposed rule would have only a slight effect on the costs of hunting opportunities for Americans. If the substitute sites are farther from the participants' residences, then an increase in travel costs would occur. The Service does not have information to quantify this change in travel cost but assumes that, since most people travel less than 100 miles to hunt, the increased travel cost would be small. We do not expect this proposed rule to affect the supply or demand for hunting opportunities in the United States, and, therefore, it should not affect prices for hunting equipment and supplies, or the retailers that sell equipment.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule represents only a small proportion of recreational spending at NWRs. Therefore, if adopted, this proposed rule would have no measurable economic effect on the wildlife-dependent industry, which has annual sales of equipment and travel expenditures of $72 billion nationwide.

*Unfunded Mandates Reform Act*

Since this proposed rule would apply to public use of federally owned and managed refuges, it would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The proposed rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

*Takings (E.O. 12630)*

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This proposed rule would affect only visitors at NWRs and would describe what they can do while they are on a Service station.

*Federalism (E.O. 13132)*

As discussed under *Regulatory Planning and Review* and *Unfunded Mandates Reform Act,* above, this proposed rule would not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement under E.O. 13132. In preparing this proposed rule, we worked with State governments.

*Civil Justice Reform (E.O. 12988)*

In accordance with E.O. 12988, the Department of the Interior has determined that this proposed rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the E.O.

*Energy Supply, Distribution or Use (E.O. 13211)*

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, or use. E.O. 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. Because this proposed rule would open or expand hunting at twelve NWRs, it is not a significant regulatory action under E.O. 12866, and we do not expect it to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no statement of energy effects is required.

*Consultation and Coordination With Indian Tribal Governments (E.O. 13175)*

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian Tribes and

have determined that there are no effects. We coordinate recreational use on NWRs and National Fish Hatcheries with Tribal governments having adjoining or overlapping jurisdiction before we propose the regulations.

*Paperwork Reduction Act (PRA)*

This proposed rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB previously approved the information collection requirements associated with application and reporting requirements associated with hunting and sport fishing and assigned OMB Control Number 1018–0140 (expires 09/30/2025). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

*Endangered Species Act Section 7 Consultation*

We comply with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), when developing comprehensive conservation plans and step-down management plans—which includes hunting and/or fishing plans—for public use of refuges and hatcheries, and prior to implementing any new or revised public recreation program on a station as identified in 50 CFR 26.32. We complied with section 7 for each of the stations affected by this proposed rulemaking.

*National Environmental Policy Act*

We analyzed this proposed rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4332(C)), 43 CFR part 46, and 516 Departmental Manual (DM) 8.

A categorical exclusion from NEPA documentation applies to publication of proposed amendments to station-specific hunting and fishing regulations because they are technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (43 CFR 46.210 and 516 DM 8). Concerning the actions that are the subject of this proposed rulemaking, we have complied with NEPA at the project level when developing each proposal. This is consistent with the Department of the Interior instructions for compliance with NEPA where actions are covered sufficiently by an earlier environmental document (43 CFR 46.120).

Prior to the addition of a refuge or hatchery to the list of areas open to hunting and fishing in 50 CFR parts 32 and 71, we develop hunting and fishing plans for the affected stations. We incorporate these proposed station hunting and fishing activities in the station comprehensive conservation plan and/or other step-down management plans, pursuant to our refuge planning guidance in 602 Fish and Wildlife Service Manual (FW) 1, 3, and 4. We prepare these comprehensive conservation plans and step-down plans in compliance with section 102(2)(C) of NEPA, the Council on Environmental Quality's regulations for implementing NEPA in 40 CFR parts 1500 through 1508, and the Department of Interior's NEPA regulations at 43 CFR part 46. We invite the affected public to participate in the review, development, and implementation of these plans. Copies of all plans and NEPA compliance are available from the stations at the addresses provided below.

**Available Information for Specific Stations**

Individual refuge and hatchery headquarters have information about public use programs and conditions that apply to their specific programs and maps of their respective areas. To find out how to contact a specific refuge or hatchery, contact the appropriate Service office for the States and Territories listed below:

Hawaii, Idaho, Oregon, and Washington. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 NE 11th Avenue, Portland, OR 97232–4181; Telephone (503) 231–6203.

Arizona, New Mexico, Oklahoma, and Texas. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW, Albuquerque, NM 87103; Telephone (505) 248–6635.

Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; Telephone (612) 713–5476.

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345; Telephone (404) 679–7356.

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589; Telephone (413) 253–8307.

Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 134 Union Blvd., Lakewood, CO 80228; Telephone (303) 236–4377.

Alaska. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1011 E Tudor Rd., Anchorage, AK 99503; Telephone (907) 786–3545.

California and Nevada. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825; Telephone (916) 767–9241.

**Primary Author**

Christian Myers, Division of Natural Resources and Conservation Planning, National Wildlife Refuge System, is the primary author of this rulemaking document.

**Proposed Regulation Summary Table**

The regulatory amendments set forth below are presented alongside existing station-specific regulations that have not been amended. For a table that provides additional clarity on which specific regulatory provisions have been amended, please see Docket No. FWS–HQ–NWRS–2024–0034 on *https://www.regulations.gov* for a separate document containing a table that provides additional clarity on which specific regulatory provisions have been amended and how they have been amended.

**List of Subjects in 50 CFR Part 32**

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

**Proposed Regulation Promulgation**

For the reasons described in the preamble, we propose to amend title 50, chapter I, subchapter C of the Code of Federal Regulations as set forth below:

## PART 32—HUNTING AND FISHING

■ 1. The authority citation for part 32 continues to read as follows:

**Authority:** 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i; Pub. L. 115–20, 131 Stat. 86.

■ 2. Amend § 32.7 by revising and republishing paragraph (q) to read as follows:

**§ 32.7 What refuge units are open to hunting and/or sport fishing?**

* * * * *

(q) *Kentucky.* (1) Clarks River National Wildlife Refuge.

(2) Green River National Wildlife Refuge.

(3) Ohio River Islands National Wildlife Refuge.

(4) Reelfoot National Wildlife Refuge.

* * * * *

■ 3. Amend § 32.24 by revising and republishing paragraphs (j), (m), and (x) to read as follows:

**§ 32.24 California.**

* * * * *

(j) *Lower Klamath National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 16 or older. All hunters age 15 and younger must remain in the immediate presence of an adult (age 18 or older) at all times while in the field.

(ii) Unless otherwise posted, we require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the waterfowl lottery each year.

(iii) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(iv) Shooting hours end at 1 p.m. on all California portions of the refuge with the following exceptions:

(A) The refuge manager may designate up to 6 afternoon special youth, ladies, veteran, or disabled hunter waterfowl hunts per season.

(B) The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

(v) We prohibit the setting of decoys in retrieving zones.

(vi) Pit-style hunting blinds located in the Stearns units and unit 9D are first-come, first-served. We require you to hunt within a 200-foot (61-meter) radius of the blind.

(2) *Upland game hunting.* We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

(i) In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 16 or older.

(ii) All hunters age 15 or younger must remain in the immediate presence of an adult (age 18 or older) at all times while in the field.

(3)–(4) [Reserved]

* * * * *

(m) *Modoc National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge subject to the following conditions:

(i) On the opening weekend of the hunting season, hunters must possess and carry a refuge permit (FWS Form 3–2439, Hunt Application/Permit—National Wildlife Refuge System) issued through random drawing to hunters with advance reservations only.

(ii) After the opening weekend of the hunting season, we only allow hunting on Tuesdays, Thursdays, and Saturdays. Hunters must check-in and out of the refuge by using self-service permits (FWS Form 3–2405, Self-Clearing Check-in/out Permit). Hunters must completely fill out the ''Refuge Hunt Permit'' portion of the permit and deposit it in the drop box prior to hunting. Hunters must complete and display the ''Daily Vehicle Permit'' in the windshield of the hunter's vehicle prior to hunting. The hunter must possess and carry the ''Record of Kill'' and ''Waterfowl Harvest Statistics'' portions of the permit while on the refuge and turn them in prior to exiting the hunting area.

(iii) In the designated spaced blind area, you must remain within the blind assigned to you.

(iv) All hunters age 15 and younger must remain in the immediate presence of an adult (age 18 or older) at all times while in the field.

(v) You may not possess more than 25 shot shells while in the field once you have left your assigned parking lot or boat launch.

(vi) You may only use portable blinds in the free-roam hunting areas.

(vii) You must remove all blinds, decoys, shell casings, other personal equipment, and refuse from the refuge at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(viii) Hunters must enter and exit the hunting area from the three designated hunt parking lots, which we open 1½ hours before legal shooting time and close 1 hour after legal shooting time each hunt day.

(ix) We only allow walk-in access to the hunt area by foot and nonmotorized cart.

(2) *Upland game hunting.* We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

(i) We limit hunting to junior hunters possessing a valid State Junior Hunting License and refuge Junior Pheasant Hunt Permit (FWS Form 3–2439, Hunt Application/Permit—National Wildlife Refuge System).

(ii) All hunters age 15 and younger must remain in the immediate presence of an adult (age 18 or older) at all times while in the field.

(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing only on Dorris Reservoir subject to the following conditions:

(i) We prohibit fishing from October 1 to January 31.

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) We allow only walk-in access to Dorris Reservoir from February 1 through March 31.

(iv) We allow use of boats for fishing on Dorris Reservoir only from April 1 through September 30.

* * * * *

(x) *Tule Lake National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 16 or older.

(ii) All hunters age 15 or younger must remain in the immediate presence of an adult (age 18 or older) at all times while in the field.

(iii) Unless otherwise posted, we require advance reservations for the first 2 days of the hunting season. You may obtain a reservation through the waterfowl lottery each year.

(iv) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(v) Shooting hours end at 1 p.m. on all portions of the refuge with the following exceptions:

(A) The refuge manager may designate up to 6 afternoon special youth, ladies, veteran, or disabled hunter waterfowl hunts per season.

(B) The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

(vi) You select blind sites by lottery at the beginning of each hunt day. You may shoot only from within your assigned blind site.

(vii) We prohibit the setting of decoys in retrieving zones.

(viii) We prohibit air-thrust and inboard water-thrust boats while hunting. We prohibit the use of all-terrain amphibious or utility-type vehicles (UTVs) in wetland units.

(2) *Upland game hunting.* We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

(i) In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 16 or older.

(ii) All hunters age 15 or younger must remain in the immediate presence of an adult (age 18 or older) at all times while in the field.

(3)–(4) [Reserved]

■ 4. Amend § 32.36 by:

■ a. Redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively; and

■ b. Adding a new paragraph (b).

The addition reads as follows:

**§ 32.36 Kentucky.**

* * * * *

(b) *Green River National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, teal, and dove on designated areas of the refuge subject to the following conditions:

(i) Each hunter age 12 and older must possess and carry a signed refuge hunting brochure (FWS Form 3–2439, Hunt Application/Permit—National Wildlife Refuge System) while hunting on the refuge.

(ii) All hunters age 15 or younger must be supervised by an adult age 21 or older and must remain in sight of and normal voice contact with the adult. The adult may supervise no more than two youths.

(iii) We prohibit hunting within 100 yards (91 meters) of a residence, graveled road, or hiking trail managed by the Service as part of Green River NWR.

(iv) We prohibit the use of trail cameras.

(v) We allow the use of boats operated only by manual power or an electric trolling motor for hunters to access the refuge. We prohibit the use of internal combustion motors, personal watercraft (*e.g.,* jet skis), airboats, and hovercraft on waters owned and managed by Green River NWR.

(vi) We allow the use of bikes, including e-bikes, for hunters to access the refuge along designated routes only (graveled and paved roads, and established trails) managed by the Service as part of Green River NWR. We prohibit the use of internal combustion motors on lands owned and managed by Green River NWR.

(vii) We allow the use of off-road or all-terrain vehicles (*e.g.,* ATVs/UTVs) only for mobility-impaired hunters who, while hunting on the refuge, possess and carry a valid General Activities Special Use Permit (FWS Form 3–1383–G) approved by the refuge manager.

(viii) We prohibit marking or flagging any tree or other refuge feature with non-biodegradable reflectors, paint, flagging, or other substances.

(ix) Access to open hunting areas of the refuge is from 2 hours before legal sunrise to 2 hours after legal sunset.

(x) We prohibit the killing or wounding of a game animal and then intentionally or knowingly failing to make a reasonable effort to retrieve and include it in the hunter's bag limit.

(xi) We allow duck, goose, coot, wood duck, teal, and merganser hunting from ½ hour before legal sunrise until 12 p.m. (noon). We allow dove hunting according to State shooting hours.

(xii) We allow the use of dogs for migratory game bird hunting. Dog owners and handlers must have a collar on each dog with the owner's contact information (FWS Form 3–2439).

(xiii) For migratory game bird hunting, you must remove all decoys, blinds, and hunting equipment at the end of each day's hunt (see § 27.93 of this chapter).

(xiv) For youth, seniors, and disabled hunters, as defined by the State, the Horseshoe Bend Unit will be open to waterfowl hunting during the months of December and January of the Statewide waterfowl season, and during the additional Statewide veterans and youth hunt dates in February.

(xv) We prohibit waterfowl hunting during any Statewide seasons prior to December.

(xvi) We prohibit all entry to the Tscharner East section of the Bluff Unit from November 1 through March 31.

(xvii) The big game quota hunt in the month of November of the Statewide white-tailed deer season is open only to holders of a big game quota permit (FWS Form 3–2439, Hunt Application/Permit—National Wildlife Refuge System). During that hunt, the Tscharner West section of the Bluff Unit and the Horseshoe Bend Unit are closed to all non-selected hunters and the general public.

(2) [Reserved]

(3) *Big game hunting.* We allow only archery and crossbow hunting of white-tailed deer and turkey, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i), (iii) through (x), (xvi), and (xvii) of this section apply.

(ii) Hunters age 15 and younger must be supervised by an adult age 21 or older and must remain in sight of and normal voice contact with the adult. The adult may supervise no more than one youth.

(iii) We allow white-tailed deer and turkey hunting according to State shooting hours.

(iv) You must use safety belts at all times when occupying tree stands.

(v) You must remove all tree stands (portable and climbing) and ground blinds by legal sunset of each day's hunt.

(vi) You may use no more than one stand or blind per hunter.

(vii) The big game quota permit (FWS Form 3–2439, Hunt Application/Permit—National Wildlife Refuge System) is a limited entry permit, is zone-specific, and is nontransferable.

(viii) During the big game quota hunt, we allow only hunters possessing a valid big game quota permit (FWS Form 3–2439, Hunt Application/Permit—National Wildlife Refuge System) on the refuge and only for the purposes of deer and turkey hunting.

(ix) For the drawn holders of a big game quota permit (FWS Form 3–2439, Hunt Application/Permit—National Wildlife Refuge System), the Horseshoe Bend Unit and Tscharner West section of the Bluff Unit will be open, up to 21 days, during the month of November of the Statewide season.

(x) For youth, seniors, and disabled hunters, as defined by the State, the Horseshoe Bend Unit and Tscharner West section of the Bluff Unit will be open to archery and crossbow hunting of deer and turkey during the months of September and October in accordance with State season dates.

(xi) For youth, as defined by the State, the Horseshoe Bend Unit and Tscharner West section of the Bluff Unit will be open to archery and crossbow hunting of turkey during the months of April and May in accordance with State season dates.

(4) [Reserved]

* * * * *

■ 5. Amend § 32.37 by revising and republishing paragraphs (d), (e), and (m) to read as follows:

**§ 32.37 Louisiana.**

* * * * *

(d) *Bayou Teche National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter)

within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facility.

(iii) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during small game and migratory game bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(iv) We require waterfowl and gallinule hunters to remove all portable blinds and decoys from the refuge by 2 p.m. each day (see §§ 27.93 and 27.94 of this chapter).

(v) Migratory bird hunters are only allowed to enter the refuge after 4 a.m.

(vi) We allow waterfowl hunting daily until 2 p.m. during the State regular season, State teal season, and State youth and veteran waterfowl seasons. We allow gallinule, snipe, and rail hunting until 2 p.m.

(vii) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(viii) We allow only the use of reflective tacks as marking devices.

(ix) We only allow the incidental take of nutria with approved shot and weapons during any open waterfowl season on the refuge. We allow the incidental take of raccoon, feral hog, armadillo, opossum, and coyote with approved shot and weapons during any open season on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel and rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We only allow hunting from the start of the State squirrel and rabbit seasons until the last day of State waterfowl season for the State Waterfowl Zone in which you are hunting.

(ii) We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

(iii) Hunters must leave the refuge no later than 2 hours after legal sunset.

(iv) When hunting, you must possess only shot size 4 or smaller or 0.22 caliber rimfire rifles or smaller. We allow the use of air rifles.

(v) The conditions set forth at paragraphs (d)(1)(i) through (iii) and (viii) through (x) of this section apply.

(vi) The conditions set forth at paragraphs (d)(2)(i) through (iv) of this section do not apply to upland game hunting on the Mitigation Units.

(3) *Big game hunting.* We allow the hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We allow hunting with firearms (see § 27.42 of this chapter) of deer only on 5 specific days in October and November each year. A youth gun hunt will occur on 2 days, consisting of both the Saturday and the Sunday of the last full weekend within the month of October. The general gun hunt will occur on 3 days, consisting of the Friday immediately before and the last full weekend within the month of November.

(ii) We allow archery deer hunting according to the State of Louisiana archery season. We close refuge archery hunting during refuge deer gun hunts.

(iii) We allow each hunter to possess only one deer per day; the deer may be a buck or a doe.

(iv) Hunters may use only portable deer stands. Hunters may erect deer stands no earlier than 48 hours before the deer archery season and must remove them from the refuge within 48 hours after the season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge. Deer stands must have the owner's State hunting license/sportsman's identification number clearly printed on the stand.

(v) The conditions set forth at paragraphs (d)(1)(i) through (iii), (viii), and (x) and (d)(2)(iii) of this section apply.

(vi) The condition set forth at paragraph (d)(3)(i) of this section does not apply to big game hunting on the Mitigation Units.

(vii) We prohibit the use of deer decoys.

(viii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(ix) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations).

(4) *Sport fishing.* We allow sport fishing in all refuge waters subject to the following conditions:

(i) We prohibit the use of unattended nets, traps, or lines (trot, jug, bush, etc.).

(ii) The condition set forth at paragraph (d)(1)(i) of this section applies.

(iii) The refuge is only open to recreational finfishing and shellfishing from legal sunrise to legal sunset.

(e) *Big Branch Marsh National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, coot, light and dark goose, snipe, rail, gallinule, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow waterfowl, snipe, rail, gallinule, dove, and goose hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m., including waterfowl hunting during the State teal season and State youth and veterans waterfowl seasons. We only allow hunting of woodcock until 2 p.m.

(iii) We allow light goose hunting for that part of the season that extends beyond the regular duck season from ½ hour before legal sunrise until 2 p.m.

(iv) We allow only temporary blinds, and hunters must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during small game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vi) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence adjacent to the refuge or oil and gas infrastructure on the refuge, or within 200 feet (61 m) from the center of any road, railroad, levee, water control structure, designated public use maintained trail, designated parking area, or other designated public use facility.

(vii) We allow migratory bird hunters to enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge no later than 2 hours after legal sunset.

(viii) We allow only reflective tacks as trail markers on the refuge.

(ix) We allow the incidental take of raccoon, feral hog, armadillo, opossum, and coyote with approved shot and weapons allowed during any open season on the refuge.

(x) We only allow the incidental take of nutria with approved shot and weapons during any open waterfowl (duck, teal, merganser, light and dark goose, and coot) season on the refuge.

(xi) We prohibit hunters and anglers from utilizing air boats, air thrust boats, mud boats, aircraft, and air-cooled propulsion engines on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, and quail, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) When hunting, you must possess only shot size 4 or smaller, or 0.22 caliber rim-fire rifles or smaller. We allow the use of air rifles.

(ii) When hunting squirrel and rabbit, and for the incidental take of raccoon, we allow the use of dogs only after the close of the State archery deer season. When hunting quail, you may only use dogs to locate, point, and retrieve.

(iii) The conditions set forth at paragraphs (e)(1)(i), (v), (vi), and (viii) through (xi) of this section apply.

(iv) During the dog season for squirrel and rabbit, all hunters, including archers (while on the ground), except waterfowl hunters, must wear a minimum of a cap or hat that is hunter orange, blaze pink, or other such color as governed by State regulations.

(v) We only allow hunting of quail until 2 p.m.

(3) *Big game hunting.* We allow hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We are open only during the State season for archery hunting of deer.

(ii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow placement of temporary deer stands no earlier than 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand. We prohibit hunting stands on trees painted with white bands.

(iv) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations) while on the ground.

(v) The conditions set forth at paragraphs (e)(1)(i), (v), (vi), and (viii) through (xi) of this section apply.

(vi) We prohibit the use of deer decoys.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) You may only fish from legal sunrise until legal sunset, except we allow night fishing from the bank and pier on Lake Road.

(ii) You must only use rod and reel or pole and line while finfishing.

(iii) You must attend to any fishing, crabbing, and crawfishing equipment at all times.

(iv) The conditions set forth at paragraphs (e)(1)(i) and (xi) of this section apply.

* * * * *

(m) *Delta National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, dove, snipe, rail, gallinule, and coot on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow migratory bird hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m. during the State seasons, including the regular waterfowl season, the State teal season, State youth waterfowl season, State veterans waterfowl season, and State light goose special conservation season.

(iii) We only allow temporary blinds. You must remove both blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(iv) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(v) We prohibit discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facilities.

(vi) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during upland game and migratory game bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times.

(vii) Migratory bird hunters may enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge no later than 2 hours after legal sunset.

(viii) We allow the incidental take of raccoon, feral hog, armadillo, opossum, and coyote with approved shot and weapons allowed during any open season on the refuge.

(ix) We only allow the incidental take of nutria with approved shot and weapons during any open waterfowl season on the refuge.

(x) We allow only the use of reflective tacks as marking devices.

(xi) We close all refuge lands between Raphael Pass and Main Pass to public entry, including hunting and fishing, from November 1 through the end of February; year-round access is only allowed in Main, Raphael, Octave, Women, and Flatboat passes.

(xii) We prohibit hunters and anglers from utilizing air boats, air thrust boats, mud boats, aircraft, and air-cooled propulsion engines on the refuge.

(2) *Upland game hunting.* We allow hunting of rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) The refuge rabbit season opens the day after the State duck season closes and continues through the remainder of the State rabbit season.

(ii) We restrict hunting to shotgun only.

(iii) We allow the use of dogs when rabbit hunting.

(iv) We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

(v) The conditions set forth at paragraphs (m)(1)(i), (v) through (viii), (xi), and (xii) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) and (v) through (xii) of this section apply.

(ii) We allow archery deer hunting, bucks only, from October 1 through 15. We allow either-sex archery deer hunting from October 16 through 31, and from the day after the close of the State duck season through the end of the State deer archery season.

(iii) We allow placement of temporary deer stands up to 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's

identification number clearly printed on the stand.

(iv) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(v) We prohibit the use of deer decoys.

(vi) We allow shotgun hunting of deer on the Saturday and Sunday during the first split of the regular waterfowl season.

(vii) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations).

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) We only allow sport finfishing and shellfishing from ½ hour before legal sunrise until ½ hour after legal sunset. During the State waterfowl hunting seasons, we only allow sport finfishing and shellfishing from 2 p.m. until ½ hour after legal sunset.

(ii) We prohibit the use of trotlines, limblines, slat traps, jug lines, nets, or alligator lines.

(iii) The conditions set forth at paragraphs (m)(1)(i), (xi), and (xii) of this section apply.

* * * * *

■ 6. Amend § 32.41 by revising and republishing paragraph (f) to read as follows:

**§ 32.41 Michigan.**

* * * * *

(f) *Shiawassee National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of waterfowl (duck and goose), American woodcock, American crow, American coot, common gallinule, sora, Virginia rail, and Wilson's snipe on designated areas of the refuge subject to the following conditions:

(i) You must possess and carry a refuge check-in card (FWS Form 3–2405, Self-Clearing Check-in Permit).

(ii) We allow waterfowl hunting on Saturdays, Sundays, Tuesdays, and Thursdays during the regular goose season after September 30.

(iii) We allow hunter access to the refuge 2 hours before legal shooting time to 2 hours after legal shooting time.

(iv) You may possess no more than 25 shotgun shells while hunting in the field.

(v) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(vi) We allow the take of feral hogs incidental to other lawful hunting using legal methods of take.

(2) *Upland game hunting.* We allow hunting of turkey, small game (eastern fox squirrel, eastern cottontail, and ring-necked pheasant), and furbearers (raccoon, coyote, and red fox) on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(iii) and (vi) of this section apply, except we allow hunter access to the refuge for furbearer hunting from ½ hour before legal sunrise to ½ hour after legal sunset.

(ii) You may only hunt turkey during the spring season.

(iii) We allow dogs for hunting. Raccoon hunting dogs must wear global positioning system (GPS) or radio collars.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(iii) and (vi) of this section apply.

(ii) You must possess and carry a refuge permit (State-issued permit).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing by boat in navigable waterways but not within any managed refuge units.

(ii) We allow bank fishing from legal sunrise to legal sunset only at designated sites along the Tittabawassee and Cass Rivers.

■ 7. Amend § 32.42 by revising and republishing paragraph (a) to read as follows:

**§ 32.42 Minnesota.**

* * * * *

(a) *Agassiz National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow youth waterfowl hunting on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) You must remove all boats, decoys, blind materials, stands, platforms, cameras, and other personal property brought onto the refuge at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(iv) We close the refuge from 7 p.m. to 5:30 a.m.

(v) We allow the use of motorless boats for hunting.

(vi) We only allow waterfowl hunting during the State's youth waterfowl season.

(2) *Upland game hunting.* We allow hunting of ruffed grouse and sharp-tailed grouse on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) through (v) of this section apply.

(ii) We only allow hunting from the opening of the State's deer firearms season to the close of the State's ruffed grouse and sharp-tailed grouse seasons, respectively.

(3) *Big game hunting.* We allow hunting of white-tailed deer and moose on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iv), and (v) of this section apply.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to motorized public vehicle transportation at a big game animal or a decoy of a big game animal.

(iii) We only allow archery hunting from the start of the State's deer firearms season, and close as governed by the State's archery deer season.

(iv) You must remove all boats, decoys, cameras, and other personal property brought onto the refuge at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(v) We allow only portable tree stands; portable, elevated hunting platforms not attached to trees; and portable ground blinds that can be hand-carried into the hunting area.

(vi) You may place your tree stand(s), elevated platform(s), and/or ground blind(s) on the refuge only during your designated licensed season. You must remove these stands/blinds by the end of your designated licensed season (see §§ 27.93 of this chapter). Unoccupied stands/blinds may be used by anyone.

(vii) We allow only two stands/blinds per hunter on the refuge. You must clearly label the stands/blinds with your State hunting license number.

(viii) We prohibit the use of nails, wire, screws, or bolts to attach a stand to a tree.

(ix) We prohibit hunting from a tree into which a metal object has been driven to support a hunter.

(4) [Reserved]

* * * * *

■ 8. Amend § 32.45 by revising and republishing paragraph (o) to read as follows:

**§ 32.45 Montana.**

* * * * *

(o) *Lost Trail National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of turkey and mountain grouse on designated areas of the refuge subject to the following conditions:

(i) We allow use of riding or pack stock on designated access routes through the refuge to access off-refuge lands as identified in the public use leaflet.

(ii) We prohibit retrieval of game in areas closed to hunting without a refuge retrieval permit.

(iii) We allow portable or temporary blinds and tree stands.

(3) *Big game hunting.* We allow hunting of elk, white-tailed deer, and mule deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (o)(2)(i) through (iii) of this section apply.

(ii) Persons assisting disabled hunters must not be afield with a hunting firearm, bow, or other hunting device.

(4) [Reserved]

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■ 9. Amend § 32.46 by revising and republishing paragraph (c) to read as follows:

**§ 32.46 Nebraska.**

* * * * *

(c) *Fort Niobrara National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of coot, crow, dark goose, dove, duck, light goose, rail, snipe, teal, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers may access the refuge from 2 hours before legal sunrise until 2 hours after legal sunset.

(ii) We allow access from designated areas of the refuge.

(iii) You must remove all blinds and decoys at the conclusion of each day's hunt (see § 27.93 of this chapter).

(iv) We allow the use of dogs when hunting August 1 through April 30.

(2) *Upland game hunting.* We allow hunting of badger, bobcat, coyote, fox, long-tailed weasel, mink, opossum, prairie dog, porcupine, rabbit, hare, raccoon, skunk, squirrel, woodchuck, State-defined furbearers, greater prairie chicken, grouse, partridge, pheasant, quail, and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), and (iv) of this section apply.

(ii) We allow hunting with muzzleloader, archery, shotgun, and falconry.

(iii) You may only possess lead-free shot when hunting turkey (see § 32.2(k)).

(iv) Shooting hours for coyote, prairie dog, porcupine, woodchuck, and State-defined furbearers are ½ hour before legal sunrise to ½ hour after legal sunset.

(3) *Big game hunting.* We allow hunting of deer, elk, and pronghorn antelope on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) and (ii) of this section apply.

(ii) We allow hunting only with muzzleloader and archery equipment.

(iii) We allow portable tree stands and ground blinds to be used from August 16 through January 31.

(4) *Sport fishing.* We allow fishing on Minnechaduza Creek and on the Niobrara River, downstream from the Cornell Dam, subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) and (ii) of this section apply.

(ii) We prohibit the use of limb or set lines.

(iii) We prohibit the take of baitfish, reptiles, and amphibians.

(iv) We prohibit use or possession of alcoholic beverages while fishing on refuge lands and waters.

* * * * *

■ 10. Amend § 32.53 by revising and republishing paragraphs (q), (w), (oo), and (kkk) to read as follows:

**§ 32.53 North Dakota.**

* * * * *

(q) *Des Lacs National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of fox, sharp-tailed grouse, Hungarian partridge, turkey, and ring-necked pheasant on designated areas of the refuge subject to the following conditions:

(i) We open for upland game bird hunting on the day following the close of the regular deer gun season through the end of the State season.

(ii) We allow the use of hunting dogs for retrieval of upland game.

(iii) We allow fox hunting from the day following the regular firearm deer season until March 31.

(iv) We prohibit accessing refuge lands from refuge waters.

(3) *Big game hunting.* We allow deer, elk, and moose hunting on designated areas of the refuge subject to the following conditions:

(i) We only allow the use of portable tree stands and ground blinds. We prohibit leaving stands and blinds overnight on the refuge (see § 27.93 of this chapter).

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.

(iii) The condition set forth at paragraph (q)(2)(iv) of this section applies.

(iv) You may only possess lead-free ammunition when hunting elk (see § 32.2(k)).

(4) [Reserved]

* * * * *

(w) *J. Clark Salyer National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, and coot on designated areas of the refuge subject to the following condition: We allow the use of dogs for hunting and retrieving game birds.

(2) *Upland game hunting.* We allow hunting of ruffed and sharp-tailed grouse, Hungarian partridge, turkey, ring-necked pheasant, and fox on designated areas of the refuge subject to the following conditions:

(i) We open the refuge to hunting for sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant north of the Willow-Upham road on the day following the close of the regular firearm deer season.

(ii) We open the refuge to fox hunting on the day following the close of the regular firearm deer season. Fox hunting on the refuge closes March 31.

(iii) Hunters may possess only approved lead-free shot (see § 32.2(k)) for all upland game hunting, including turkey.

(3) *Big game hunting.* We allow hunting of deer, elk, and moose on designated areas of the refuge subject to the following conditions:

(i) You must possess and carry a refuge permit to hunt antlered deer on the refuge outside the nine public hunting areas during the regular firearms season.

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons. You may access refuge roads open to the public before 12 p.m. (noon).

(iii) You may only possess lead-free ammunition when hunting elk (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow boat fishing from May 1 through September 30.

(ii) We allow ice fishing and dark house spearfishing. We allow snowmobiles, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs),

motor vehicles, and fish houses on the ice as conditions allow.

* * * * *

(oo) *Lostwood National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant on designated areas of the refuge subject to the following condition: We allow the use of dogs to retrieve upland game.

(3) *Big game hunting.* We allow deer, elk, and moose hunting on designated areas of the refuge subject to the following conditions:

(i) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective archery, gun, or muzzleloader deer hunting season.

(ii) You may only possess lead-free ammunition when hunting elk (see § 32.2(k)).

(4) [Reserved]

* * * * *

(kkk) *Upper Souris National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of wild turkey, sharp-tailed grouse, Hungarian partridge, and pheasant on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs for hunting and retrieving of upland game birds.

(ii) We allow hunters on the refuge from 5 a.m. until 10 p.m.

(3) *Big game hunting.* We allow deer, elk, and moose hunting on designated areas of the refuge subject to the following conditions:

(i) We only allow the use of portable tree stands and ground blinds. You must remove stands and blinds from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(ii) The condition set forth at paragraph (kkk)(2)(ii) of this section applies.

(iii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.

(iv) You may only possess lead-free ammunition when hunting elk (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow the use of fishing boats, canoes, kayaks, and float tubes in designated boat fishing areas from Lake Darling Dam north to State Highway 28 (Greene) crossing for fishing from May 1 through September 30.

(ii) We allow fishing from nonmotorized vessels only on the Beaver Lodge Canoe Trail from May 1 through September 30.

(iii) We allow boating and fishing from vessels on the Souris River from Mouse River Park to the north boundary of the refuge from May 1 through September 30.

(iv) We allow snowmobiles, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), motor vehicles, and fish houses on the ice as conditions allow from Lake Darling Dam north to Carter Dam (Dam 41) for ice fishing.

(v) We allow you to place fish houses overnight on the ice of Lake Darling as governed by State regulations.

(vi) We allow anglers to place portable fish houses on the Souris River north of Carter Dam (Dam 41) and south of Lake Darling Dam for ice fishing, but anglers must remove the fish houses from the refuge at the end of each day's fishing activity (see § 27.93 of this chapter).

(vii) We allow anglers on the refuge from 5 a.m. until 10 p.m.

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■ 11. Amend § 32.62 by revising and republishing paragraph (p) to read as follows:

**§ 32.62 Texas.**

* * * * *

(p) *Trinity River National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, and coot on designated areas of the refuge subject to the following conditions:

(i) We only allow hunting on Champion Lake with a refuge-issued permit (signed hunt brochure).

(ii) We only allow hunting on Champion Lake on Saturdays and Sundays during the State duck season. Hunters may not enter the refuge until 4:30 a.m. and must be out of the hunt area by 12 p.m. (noon).

(iii) We allow the use of dogs when retrieving game.

(iv) Hunters age 16 and younger must be under the direct supervision of an adult age 17 or older.

(v) We require a minimum distance between hunt parties of 150 yards (135 meters).

(vi) We allow motors of 10 horsepower or less on Champion Lake.

(2) *Upland game hunting.* We allow hunting for squirrel, and incidental take of rabbit, on designated areas of the refuge subject to the following conditions:

(i) We require hunters to possess a permit issued by Texas Parks and Wildlife Department (TPWD). Permits are issued by a lottery drawing. The hunter must carry the nontransferable permit at all times while hunting.

(ii) The condition set forth at paragraph (p)(1)(iii) of this section applies.

(iii) We allow all-terrain vehicle use for hunters with disabilities in designated units.

(iv) We require a minimum distance between hunt parties of 200 yards (180 meters).

(v) Hunters may enter the refuge no earlier than 4:30 a.m. We allow hunting from 30 minutes before legal sunrise to 30 minutes after legal sunset only during the days specified on the permit. Hunters must be off the refuge 1½ hours after legal sunset.

(vi) Hunters may place no more than one temporary stand on the refuge. Hunters may place the stand during the scouting week before the hunt begins and must remove it on or before the day the hunt ends (see § 27.93 of this chapter). Hunters must label blinds with the name of the permit holder.

(3) *Big game hunting.* We allow hunting of white-tailed deer, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We require hunters to possess a TPWD-issued permit. Permits are issued by a lottery drawing. The hunter must carry the nontransferable permit at all times while hunting.

(ii) The conditions set forth at paragraphs (p)(1)(iii) and (p)(2)(iii) through (vi) of this section apply.

(iii) We allow archery hunting of white-tailed deer during the refuge designated 23-day archery season.

(iv) We allow gun hunting of white-tailed deer during the State-designated general gun season in two 9-day ''mini-seasons'' and during the State-designated muzzleloader season.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We only allow fishing with pole and line, rod and reel, or hand-held line.

(ii) We prohibit the use of trotlines, setlines, bows and arrows, gigs, spears, fish traps, crab/crawfish traps, and/or nets.

(iii) We prohibit the harvesting of frog or turtle (see § 27.21 of this chapter).

(iv) We allow fishing from legal sunrise to legal sunset.

■ 12. Amend § 32.66 by revising and republishing paragraph (c) to read as follows:

**§ 32.66 Washington.**

* * * * *

(c) *Conboy Lake National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, and snipe on designated

areas of the refuge subject to the following conditions:

(i) We prohibit discharge of any firearm within ¼ mile (396 meters) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals.

(ii) Hunters must remove all decoys and other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(2)–(4) [Reserved]

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■ 13. Amend § 32.67 by revising and republishing paragraph (a) to read as follows:

**§ 32.67 West Virginia.**

* * * * *

(a) *Canaan Valley National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, rail, coot, gallinule, mourning dove, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We require each hunter to possess and carry a signed refuge hunting brochure (signed brochure).

(ii) Hunters may enter the refuge 1 hour before legal sunrise and must exit the refuge, including parking areas, no later than 1 hour after legal sunset.

(iii) We prohibit overnight parking except by Special Use Permit (FWS Form 3–1383–G) on Forest Road 80.

(iv) We allow the use of dogs consistent with State regulations.

(v) We prohibit dog training except during legal hunting seasons.

(vi) You may only use or possess approved lead-free shot shells and ammunition while in the Big Cove Unit (see § 32.2(k)).

(2) *Upland game hunting.* We allow the hunting of ruffed grouse, squirrel, cottontail rabbit, snowshoe hare, red fox, gray fox, bobcat, woodchuck, coyote, opossum, striped skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iv), (v), and (vi) of this section apply.

(ii) You may hunt coyote, raccoon, opossum, skunk, and fox at night, but you must obtain a Special Use Permit (FWS Form 3–1383–G) at the refuge headquarters before hunting.

(iii) We only allow hunting in the No Rifle Zones with the following equipment: Archery (including crossbow), shotgun, or muzzleloader.

(iv) We prohibit the hunting of upland game species from March 1 through August 31.

(3) *Big game hunting.* We allow the hunting of white-tailed deer, black bear, and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iv), and (vi) and (a)(2)(iii) of this section apply.

(ii) We allow the use of dogs for hunting black bear during the gun season.

(iii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following condition: We prohibit the use of lead fishing tackle on designated areas of the refuge.

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■ 14. Amend § 32.68 by revising and republishing paragraph (d) to read as follows:

**§ 32.68 Wisconsin.**

* * * * *

(d) *Horicon National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, common moorhen, and American woodcock on designated areas of the refuge subject to the following condition: We allow only participants in the Learn to Hunt and other special programs to hunt goose, duck, coot, and common moorhen.

(2) *Upland game hunting.* We allow hunting of wild turkey, ring-necked pheasant, gray partridge, ruffed grouse, squirrel, cottontail rabbit, snowshoe hare, raccoon, opossum, striped skunk, red fox, gray fox, coyote, and bobcat on designated areas of the refuge subject to the following conditions:

(i) For hunting, you may use or possess only approved lead-free shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) We allow the use of dogs while hunting upland game (except raccoon, opossum, striped skunk, red fox, gray fox, coyote, and bobcat), provided the dog is under the immediate control of the hunter at all times.

(iv) Coyote, red fox, gray fox, and bobcat hunting begins on the first day of the traditional 9-day gun deer season.

(v) Coyote hunting ends on the last day of the season for fox.

(vi) You may only hunt striped skunk and opossum during the season for raccoon.

(vii) You may only hunt snowshoe hare during the season for cottontail rabbit.

(viii) Hunters may enter the refuge no earlier than 2 hours before legal shooting hours and must exit the refuge no later than 2 hours after legal shooting hours.

(3) *Big game hunting.* We allow hunting of white-tailed deer and black bear in designated areas of the refuge subject to the following conditions:

(i) You must remove all boats, decoys, game cameras, blinds, blind materials, stands, platforms, and other personal equipment brought onto the refuge at the end of each day's hunt (see § 27.93 of this chapter). We prohibit hunting from any stand left up overnight.

(ii) We prohibit hunting bear with dogs.

(iii) Hunters must possess a refuge permit (FWS Form 3–2439, Hunt Application/Permit—National Wildlife Refuge System) to hunt in Area E (surrounding the office/visitor center).

(iv) The condition set forth at paragraph (d)(2)(viii) of this section applies.

(v) Any ground blind used during any gun deer season must display at least 144 square inches (929 square centimeters) of solid-blaze-orange or fluorescent pink material visible from all directions.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We only allow bank fishing or fishing through the ice.

(ii) We prohibit the use of fishing weights or lures containing lead.

(iii) We prohibit the taking of any mussel (clam), crayfish, frog, leech, or turtle species by any method on the refuge (see § 27.21 of this chapter).

(iv) We allow fishing in designated areas from legal sunrise to legal sunset each day.

* * * * *

**Shannon A. Estenoz,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2024–16984 Filed 8–1–24; 8:45 am]

**BILLING CODE 4333–15–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

**RIN 0648–BN08**

## Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery Management Plan; Amendment 33; 2025–26 Biennial Specifications and Management Measures

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

**ACTION:** Announcement of availability of proposed fishery management plan amendment; request for comments.

**SUMMARY:** NMFS announces that the Pacific Fishery Management Council submitted amendment 33 to the Pacific Coast Groundfish Fishery Management Plan to the Secretary of Commerce for review. If approved, amendment 33 would implement a rebuilding plan for California quillback rockfish and modify the allocation framework for shortspine thornyhead. Amendment 33 is necessary to rebuild overfished stocks, achieve optimum yield, and ensure management measures are based on the best scientific information available. It is intended to promote the goals and objectives of the Pacific Coast Groundfish Fishery Management Plan.

**DATES:** Comments on amendment 33 must be received on or before October 1, 2024.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2024–0065, by the following method:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2024–0065, in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

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

**Electronic Access**

This notification of availability is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov/*. Information relevant to amendment 33, which includes a draft Environmental Assessment, a regulatory impact review, a Regulatory Flexibility Act certification, and a Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) analysis (collectively termed the ''Analysis''), are accessible via the internet at the NMFS West Coast Region website at: *https://www.fisheries.noaa.gov/west-coast/laws-and-policies/west-coast-region-national-environmental-policy-act-documents.*

**FOR FURTHER INFORMATION CONTACT:** Lynn Massey, phone, or email: 562–900–2060, *Lynn.Massey@noaa.gov.*

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) seaward of Washington, Oregon, and California under the Pacific Coast Groundfish fishery management plan (PCGFMP). The Pacific Fishery Management Council (Council) prepared, and NMFS implemented the PCGFMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* and by regulations at 50 CFR parts 600 and 660. The Magnuson-Stevens Act requires that each regional fishery management council submit any FMP or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a notice that the FMP or amendment is available for public review and comment. This notification announces that the proposed amendment 33 to the PCGFMP is available for public review and comment. NMFS will consider the public comments received during the comment period described above in determining whether to approve, partially approve, or disapprove amendment 33 to the PCGFMP.

**Background**

Every 2 years, the Council recommends harvest specifications and management measures to NMFS for most of the stocks and management units that are managed via the PCGFMP. Most of these harvest specifications and management measures can be implemented by amending the regulations published in the Code of Federal Regulations, however, in some cases, these changes necessitate amending the PCGFMP. Amendment 33 constitutes the portion of the 2025–26 groundfish harvest specifications and management measures action that necessitates a change to the PCGFMP. Specifically, amendment 33 would: (1) implement a rebuilding plan for California quillback rockfish, and (2) amend the allocation framework for shortspine thornyhead. The rest of 2025–26 groundfish harvest specifications and management measures will be described in a forthcoming proposed rule that will publish in the near future.

**Rebuilding Plan for California Quillback Rockfish**

The Council recommended, and NMFS is proposing, the implementation of a rebuilding plan for California quillback rockfish. NMFS declared California quillback rockfish overfished in December 2023, in response to a data moderate assessment conducted by the Northwest Fisheries Science Center (NWFSC) in 2021 (Agenda Item E.2, Attachment 4, November 2021). When NMFS declares a stock overfished, the Council must develop and manage the stock in accordance with a rebuilding plan (Magnuson-Stevens Act at section 304(e)(3)), which must include certain rebuilding parameters, including Tmin, Tmax, and Ttarget. Tmin means the amount of time the stock or stock complex would be expected to take to rebuild to its maximum sustainable yield (MSY) biomass level in the absence of any fishing mortality (50 CFR 600.310(j)(3)(i)(A)). Tmax means the maximum time allowable for rebuilding a stock or stock complex to its MSY biomass. If Tmin for the stock or stock complex is 10 years or less, then Tmax is automatically 10 years. If Tmin for the stock or stock complex exceeds 10 years, then Tmax must be calculated as Tmin plus the length of time associated with one generation time for that stock or stock complex. ''Generation time'' is the average length of time between when an individual is born and the birth of its offspring. Ttarget means the specified time period for rebuilding a stock that is considered to be as short a

time as possible, taking into account the status and biology of the overfished stock, the needs of fishing communities, recommendations by international organizations in which the U.S. participates, and the interaction of the stock within the marine ecosystem (50 CFR 600.310(j)(3)(i)). In March 2024, the Council adopted the California quillback rockfish rebuilding analysis (Agenda Item F.2 Attachment 1 March 2024), which specified the following rebuilding parameters: Tmin = 2045, Tmax = 2071, and mean generation time of 26 years.

The Council prepared a Rebuilding Plan Analysis, which describes the four rebuilding strategies considered for California quillback rockfish (Agenda Item F.6 Supplemental Revised Attachment 3 June 2024). The Council recommended Alternative 2 (the ''acceptable biological catch (ABC) rule'' rebuilding strategy) as its final preferred alternative for California quillback rockfish rebuilding. This rebuilding strategy includes a harvest control rule that sets the annual catch limit (ACL) equal to the ABC, with a management risk tolerance of P* = 0.45 and the scientific uncertainty (time-varying sigma) reduction applied to the overfishing limit (OFL). This rebuilding strategy identifies Ttarget as 2060. As shown in the Rebuilding Plan Analysis, Alternative 2 is projected to rebuild the stock by 2060 with 73.6 percent probability of rebuilding by 2071 (Tmax). Accordingly, the final preferred rebuilding strategy is anticipated to rebuild the stock within the Magnuson-Stevens Act mandated timeframe, while still providing a limited amount of fishing opportunity, and thus rebuilding in as short a time as possible while taking into account the status and biology of the overfished stock and the needs of fishing communities. A proposed rule to implement amendment 33 will soon be published alongside an updated Rebuilding Plan Analysis that reflects the Council's final preferred rebuilding strategy.

Chapter 4 of the PCGFMP describes the Council's rebuilding policies. The proposed revision would add a new section to this chapter (section 4.6.3.7) describing the rebuilding plan for California quillback rockfish, including the rebuilding parameters described above. This section would also describe the existing rebuilding plan for yelloweye rockfish. In prior PCFFMP documents, the rebuilding species section has been included as appendix F, which describes the history of the Council's rebuilding plans. With the exception of yelloweye rockfish, all stocks described in appendix F have rebuilt. Therefore, the Council and NMFS propose removing appendix F from the PCGFMP and adding that information to the Stock Assessment and Fishery Evaluation (SAFE) document to preserve the historical rebuilding plan information. This amendment would only keep extant rebuilding plans in the PCGFMP.

**Change to the Allocation Framework for Shortspine Thornyhead**

The Council recommended, and NMFS is proposing, modifying the allocation framework for shortspine thornyhead. Shortspine thornyhead's allocation structure was established via amendment 21 to the PCGFMP (see *https://www.pcouncil.org*). It has a coastwide OFL and ABC, and two area-specific ACLs and fishery harvest guidelines (HGs) for north and south of 34°27′ north latitude (N lat.). The existing ACL apportionment method is based on the available data (2003–2012) from the NWFSC West Coast Bottom Trawl survey, at the time of the previous assessment conducted in 2013. This has resulted in approximately 70 percent of the estimated biomass being apportioned to the ACL north of 34°27′ N lat. for the past 5 years (Agenda Item E.5.a, Supplemental GMT Report 1, November 2023). For north of 34°27′ N lat., the trawl sector has been allocated 95 percent of the HG and the non-trawl sector allocated 5 percent of the HG. For south of 34°27′ N lat., the trawl sector has been allocated a fixed 50 metric tons of the HG, with the non-trawl sector receiving the remainder of the HG.

As a result of the 2023 shortspine thornyhead stock assessment (Agenda Item G.2 Attachment 4 September 2023), which indicates that the stock will be in the precautionary zone, shortspine thornyhead ACLs in the 2025–26 biennium are expected to be constraining for both the trawl and non-trawl sectors in the area north of 34°27′ N lat. For the trawl sector, under the existing allocation framework, there would be substantial individual fishing quota reductions. For the non-trawl sector, trip limits for the limited entry fixed gear fishery would have to be so low that a targeted fishery is unlikely to be prosecuted. Shortspine thornyhead has been chronically under-attained in the area south of 34°27′ N lat.; therefore, combining the trawl and non-trawl allocations into coastwide allocations would allow for more flexible use of that allocation in issuing trawl quota and setting non-trawl trip limits. To achieve this, the Council and NMFS would set a coastwide ACL and HG (as opposed to two area-specific ACLs and HGs) for 2025 and beyond. Additionally, the Council recommended, and NMFS is proposing, to shift the trawl/non-trawl allocation of shortspine thornyhead from an allocation specified in the PCGFMP to a 2-year allocation, specified in regulation.

Chapter 6 of the PCGFMP describes routine management measures used to manage Pacific Coast groundfish fisheries, including allocations. Further, table 1 of section 6.3.2.3 describes formal allocations established via amendment 21. The Council recommended and NMFS is proposing to remove the allocation amounts for shortspine thornyhead north and south of 34°27′ N lat. from table 1. This change would effectively remove the management line at 34°27′ N lat., allowing the Council and NMFS to set a coastwide ACL and HG. This change is anticipated to provide needed fishing opportunity for limited entry fishermen north of 34°27′ N lat., while still preserving fishing opportunity for fishermen south of 34°27′ N lat., as well prevent overfishing.

**Public Comment**

NMFS welcomes comments on the proposed PCGFMP amendment through the end of the comment period. A proposed rule to implement amendment 33 has been submitted for Secretarial review and approval. NMFS expects to publish and request public review and comment on proposed regulations to implement amendment 33 in the near future. For public comments on the proposed rule to be considered in the approval or disapproval decision on amendment 33, those comments must be received by the end of the comment period on the amendment. All comments received by the end of the comment period for the amendment, whether specifically directed to the amendment or the proposed rule, will be considered in the approval/disapproval decision.

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

Dated: July 29, 2024.

**Lindsay Fullenkamp,**

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

[FR Doc. 2024–17067 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 665**

**RIN 0648–BN03**

## Pacific Island Fisheries; Amendment 7 to the Fishery Ecosystem Plan for the American Samoa Archipelago; Discontinue Rebuilding Plan for American Samoa Bottomfish and Implement Annual Catch Limits and Accountability Measures for Fishing Years 2024–2026

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

**ACTION:** Availability of proposed fishery ecosystem plan amendment; request for comments.

**SUMMARY:** NMFS announces that the Western Pacific Fishery Management Council (Council) proposes to amend the Fishery Ecosystem Plan for the American Samoa Archipelago (FEP). If approved, the FEP would be amended to discontinue the rebuilding plan for American Samoa bottomfish and NMFS would implement annual catch limits (ACL) and accountability measures (AM) for American Samoa bottomfish. The action is necessary because new best scientific information indicates the fishery is not overfished or experiencing overfishing. The proposed action considers the best available scientific, commercial, and other information about the fishery, and supports the long-term sustainability of the fishery.

**DATES:** NMFS must receive comments on the proposed amendment by October 1, 2024.

**ADDRESSES:** A plain language summary of this proposed amendment is available at *https://www.regulations.gov/docket/NOAA-NMFS-2024-0088.* You may submit comments on the proposed amendment, identified by NOAA–NMFS–2024–0088, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and type NOAA–NMFS–2024–0088 in the Search box (*note:* copying and pasting the FDMS Docket Number directly from this document may not yield search results). Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Send written comments to Sarah Malloy, Deputy Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

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

Amendment 7 includes a draft environmental assessment (EA) and regulatory impact review (RIR) that analyzes the potential impacts of the proposed action and alternatives considered. Copies of amendment 7, including the EA and RIR, and other supporting documents, are available from *https://www.regulations.gov* or the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, telephone 808–522–8220, fax 808–522–8226, *https://www.wpcouncil.org.*

**FOR FURTHER INFORMATION CONTACT:** Heather Nelson, Sustainable Fisheries Division, NMFS PIR, 808–725–5179.

**SUPPLEMENTARY INFORMATION:** NMFS announces the availability of amendment 7 to the FEP for the American Samoa Archipelago. This amendment would discontinue the stock rebuilding plan (see 50 CFR 600.310(j)) established through amendment 5 to the FEP and associated ACLs and AMs implemented to end overfishing and rebuild the stock (87 FR 25590, May 5, 2022), and would implement new ACLs and AMs to prevent overfishing (see 50 CFR 600.310(g)–(f)).

The Council and NMFS manage Federal fisheries in the Pacific Islands Region pursuant to the Magnuson-Stevens Fishery and Conservation and Management Act (Magnuson-Stevens Act). Management of the American Samoa bottomfish fishery is organized through the American Samoa Archipelago FEP. There are 11 bottomfish management unit species (BMUS) managed under the FEP: 8 snappers, 1 emperor, 1 jack, and 1 grouper. Fishing for bottomfish primarily occurs within 20 miles (32 kilometers) from shore using aluminum catamarans less than 32 feet (9.7 meters) long, known locally as alia. The fishery is relatively small and primarily non-commercial, but it is still of importance to the local economy, and from social, cultural, and food security standpoints. In 2022, nine vessels participated in the bottomfish fishery. During the most recent 3 years of available data (2020–2022), American Samoa bottomfish fishermen caught an average of 4,114 pounds (lb) (1,866 kilograms (kg)) of bottomfish annually. Catches were higher between 2017 and 2019 before the onset of the COVID–19 pandemic and the overfished determination, and American Samoa bottomfish fishermen caught an average of 12,499 lb (5,669 kg) of bottomfish annually. The fishery is culturally important in spite of the relatively modest catch totals, as deep-water snappers are used for chiefly position entitlements and fa'a lalave ceremonies (*e.g.,* funerals, weddings, births, and special birthdays).

The fishery is currently managed under a rebuilding plan established to address an overfished stock status determination for all 11 BMUS as a multi-species stock complex (85 FR 26940, May 6, 2020). This status determination was based on the results of the 2019 benchmark stock assessment, which analyzed fishery data through 2017. Consistent with section 304(e) of the Magnuson-Stevens Act and implementing regulations at 50 CFR 600.310(j), the Council prepared, and NMFS implemented, a rebuilding plan under amendment 5 to the FEP. The rebuilding plan implemented an ACL of 5,000 lb (2,268 kg) of BMUS starting in 2022, and harvests from both territorial and Federal waters are counted toward the ACL. The rebuilding plan also includes an in-season AM and a higher performance standard. As an in-season AM, if NMFS projects that the fishery will reach the ACL in any year, then the fishery will be closed in Federal waters for the remainder of that year. If the total annual catch exceeds the ACL during a year, NMFS will close the fishery in Federal waters until NMFS and the Territory of American Samoa implement a coordinated management approach to ensure that catch in Federal and territorial waters is maintained at levels that allow the stock to rebuild or the rebuilding plan is modified based on the best scientific information available.

In June 2023 NMFS completed a new benchmark stock assessment for bottomfish in American Samoa that used single-species, age-structured models to determine stock status relative to overfishing and overfished reference points defined in the FEP. The 2023 benchmark stock assessment evaluated 9 of the 11 BMUS and found that none of the assessed species were overfished or experiencing overfishing

in 2017 or in any year since. That none of the stocks were overfished in the final data year of the previous assessment or since is significant because that is a criterion for discontinuing a rebuilding plan (see 50 CFR 600.310(j)(5)). Insufficient data were available to assess two species, *Etelis carbunculus* and *Pristipomoides filamentosus.* The assessment recommended using taxonomically and ecologically similar species (*E. coruscans* and *P. flavipinnis,* respectively) as indicator species to manage the unassessed species. This practice is consistent both with management practices in the FEP and National Standard 1 of the Magnuson-Stevens Act (50 CFR 600.31(d)(2)(ii)), and it was supported by the Council's Scientific and Statistical Committee.

NMFS determined the 2023 benchmark stock assessment to be the best scientific information available, consistent with National Standard 2 of the Magnuson-Stevens Act, and issued a notification informing the Council of its determination that none of the American Samoa bottomfish stocks assessed in the 2023 benchmark assessment were overfished or subject to overfishing. Therefore, at its 197th meeting in December 2023, in accordance with the ACL process approved by NMFS, and in consideration of the best available scientific, commercial, and other information, the Council recommended discontinuing the rebuilding plan, specifying ACLs and accountability measures (AMs) for nine assessed BMUS for fishing years 2024–2026, and using *Etelis coruscans* as an indicator species for *E. carbunculus* and *Pristipomoides flavipinnis* as an indicator species for *P. filamentosus.*

Separate ACLs and AMs would not be implemented for *E. carbunculus* and *P. filamentosus.* Instead, they would be subject to the post-season AM based on monitoring of catch of the indicator species. There are no Federal reporting requirements for bottomfish fishing in Federal waters around American Samoa. Therefore, monitoring of the fishery depends largely on data voluntarily provided by fishermen to the American Samoa Department of Marine and Wildlife Resources (DMWR) through a creel survey program. Additionally, DMWR reviews sales data from its mandatory commercial fish purchase system. As a post-season AM, if NMFS and the Council determine that the average catch from the most recent 3-year period exceeds the ACL for any species, NMFS would reduce the ACL for that species in subsequent years by the amount of overage. If approved, amendment 7 would discontinue the rebuilding plan for American Samoa bottomfish and implement single-species ACLs for the nine assessed American Samoa BMUS for fishing years 2024–2026 as recommended by the Council.

Public comments are being solicited on amendment 7 to the FEP through the end of the comment period stated in this Notice of Availability. NMFS must receive comments on the proposed amendment by October 1, 2024 for consideration in the decision to approve, partially approve, or disapprove the amendment.

A proposed rule that would implement the FEP amendment may be published in the **Federal Register** for public comment, following NMFS' evaluation under the Magnuson-Stevens Act procedures. Public comments on the proposed rule must be received by the end of the comment period on the FEP amendment to be considered in the decision to approve, partially approve, or disapprove the FEP amendment.

All comments received by the end of the comment period on the FEP amendment, whether specifically directed to the FEP amendment or the proposed rule, will be considered in the approval/disapproval decision. Comments received after that date will not be considered in the decision of the FEP amendment. To be considered, comments must be received by the close of business on the last day of the comment period; that does not mean postmarked or otherwise transmitted by that date.

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

Dated: July 30, 2024.

**Lindsay Fullenkamp,**

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

[FR Doc. 2024–17106 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–22–P**

# Notices

Federal Register
Vol. 89, No. 149
Friday, August 2, 2024

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[Doc. No. AMS–CP–24–0047]**

### Notice of Request for an Extension of a Currently Approved Information Collection

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice; request for comments.

**SUMMARY:** This notice announces the Agricultural Marketing Service's (AMS) intention to request approval, from the Office of Management and Budget, for an extension of the currently approved information collection request Web-Based Supply Chain Management (WBSCM) system. This information collection is necessary to support the procurement of agricultural commodities for domestic and international nutrition assistance programs. AMS issues invitations to purchase fresh and processed commodities for domestic and international nutrition assistance programs on a year-round basis. The extension of the information collection request is required to continue using the WBSCM system, which allows respondents to submit information entered and received electronically in WBSCM. Vendors will be able to access electronically. The information collection burden for respondents should not increase.

**DATES:** Comments on this notice must be received by October 1, 2024 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit comments concerning this notice online using the electronic process available at *https://www.regulations.gov*. Written comments may be submitted to: Director, USDA/AMS–WBSCM Management Division, 1400 Independence Avenue SW, S–0239, Washington, DC 20250–0239. All comments submitted in response to this notice will be posted without change, including any personal information provided, at *https://www.regulations.gov/,* included in the record, and made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Heather Calhoon, Director; WBSCM Management Division; Telephone: (202) 720–4517, or Email: *HeatherM.Calhoon@usda.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Web-Based Supply Chain Management.

*OMB Number:* 0581–0273.

*Expiration Date of Approval:* August 31, 2024

*Type of Request:* Extension of a Currently Approved Information Collection.

*Abstract:* AMS purchases commodities for various domestic and international nutrition assistance programs and provides support for commodity markets with surplus inventory. AMS issues invitations to purchase agricultural commodities for use in domestic and international nutrition assistance programs. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this information collection request is for the extension of the currently approved information collection for the WBSCM system where respondents will submit information electronically via that system. Vendor information, annual certification information, and all commodity offer information will be existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information per response.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching WBSCM to see the date and time the system shows for receipt of bid, bid modification, or bid cancellation information. At bid opening date and time, the bid information is evaluated through the WBSCM system.

Acceptances will be sent to the successful offerors electronically. Awarded contracts will be posted on the AMS website.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .22 hours per response.

*Respondents:* Businesses.

*Estimated Annual Number of Respondents:* 500.

*Estimated Number of Responses:* 239,308.4.

*Estimated Annual Number of Responses per Respondent:* 675.3.

*Estimated Total Annual Burden on Respondents:* 50,398.71.

*Comments:* Comments are invited on: (1) Whether the proposed collection of the 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 the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2024–17036 Filed 8–1–24; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

### Domestic Sugar Program—2023–Crop Sugar Marketing Allotments and Cane and Beet Processor Allocations

**AGENCY:** Commodity Credit Corporation, U.S. Department of Agriculture.

**ACTION:** Notice.

**SUMMARY:** The United States Department of Agriculture (USDA) is issuing this notice to revise fiscal year (FY) 2024 (crop year 2023) State cane sugar allotments and allocations to sugarcane processors as well as company allocations to sugar beet processors. These actions apply to all domestic beet and cane sugar marketed for human

consumption in the United States from October 1, 2023, through September 30, 2024.

**FOR FURTHER INFORMATION CONTACT:** Jacob Vuillemin, telephone, (202) 302–3922; or email, *jacob.vuillemin@usda.gov.*

**SUPPLEMENTARY INFORMATION:** On October 13, 2023, USDA announced the initial fiscal year 2024 (FY24) Overall Allotment Quantity (OAQ), which was established at 10,667,500 short tons, raw value (STRV), equal to 85 percent of the estimated quantity of sugar for domestic human consumption for the fiscal year of 12,550,000 STRV as forecast in the September 2023 World Agricultural Supply and Demand Estimates report (WASDE). The Agricultural Adjustment Act of 1938, as amended, requires that 54.35 percent of the OAQ be distributed among beet processors and 45.65 percent be distributed among the sugarcane States and cane processors. The beet sector allotment is 5,797,786 STRV and the cane sector allotment is 4,868,714 STRV. The beet and cane sector allotments are distributed to individual processors according to statutory formulas, as shown in the table below.

In accordance with section 359e of Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359ee), after evaluating each sugar beet processor's ability to market its full allocation, USDA is transferring FY24 allocations from sugar beet processors with surplus allocation to those with deficit allocation as set out in the table below. USDA has also determined that domestic beet sugar supplies are inadequate to fill the FY24 beet sugar marketing allotment.

In accordance with section 7 U.S.C. 1359ee, USDA is reassigning 250,000 STRV of this deficit to raw cane sugar imports already anticipated, given the absence of any Commodity Credit Corporation (CCC) stocks of sugar. Each sugar beet processor's allocation following these changes is shown in the column labeled ''Revised FY24 Allocations'' and the amount of the change in each processor's allocation is in the column labeled ''Reassignments.''

In accordance with 7 U.S.C. 1359ee, after evaluating each sugarcane processor's ability to market its full allocation, USDA is transferring FY24 allocations from sugarcane processors with surplus allocation to those with deficit allocation as set out in the table below. USDA has also determined that domestic cane sugar supplies are inadequate to fill the FY24 cane sugar marketing allotment.

In accordance with 7 U.S.C. 1359ee, USDA is reassigning 600,000 STRV of this deficit to raw cane sugar imports already anticipated, given the absence of any CCC stocks of sugar. Each sugarcane processor's allocation following these changes is shown in the column labeled ''Revised FY24 Allocations'' and the amount of the change in each processor's allocation is in the column labeled ''Reassignments.''

FY 2024 Revised Beet and Cane Allotments and Allocations

[Short tons, raw value]

| Distribution | Initial FY24 allotments & allocations | Reassignments | Revised FY24 allocations |
|---|---|---|---|
| Beet Sugar | 5,797,786 | −250,000 | 5,547,786 |
| Cane Sugar | 4,869,714 | −600,000 | 4,269,714 |
| Imports | ..... | *850,000* | *850,000* |
| Total OAQ | 10,667,500 | 0 | 10,667,500 |
| Beet Processors' Marketing Allocations: | | | |
| Amalgamated Sugar Co | 1,241,350 | −8,117 | 1,233,233 |
| American Crystal Sugar Co | 2,132,371 | −165,360 | 1,967,011 |
| Michigan Sugar Co | 598,769 | 87,482 | 686,251 |
| Minn-Dak Farmers Co-op | 402,650 | −29,336 | 373,315 |
| So. Minn Beet Sugar Co-op | 782,517 | −59,310 | 723,206 |
| Western Sugar Co | 591,583 | −76,844 | 514,739 |
| Wyoming Sugar Company, LLC | *48,546* | *1,485* | *50,031* |
| Total Beet Sugar | 5,797,786 | −250,000 | 5,547,786 |
| State Cane Sugar Allotments: | | | |
| Florida | 2,617,360 | −470,256 | 2,147,104 |
| Louisiana | 2,024,823 | 34,597 | 2,059,420 |
| Texas | *227,531* | *−164,341* | *63,190* |
| Total Cane Sugar | 4,869,714 | −600,000 | 4,269,714 |
| Cane Processors' Marketing Allocations: | | | |
| Florida: | | | |
| Florida Crystals | 1,077,635 | −352,431 | 725,204 |
| Growers Co-op. of FL | 470,825 | 3,336 | 474,161 |
| *U.S. Sugar Corp* | *1,068,900* | *−121,161* | *947,739* |
| Total Florida | 2,617,360 | −470,256 | 2,147,104 |
| Louisiana: | | | |
| Sugar Growers and Refiners | 1,405,697 | 20,263 | 1,425,961 |
| *M.A. Patout & Sons* | *619,126* | *14,334* | *633,459* |
| Total Louisiana | 2,024,823 | 34,597 | 2,059,420 |
| Texas: | | | |
| Rio Grande Valley | 227,531 | −164,341 | 63,190 |

*Values may not sum to column total due to rounding.

These FY24 sugar marketing allotment program actions will not prevent any domestic sugarcane or sugar beet processor from marketing all of its FY24 sugar supply. USDA will closely monitor stocks, consumption, imports and all sugar market and program variables on an ongoing basis and may make further program adjustments during FY 24 if needed.

**USDA Non-Discrimination Policy**

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its agencies, offices, and 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 or 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.

Individuals who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 (voice and text telephone (TTY)) dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

**Zach Ducheneaux,**

*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 2024–17070 Filed 8–1–24; 8:45 am]

**BILLING CODE 3411–E2–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Application for NATO International Competitive Bidding

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 25, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* Bureau of Industry and Security, Commerce.

*Title:* Application for NATO International Competitive Bidding.

*OMB Control Number:* 0694–0142.

*Form Number(s):* BIS–4023P.

*Type of Request:* Regular submission, revision of a current information collection.

*Number of Respondents:* 70.

*Average Hours per Response:* 1 hour.

*Burden Hours:* 70.

*Needs and Uses:* All U.S. firms desiring to participate in the NATO International Competitive Bidding (ICB) process under the NATO Security Investment Program (NSIP) must be certified as technically, financially, and professionally competent. The U.S. Department of Commerce provides the Declaration of Eligibility that certifies these firms. Any such firm seeking certification is required to submit a completed Form BIS–4023P along with a current annual financial report and a resume of past projects in order to become certified and placed on the Consolidated List of Eligible Bidders.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Section 401(10) of Executive Order 12656 (November 18, 1988), 15 U.S.C. 1512.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0694–0142.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–17128 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Competitive Enhancement Needs Assessment Survey Program

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 25, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* Bureau of Industry and Security, Commerce.

*Title:* Competitive Enhancement Needs Assessment Survey Program.

*OMB Control Number:* 0694–0083.

*Form Number(s):* None.

*Type of Request:* Regular submission, extension of a current information collection.

*Number of Respondents:* 2,400.

*Average Hours per Response:* 1 hour.

*Burden Hours:* 2,400.

*Needs and Uses:* This collection of information is necessary under the Defense Production Act of 1950 (DPA), as amended, and related Executive Order 13603. Under the Competitive Enhancement Needs Assessment Survey Program (The Program), the Bureau of Industry and Security's Office of Technology Evaluation (OTE) distributes surveys nationwide to businesses in order to determine which government competitive enhancement, procurement opportunity and business diversification programs would benefit their competitive position in the marketplace. The results of the mandatory surveys allow The Program to align industry stakeholders with the Federal and State resources best suited to meet their individual needs. The expertise of 70+ Federal and State government organizations is made available to The Program, in addition to the excess equipment and facilities resident in closed Federal installations plus the excess government equipment at government contractor facilities. The companies respond to the OTE program surveys on a mandatory basis.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* On occasion.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Public Law 81–774 sec. 2151, DPA 1950, E.O. 12919.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0694–0083.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–17126 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–33–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; Collection Title: Survey of International Air Travelers (SIAT)

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 May 21, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* International Trade Administration, Department of Commerce.

*Title:* Survey of International Air Travelers (SIAT).

*OMB Control Number:* 0625–0227.

*Form Number(s):* None.

*Type of Request:* Regular submission.

*Number of Respondents:* 300,000.

*Average Hours per Response:* 15 minutes.

*Burden Hours:* 75,000.

*Needs and Uses:* The Survey of International Air Travelers (SIAT) program, administered by the National Travel and Tourism Office (NTTO) of the International Trade Administration provides source data required to: (1) Estimate international travel and passenger fare exports, imports, and the trade balance for the United States, (2) comply with the U.S. Travel Promotion Act of 2009 (Pub. L. 111–145), collect, analyze, and report information to the Corporation for Travel Promotion (CTP), and support U.S. exports, (3) comply with the 1945, 1961, 1981, and 1996 travel and tourism related acts to collect and publish comprehensive international travel and tourism statistics and other marketing information, and (4) support the continuation of the Travel & Tourism Satellite Accounts for the United States, which provide the only spending and employment figures for the industry. The SIAT program contains the core data that is analyzed and communicated by NTTO with other government agencies, associations and businesses that share the same objective of increasing U.S. international travel exports. The SIAT assists NTTO in assessing the economic impact of international travel on state and local economies, providing visitation estimates, key market intelligence, and identifying traveler and trip characteristics. The U.S. Department of Commerce assists travel industry enterprises to increase international travel and passenger fare exports for the country as well as outbound travel on U.S. carriers. The Survey program provides the only available estimates of nonresident visitation to the states and cities within the United States, as well as U.S. resident travel abroad.

The SIAT also assists NTTO in producing in-depth statistical reports, fact sheets and briefings on economic factors and policy issues affecting U.S. industries. With the SIAT statistical data not replicable by private sector trade associations or by private firms, Federal agencies, Congress and international organizations rely on these statistic-based tools, as do American businesses, state and local governments, and news organizations.

*Affected Public:* Individuals or households; International air travelers departing the United States, 18 years or older which includes U.S. and non-U.S. residents from all countries.

*Frequency:* Monthly.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* U.S. Travel Promotion Act of 2009 (Pub. L. 111–145).

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 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 0625–0227.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–17072 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–DR–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Announcement of Approved International Trade Administration Trade Mission

**AGENCY:** International Trade Administration, Department of Commerce.

**SUMMARY:** The United States Department of Commerce, International Trade Administration (ITA), is announcing one upcoming trade mission that will be recruited, organized, and implemented by ITA. This mission is: Aeromedical Trade Mission to Brazil, September 25–27, 2024.

A summary of the mission is found below. Application information and more detailed mission information, including the commercial setting and sector information, can be found at the trade mission website: *https://www.trade.gov/trade-missions.*

For this mission, recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (*https://www.trade.gov/trade-missions-schedule*) and other internet websites, press releases to general and trade media, email blasts, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Odum, Trade Events Task Force, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington DC 20230; telephone (202) 482–6397 or email *Jeffrey.Odum@trade.gov.*

**SUPPLEMENTARY INFORMATION:**

#### The Following Conditions for Participation Will Be Used for the Mission

Applicants must submit a completed and signed mission application and supplemental application materials, including adequate information on their products and/or services, primary market objectives, and goals for participation that is adequate to allow the Department of Commerce to evaluate their application. If the Department of Commerce receives an incomplete application, the Department of Commerce may either: reject the application, request additional information/clarification, or take the lack of information into account when evaluating the application. If the requisite minimum number of participants is not selected for a particular mission by the recruitment deadline, the mission may be cancelled.

Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, are marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content by value. In the case of a trade association or organization, the applicant must certify that, for each firm or service provider to be represented by the association/organization, the products and/or services the represented firm or service provider seeks to export are either produced in the United States or, if not, marketed under the name of a U.S. firm and have at least 51% U.S. content by value.

A trade association/organization applicant must certify to the above for every company it seeks to represent on the mission. In addition, each applicant must:

- Certify that the products and services that it wishes to market through the mission would be in compliance with U.S. export controls and regulations;
- Certify that it has identified any matter pending before any bureau or office in the Department of Commerce;
- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce; and
- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

In the case of a trade association/organization, the applicant must certify that each firm or service provider to be represented by the association/organization can make the above certifications.

#### The Following Selection Criteria Will Be Used for the Mission

Targeted mission participants are U.S. firms, services providers and trade associations/organizations providing or promoting U.S. products and services that have an interest in entering or expanding their business in the mission's destination markets. The following criteria will be evaluated in selecting participants:

- Suitability of the applicant's (or in the case of a trade association/organization, represented firm's or service provider's) products or services to these markets;
- The applicant's (or in the case of a trade association/organization, represented firm's or service provider's) potential for business in the markets, including likelihood of exports resulting from the mission; and
- Consistency of the applicant's (or in the case of a trade association/organization, represented firm's or service provider's) goals and objectives with the stated scope of the mission.

Balance of company size and location may also be considered during the review process.

Referrals from a political party or partisan political group or any information, including on the application, containing references to political contributions or other partisan political activities will be excluded from the application and will not be considered during the selection process. The applicant will be notified of these exclusions. The Department of Commerce will evaluate applications and inform applicants of selection decisions on a rolling basis until the maximum number of participants has been selected.

#### Definition of Small- and Medium-Sized Enterprise

For purposes of assessing participation fees, an applicant is a small or medium-sized enterprise (SME) if it qualifies as a ''small business'' under the Small Business Administration's (SBA) size standards (*https://www.sba.gov/document/support--table-size-standards*), which vary by North American Industry Classification System (NAICS) Code. The SBA Size Standards Tool (*https://www.sba.gov/size-standards*) can help you determine the qualifications that apply to your company.

*Mission List:* (additional information about trade missions can be found at *https://www.trade.gov/trade-missions*).

#### Aeromedical Trade Mission to Brazil—September 25–27, 2024

#### Summary

The United States Department of Commerce, International Trade Administration (ITA), is planning to organize an Aeromedical Trade Mission to Brazil September 25–27, 2024.

''Aeromedical'' is the intersecting subsector of aviation and medical services that focuses on the transportation of patients, medical crews, and organs via aircraft.

The goal of the Brazil Aeromedical Trade Mission is to introduce U.S. suppliers to the growing aeromedical sector in Brazil, strengthen existing connections between aeromedical

suppliers and their Brazilian clients, develop new connections for U.S. companies in the sector, and increase the capacity of Brazilian aeromedical operators, which will lead to additional opportunities for U.S. companies' exports.

The long-term goal of this mission is to increase the sales and presence of U.S. goods and services in the aeromedical sector in Brazil. The trade mission will connect U.S. companies directly with the public sector (federal police, fire departments, and the defense secretariat) and private sector (aeromedical operators/outfitters, maintenance repair and overhaul companies and local business representatives) to sell goods and services in the identified subsectors of aircraft and helicopter sales, medical equipment needed for conversions of existing aircraft, flight simulators, and training for pilots, doctors, and nurse crews in aircraft.

Participants will have business-to-business, and business-to-government matchmaking with companies active in the purchasing of aeromedical aircraft, equipment, training services and MRO. These companies are represented by the Brazil Association of Aeromedical Operators (ABOA). These potential clients have combined budgets in Brazil of over USD $15 million and have a history of purchasing aircraft and ancillary aerospace goods and services.

PROPOSED TIMETABLE

| | |
|---|---|
| September 25 | • Trade Mission Participants Arrive.<br>• Country Briefing.<br>○ United States Foreign Commercial Service.<br>○ Brazil Association of Aeromedical Operators (ABOA) Executives. |
| September 26 | • Seminars hosted by:<br>• United States Foreign Commercial Service.<br>• Brazil Association of Aeromedical Operators (ABOA).<br>• Presentations by U.S. Companies.<br>• Lunch.<br>• Individual Business-to-Business Company Meetings.<br>• Reception at Consul General Residence. |
| September 27 | • Presentations from U.S. Companies to Local Businesses.<br>• Business-to-Business Matchmaking.<br>• Business-to-Government Matchmaking. |

**Participation Requirements**

All parties interested in participating in the trade mission must complete and submit an application package for consideration by the Department of Commerce. All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 5 and a maximum of 15 firms and/or trade associations from the application pool will be selected to participate in the mission.

**Fees and Expenses**

After a firm or trade association has been selected to participate on the mission, a payment to the Department of Commerce in the form of a participation fee is required. The fees are as follows:

The participation fee for the Brazil Aeromedical Trade Mission will be $3,500 for small or medium-sized enterprises (SME); and $4,500 for large firms or trade associations. The fee for each additional firm representative (large firm or SME/trade organization) is $750. Expenses for travel, lodging, most meals, and incidentals will be the responsibility of each mission participant. Interpreter and driver services can be arranged for additional cost. Delegation members will be able to take advantage of U.S. government rates for hotel rooms. If and when an applicant is selected to participate on a particular mission, a payment to the Department of Commerce in the amount of the designated participation fee is required. Upon notification of acceptance to participate, those selected have 5 business days to submit payment or the acceptance may be revoked.

Participants selected for a trade mission will be expected to pay for the cost of personal expenses, including, but not limited to, international travel, lodging, meals, transportation, communication, and incidentals, unless otherwise noted. Participants will, however, be able to take advantage of U.S. government rates for hotel rooms. In the event that a mission is cancelled, no personal expenses paid in anticipation of a mission will be reimbursed. However, participation fees for a cancelled mission will be reimbursed to the extent they have not already been expended in anticipation of the mission.

If a visa is required to travel on a particular mission, applying for and obtaining such a visa will be the responsibility of the mission participant. Government fees and processing expenses to obtain such a visa are not included in the participation fee. However, the Department of Commerce will provide instructions to each participant on the procedures required to obtain business visas.

Trade mission members participate in trade missions and undertake mission-related travel at their own risk. The nature of the security situation in a given foreign market at a given time cannot be guaranteed. The U.S. Government does not make any representations or guarantees as to the safety or security of participants. The U.S. Department of State issues U.S. Government international travel alerts and warnings for U.S. citizens available at *https://travel.state.gov/content/passports/en/alertswarnings.html.* Any question regarding insurance coverage must be resolved by the participant and its insurer of choice.

Travel and in-person activities are contingent upon the safety and health conditions in the United States and the mission countries. Should safety or health conditions not be appropriate for travel and/or in-person activities, the Department will consider postponing the event or offering a virtual program in lieu of an in-person agenda. In the event of a postponement, the Department will notify the public and applicants previously selected to participate in this mission will need to confirm their availability but need not reapply. Should the decision be made to organize a virtual program, the Department will adjust fees accordingly, prepare an agenda for virtual activities, and notify the previously selected applicants with the option to opt-in to the new virtual program.

**Timeframe for Recruitment and Applications**

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (*http://export.gov/trademissions*) and other internet websites, press releases to general and trade media, email blasts, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment for the mission will begin immediately and conclude no later than August 5, 2024. The U.S. Department of Commerce will review applications and inform applicants of selection decisions on a ROLLING basis. Applications received after August 5, 2024, will be considered only if space and scheduling constraints permit.

**Contacts**

*U.S. Contact Information*

Jason Sproule, Aerospace & Defense Team Lead, Los Angeles, California 949–283–0690; *Jason.Sproule@trade.gov*

Adam Shanks, USEAC Director, Rockford, Illinois (815) 315–1912; *Adam.Shanks@trade.gov*

*Brazil Contact Information*

Nathan Traurig, Foreign Commercial Service Officer, São Paulo, Brazil +55 11 95638 4905; *Nathan.Traurig@trade.gov*

Renato Sabaine, Commercial Specialist, São Paulo, Brazil +55 11 97322 5463; *Renato.Sabaine@trade.gov*

**Gemal Brangman,**

*Director, ITA Events Management Task Force.*

[FR Doc. 2024–17101 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–DR–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XE149]**

### New England 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 New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Skate Committee and Advisory Panel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This webinar will be held on Wednesday, August 21, 2024, at 1 p.m.

**ADDRESSES:**

*Webinar registration URL information: https://nefmc-org.zoom.us/webinar/register/WN_1x3vDVJGSEiopidIySjQfA.*

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

**SUPPLEMENTARY INFORMATION:**

**Agenda**

The Skate Committee and Advisory Panel will meet to discuss recent fishery performance and outlook for remainder of fishing year 2024. They will review the 2024 Northeast Skate Complex Annual Monitoring Report (for FY 2023) and discuss updates to survey biomass indices, catch accounting, and other information provided by the Plan Development Team. They will also discuss expected work in 2025 related to skates. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action 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 the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: July 30, 2024.

**Rey Israel Marquez,**

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

[FR Doc. 2024–17075 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XD722]**

### Deepwater Horizon Natural Resource Damage Assessment Alabama Trustee Implementation Group Final Supplemental Restoration Plan II and Environmental Assessment: Marine Mammals, and Finding of No Significant Impact

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

**ACTION:** Notice of availability.

**SUMMARY:** The Deepwater Horizon (DWH) natural resource trustees for the Alabama Trustee Implementation Group (TIG) have prepared the Final Supplemental Restoration Plan II and Environmental Assessment: Marine Mammals (RPII/EA) and Finding of No Significant Impact. The Final Supplemental RPII/EA evaluates the use of additional funds from the Marine Mammals Restoration Type to extend the implementation of one or more projects currently underway in the Alabama Restoration Area to continue the Alabama TIG's efforts to restore for injuries to marine mammals impacted by the DWH oil spill. The Final Supplemental RPII/EA evaluates two restoration alternatives including consideration of the criteria set forth in the OPA natural resource damage assessment (NRDA) regulations, and an analysis under National Environmental Policy Act (NEPA) implementing regulations. A No Action Alternative is also evaluated pursuant to the NEPA. In the Final Supplemental RPII/EA the Alabama TIG selects the preferred alternative for implementation. The total estimated cost to implement the Alabama TIG's Preferred Alternative—an extension of the Enhancing Capacity for the Alabama Marine Mammal Stranding Network Project—is $1,881,237. This action allocates the Alabama TIG's remaining Marine Mammals restoration funds.

**ADDRESSES:** You may view and download the Final Supplemental RPII/EA at *https://www.gulfspillrestoration.noaa.gov/restoration-areas/alabama.*

You may also request a flash drive containing the Final Supplemental RPII/EA (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Stella Wilson, NOAA Restoration Center, (850) 332–4169, *gulfspill.restoration@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Introduction**

On April 20, 2010, the mobile offshore drilling unit DWH, which was drilling a well for BP Exploration and Production, Inc., (BP) experienced a significant explosion, fire and subsequent sinking in the Gulf of Mexico, resulting in the release of millions of barrels of oil and other discharges into the Gulf. Under the authority of the OPA, designated Federal and State trustees, acting on behalf of the public, assessed the injuries to natural resources and prepared the ''Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement'' and the ''Record of Decision for the Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement'', which sets forth the governance structure and process for DWH restoration planning under the OPA NRDA regulations. On April 4, 2016, the U.S. District Court for the eastern district of Louisiana entered a consent decree resolving civil claims by the trustees against BP.

The Alabama TIG, which is composed of the Alabama Department of Conservation and Natural Resources, NOAA, Environmental Protection Agency, U.S. Department of the Interior, Environmental Protection Agency, and U.S. Department of Agriculture, selects and implements restoration projects under the Alabama TIG's management authority in accordance with the consent decree. The Final PDARP/PEIS, ROD, consent decree, and information on the DWH trustees can be found at *https://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan.*

**Background**

In September 2018, the Alabama TIG completed the ''Deepwater Horizon Oil Spill Alabama Trustee Implementation Group Final Restoration Plan II and Environmental Assessment: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; Nutrient Reduction (Nonpoint Source); Sea Turtles; Marine Mammals; Birds; and Oysters''. Twenty restoration projects were selected for implementation; one of which was *Enhancing Capacity for the Alabama Marine Mammal Stranding Network.* That project has been successfully implemented utilizing Marine Mammal Restoration Type funds identified in the DWH consent decree.

**Overview of the Final Supplemental RPII/EA**

In the Final Supplemental RPII/EA, the Alabama TIG analyzes a reasonable range of two project alternatives and, pursuant to the NEPA, a No Action Alternative. Those alternatives include:

- Enhancing Capacity for the Alabama Marine Mammal Stranding Network project Extension (preferred); and
- Reducing Illegal Feeding of Bottlenose Dolphins project (non-preferred).

Funding to implement either alternative ultimately selected by the Alabama TIG would come from the Marine Mammal Restoration Type allocation. The total estimated cost to implement the preferred alternative is $1,881,237 and would utilize the remaining allocation of Alabama TIG Marine Mammal Restoration Type funds.

**Administrative Record**

The Administrative Record for the Final Supplemental RPII/EA can be viewed electronically at *https://www.doi.gov/deepwaterhorizon/adminrecord* under the folder 6.5.3.2.

**Authority**

The authority for this action is the OPA of 1990 (33 U.S.C. 2701 *et seq.*), its implementing NRDA regulations found at 15 CFR part 990, and the NEPA of 1969 (42 U.S.C. 4321 *et seq.*), its implementing regulations found at 40 CFR parts 1500–1508.

Dated: July 29, 2024.

**Carrie Diane Robinson,**

*Director, Office of Habitat Conservation, National Marine Fisheries Service.*

[FR Doc. 2024–17092 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XE145]**

### Marine Mammals; File No. 28171

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Rachel Cartwright, Ph.D., Keiki Kohola Project, 1330 Sabal Lakes Road, Delray Beach, FL 33445, has applied in due form for a permit to conduct research on humpback whales (*Megaptera novaeangliae;* Hawaii distinct population segment [DPS]), bottlenose dolphins (*Tursiops truncatus*), spinner dolphins (*Stenella longirostris*), pantropical spotted dolphins (*Stenella attenuata*), false killer whales (*Pseudorca crassidens;* Hawaiian insular DPS), and short-finned pilot whales (*Globicephala macrorhynchus*).

**DATES:** Written comments must be received on or before September 3, 2024.

**ADDRESSES:** The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 28171 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include ''File No. 28171'' in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Erin Markin, Ph.D., or Carrie Hubard, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant proposes to continue long-term monitoring of the health, behavior, and habitat use of humpback whales in Hawaiian waters. Research may be conducted from a vessel or unmanned aircraft system for counts, observations, and photograph and video recordings (above and underwater) on

up to 1,017 humpback whales annually. Opportunistic research may occur on 12 bottlenose, 120 spinner, and 60 pantropical spotted dolphins, 24 false killer, and 24 short-finned pilot whales, annually. The requested duration of the permit is 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 25, 2024.

**Julia M. Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2024–17115 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Draft Revised Management Plan for the Guana Tolomato Matanzas National Estuarine Research Reserve

**AGENCY:** Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

**ACTION:** Request for comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is soliciting comments from the public regarding a proposed revision of the management plan for the Guana Tolomato Matanzas National Estuarine Research Reserve. A management plan provides a framework to guide a reserve's programs, track progress toward meeting its goals, and identify potential opportunities or changes in direction. It is also used to guide programmatic evaluations of a reserve. Management plan revisions are required at least every five years. This draft revised management plan is intended to replace the Guana Tolomato Matanzas National Estuarine Research Reserve management plan, which was approved in 2009.

**DATES:** Comments must be received at the appropriate address (see **ADDRESSES**) on or before September 3, 2024.

**ADDRESSES:** The draft revised management plan can be downloaded or viewed at: *https://floridadep.gov/sites/default/files/GTM-NERR-Management-Plan.pdf.* It is also available by sending a written request to the point of contact identified below (see **FOR FURTHER INFORMATION CONTACT**).

You may submit comments by email to *steph.robinson@noaa.gov.* Include ''Comments on draft Guana Tolomato Matanzas Management Plan'' in the subject line of the message. NOAA will accept anonymous comments, however, the written comments NOAA receives are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personally identifiable information, such as account numbers and Social Security numbers, should not be included with the comment. Comments that are not related to the Management Plan for the Guana Tolomato Matanzas National Estuarine Research Reserve, or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Robinson, on contract with NOAA's Office for Coastal Management, *steph.robinson@noaa.gov,* (843) 481–0190.

**SUPPLEMENTARY INFORMATION:** Pursuant to 15 CFR 921.33(c), Florida must revise the management plan for the Guana Tolomato Matanzas National Estuarine Research Reserve at least every five years. If approved by NOAA, the revised management plan for the Guana Tolomato Matanzas National Estuarine Research Reserve will replace the plan previously approved in 2009.

Management plans outline a reserve's strategic goals and objectives; administrative structure; programs for conducting research and monitoring, education, and training; resource protection, restoration, and manipulation plans; public access and visitor use plans; consideration for future land acquisition; and facility development to support reserve operations. In particular, this draft revised management plan for the Guana Tolomato Matanzas reserve focuses on changes to the strategic plan, physical boundaries, and enhanced programmatic alignment across the reserve's sectors.

Since the last management plan, the Guana Tolomato Matanzas National Estuarine Research Reserve received approval for an expansion of the site's boundary—March 2020—to include the City of St. Augustine's sovereign submerged lands within the Matanzas River and Salt Run, the state sovereign submerged lands along the Matanzas and Tolomato Rivers that connect the City of St. Augustine portion to the previous boundary, and the Marshview parcel in the southern portion of the reserve. In addition, the reserve completed several facility construction projects: the Princess Place Legacy House and Cabins for visiting investigator use; a freshwater wetland boardwalk; a freshwater marsh boardwalk on the Guana Preserve Yellow Trail; and a storage facility (pole barn). The reserve also installed redesigned interpretive displays at the Visitor Center and along several trails within the reserve. The revised management plan, once approved, would serve as the guiding document for the 75,761-acre Guana Tolomato Matanzas National Estuarine Research Reserve for the next five years.

NOAA's Office for Coastal Management analyzes the environmental impacts of the proposed approval of this management plan in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.,* and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500–1508 (2022)). The public is invited to comment on the draft revised management plan. NOAA will take these comments into consideration when deciding whether to approve the revised management plan in whole or in part.

*Authority:* 16 U.S.C. 1451 *et seq.;* 15 CFR 921.33.

**Keelin S. Kuipers,**

*Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2024–17057 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–08–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XE125]**

### South Atlantic Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold four Best Fishing Practices Master Volunteer Program (BFP MVP) workshops covering best fishing practices, specifically for snapper grouper species, how to get involved in Citizen Science projects, and how to get involved in the Council process.

**DATES:** BFP MVP Workshops will take place August 20, August 21, August 22, and August 27, 2024. The August 20, 21, and 22 workshops will begin at 6 p.m., local time. The August 27 workshop will begin at 5 p.m., local time. See **SUPPLEMENTARY INFORMATION.**

**ADDRESSES:**

*Meeting addresses:* The workshops will be held in New Smyrna Beach, FL; Jupiter, FL; Key West, FL; and Ponte Vedra Beach, FL. See **SUPPLEMENTARY INFORMATION** for specific locations.

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Ashley Oliver, Best Fishing Practices Outreach Specialist, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *ashley.oliver@safmc.net.*

**SUPPLEMENTARY INFORMATION:** The Council is hosting a series of Best Fishing Practices Master Volunteer Program (BFP MVP) workshops along the South Atlantic coast throughout 2024. The workshops are designed to empower key members of the fishing community to share information on best fishing practices and opportunities to get involved in the Council process. Council staff will introduce the BFP MVP and the program's goals and objectives and share information on Best Fishing Practices including the topics of barotrauma and barotrauma mitigation devices. The workshop agenda also includes discussions of the Council's Citizen Science projects, and an introduction to the Regional Fishery Management Councils, specifically the South Atlantic Fishery Management Council, and how to get involved in the Federal fishery management process. If applicable, state agencies will share information pertaining to their fisheries management and BFP efforts. Throughout the workshop, attendees will have the opportunity to share their expertise and ideas with staff on improving outreach efforts in their community. Additional workshops will be scheduled along the South Atlantic coast throughout the remainder of 2024. A summary of the 2024 workshops will be provided to the Council for use in ongoing outreach efforts.

**Workshop Locations**

*Tuesday, August 20, 2024:* Marine Discovery Center: 520 Barracuda Blvd., New Smyrna Beach, FL 32169; phone: (386) 428–4828;

*Wednesday, August 21, 2024:* West Jupiter Recreation Center: 6401 W Indiantown Rd., Jupiter, FL 33458; phone: (561) 694–5431;

*Thursday, August 22, 2024:* Beachside Resort and Residences: 3841 N Roosevelt Blvd., Key West, FL 33040; phone: (305) 296–8100; and

*Tuesday, August 27, 2024:* Guana Tolomato Matanzas National Estuarine Research Reserve Classroom 3: 505 Guana River Rd., Ponte Vedra Beach, FL 32082; phone: (904) 380–8600.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for auxiliary aid 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. 1802 *et seq.*

Dated: July 29, 2024.

**Rey Israel Marquez,**

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

[FR Doc. 2024–17030 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XE153]**

### New England 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 New England Fishery Management Council's is convening a Scientific and Statistical Committee subpanel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This webinar will be held on Monday, August 19, 2024, beginning at 10 a.m.

**ADDRESSES:**

*Webinar Registration information: https://nefmc-org.zoom.us/webinar/register/WN_6yKH4990TI24kHu_mOdgLg.*

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

**SUPPLEMENTARY INFORMATION:**

**Agenda**

A Scientific and Statistical Committee subpanel will convene to review and consider changes to the Atlantic sea scallop dredge survey sampling design and strata. The subpanel will be reviewing work by the Northeast Fisheries Science Center on the application of the Generalized Random Tessellation Stratified (GRTS) method to the Atlantic sea scallop dredge survey sampling design and strata to improve its statistical efficiency. In this review, the subpanel will consider the appropriateness of: (1) the GRTS method for determining strata and as a sampling design, and (2) the newly designed survey strata for use in scallop management. They will discuss other business as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action 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 the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: July 29, 2024.

**Rey Israel Marquez,**

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

[FR Doc. 2024–17032 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XE151]**

### Marine Mammals; File No. 28192

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Olga von Ziegesar, Winged Whale Research, 53254 Marimac Avenue, Homer, AK 99603, has applied in due form for a permit to conduct research on humpback whales (*Megaptera novaeangliae*; Western North Pacific, Hawai'i, and Mexico distinct population segments).

**DATES:** Written comments must be received on or before September 3, 2024.

**ADDRESSES:** The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 28192 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov*.

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov*. Please include File No. 28192 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov*. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Erin Markin, Ph.D., or Carrie Hubard, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant proposes to continue long-term monitoring of the distribution, abundance, behavior, and calving rates of humpback whales in Alaskan waters, specifically Prince William Sound and adjacent waters. Research may be conducted from a vessel for counts, observations, photo-ID, and photograph and video recordings on up to 140 humpback whales annually. The requested duration of the permit is 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 26, 2024.

**Julia M. Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2024–17068 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XE126]**

### Fisheries of the South Atlantic; 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 95 Atlantic Migratory Cobia Life History Webinar II.

**SUMMARY:** The SEDAR 95 assessment of the Atlantic stock of cobia will consist of a series of data and assessment webinars. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SEDAR 95 Atlantic Migratory Cobia Life History Webinar II is scheduled for August 19, 2024, from 1 p.m. to 3 p.m., Eastern. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

**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, N Charleston, SC 29405; *www.sedarweb.org*.

**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 three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a 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, Highly Migratory Species 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 non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the SEDAR 95 Atlantic Migratory Cobia Life History Webinar II are as follows:

Discuss and review available life history data and provide recommendations for use in the assessment.

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**

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business 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 29, 2024.

**Rey Israel Marquez,**

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

[FR Doc. 2024–17031 Filed 8–1–24; 8:45 am]

**BILLING CODE 3510–22–P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed deletions from the procurement list.

**SUMMARY:** The Committee is proposing to delete service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** *Comments must be received on or before:* September 01, 2024.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322 or email *CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

**Deletions**

The following service(s) are proposed for deletion from the Procurement List:

*Service(s)*

*Service Type:* Develop Rapid Prototypes
*Mandatory for:* Alphapointe Association for the Blind, Kansas City, MO
*Designated Source of Supply:* National Industries for the Blind, Alexandria, VA
*Designated Source of Supply:* The Arkansas Lighthouse for the Blind, Little Rock, AR
*Designated Source of Supply:* Blind Industries & Services of Maryland, Baltimore, MD
*Designated Source of Supply:* Alphapointe, Kansas City, MO
*Designated Source of Supply:* Lions Services, Inc., Charlotte, NC
*Designated Source of Supply:* LC Industries, Inc., Durham, NC
*Designated Source of Supply:* Industries of the Blind, Inc., Greensboro, NC
*Designated Source of Supply:* Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
*Designated Source of Supply:* Northeastern Association of the Blind at Albany, Inc., Albany, NY
*Designated Source of Supply:* Goodwill Vision Enterprises, Rochester, NY
*Designated Source of Supply:* San Antonio Lighthouse for the Blind, San Antonio, TX
*Designated Source of Supply:* (Seattle Lighthouse), Seattle, WA
*Contracting Activity:* U.S. COAST GUARD, HQ CONTRACT OPERATIONS (CG–912)
*Service Type:* Telephone Switchboard Operations
*Mandatory for:* Department of Veterans Affairs, VA Medical Center, Washington, DC
*Designated Source of Supply:* Columbia Lighthouse for the Blind, Washington, DC
*Contracting Activity:* VETERANS AFFAIRS, DEPARTMENT OF, 688–WASHINGTON, DC (00688)

**Michael R. Jurkowski,**

*Director, Business Operations.*

[FR Doc. 2024–17104 Filed 8–1–24; 8:45 am]

**BILLING CODE 6353–01–P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to and deletions from the Procurement List.

**SUMMARY:** This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities and deletes product(s) from the Procurement List previously furnished by such agencies.

**DATES:** *Date added to and deleted from the Procurement List:* September 01, 2024.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:**

**Additions**

On 6/21/2024 (89 FR 52029), the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. ((89 FR 52029). The Committee determined that the service listed below is suitable for procurement by the Federal Government and has added this service to the Procurement List as a mandatory purchase for the contracting activity listed. In accordance with 41 CFR 51–5.3(b), the mandatory purchase requirement is limited to the contracting activity at the location listed), and in accordance with 41 CFR 51–5.2, the Committee has authorized the NPA listed as the mandatory source of supply.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

**Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service(s) to the Government.

2. The action will result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in

connection with the product(s) and service(s) proposed for addition to the Procurement List.

**End of Certification**

Accordingly, the following service(s) are added to the Procurement List:

*Service(s)*

*Service Type:* Janitorial Service
*Mandatory for:* US Department of State, United States Section of the International Water Commission, Rio Rico, AZ
*Designated Source of Supply:* J.P. Industries, Inc., Tucson, AZ
*Contracting Activity:* INTERNATIONAL BOUNDARY AND WATER COMMISSION: U.S.-MEXICO, INTL BOUNDARY WATER COMM US MEX

**Deletions**

On 6/28/2024 (89 FR 53965), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

**Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) deleted from the Procurement List.

**End of Certification**

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

*Product(s)*

*NSN(s)—Product Name(s):*
7510–01–682–8094—Monthly Planner, Recycled, Dated 2024, 14-month, 6⅞″ x 8¾″
7510–01–682–8104—Professional Planner, Dated 2024, Recycled, Weekly, Black, 8½″ x 11″
7530–01–693–5571—Monthly Desk Planner, Dated 2024, Wire Bound, Non-refillable, Black Cover
7530–01–693–5580—Weekly Desk Planner, Dated 2024, Wire Bound, Non-refillable, Black Cover
7530–01–693–5589—Weekly Planner Book, Dated 2024, 5″ x 8″, Black
7530–01–693–5597—Daily Desk Planner, Dated 2024, Wire bound, Non-refillable, Black Cover
7510–01–682–8099—Wall Calendar, Recycled, Dated 2024, Vertical, 3 Months, 12¼″ x 26″
7510–01–693–5076—Monthly Wall Calendar, Dated 2024, Jan–Dec, 8½″ x 11″
7510–01–693–5081—Wall Calendar, Dated 2024, Wire Bound w/hanger, 15.5″ x 22″
7510–01–693–5097—Wall Calendar, Dated 2024, Wire Bound w/Hanger, 12″ x 17″
7510–01–695–6112—Dated 12-Month 2-Sided Laminated Wall Planner, 24″ x 37″
*Designated Source of Supply:* Chicago Lighthouse Industries, Chicago, IL
*Contracting Activity:* GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY
*NSN(s)—Product Name(s):*
7920–00–NIB–0508—WetTask Wiping System—Bucket
7920–00–NIB–0510—WetTask Wiping System—Canister
*Designated Source of Supply:* East Texas Lighthouse for the Blind, Tyler, TX
*Contracting Activity:* STRATEGIC ACQUISITION CENTER, FREDERICKSBURG, VA
*NSN(s)—Product Name(s):*
7045–01–599–5291—Privacy Filter, 16:9 Aspect Ratio Computer Monitor, 17.3 Widescreen
*Designated Source of Supply:* Wiscraft, Inc., Milwaukee, WI
*Contracting Activity:* STRATEGIC ACQUISITION CENTER, FREDERICKSBURG, VA
*NSN(s)—Product Name(s):*
7045–01–599–5291—Privacy Filter, 16:9 Aspect Ratio Computer Monitor, 17.3 Widescreen
*Designated Source of Supply:* Wiscraft, Inc., Milwaukee, WI
*Contracting Activity:* GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

**Michael R. Jurkowski,**

*Director, Business Operations.*

[FR Doc. 2024–17100 Filed 8–1–24; 8:45 am]

**BILLING CODE 6353–01–P**

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 9:00 a.m. EDT, Friday, August 9, 2024.

**PLACE:** Virtual meeting.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement matters. 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.cftc.gov/.*

**CONTACT PERSON FOR MORE INFORMATION:** Christopher Kirkpatrick, 202–418–5964.

*Authority:* 5 U.S.C. 552b.

Dated: July 31, 2024.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

[FR Doc. 2024–17232 Filed 7–31–24; 4:15 pm]

**BILLING CODE 6351–01–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal No. 22–0N]**

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** Neil Hedlund at *neil.g.hedlund.civ@mail.mil* or (703) 697–9214.

**SUPPLEMENTARY INFORMATION:** This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22–0N.

Dated; July 29, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 6001–FR–P**

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 23, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22-0N. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 19-46 of August 27, 2019.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal

**BILLING CODE 6001–FR–C**

Transmittal No. 22–0N

*REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)*

(i) *Purchaser:* Government of Lithuania

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 19–46

Date: August 27, 2019

Implementing Agency: Army

Funding Source: National Funds

(iii) *Description:* On August 27, 2019, Congress was notified by Congressional certification transmittal number 19–46, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of five hundred Joint Light Tactical Vehicles, M1278Al Heavy Guns Carriers. Also included were Baseline Integration Kits; Ballistic Kits Armor; Explosive Formed Protection Kit; Shot Detection Boomerang Kits; Shot Detection, Boomerang III; GPS Stand Alone kits; Network Switch- 8 port; M153 Common Remote Weapon Stations (CROWS); CROWS Baseline v2 Integration Kit; MK–93 Weapons Mounts; M2 QCB .50 CAL Machine Guns; M230 TAC–FLIR Systems; Opaque Armor (windows); Basic Issue Item Kits; Winch Kits; Flat Tow Kits; Run-Flat Kits; Spare Tire Kits; Combat Bumper Kits; Duramax Turbo Engine with Allison 6 speed automatic transmission and 4x4 TAK–4i Independent suspension systems; personnel training and training equipment; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The estimated total cost was $170.8 million. Major Defense Equipment (MDE) constituted $147 million of this total.

This transmittal reports increases in MDE value by $100 million to $247 million and non-MDE value by $141.2 million to $165 million for the previously notified Joint Light Tactical Vehicles (JLTVs). This will result in an overall total case value increase of $241.2 million to $412 million.

(iv) *Significance:* Recent Joint Light Tactical Vehicle (JLTV) cost increases have brought about the need to add value to the original notification. The sale of associated equipment and services will significantly enhance this NATO partner's ability to counter threats posed by armored and hardened targets, greatly increasing NATO's overall security.

(v) *Justification:* This proposed sale will support the foreign policy and national security objectives of the

United States by helping to improve the military capability of a NATO Ally that is an important force for ensuring political stability and economic progress within Eastern Europe.

(vi) *Sensitivity of Technology:* The Sensitivity of Technology statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

(vii) *Date Report Delivered to Congress:* September 23, 2022

[FR Doc. 2024–17040 Filed 8–1–24; 8:45 am]

BILLING CODE 6001–FR–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal No. 22–0F]**

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** Neil Hedlund at *neil.g.hedlund.civ@mail.mil* or (703) 697–9214.

**SUPPLEMENTARY INFORMATION:** This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22–0F.

Dated: July 29, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

BILLING CODE 6001–FR–P

**DEFENSE SECURITY COOPERATION AGENCY**
**2800 Defense Pentagon**
**Washington, DC 20301-2800**

SEP 2 7 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22-0F. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 16-58 of November 17, 2016.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

**BILLING CODE 6001–FR–C**

Transmittal No. 22–0F

*REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)*

(i) *Purchaser:* Government of Qatar
(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 16–58
Date: November 17, 2016
Military Department: Air Force
Funding Source: National Funds
(iii) *Description:* On November 17, 2016, Congress was notified by Congressional certification transmittal number 16–58 of the possible sale under Section 36(b)(l) of the Arms Export Control Act of weapons, equipment, and support for: seventy-two (72) F–15QA aircraft, one hundred forty-four (144) F–110–GE–129 aircraft engines, eighty (80) Advanced Display Core Processor II (ADCP II), eighty (80) Digital Electronic Warfare Suites (DEWS), eighty (80) M61A ''Vulcan'' gun systems, eighty (80) Link-16 systems, one hundred sixty (160) Joint Helmet Mounted Cueing Systems (JHMCS), three hundred twelve (312) LAU–128 missile launchers, eighty (80) AN/APG–82(V)l Active Electronically Scanned Array (AESA) radars, one hundred sixty (160) Embedded OPS/Inertial Navigation Systems (INS) (EGI), eighty (80) AN/AAQ–13 LANTIRN navigation pods w/ containers, eighty (80) AN/AAQ–33 SNIPER Advanced Targeting Pods w/ containers, eighty (80) AN/AAS–42 Infrared Search and Track Systems (IRST), two hundred (200) AIM–9X Sidewinder missiles, seventy (70) AIM–9X Captive Air Training Missiles (CATM), eight (8) AIM–9X special training missiles, twenty (20) CATM AIM–9X missile guidance units, twenty (20) AIM–9X tactical guidance kits, two hundred fifty (250) AIM–120C7

Advanced Medium Range Air-to-Air Missiles (AMRAAM), five (5) AIM–120C7 spare guidance kits, one hundred (100) AGM–88 High Speed Anti-Radiation Missiles (HARM), forty (40) AGM–88 HARM CATMs, two hundred (200) AGM–154 Joint Standoff Weapons (JSOW), eighty (80) AGM–84L–1 Standoff Strike anti-ship missiles (Harpoon), ten (10) Harpoon exercise missiles, two hundred (200) AGM–65G2 (Maverick) missiles, five hundred (500) GBU–38 Joint Direct Attack Munitions (JDAM) guidance kits, five hundred (500) GBU–31(Vl) JDAM guidance kits, two hundred fifty (250) GBU–54 Laser JDAM guidance kits, two hundred fifty (250) GBU–56 Laser JDAM guidance kits, five hundred (500) BLU–117B bombs, five hundred (500) BLU–117B bombs, six (6) MK–82 Inert bombs, and one thousand (1,000) FMU–152 Joint programmable fuses. The estimated total cost was $21.1 billion. Major Defense Equipment (MDE) constituted $11.5 billion of this total.

On January 5, 2018, CN 0C–17 reported the replacement of the previously notified AGM–65H/K variant with AGM–65, the inclusion of AAR–57A Common Missile Warning Systems, sub-components to JDAM and Laser JDAM, and supplemented the description of General-Purpose Bomb Bodies to include BLU–111, MK–82, BLU–117B, and MK–84 series weapons. The replacement or upgrading of the status of this equipment to MDE and Significant Military Equipment (SME) did not result in a change to the estimated cost of MDE of $11.5 billion. The total estimated case value remained $21.1 billion.

On November 28, 2018, CN 0L–18 reported the inclusion of additional training assets as MDE to support the previously notified AGM–65 (Maverick) missiles: five (5) TGM–65 Maverick-Missile Aircrew Trainer; one (1) TGM–65 Maverick-Missile Load Trainer; and one (1) TGM–65 Maverick-Missile Maintenance Trainer. The estimated value of the additional MDE items was $3.5 million but its addition did not result in a net increase in the MDE value notified. The total estimated case value remained $21.1 billion.

On December 8, 2021, CN 20–0I notified the inclusion of up to five hundred (500) GBU–39/B Small Diameter Bombs Increment I (SDB I), one (1) GBU–39 A/B Focused Lethality Munition (FLM) practice bomb, and one (1) GBU–39 B/B Laser SDB practice bomb. The estimated value of the additional MDE items was $35 million but its addition did not result in a net increase in the MDE value notified. The total estimated case value remained $21.1 billion.

This transmittal notifies the addition of the following MDE items: two (2) GBU–39(T–1)/B Inert Small Diameter Bomb (SDB) Guided Test Vehicles (GTV). The following non-MDE items will also be included: Tactical Synthetic Aperture Radar (TacSAR) Advanced Electronically Scanned Reconnaissance Pods; TacSAR Transportable Ground Stations; associated spare and repair parts, consumables, and accessories; and U.S. Government and contractor engineering, technical and logistics support services, as well as other related elements of logistical and program support.

The total value of added MDE items is $1.8 million but will not result in a net increase in the MDE value notified. The total estimated MDE value will remain $11.5 billion. The total value of added non-MDE items is $130 million but will not result in an increase in the total estimated non-MDE value. The total estimated case value will remain $21.1 billion.

(iv) *Significance:* The proposed sale will significantly improve Qatar's defense capabilities to meet current and future threats and deter regional aggression. The inclusion of these items represents an increase in capability over what was originally notified.

(v) *Justification:* This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country that continues to be an important force for political stability and economic progress in the Middle East.

(vi) *Sensitivity of Technology:*

The GBU–39(T–1)/B SDB GTV is an inert, full-scale configuration of the SDB used to demonstrate safe-separation from the SDB carriage system and parent aircraft, free flight, maneuverability and target accuracy.

The TacSAR system is a non-program of record reconnaissance pod designed for carriage on fighter aircraft that features Active Electronic Scanned Array (AESA) radar technology. TacSAR capabilities include providing long range, day/night, all-weather imagery and Ground Moving Target Indication. The pod can also transmit imagery via a datalink to Ground Stations for near-real time analysis and exploitation. The pod integrates a synthetic aperture radar into the same outer-shell as the DB–110 and MS–110 pods.

The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

(vii) *Date Report Delivered to Congress:* September 27, 2022

[FR Doc. 2024–17043 Filed 8–1–24; 8:45 am]

BILLING CODE 6001–FR–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2024–OS–0088]**

### Proposed Collection; Comment Request

**AGENCY:** Office of the Chief Information Officer, Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Chief Information Officer (CIO) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 1, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Mr. Reginald Lucas at the Department of Defense, Washington Headquarters Services, ATTN: Executive Services Directorate, Directives Division, 4800 Mark Center Drive, Suite 03F09–09, Alexandria, VA 22350–3100 or call 571–372–7574.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Basic Employee and Security Tracking Systems (BEAST); OMB Control Number 0704–0507.

*Needs and Uses:* The information collection requirement is necessary to obtain, track, and record the personnel security data, training information, and travel history within the White House Military Office and White House Communications Agency.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 38.

*Number of Respondents:* 150.

*Responses per Respondent:* 1.

*Annual Responses:* 150.

*Average Burden per Response:* 15 minutes.

*Frequency:* On occasion.

Respondents are DoD contractors, retired military members who have departed the agency, and agency visitors. The data collected is used for security background checks, training records, and also to encompass the historical travel records of members of the agency. This data collection is essential in maintaining the integrity of the agency's personnel, training, and travel programs.

Dated: July 30, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024–17111 Filed 8–1–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal No. 22–45]**

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** Neil Hedlund at *neil.g.hedlund.civ@mail.mil* or (703) 697–9214.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22–45 with attached Policy Justification and Sensitivity of Technology.

Dated: July 29, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 6001–FR–P**

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 2, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-45, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $355 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 22–45

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

| | |
|---|---|
| Major Defense Equipment * | $285 million |
| Other | $ 70 million |
| TOTAL | $355 million |

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*
Sixty (60) AGM–84L–1 Harpoon Block II Missiles
Four (4) ATM–84L–1 Harpoon Block II Exercise Missiles

*Non-MDE:*
Also included are Harpoon Guidance Control Units (GCUs); Harpoon Radar Seekers; Harpoon Radar Altimeters; Harpoon Captive Air Test Missiles (CATMs); containers; spare and repair parts; support and test equipment; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor representatives' technical assistance; engineering and logistics support services; and other related elements of logistics support.

(iv) *Military Department:* Navy (TW–P–ALQ)

(v) *Prior Related Cases, if any:* TW–P–LGB, TW–P–LGV

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 2, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

*POLICY JUSTIFICATION*

*Taipei Economic and Cultural Representative Office in the United States—AGM–84L–1 Harpoon Block II Missiles*

The Taipei Economic and Cultural Representative Office in the United States (TECRO) has requested to buy sixty (60) AGM–84L–1 Harpoon Block II missiles and four (4) ATM–84L–1 Harpoon Block II exercise missiles. Also included are Harpoon Guidance Control Units (GCUs); Harpoon Radar Seekers; Harpoon Radar Altimeters; Harpoon Captive Air Test Missiles (CATMs); containers; spare and repair parts; support and test equipment; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor representatives' technical assistance; engineering and logistics support services; and other related elements of logistics support. The estimated total cost is $355 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will contribute to the modernization of the recipient's capability to meet current and future threats by providing a flexible solution to augment existing surface and air defenses. The recipient will be able to employ a highly reliable and effective system to counter or deter maritime aggressions, coastal blockades, and amphibious assaults. This equipment will contribute to the recipient's goal of updating its military capability while further enhancing interoperability with the United States and other allies. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Boeing Company, St. Louis, MO. The recipient has requested offsets. At this time, agreements are undetermined and will be defined in negotiations between the recipient and the contractor.

Implementation of this proposed sale will not require the permanent assignment of any additional U.S. Government or contractor representatives to recipient. Support teams will travel to recipient on a temporary basis.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–45

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Harpoon missile is a non-nuclear tactical weapons system. It provides a day, night, and adverse weather, standoff air-to-surface capability and is an effective Anti-Surface Warfare missile.

2. The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems, which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2024–17042 Filed 8–1–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal No. 22–07]**

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** Neil Hedlund at *neil.g.hedlund.civ@mail.mil* or (703) 697–9214.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22–07 with attached Policy Justification.

Dated: July 29, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 6001–FR–P**

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

September 7, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-07, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Pakistan for defense articles and services estimated to cost $450 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 6001–FR–C

Transmittal No. 22–07

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Pakistan

(ii) *Total Estimated Value:*

| | |
|---|---|
| Major Defense Equipment * | $ 0 million |
| Other | $450 million |
| TOTAL | $450 million |

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* This Foreign Military Sales (FMS) Case is a follow-on effort and consolidation of prior F–16 sustainment and support cases to support the Pakistan Air Force F–16 fleet by reducing duplicate case activities and adding additional continued support elements.

Major Defense Equipment (MDE):
None

Non-MDE:
Included are U.S. Government and contractor engineering, technical, and logistics services for follow-on support of Pakistan's F–16 fleet to include participation in F–16 Aircraft Structural Integrity Program, Electronic Combat International Security Assistance Program, International Engine Management Program, Engine Component Improvement Program, and other technical coordination groups; aircraft and engine hardware and software modifications and support; aircraft and engine spare repair/return parts, accessories and support

equipment; classified and unclassified software and software support; publications, manuals, and technical documentation; precision measurement, calibration, lab equipment, and technical support services; studies and surveys; and other related elements of aircraft maintenance and program support.

(iv) *Military Department:* Air Force (PK–D–QAP)

(v) *Prior Related Cases, if any:* PK–D–NAP, PK–D–SAF, PK–D–QAJ, PK–D–QCX

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time.

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* September 7, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

*POLICY JUSTIFICATION*

*Pakistan—F–16 Case for Sustainment*

The Government of Pakistan has requested to consolidate prior F–16 sustainment and support cases to support the Pakistan Air Force F–16 fleet by reducing duplicate case activities and adding additional continued support elements. Included are U.S. Government and contractor engineering, technical, and logistics services for follow-on support of Pakistan's F–16 fleet to include participation in F–16 Aircraft Structural Integrity Program, Electronic Combat International Security Assistance Program, International Engine Management Program, Engine Component Improvement Program, and other technical coordination groups; aircraft and engine hardware and software modifications and support; aircraft and engine spare repair/return parts, accessories and support equipment; classified and unclassified software and software support; publications, manuals, and technical documentation; precision measurement, calibration, lab equipment, and technical support services; studies and surveys; and other related elements of aircraft maintenance and program support. The estimated total cost is $450 million.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a partner nation that is a force for political stability in the region by allowing Pakistan to retain interoperability with U.S. and coalition forces in ongoing counterterrorism efforts and in preparation for future contingency operations.

The proposed sale will improve Pakistan's capability to meet current and future threats by continuing the sustainment of its F–16 fleet, which is the Pakistan Air Force's premier multi-role jet fighter and greatly improves Pakistan's ability to project combat power in support of counterterrorism through its robust air-to-ground capability. Pakistan will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Corporation, Fort Worth, TX. There are no known offsets proposed in conjunction with this sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Pakistan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2024–17041 Filed 8–1–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2024–OS–0087]**

### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 1, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 08D09, Alexandria, VA 22350–1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Finance and Accounting Service, 8899 E 56th St., Indianapolis, IN 46249, ATTN: Ms. Kellen Stout, (317) 212–1801.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Involuntary Allotment Application; DD Form 2653; OMB Control Number 0730–0018.

*Needs and Uses:* This collection of information is in response to requests for involuntary allotments. Before responding to a request, the responsible government official must have information that identifies both the applicant and the member against whom the involuntary allotment is sought; proves that the request is based on a valid court judgment; shows that the judgment comports with the provision of the Soldiers and Sailors Civil Relief Act (SCRA); and enables consideration for whether exigencies of military duty caused the absence of the member from a judicial proceeding upon which the judgment is based. With the exception of information concerning exigencies of military duty, an applicant for an involuntary allotment must provide required information before a government official can act on the applicant's request. The information from the DD Form 2653 is used by DFAS officials to determine whether an involuntary allotment should be established against the pay of a member

of the Armed Forces. The information is used to provide government reviewing officials with necessary information to ensure that both the law and due process considerations are accounted for, including information sufficient for a decision maker to determine that the request is based on a valid judgment and that the SCRA has been complied with.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 1,392

*Number of Respondents:* 2,783.

*Responses per Respondent:* 1.

*Annual Responses:* 2,783

*Average Burden per Response:* 30 minutes.

*Frequency:* On occasion.

Dated: July 24, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024–17112 Filed 8–1–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2024–OS–0090]**

### Proposed Collection; Comment Request

**AGENCY:** Office of the Chief Information Officer, Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995,* the Office of the DoD Chief Information Officer announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 1, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Director of Defense Industrial Base (DIB) Cybersecurity (CS) Program and Director of DoD CIO Cybersecurity Policy and Partnerships, ATTN: Kevin Dulany, Washington, DC 20301, or call: 703–604–3167.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* DoD's Defense Industrial Base (DIB) Cybersecurity (CS) Activities Cyber Incident Reporting; OMB Control Number 0704–0489.

*Needs and Uses:* DoD designated the DoD Cyber Crime Center (DC3) as the single focal point for receiving all cyber incident reporting affecting the unclassified networks of DoD contractors from industry and other government agencies. DoD collects cyber incident reports using the Defense Industrial Base Network (DIBNet) portal (*https://dibnet.dod.mil*). Mandatory reporting requirements are addressed in a separate information collection under Office of Management and Budget (OMB) Control Number 0704–0478 entitled ''Safeguarding Covered Defense Information, Cyber Incident Reporting, and Cloud Computing'' authorizing the collection of mandatory cyber incident reporting in accordance with 10 United States Code (U.S.C.) 393: ''Reporting on Penetrations of Networks and Information Systems of Certain Contractors,'' 10 U.S.C. 391: ''Reporting on Cyber Incidents with Respect to Networks and Information Systems of Operationally Critical Contractors and Certain Other Contractors, and 50 U.S.C. 3330: ''Reports to the Intelligence Community on Penetrations of Networks and Information Systems of Certain Contractors.

This information collection supports the voluntary sharing of cyber incident information from DoD contractors in accordance with 32 Code of Federal Regulations part 236, ''DoD- DIB CS Activities,'' which authorizes the DIB CS Program. Sharing cyber incident information is critical to DoD's understanding of cyber threats against DoD information systems, programs, and warfighting capabilities. This information helps DoD to inform and mitigate adversary actions that may affect DoD information resident on or transiting unclassified defense contractor networks. The Federal Information Security Modernization Act of 2014 authorizes DoD to oversee agency information security policies and practices, for systems that are operated by DoD, a contractor of the Department, or another entity on behalf of DoD that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on DoD's mission.

Activities under this information collection also support DoD's critical infrastructure protection responsibilities, as the sector specific agency for the DIB sector (see Presidential Policy Directive 21 (PPD–21), ''Critical Infrastructure Security and Resilience,'' available at *https://www.whitehouse.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil.* The information collection requests data from the reporting companies to enable DoD to better understand the technical details of or related to a cyber-incident, including its potential adverse effect on the company's unclassified information system and the effect, if any, on DoD information residing on or transiting the company's information system; or a company's ability to provide operationally critical support to DoD. The collection includes a request for a company point of contact if DoD has questions regarding the shared information.

Defense contractors are encouraged to share information including cyber threat indicators that they believe may be of value in alerting the Government and others, as appropriate, to adversary activity so that we can develop mitigation strategies and proactively counter threat actor activity. Cyber incidents that are not compromises of covered defense information or do not adversely affect the contractor's ability to perform operationally critical support, may be of interest to the DIB and DoD for situational awareness purposes.

The information collection is based on the DoD contractor's internal assessment and determination that cyber information should be shared with DoD. Once the defense contractor determines that a report will be valuable to the community, they submit a cyber-incident report using the Incident Collection Format (ICF) that can be accessed via the web portal (*https://dibnet.dod.mil*).

DoD established this portal as the single reporting site for cyber incident information, whether mandatory or voluntary. A defense contractor selects the ''Report a Cyber Incident'' button. The defense contractor will then be prompted for their DoD-approved medium assurance certificate to gain access to the ICF. The contractor is then directed to a Privacy Act Statement web page that clearly states all cyber incident reports are stored in accordance with the DIB CS Activities System of Record Notice. Contractors are then allowed to access the ICF and input data. Once a defense contractor completes the ICF, they are given a preview of the ICF to ensure that all the information they are providing is correct. After verifying the information is correct, the defense contractor will then click the ''submit'' button. A reporting submission ID number is provided when the report is submitted. DoD uses this number to track the report and actions related to the report.

The report is analyzed by cyber threat experts at DC3 and they, in turn, develop written products that include analysis of the threat, mitigations, and indicators of adversary activity. These anonymized products are shared with authorized DoD personnel, other Federal agencies and designated points of contact in defense companies participating in the DIB CS Program. The products developed by DC3 do not contain company attribution, proprietary or personal information, but are vital to improving network security within the Government and the DIB.

*Affected Public:* Businesses or other for-profit; Not-for-profit Institutions.

*Annual Burden Hours:* 85,000.

*Number of Respondents:* 8,500.

*Responses per Respondent:* 5.

*Annual Responses:* 42,500.

*Average Burden per Response:* 2 hours.

*Frequency:* On occasion.

Dated: July 30, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024–17109 Filed 8–1–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Science Board; Notice of Federal Advisory Committee Meeting

**AGENCY:** Under Secretary of Defense for Research and Engineering, Defense Science Board, Department of Defense (DoD).

**ACTION:** Notice of Federal advisory committee meeting.

**SUMMARY:** The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Science Board (DSB) will take place.

**DATES:** Closed to the public Monday, August 26, 2024 from 8:00 a.m. to 4:30 p.m., closed to the public Tuesday, August 27, 2024 from 8:00 a.m. to 4:30 p.m., closed to the public Wednesday, August 28, 2024 from 8:00 a.m. to 4:30 p.m., closed to the public Thursday, August 29, 2024 from 8:00 a.m. to 4:30 p.m., and closed to the public Friday, August 30, 2024 from 8:00 a.m. to 12:00 p.m..

**ADDRESSES:** The address of the closed meetings is 1 University Circle, Monterey, CA 93943.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth J. Kowalski, Designated Federal Officer (DFO): (703) 571–0081 (Voice), (703) 697–1860 (Facsimile), *elizabeth.j.kowalski.civ@mail.mil,* (Email) Mailing address is Defense Science Board, 3140 Defense Pentagon, Washington, DC 20301–3140. Website: *http://www.acq.osd.mil/dsb/.* The most up-to-date changes to the meeting agenda can be found on the website.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the ''Federal Advisory Committee Act'' or ''FACA''); section 552b(c) of title 5, U.S.C.; and sections 102–3.140 and 102–3.150 of title 41, Code of Federal Regulations (CFR).

*Purpose of the Meeting:* The mission of the DSB is to provide independent advice and recommendations on matters relating to the DoD's scientific and technical enterprise. The objective of the meeting is to obtain, review, and evaluate classified information related to the DSB's mission. The DSB will discuss the 2024 DSB Summer Study on Advanced Capabilities for Potential Future Conflict and classified strategies for continued development of symmetric and asymmetric capabilities.

*Agenda:* The meeting will begin on Monday, August 26, 2024 at 8:00 a.m. DSB DFO Executive Director, Elizabeth Kowalski, will provide brief administrative remarks. Dr. Eric Evans, DSB Chair, will provide opening remarks and a classified overview of the objectives of the 2024 Summer Study on Advanced Capabilities for Potential Future Conflict. Next, Dr. David Honey, Deputy Under Secretary of Defense for Research and Engineering (DUSD(R&E)), will provide remarks regarding the objectives of the 2024 Summer Study on Advanced Capabilities for Potential Future Conflict. Next, the DSB will conduct a dry run of the current summary of findings on the development of symmetric and asymmetric capabilities that will characterize future conflicts. Following a break, members will discuss classified strategies that best enable DoD's continued development of symmetric and asymmetric capabilities that will characterize future conflicts. The session will adjourn at 4:30 p.m. The meeting will continue Tuesday, August 27, 2024, at 8:00 a.m. The DSB will discuss classified strategies that best enable DoD's continued development of symmetric and asymmetric capabilities that will characterize future conflicts, with a break midday. The session will adjourn at 4:30 p.m. On Wednesday, August 28, 2024 at 8:00 a.m., the DSB will proceed through a dry run of the current summary of findings on the development of symmetric and asymmetric capabilities that will characterize future conflicts. Following a break, members will discuss classified strategies that best enable DoD's continued development of symmetric and asymmetric capabilities that will characterize future conflicts. The session will adjourn at 4:30 p.m. On Thursday, August 29, 2024, at 8:00 a.m., the DSB will discuss classified strategies that best enable DoD's continued development of symmetric and asymmetric capabilities that will characterize future conflicts, with a break midday. The session will adjourn at 4:30 p.m. On the final day, Friday, August 30, 2024, the meeting will begin at 8:00 a.m. The DSB will proceed through a Dry Run of the current summary of findings on the development of symmetric and asymmetric capabilities that will characterize future conflicts. Members will deliberate and vote on the finalized product. The meeting will adjourn at 12:00 p.m.

*Meeting Accessibility:* In accordance with section 1009(d) of title 5, U.S.C. and section 102–3.155 of title 41 CFR, the DoD has determined that the DSB meeting will be closed to the public. Specifically, the DUSD(R&E), in

consultation with the DoD Office of the General Counsel, has determined in writing that the meeting will be closed to the public because it will consider matters covered by section 552b(c)(1) of title 5, U.S.C. The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meeting. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the DUSD(R&E).

*Written Statements:* In accordance with section 1009(a)(3) of title 5, U.S.C. and sections 102–3.105(j) and 102–3.140 of title 41, CFR, interested persons may submit a written statement for consideration by the DSB at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB DFO at the email address provided above in the **FOR FURTHER INFORMATION CONTACT** section at any point; however, if a written statement is not received at least three calendar days prior to a meeting, which is the subject of this notice, then it may not be provided to or considered by the DSB until a later date.

Dated: July 29, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024–17029 Filed 8–1–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal No. 22–46]**

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** Neil Hedlund at *neil.g.hedlund.civ@mail.mil* or (703) 697–9214.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22–46 with attached Policy Justification and Sensitivity of Technology.

Dated: July 29, 2024.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 6001–FR–P**

**DEFENSE SECURITY COOPERATION AGENCY**
2800 Defense Pentagon
Washington, DC 20301-2800

September 2, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-46, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $85.6 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 22–46

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

| | |
|---|---|
| Major Defense Equipment * | $65.1 million |
| Other | $20.5 million |
| TOTAL | $85.6 million |

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*

One hundred (100) AIM–9X Block II Sidewinder Tactical Missiles

Four (4) AIM–9X Block II Tactical Guidance Units

*Non-MDE:*

Also included are containers; spare and repair parts; support and test equipment; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor representatives' technical assistance; engineering and logistics support services; and other related elements of logistics support

(iv) *Military Department:* Navy (TW–P–ALP)

(v) *Prior Related Cases, if any:* TW–D–QBZ, TW–P–LIA

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 2, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

*POLICY JUSTIFICATION*

*Taipei Economic and Cultural Representative Office in the United States—AIM–9X Block II Sidewinder Missiles*

The Taipei Economic and Cultural Representative Office in the United States (TECRO) has requested to buy one hundred (100) AIM–9X Block II Sidewinder tactical missiles and four (4) AIM–9X Block II tactical Guidance Units. Also included are containers; spare and repair parts; support and test equipment; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor representatives' technical assistance; engineering and logistics support services; and other related elements of logistics support. The estimated total cost is $85.6 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will contribute to the modernization of the recipient's capability to meet current and future threats as it will be able to employ a highly reliable and effective system to increase their warfighting effectiveness, as needed, which can counter or deter aggressions by demonstrated precision against air targets. This equipment will contribute to the recipient's goal of updating its military capability while further enhancing interoperability with the United States and other allies. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missiles and Defense, Tucson, AZ. The recipient has requested offsets. At this time, agreements are undetermined and will be defined in negotiations between the recipient and the contractor.

Implementation of this proposed sale will not require the permanent assignment of any additional U.S. Government or contractor representatives to recipient. Support teams will travel to recipient on a temporary basis.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–46

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM–9X Block II Sidewinder Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM–9M and replaces the AIM–9X Block I Missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate with the Helmet Mounted Cueing System.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems, which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2024–17044 Filed 8–1–24; 8:45 am]

BILLING CODE 6001–FR–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2024–OS–0089]**

### Proposed Collection; Comment Request

**AGENCY:** Office of the DoD Chief Information Officer, Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995,* the Office of the DoD Chief Information Officer (CIO) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 1, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Director of Defense Industrial Base (DIB) Cybersecurity (CS) Program and Director of DOD CIO Cybersecurity Policy and Partnerships, ATTN: Kevin Dulany, Washington, DC 20301, or call: 703–604–3167.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* DoD's Defense Industrial Base (DIB) Cybersecurity (CS) Program Point of Contact Information; OMB Control Number 0704–0490.

*Needs and Uses:* DoD's DIB CS Program enhances and supports DIB CS participants' capabilities to safeguard DoD information that resides on, or transits, DIB unclassified information systems. The operational implementation of this Program requires DoD to collect, share, and manage point of contact (POC) information for Program administration and management purposes. The Government will collect typical business POC information from all DIB CS participants to facilitate communication and share cyber threat information. To implement and execute this Program within their companies, DIB CS participants provide POC information to DoD during the application process to join the Program. This information includes company name and identifiers such as cage code and mailing address, employee names and titles, corporate email addresses, and corporate telephone numbers of company-identified POCs. DIB CS Program POCs include the Chief Executive Officer (CEO), CIO, Chief Information Security Officer (CISO), and Corporate or Facility Security Officer, or their equivalents, as well as those administrative, policy, technical staff, and personnel designated to interact with the Government in executing the DIB CS Program (*e.g.,* typically 3–10 company designated POCs however the upper limit is at the company's discretion). After joining the Program, DIB CS participants provide updated POC information to DoD when personnel changes occur.

The DIB CS Program implements statutory authorities to established programs and activities to protect sensitive DoD information, including when such information resides on or transits information systems operated by contractors in support of DoD activities. Authorities include 32 Code of Federal Regulations Part 236, ''DoD's DIB CS Activities,'' which authorizes the voluntary DIB CS Information Sharing Program. In addition, the Federal Information Security Modernization Act of 2014 authorizes DoD to oversee agency information security policies and practices, for systems that are operated by DoD, a contractor of the Department, or another entity on behalf of DoD that process any information, the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on DoD's mission. Activities under this information collection policy also support DoD's critical infrastructure protection responsibilities, as the sector specific agency for the DIB sector (see Presidential Policy Directive 21 (PPD–21), ''Critical Infrastructure Security and Resilience,'' available at *https://www.whitehouse.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil*.

The DIB CS Program is focused on sharing cyber threat information and cybersecurity best practices with DIB CS participants. DoD needs to collect POC information to implement, manage, and administer the Program, and to share cyber threat information with participants. The Government will collect business POC information from all DIB CS participants to facilitate emails, teleconferences, meetings, and other Program activities.

The DIB CS Program uses a web portal (*https://dibnet.dod.mil*) to gather POC information from DoD contractors when they elect to participate in the Program. Companies select the ''DIB CS Member Login'' button to start the application process. Applicants will then be prompted to sign into the application with a valid DoD-approved medium assurance certificate. They are then directed to a DoD Information System Standard Notice and Consent banner that indicates they are accessing a U.S. Government information system and must click the ''I Agree'' button in order to continue. The next page is the DoD Privacy Statement that includes the Authorities, Purpose, Routine Use(s), Disclosure, Privacy Impact Assessment, Freedom of Information Act Request disclaimers, and an Agency Disclosure Notice, which must be agreed to by the company, by clicking the ''I Agree'' button, in order to proceed with the application.

Applicants are then required to complete the POC fields that are provided (*i.e.,* Company Name, Company Representative, CEO, CIO, CISO, and any additional POCs). The online application process does not allow applicants to submit the information unless they certify that the information provided is accurate by checking the ''Certify Application'' box. After entering all contact information, applicants click on the ''Submit Application'' button that automatically sends an email to the DIB CS Program Office that an application has been submitted.

If companies want to update their POC information, they can access the portal using their DoD-approved medium assurance certificates. Only designated company representatives and the DIB CS Program system administrators may view or update company POC information.

*Affected Public:* Businesses or other for-profit; Not-for-profit Institutions.

*Annual Burden Hours:* 312.

*Number of Respondents:* 935.

*Responses per Respondent:* 1.

*Annual Responses:* 935.

*Average Burden per Response:* 20 minutes.

*Frequency:* On occasion.

Dated: July 30, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024–17110 Filed 8–1–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF EDUCATION

### National Assessment Governing Board

### Meeting; Correction

**AGENCY:** National Assessment Governing Board, Department of Education.

**ACTION:** Notice; correction.

**SUMMARY:** The National Assessment Governing Board (Governing Board) published a document in the **Federal Register** on Wednesday, July 17, 2024, announcing the schedule and proposed agenda of the August 8–9, 2024 quarterly meeting of the Governing Board. The meeting agenda has been revised to reflect the below changes to the Thursday sessions of the Governing Board meeting.

**FOR FURTHER INFORMATION CONTACT:** Angela Scott (202) 357–7502.

**SUPPLEMENTARY INFORMATION:**

**Correction**

In the **Federal Register** of July 17, 2024, in FR Doc. 2024–15659, on page 58143 in the 2nd column, and on page 58144 in the 1st and 2nd columns, make the following corrections to reflect new times for these meetings. The Strategic Vision Discussion and Action session scheduled for Thursday, August 8, 2024, from 2:00 p.m. to 3:00 p.m. will now be held from 2:10 p.m. to 2:30 p.m. The meeting times for the Governing Board's standing committee meetings have changed; the meetings will now be held from 2:45 p.m. to 5:15 p.m. instead of the announced times of 3:15 p.m. to 5:15 p.m. The closed session for the Assessment Development Committee will now be held from 2:45 p.m. to 3:45 p.m. The closed session for the Committee on Standards, Design and Methodology will now begin at 3:15 p.m. to 4:15 p.m. instead of the announced time of 4:15 p.m. to 5:15 p.m. The meeting will end at 5:15 p.m. as originally announced.

**Lesley A. Muldoon,**

*Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.*

[FR Doc. 2024–17046 Filed 8–1–24; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Numbers:* RP24–918–000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Negotiated Rate Agreements Filing (TGS 2024) to be effective 8/1/2024.

*Filed Date:* 7/25/24.

*Accession Number:* 20240725–5105.

*Comment Date:* 5 p.m. ET 8/6/24.

*Docket Numbers:* RP24–919–000.

*Applicants:* Alliance Pipeline L.P.

*Description:* § 4(d) Rate Filing: Negotiated Rates—various Aug 1 2024 Releases to be effective 8/1/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5056.

*Comment Date:* 5 p.m. ET 8/7/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17014 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER24–2590–000]**

### Castleton Commodities Energy Trading LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Castleton Commodities Energy Trading LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 15, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's

Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17019 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Numbers:* RP24–920–000.

*Applicants:* Big Sandy Pipeline, LLC.

*Description:* Compliance filing: Big Sandy Fuel Filing effective 9/1/2024 to be effective N/A.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5032.

*Comment Date:* 5 p.m. ET 8/12/24.

*Docket Numbers:* RP24–921–000.

*Applicants:* Great Lakes Gas Transmission Limited Partnership.

*Description:* Compliance filing: Semi-Annual Transporter's Use Report July 2024 to be effective N/A.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5051.

*Comment Date:* 5 p.m. ET 8/12/24.

*Docket Numbers:* RP24–922–000.

*Applicants:* Transcontinental Gas Pipe Line Company, LLC.

*Description:* § 4(d) Rate Filing: Rate Schedule S–2 Tracker Filing eff 8/1/2024 to be effective 8/1/2024.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5059.

*Comment Date:* 5 p.m. ET 8/12/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

**Filings in Existing Proceedings**

*Docket Numbers:* RP24–781–004.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* Compliance filing: AGT Rate Case Compliance Filing—RP24–781 to be effective 9/1/2024.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5039.

*Comment Date:* 5 p.m. ET 8/12/24.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 29, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17082 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2420–059]**

### PacifiCorp; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license to continue to operate and maintain the Cutler Hydroelectric Project No. 2544 (project). The project is located on the Bear River, in Box Elder and Cache Counties, Utah. Commission staff has prepared an Environmental Assessment (EA) for the project.[1]

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major Federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov/*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments

[1] The notice of intent to prepare an EA that Commission staff issued for the project on August 18, 2022, specified a schedule for issuing both a draft and final EA; however, after further consideration of the complexity of the issues surrounding the project proposal it has been determined that the issuance of a single EA is appropriate.

using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2420–059.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595, or *OPP@ferc.gov.*

Any questions regarding this notice may be directed to Khatoon Melick at (202) 502–8433 or *Khatoon.Melick@ferc.gov.*

Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17012 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Project No. 137–221]**

## Pacific Gas and Electric Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Amendment of license to construct Spillway at the Tiger Creek regulator dam.

b. *Project No.:* 137–221.

c. *Date Filed:* November 15, 2023 and supplemented May 16, 2024.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Mokelumne River Hydroelectric Project.

f. *Location:* The Tiger Creek regulator dam is located on Tiger Creek in Amador County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Dave Gabbard, Pacific Gas and Electric Company, 12840 Bill Clark Way, Auburn, CA 95602, (925) 852–1032.

i. *FERC Contact:* Mr. Steven Sachs, (202) 502–8666, *Steven.Sachs@ferc.gov.*

j. *Cooperating Agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Water Quality Certification:* The applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

l. *Deadline for filing comments, motions to intervene, and protests:* August 26, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–137–221. Comments emailed to Commission staff are not part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

m. *Description of Request:* The applicant proposes to construct a new 240-foot-long, 40-foot-wide concrete spillway and plunge pool at the right abutment of the Tiger Creek regulator dam. As part of the proposal, the applicant would construct a spoil area, and a temporary and permanent access road at the dam site which would be closed to the public during construction. The applicant also intends to develop a staging and spoils area on Doakes Ridge approximately 0.7 miles southwest of the dam site and place a staging area and concrete batch plant on state route 88 in Pioneer, CA. State route 88 and Tiger Creek Road between Pioneer and the dam site would be used as a haul route. The existing spillway would be abandoned in place. The applicant expects construction to take approximately 2 years.

n. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659.

o. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

p. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and

Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Documents:* Any filing must: (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

r. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17020 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 5596–020]**

### Town of Bedford, Virginia; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license to continue to operate and maintain the Bedford Hydroelectric Project No. 5596 (project). The project is located on the James River near the community of Big Island in Bedford and Amherst counties, Virginia. Commission staff has prepared an Environmental Assessment (EA) for the project.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major Federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov/*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or at (866) 208–3676 (toll-free), or (202) 502–8659 (TTY).

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–5596–020.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595, or *OPP@ferc.gov.*

For further information, contact Andy Bernick at 202–502–8660 or *andrew.bernick@ferc.gov.*

Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17011 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER24–2611–000]**

### Energy Prepay IV, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Energy Prepay IV, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 19, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access

who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov*.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: July 29, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17078 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 1975–129]**

### Idaho Power Company; Notice of Application for Non-Capacity Amendment of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-capacity Amendment of License.

b. *Project No:* 1975–129.

c. *Date Filed:* May 24, 2024, and supplemented June 20, June 25, and July 2, 2024.

d. *Applicant:* Idaho Power Company.

e. *Name of Project:* Bliss Hydroelectric Project.

f. *Location:* The project is located on the Snake River in Gooding, Twin Falls, and Elmore counties, Idaho, and occupies Federal lands managed by the U.S. Department of Interior, Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Nathan Gardiner, Senior Counsel, Idaho Power Company, 1221 West Idaho Street, P.O. Box 70, Boise, Idaho 83707, *ngardiner@idahopower.com* and Scott Pugrud, Corporate Counsel, Idaho Power Company, 1221 West Idaho Street, P.O. Box 70, Boise, Idaho 83707, *spugrud2@idahopower.com.*

i. *FERC Contact:* Jeremy Jessup, (202) 502–6779, *Jeremy.Jessup@ferc.gov.*

j. *Cooperating Agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* August 26, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–1975–129. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The licensee proposes to amend the description of the project transmission line to delete a portion of the line and amend the project boundary consistent with the deletion of the portion of the transmission line. Approximately 6.6 miles from the Bliss powerhouse is a tap (Tuana) on the transmission line that connects to approximately 100 megawatts (MW) of wind generation. The section of the transmission line between the Tuana tap and the Fossil Gulch tap (Tuana-Fossil Gulch Section) is not used solely to transmit power from the project to load centers. In addition to transmitting power from the project, the Tuana-Fossil Gulch Section transmits approximately 100 MW of energy from wind generators to the licensee's electrical system. The Tuana-Fossil Gulch Section would continue to exist even if its continued existence were not guaranteed by a Commission license. The amendment is administrative in nature. There is no ground disturbance, change in operations, or physical changes to the project. The licensee states the land being removed from the project boundary no longer serves any project

purposes and the transmission line is not eligible for the National Register of Historic Places.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17010 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER24–2602–000]**

### Fillmore County Solar Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Fillmore County Solar Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 19, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov*.

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Dated: July 29, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17080 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER24–2601–000]**

### Louise Solar Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Louise Solar Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 19, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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Dated: July 29, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17081 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER24–2581–000]**

### Energy Prepay III, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Energy Prepay III, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 15, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17017 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG24–232–000.

*Applicants:* Hill Solar 1, LLC.

*Description:* Hill Solar 1, LLC submits Notice of Self–Certification of Exempt Wholesale Generator Status.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5042.

*Comment Date:* 5 p.m. ET 8/16/24.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER23–150–001.

*Applicants:* Southern Power Company.

*Description:* Compliance filing: Notice of Cancellation of Affiliate PPAs to be effective 6/27/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5039.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–1978–001.

*Applicants:* ISO New England Inc., New England Power Pool Participants Committee.

*Description:* Compliance filing: ISO New England Inc. submits tariff filing per 35: Compliance Filing to Correct Section I.2.2 in Docket No. ER24–1978 to be effective 7/9/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5146.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2593–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Notice of Cancellation of ISA No. 5380, AB1–182 to be effective 9/24/2024.

*Filed Date:* 7/25/24.

*Accession Number:* 20240725–5152.

*Comment Date:* 5 p.m. ET 8/15/24.

*Docket Numbers:* ER24–2594–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Notice of Cancellation of WMPA, SA No. 6368; AF2–249 re: Breach to be effective 9/24/2024.

*Filed Date:* 7/25/24.

*Accession Number:* 20240725–5155.

*Comment Date:* 5 p.m. ET 8/15/24.

*Docket Numbers:* ER24–2595–000.

*Applicants:* Duke Energy Florida, LLC.

*Description:* Tariff Amendment: DEF—Termination of SA No. 158 to be effective 8/8/2024.

*Filed Date:* 7/25/24.

*Accession Number:* 20240725–5156.

*Comment Date:* 5 p.m. ET 8/15/24.

*Docket Numbers:* ER24–2596–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 3055R3 Associated Electric Cooperative, Inc. NITSA NOA to be effective 7/1/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5037.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2597–000.

*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company, Southern Power Company.

*Description:* Compliance filing: Alabama Power Company submits tariff filing per 35: Amendment to Southern's Tariff Vol. No. 4-add SPC Affiliate Sales Authorization to be effective 6/27/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5038.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2598–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 3552R5 TEA and MEAN Meter Agent Agreement to be effective 7/1/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5040.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2599–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2024–07–26_SA 4314 MDU–OTP GIA (S1014) to be effective 7/19/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5053.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2600–000.

*Applicants:* Dominion Energy South Carolina, Inc.

*Description:* § 205(d) Rate Filing: 3rd Amended VCS Transmission Agreement to be effective 9/25/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5058.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2601–000.

*Applicants:* Louise Solar Project, LLC.

*Description:* Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 8/15/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5061.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2602–000.

*Applicants:* Fillmore County Solar Project, LLC.

*Description:* Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 9/1/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5062.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2603–000.

*Applicants:* Fayette Solar, LLC.

*Description:* Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 10/1/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5063.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2604–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original NSA Service Agreement No. 7335, AC2–123 to be effective 9/25/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5075.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2605–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2024–07–26_SA 6521 MISO-Union Electric Third SSR Agreement for Rush Island to be effective 9/1/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5081.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2606–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2024–07–26_SA 3795 Ameren Missouri-Kelso Solar 1st Rev GIA (J1087) to be effective 9/25/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5130.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2607–000.

*Applicants:* NorthWestern Corporation.

*Description:* § 205(d) Rate Filing: RS332—LGIA with Colstrip Trans. Owners and Glendive Wind to be effective 6/18/2024.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5144.

*Comment Date:* 5 p.m. ET 8/16/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any

of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17013 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 8791–004]**

### R.J. Fortier Hydropower, Inc.; Notice of Application for Surrender of Exemption Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of Exemption.

b. *Project No:* P–8791–004.

c. *Date Filed:* June 24, 2024.

d. *Applicant:* R.J. Fortier Hydropower, Inc.

e. *Name of Project:* Starks Hydroelectric Project.

f. *Location:* The project is located on Lemon Stream, near the town of Hanover, Somerset County, Maine.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Matt Streeter, on behalf of R.J. Fortier Hydropower, Inc., *mstreeter212@gmail.com,* 207–337–2611.

i. *FERC Contact:* Diana Shannon, (202) 502–6136, *diana.shannon@ferc.gov*.

j. *Cooperating agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* August 28, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–8791–004. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The applicant proposes to surrender its project exemption. The project is currently inoperable. Prior to filing the application, the exemptee and Maine Rivers agreed that following surrender of the project exemption and removal of the project from Commission jurisdiction, Maine Rivers will be responsible for physically removing the project dam. Dam removal funding has been secured through a Federal grant with the National Oceanic and Atmospheric Administration. All necessary permits for dam removal will be obtained following the Commission's granting of surrender of the project exemption. In its application, the applicant states it lacks the resources necessary to restore operation and desires instead to allow for dam removal following surrender of the exemption through its agreement with Maine Rivers.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth

in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: July 29, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17076 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. ER24–2603–000]**

## Fayette Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Fayette Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 19, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov*.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: July 29, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17079 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Project No. 382–108]**

## Southern California Edison Company; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff reviewed Southern California Edison Company's (SCE) application for surrender of license and decommissioning project features of the Borel Hydroelectric Project No. 382 and have prepared an Environmental Assessment (EA) for the proposed surrender. The SCE is requesting to surrender its license and to dispose of all the associated project facilities (*i.e.,* removal, modification, or abandonment in place). SCE is surrendering the Borel Project license because the U.S. Army Corps of Engineers (Corps) implemented a safety modification to its Lake Isabella Auxiliary Dam which rendered the Borel Project nonfunctional. The project is located on the Kern River in Kern County, California. The project occupies Federal land administered by the U.S. Forest Service, Corps, and the Bureau of Land Management.

The EA contains Commission staff's analysis of the potential environmental effects of surrendering the license and decommissioning project facilities, and concludes that the proposed surrender, with appropriate environmental protective measures, would not constitute a major Federal action that would significantly affect the quality of the human environment.

The EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''elibrary'' link. Enter the docket number (P–382) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-

free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by August 28, 2024.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–382–108.

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For further information, contact Rebecca Martin at 202–502–6012 or *Rebecca.Martin@ferc.gov*.

Dated: July 29, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17077 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER24–2560–000]**

### Energy Prepay I, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Energy Prepay I, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 15, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17015 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER24–2589–000]**

### Castleton Commodities Energy Services LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Castleton Commodities Energy Services LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice

and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 15, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17018 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER24–2580–000]**

### White Pine Hydro, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of White Pine Hydro, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 19, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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Dated: July 29, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17084 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC24–106–000.

*Applicants:* Desert Quartzite, LLC.

*Description:* Application for Authorization Under Section 203 of the

Federal Power Act of Desert Quartzite, LLC.

*Filed Date:* 7/25/24.

*Accession Number:* 20240725–5229.

*Comment Date:* 5 p.m. ET 8/15/24.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG24–233–000.

*Applicants:* Western Maine Renewables, LLC.

*Description:* Western Maine Renewables, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5053.

*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* EG24–234–000.

*Applicants:* RE Papago LLC.

*Description:* RE Papago LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5118.

*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* EG24–235–000.

*Applicants:* BT Signal Ranch, LLC.

*Description:* BT Signal Ranch, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5158.

*Comment Date:* 5 p.m. ET 8/19/24.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–1123–011; ER10–1119–009.

*Applicants:* Central Illinois Public Service Company, Union Electric Company.

*Description:* Notice of Change in Status of Union Electric Company, et al.

*Filed Date:* 7/25/24.

*Accession Number:* 20240725–5231.

*Comment Date:* 5 p.m. ET 8/15/24.

*Docket Numbers:* ER14–1964–020; ER10–1330–012; ER10–1427–012; ER10–2917–028; ER10–2922–028; ER11–2383–024; ER12–161–030; ER12–2313–010; ER16–141–009; ER16–287–014; ER16–355–007; ER17–482–014; ER19–529–018; ER19–1074–018; ER19–1075–018; ER20–1447–010; ER20–2028–005; ER22–192–010; ER22–1010–009; ER23–2363–004; ER23–2481–003; ER24–443–004; ER24–444–003.

*Applicants:* Deriva Energy Beckjord Storage LLC, Deriva Energy Services, LLC, Crystal Hill Solar, LLC, HXOap Solar One, LLC, Terraform IWG Acquisition Holdings II, LLC, Evolugen Trading and Marketing LP, Bitter Ridge Wind Farm, LLC, Brookfield Energy Marketing US LLC, Brookfield Renewable Energy Marketing US LLC, Brookfield Energy Marketing Inc., Brookfield Renewable Trading and Marketing LP, BREG Aggregator LLC, Colonial Eagle Solar, LLC, BIF III Holtwood LLC, Conetoe II Solar, LLC, Laurel Hill Wind Energy, LLC, Bishop Hill Energy LLC, Safe Harbor Water Power Corporation, Hawks Nest Hydro LLC, Brookfield Power Piney & Deep Creek LLC, Brookfield Energy Marketing LP, North Allegheny Wind, LLC,LSP Safe Harbor Holdings, LLC.

*Description:* Notice of Non-Material Change in Status of BIF II Safe Harbor Holdings, LLC et al.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5207.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER14–2666–007; ER16–2501–009; ER16–2502–009; ER17–1671–005; ER17–1672–004; ER20–2888–007; ER21–630–004.

*Applicants:* 325MK 8ME LLC, Townsite Solar, LLC, Gulf Coast Solar Center III, LLC, Gulf Coast Solar Center II, LLC, Tropico, LLC, Nicolis, LLC, Avalon Solar Partners, LLC.

*Description:* Notice of Non-Material Change in Status of Avalon Solar Partners, LLC, et al.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5103.

*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* ER17–1320–005; ER17–2281–004; ER17–2282–004; ER19–135–004; ER20–64–004; ER20–65–004; ER21–653–004; ER21–654–004; ER21–856–005; ER21–857–005; ER21–1396–003; ER21–1397–003; ER21–2689–003; ER21–2690–003; ER21–2764–003; ER21–2769–003; ER22–19–003; ER22–20–003; ER22–215–003; ER22–216–003; ER22–2399–002; ER22–2400–002; ER22–2401–002; ER22–2403–002; ER22–2404–002; ER22–2405–002; ER22–2406–002.

*Applicants:* Allora Solar, LLC, PGR 2021 Lessee 15, LLC, Gunsight Solar, LLC, PGR 2021 Lessee 12, LLC, Cabin Creek Solar, LLC, PGR 2021 Lessee 11, LLC, Phobos Solar, LLC, PGR 2021 Lessee 2, LLC, Beulah Solar, LLC, PGR 2021 Lessee 1, LLC, Stanly Solar, LLC, PGR 2021 Lessee 7, LLC, Highest Power Solar, LLC, PGR 2021 Lessee 5, LLC, Lick Creek Solar, LLC, PGR 2020 Lessee 8, LLC, Sugar Solar, LLC, Trent River Solar, LLC, PGR Lessee P, LLC, PGR Lessee O, LLC, Centerfield Cooper Solar, LLC, TWE Bowman Solar Project, LLC, PGR Lessee L, LLC, Peony Solar LLC, Champion Solar, LLC, Swamp Fox Solar, LLC, Odyssey Solar, LLC.

*Description:* Notice of Non-Material Change in Status of Odyssey Solar, LLC, et al.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5141.

*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* ER17–2341–011; ER15–1218–016; ER16–38–014; ER16–39–013; ER16–2501–010; ER16–2502–010; ER17–2453–010; ER18–713–009; ER20–2888–008; ER23–2294–002.

*Applicants:* Vikings Energy Farm LLC, Townsite Solar, LLC, CA Flats Solar 150, LLC, Imperial Valley Solar 3, LLC, Tropico, LLC, Nicolis, LLC, Kingbird Solar B, LLC, Kingbird Solar A, LLC, Database returns error. There is a problem with archive data and system. Contact Administrator., CA Flats Solar 130, LLC.

*Description:* Notice of Non-Material Change in Status of CA Flats Solar 130, LLC, et al.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5156.

*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* ER20–113–006; ER20–67–006; ER20–116–006.

*Applicants:* Evergy Metro, Inc., Evergy Kansas Central, Inc., Evergy Missouri West, Inc.

*Description:* Notice of Change in Status of Evergy Missouri West, Inc., et al.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5146.

*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* ER22–149–008; ER23–2001–004.

*Applicants:* Sagebrush ESS II, LLC, Sagebrush Line, LLC.

*Description:* Notice of Non-Material Change in Status of Sagebrush Line, LLC et al.

*Filed Date:* 7/25/24.

*Accession Number:* 20240725–5228.

*Comment Date:* 5 p.m. ET 8/15/24.

*Docket Numbers:* ER24–762–001; ER24–764–001.

*Applicants:* GB Arthur Kill Storage LLC, Elevate Renewables F7, LLC.

*Description:* Notice of Non-Material Change in Status of Elevate Renewables F7, LLC et al.

*Filed Date:* 7/26/24.

*Accession Number:* 20240726–5210.

*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–1679–000.

*Applicants:* Eden Solar LLC.

*Description:* Supplement to 04/01/2024 Eden Solar, LLC tariff filing.

*Filed Date:* 7/25/24.

*Accession Number:* 0240725–5226.

*Comment Date:* 5 p.m. ET 8/5/24.

*Docket Numbers:* ER24–2109–001.

*Applicants:* Southwestern Public Service Company.

*Description:* Tariff Amendment: 2024–07–29 WFEC—CVEC—Hope IA—755 0.0.1 Amendment to be effective 7/27/2024.

*Filed Date:* 7/29/24.

*Accession Number:* 20240729–5164.
*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* ER24–2608–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: Designated Entity Agreement, SA No. 7311 between PJM and MAIT to be effective 6/28/2024.
*Filed Date:* 7/26/24.
*Accession Number:* 20240726–5156.
*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2609–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: Designated Entity Agreement, SA No. 7312 between PJM and Mon Power to be effective 6/28/2024.
*Filed Date:* 7/26/24.
*Accession Number:* 20240726–5163.
*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2610–000.
*Applicants:* NorthWestern Corporation.
*Description:* § 205(d) Rate Filing: RS333—LGIA with Colstrip Trans. Owners and Glendive Wind 2 to be effective 6/18/2024.
*Filed Date:* 7/26/24.
*Accession Number:* 20240726–5169.
*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2611–000.
*Applicants:* Energy Prepay IV, LLC.
*Description:* Baseline eTariff Filing: Baseline new to be effective 7/27/2024.
*Filed Date:* 7/26/24.
*Accession Number:* 20240726–5199.
*Comment Date:* 5 p.m. ET 8/16/24.

*Docket Numbers:* ER24–2612–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* § 205(d) Rate Filing: 3490R1 AEP Energy Partners, Inc. NITSA and NOA to be effective 7/1/2024.
*Filed Date:* 7/29/24.
*Accession Number:* 20240729–5006.
*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* ER24–2613–000.
*Applicants:* Monongahela Power Company, PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: Monongahela Power Company submits tariff filing per 35.13(a)(2)(iii: Mon Power submits Borderline Customer Agreement, Service Agreement No. 7180 to be effective 6/1/2010.
*Filed Date:* 7/29/24.
*Accession Number:* 20240729–5015.
*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* ER24–2614–000.
*Applicants:* PacifiCorp.
*Description:* § 205(d) Rate Filing: ESM Const Agt Amazon Data Proj Specialized to be effective 9/28/2024.
*Filed Date:* 7/29/24.
*Accession Number:* 20240729–5056.
*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* ER24–2615–000.
*Applicants:* Tri-State Generation and Transmission Association, Inc.
*Description:* § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 16 to be effective 9/27/2024.
*Filed Date:* 7/29/24.
*Accession Number:* 20240729–5139.
*Comment Date:* 5 p.m. ET 8/19/24.

*Docket Numbers:* ER24–2616–000.
*Applicants:* Tri-State Generation and Transmission Association, Inc.
*Description:* § 205(d) Rate Filing: Amendment to Service Agreement FERC No. 891 to be effective 7/9/2024.
*Filed Date:* 7/29/24.
*Accession Number:* 20240729–5147.
*Comment Date:* 5 p.m. ET 8/19/24.

Take notice that the Commission received the following public utility holding company filings:

*Docket Numbers:* PH24–13–000.
*Applicants:* Atlantica Sustainable Infrastructure plc.
*Description:* Atlantica Sustainable Infrastructure plc submits FERC 65–B Notice of Change in Fact to Waiver Notification of.
*Filed Date:* 7/26/24.
*Accession Number:* 20240726–5209.
*Comment Date:* 5 p.m. ET 8/16/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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Dated: July 29, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17083 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER24–2563–000]**

### Sheetz Energy Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Sheetz Energy Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 15, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human

Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 26, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–17016 Filed 8–1–24; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2024–0058; FRL–11681–06–OCSPP]**

## Pesticide Product Registration; Receipt of Applications for New Active Ingredients (June 2024)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

**DATES:** Comments must be received on or before September 3, 2024.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2024–0058, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:** Madison H. Le, Biopesticides and Pollution Prevention Division (BPPD) (7511M), main telephone number: (202) 566–1400, email address: *BPPDFRNotices@epa.gov.* The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

*B. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

### II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (*https://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions*).

*Notice if Receipt—New Active Ingredients*

*File Symbol:* 524–AAI. *Docket ID number:* EPA–HQ–OPP–2024–0291. *Applicant:* Bayer Crop Science LP, 800 North Lindbergh Boulevard, Saint Louis, MO 63198. *Product name:* MON 94637. *Active ingredient: Bacillus thuringiensis* Cry1A.2 protein and *Bacillus thuringiensis* Cry1B.2 protein and the genetic material (vector PV–GMIR527237) necessary for their production in corn event MON 94637. *Proposed classification/Use:* Plant-Incorporated Protectant (PIP). *Contact:* BPPD.

*Authority:* 7 U.S.C. 136 *et seq.*

Dated: July 25, 2024.

**Kimberly Smith,**

*Acting Director, Information Technology and Resources Management Division, Office of Program Support.*

[FR Doc. 2024–17108 Filed 8–1–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL OP–OFA–137]**

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa*.

Weekly receipt of Environmental Impact Statements (EIS)

Filed July 22, 2024 10 a.m. EST Through July 29, 2024 10 a.m. EST

Pursuant to 40 CFR 1506.9.

**Notice**

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search*.

*EIS No. 20240133, Final, Caltrans, CA,* I–710 Corridor Project Final EIR/EIS, Review Period Ends: 09/03/2024, Contact: Garrett Damrath 213–897–9016.

*EIS No. 20240134, Final, NMFS, NJ,* Adoption—Atlantic Shores Offshore Wind South, Contact: Kelsey Potlock 301–427–8401.

The National Marine Fisheries Service (NMFS) has adopted the Bureau of Ocean Energy Management's Final EIS No. 20240091 filed 05/23/2024 with the Environmental Protection Agency. The NMFS was a cooperating agency on this project. Therefore, republication of the document is not necessary under Section 1506.3(b)(2) of the CEQ regulations.

*EIS No. 20240135, Final, NPS, MI,* Isle Royale National Park Wilderness Stewardship Plan, Review Period Ends: 09/03/2024, Contact: Denice Swanke 906–231–4961.

*EIS No. 20240136, Final, BLM, OR,* Hult Reservoir and Dam Safety, Review Period Ends: 09/03/2024, Contact: Sarah Bickford 541–218–0553.

*EIS No. 20240137, Final, BOEM, MD,* Maryland Offshore Wind, Review Period Ends: 09/03/2024, Contact: Lorena Edenfield 907–231–7679.

*EIS No. 20240138, Final, NRC, REG,* Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Final Report, NUREG–1437, Revision 2, Volume 1, 2, and 3, Review Period Ends: 09/03/2024, Contact: Kevin T. Folk 301–415–6944.

*EIS No. 20240139, Final, GSA, IL,* The Buildings at 202, 214, and 220 South State Street, Chicago, Illinois, Review Period Ends: 09/03/2024, Contact: Joseph Mulligan 312–886–9593.

*Amended Notice:*

*EIS No. 20240115, Final, USCG, TX,* Texas Gulflink Deepwater Port License Application, Review Period Ends: 08/30/2024, Contact: Patrick Clark 202–372–1358. Revision to FR Notice Published 07/12/2024; Extending the Comment Period from 08/19/2024 to 08/30/2024.

Dated: July 29, 2024.

**Timothy Witman,**

*Acting Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2024–17069 Filed 8–1–24; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Meeting Held With Less Than Seven Days Advance Notice

**TIME AND DATE:** 10:00 a.m. on July 30, 2024.

**PLACE:** The meeting was held in the FDIC Board Room, 550 17th Street NW, Washington, DC, and was webcast to the public.

**MATTERS TO BE CONSIDERED:** Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors met in open session at 10:00 a.m. on Tuesday, July 30, 2024, to consider the following matters:

**Summary 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.

**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.

In calling the meeting, the Board determined, on motion of Director Michael J. Hsu (Acting Comptroller of the Currency), seconded by Director Rohit Chopra (Director, Consumer Financial Protection Bureau), by the unanimous vote of Chairman Martin J. Gruenberg, Vice Chairman Travis J. Hill, Director Jonathan P. McKernan, Director Michael J. Hsu (Acting Comptroller of the Currency), and Director Rohit Chopra (Director, Consumer Financial Protection Bureau), that Corporation business required its consideration of the matters on less than seven days' notice to the public; and that no earlier notice of the meeting than that previously provided on July 24, 2024, was practicable.

**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 30, 2024.

Federal Deposit Insurance Corporation.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2024–17162 Filed 7–31–24; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act Meetings

**TIME AND DATE:** 12:42 p.m. on Tuesday, July 30, 2024.

**PLACE:** The meeting was held in the Board Room located on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's supervision, corporate, and resolution activities. In calling the meeting, the Board determined, on motion of Director Michael J. Hsu (Acting Comptroller of the Currency), seconded by Vice Chairman Travis J. Hill, by the unanimous vote of Chairman Martin J. Gruenberg, Vice Chairman Travis J. Hill, Director Jonathan P. McKernan, Director Michael J. Hsu (Acting Comptroller of the Currency), and Director Rohit Chopra (Director, Consumer Financial Protection Bureau), that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days'

notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), and (10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B)), and (10).

**CONTACT PERSON FOR MORE INFORMATION:** Requests for further information concerning the meeting may be directed to Debra A. Decker, Executive Secretary of the Corporation, at 202–898–8748.

Dated this the 30th day of July, 2024.

Federal Deposit Insurance Corporation.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2024–17161 Filed 7–31–24; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL MARITIME COMMISSION

### National Shipper Advisory Committee August 2024 Meeting

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of Federal advisory committee meeting.

**SUMMARY:** Notice is hereby given of a meeting of the National Shipper Advisory Committee (NSAC), pursuant to the Federal Advisory Committee Act. The Committee advises the Federal Maritime Commission. The meeting will be held for the purpose of soliciting and discussing information, insight, and expertise pertaining to conditions in the ocean freight delivery system relevant to the Commission.

**DATES:** The Committee will meet in-person in Elizabeth, NJ, on August 19, 2024, from 1 p.m. until 3 p.m. eastern time. Please note that this meeting may adjourn early if the Committee has completed its business.

**ADDRESSES:** The meeting will be held at Maher Terminal located at 1210 Corbin St., Elizabeth, NJ 07201. This meeting will be open to the public. Requests to register should be submitted to *nsac@fmc.gov* and contain ''REGISTER FOR NSAC MEETING'' in the subject line. The deadline for members of the public to register to attend the meeting in-person is Thursday, August 15 at 5 p.m. eastern time. The meeting will also stream virtually, and a link will be distributed in advance of the meeting to those who register in advance. Please note in the registration request if you would like to attend in person or virtually.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dylan Richmond, Designated Federal Officer of the National Shipper Advisory Committee, phone: (202) 523–5810; email: *drichmond@fmc.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background:* The National Shipper Advisory Committee is a Federal advisory committee. It operates under the provisions of the Federal Advisory Committee Act, 5 U.S.C. app., and 46 U.S.C. chapter 425. The Committee was established on January 1, 2021, when the National Defense Authorization Act for Fiscal Year 2021 became law. Public Law 116–283, section 8604, 134 Stat. 3388 (2021). The Committee provides information, insight, and expertise pertaining to conditions in the ocean freight delivery system to the Commission. Specifically, the Committee advises the Federal Maritime Commission on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system. 46 U.S.C. 42502(b).

The Committee will receive an update from each of its subcommittees. The Committee may receive proposals for recommendations to the Federal Maritime Commission and may vote on these recommendations. Any proposed recommendations will be available for the public to view in advance of the meeting on the NSAC's website, *https://www.fmc.gov/industry-oversight/national-shipper-advisory-committee/.* The Committee will also take public comment in the meeting.

*Public Comments:* The Committee will take public comment at its meeting and are particularly interested in receiving feedback regarding their objectives and ongoing discussions.

Members of the public may also submit written comments to NSAC at any time. Comments should be addressed to NSAC, c/o Dylan Richmond, Federal Maritime Commission, 800 North Capitol St. NW, Washington, DC 20573 or *nsac@fmc.gov.*

A copy of all meeting documentation, including meeting minutes, will be available at *www.fmc.gov* following the meeting.

By the Commission.

Dated: July 30, 2024.

**David Eng,**

*Secretary.*

[FR Doc. 2024–17127 Filed 8–1–24; 8:45 am]

**BILLING CODE 6730–02–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 19, 2024.

A. Federal Reserve Bank of San Francisco (Joseph Cuenco, Assistant Vice President, Formations & Transactions) 101 Market Street, San Francisco, California 94105–1579. Comments can also be sent electronically to *sf.fisc.comments.applications@sf.frb.org:*

1. *Steven C. Zola, trustee of the MBC Trust u/a/d April 1, 2017 (''MBC Trust''), both of Santa Barbara, California;* to become a member of a control group comprised of the MBC Trust; and Michelle Konoske, Santa Barbara, California; and Joshua Rabinowitz, Santa Barbara, California, as trustees of the MBC Trust; by

acquiring control of voting shares of Montecito Bancorp; and thereby indirectly acquiring control of voting shares of Montecito Bank & Trust, both of Santa Barbara, California.

Board of Governors of the Federal Reserve System.

**Michele Taylor Fennell,**

*Deputy Associate Secretary of the Board.*

[FR Doc. 2024–17073 Filed 8–1–24; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2024–N–1532]**

### Agency Information Collection Activities; Proposed Collection; Comment Request: Risk/Safety Considerations and Motivations for Purchase and Use of Kratom and Psychedelics Alone and in Combination With Other Substances

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on a proposed study entitled ''Risk/Safety Considerations and Motivations for Purchase and Use of Kratom and Psychedelics Alone and in Combination With Other Substances.''

**DATES:** Either electronic or written comments on the collection of information must be submitted by October 1, 2024.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 1, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

*Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

*Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in ''Instructions.''

*Instructions:* All submissions received must include the Docket No. FDA–2024–N–1532 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Risk/Safety Considerations and Motivations for Purchase and Use of Kratom and Psychedelics Alone and in Combination With Other Substances.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

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

**FOR FURTHER INFORMATION CONTACT:** 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.

*For copies of the questionnaire:* Please contact the CDER Controlled Substances Program (CDER/CSP) at *cdercsp@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information

before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Risk/Safety Considerations and Motivations for Purchase and Use of Kratom and Psychedelics Alone and in Combination With Other Substances**

*OMB Control Number 0910–NEW*

This information collection supports scientific research, as authorized by section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)), and section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 393(d)(2)(C)). Emerging data on kratom and psychedelics suggest increasing use of these substances in certain populations, and is accompanied by reports noting risk and safety concerns with their use. Understanding the social, behavioral, and environmental contexts and motivations for use is included in our need to protect the public's health, through data-informed strategic initiatives.

This study seeks to capture information on how consumers make decisions about how, where, and why they buy these substances; what, if any risk/safety considerations and tradeoffs they take into account in the decision-making process; and the behavioral considerations in assessing the quality of the product and perceived harm to self.

This study will collect data that will enable the Agency, through the market research vendor (Brightfield Group) awarded this contract, to collect and analyze data on supply and demand characteristics; perceived product quality, pricing, and product labeling; and the consumer's perceived health outcome expectations for purchase and use of kratom and psychedelics, and concurrent use of both and other drug products.

The key study objectives include:

- Understand the temporal relationships and correlate of purchase decisions and behaviors among consumers' segments.
- Understand how marketing strategies nudge purchase and affect use demand.
- Develop predictive insights on potential future use (behavior) patterns based on analysis of the quantitative data.
- Identify other products often purchased and used along with these two substances.

As part of its key priorities in preventing access to substances with potential risk/safety concerns or that could be abused or misused, the Center for Drug Evaluation and Research/Controlled Substances Program/Controlled Substances Initiative (CDER/CSP/CSI), proactively works to identify: (1) emerging new substances that may pose potential public health risk; and (2) unmet needs regarding these emerging substances (including scientific knowledge gaps on use and risk/safety patterns among U.S. populations). These efforts support other scientific initiatives by CDER to meet the Agency's public health mandate to develop public health strategies, as appropriate, in response to risk to the health of populations.

The program achieves these objectives by actively: (1) monitoring the policy landscape for shifts in policies that may have implications on substance or drug use and access in U.S. populations, (2) convening stakeholders for a strategic and timely response, and (3) identifying and leading special research projects, including funding exploratory studies to address knowledge gaps and through other strategic initiatives. These exploratory research projects include behavioral and social science research studies allowing CDER to capture data on real-world experiences with use, behavioral and environmental (including economic or supply and demand factors) motivations or reinforcements for use, or that influence purchase and use. Exploratory research projects, such as the current study on kratom and psychedelics can identify new or expanded areas for additional scientific investigations. Similarly, exploratory social and behavioral research studies improve CDER's ability to quantify motivations for use, characterize patterns of use and access, identify individual-perceived risks and health outcome expectations, and individual risk-aversion behaviors when making a decision to buy and use these substances, better enabling the Agency to anticipate and predict future risks among U.S. populations. Notably, the Agency's proactive and preventive efforts, in combination with other scientific investigations options, can support the consideration of, or the development of, policy guardrails to prevent abuse and misuse.

This exploratory study is intended as a strategic response to understand and characterize emergent risk/safety and perceived benefits reportedly linked to kratom and psychedelics. CDER/CSP/CSI behavioral and social science exploratory research studies do not change the FDA's practice of relying on randomized controlled trials (RCTs) in regulatory decision-making, nor do they seek to be the only source of scientific information that inform policies. Strategic studies recognize the dynamic environment and systems in which drugs are used, misused, or lead to addiction. This is especially the case with unapproved, unregulated substances like kratom and controlled substances like psychedelics, which remain unapproved by FDA for the treatment of any medical condition. These types of studies advance the Agency's understanding of the real-world uses of drugs and unapproved and unregulated substances through exploration of the multidimensional factors (including behavioral and social motivations for use) that contribute to abuse and misuse.

Strategic exploratory research, such as this one, are also consistent with FDA's Overdose Prevention Framework of: (1) encouraging harm reduction through innovation and education; and (2) protecting the public from unapproved, diverted, or counterfeit drugs presenting overdose risk. Kratom is one of the substances that make up the opioid ecosystem, suggesting that it can potentially present the risks of abuse, addiction, and misuse. It is noteworthy that FDA has not approved any prescription or over-the-counter drug products containing kratom or its two main chemical components, mitragynine and 7-hydroxymitragynine (7–OH-mitragynine). Hence, while the Agency actively encourages interested researchers to study kratom to address the knowledge gap about its full risk/safety effects when ingested by humans by conducting rigorous randomized clinical studies, currently, there are no FDA approved drug products containing kratom or its two main chemical components legally marketed in the United States.

Notably, kratom's unapproved status does not appear to have diminished its

growing popularity, with people using kratom to reportedly ''treat'' certain health conditions. Its chemical affinity with opioid and use among patients with opioids use disorder as a ''treatment'' is of public health concern for the Agency. An estimated 1.7 million Americans 14 years and older reportedly used the substance in 2021 according to the Substance Abuse and Mental Health Services Administration's National Survey on Drug Use and Health data. Further, if the thousands of comments posted by the public in response to the Agency's publication of a **Federal Register** notice on August 16, 2021, entitled ''International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; 4F–MDMB–BICA (4F–MDMB–BUTICA); Brorphine; Metonitazene; Eutylone (bk-EBDB); BMDP (3,4-Methylenedioxy-N-benzylcathinone); Kratom (mitragynine, 7-hydroxymitragynine); Phenibut; Reopening Comment Period'' (*https://www.federalregister.gov/documents/2021/08/16/2021-17498/international-drug-scheduling-convention-on-psychotropic-substances-single-convention-on-narcotic*), is an indication of its popularity, the use of this substance, that has yet to be tested and determined safe for use in human population by the Agency, is a significant concern. Moreover, unapproved drug products are one of the most challenging areas for the Agency, including concerns with the quality of kratom products supplies that enter the country illegally and warning consumers of the risks from adulterated products. This challenge is in part due to the complex and fragmented supply chain networks that includes distributors, wholesalers, retailers, and user communities.

Psychedelics, although a Schedule 1 controlled substance under the Controlled Substances Act administered by the Drug Enforcement Agency (DEA), have recently seen a rapid resurgence with the growing interest in its use as a potential treatment for some mental health disorders. Further, the increasing social acceptance of psychedelics use among certain communities in the United States may also present public health risks. Although a Schedule 1 substance, there is no FDA-approved psychedelic drug, which does not appear to have diminished the growing interest in their use. The rapid pace of interest in psychedelics is evidenced by the number of research investigations and investigational new drug applications from certain groups. Psychedelics such as LSD, MDMA, and psilocybin are especially of interest. In the backdrop of shifting State policies to either decriminalize or legalize psychedelics, suggests a potential future in which these drugs are abused or people who use them are abused because of their vulnerable state of consciousness while under the influence of the drug.

Presently, there is little to no study on the co-occurrence of use of kratom and psychedelics. Further, our review of public databases of peer reviewed journals did not reveal any previous studies using behavioral economics and health outcome expectations theoretical framework to study the purchase and use of these two substances in U.S. populations. Consequently, we anticipate this study filling a key knowledge gap in our understanding of the behavioral and social drivers for purchase and use, with the potential for identifying areas for further scientific investigation.

The proposed research will use a mixed-methods design, involving in-depth interviews and survey of kratom and psychedelics consumers and a survey of non-users of these products as a comparison group. Our methodological approach will involve non-probabilistic samples. The design recognizes that non-probabilistic sampling approach has its limitations for generalizability due to inherent sampling bias. However, we feel confident that this limitation will be controlled and minimized through the analysis plan (economic modeling) proposed for this study. The proposed vendor for this sole source contract is a market research firm, Brightfield Group, that owns proprietary rights to a large database of over 5,000 comparable consumers of drug products and dietary supplements. In-depth (N = 36) interview participants will be recruited from this database. In-depth interview respondents will receive a $75 gift card for their time as a gift for the 60 minutes estimated for each person to complete the interview. In-depth interviews will be conducted online through video recording.

Survey respondents (N = 400 for group 1; *i.e.,* users of kratom and psychedelics) and N = 400 as a comparison group of non-kratom and psychedelics products (group 2). Both groups will be recruited and screened by a survey panel company, EMI Research Solutions (*https://emi-rs.com/*), sub-contracted by the vendor to conduct this online survey. EMI plans to use double-opt-in, market research panels to identify and survey participants. They will also submit two back-up sources for compliance in the instance that changing incidence rate or other unforeseen fielding difficulties necessitate utilizing additional resources. The company will pass a respondent-level panel-specific variable through the survey link so that it is contained in the study team's final survey data. Survey respondents will receive a cash incentive of no more than $4.50 based on the estimated 15 minutes to complete the online questionnaire. Incentive amount will be transparently disclosed to survey respondents prior to participation. This will be done via the recruitment outreach email invitation clearly displayed on the self-service portal. Interview respondents and the survey groups (*i.e.,* group 1 and group 2) will be screened for inclusion through a set of screening questions that ensures respondents meet inclusion criteria, such as recent use (within the last 6 months) of either drug. Efforts will also be made to include a diverse group of respondents based on age, geographic setting, intention to use the substance in the immediate future, and residency in the Unites States.

*Description of Respondents:*

*In-depth interview respondents:* The hour-long in-depth interview respondents will include a total of 36 consumers recruited from the vendor's proprietary market research database—*https://www.Evergi.com.* The platform includes data from consumers who have previously purchased and reported using drug products such as kratom or psychedelics in the past and have previously expressed interest in being contacted to participate in research studies.

*Survey respondents:* A combined of 400 kratom and psychedelics users (group 1) will be recruited for the study, as well as a comparison group (group 2) of 400 people who report that they have never used either kratom or psychedelics in the past. The inclusion criteria for participation in the survey will include:

- Age 18 years and older
- Have used kratom, psilocybin, MDMA, or LSD in the past 6 months. (The vendor plans to recruit 9 users of each substance.)
- Have used the substance at least two times in their life and say they will use it in the future.
- Live in the Unites States.

We estimate 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 [2] | Total hours |
|---|---|---|---|---|---|
| **Survey Group #1 (Target Group) (Consumers of Kratom or Psychedelics)** | | | | | |
| In-depth interview | 36 | 1 | 36 | 1 | 36 |
| Questionnaire completion | 400 | 1 | 400 | 0.17 (10 minutes) | 68 |
| **Survey Group #2 (Comparison Group)** | | | | | |
| Questionnaire completion (non-use of substances) | 400 | 1 | 400 | 0.08 (5 minutes) | 32 |
| Total | | | | | 136 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Burden estimates of less than 1 hour are expressed as a fraction of an hour in decimal format.

Dated: July 29, 2024.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2024–17102 Filed 8–1–24; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2022–D–1527]**

### M12 Drug Interaction Studies; M12 Drug Interaction Studies: Questions and Answers; International Council for Harmonisation; Guidances for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing the availability of the final guidance for industry entitled ''M12 Drug Interaction Studies'' and the supplemental document entitled ''M12 Drug Interaction Studies: Questions and Answers.'' The guidance and supplemental questions and answers document were prepared under the auspices of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH). The guidance provides general recommendations on evaluating the enzyme and transporter-mediated pharmacokinetic drug-drug interaction potential for investigational drugs. The supplemental questions and answers document provides clarity to some concepts related to evaluation of drug interactions covered in the guidance. The guidance is intended to harmonize the regional recommendations for designing, conducting, and interpreting in vitro and clinical evaluations of drug-drug interactions while developing investigational drugs. The guidance replaces the draft guidance ''M12 Drug Interaction Studies'' issued on August 29, 2022.

**DATES:** The announcement of the guidance is published in the **Federal Register** on August 2, 2024.

**ADDRESSES:** You may submit either electronic or written comments on Agency guidances at any time 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–2022–D–1527 for ''M12 Drug Interaction Studies'' and ''M12 Drug Interaction Studies: Questions and Answers.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked

as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

**FOR FURTHER INFORMATION CONTACT:**

*Regarding the guidance:* Kellie Reynolds, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2134, Silver Spring, MD 20993–0002, 301–796–1594, *Kellie.Reynolds@fda.hhs.gov;* or James Myers, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

*Regarding the ICH:* Jill Adleberg, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6364, Silver Spring, MD 20993–0002, 301–796–5259, *Jill.Adleberg@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

FDA is announcing the availability of the guidance for industry entitled ''M12 Drug Interaction Studies'' and the supplemental document entitled ''M12 Drug Interaction Studies: Questions and Answers.'' The guidance and supplemental questions and answers document were prepared under the auspices of ICH. ICH seeks to achieve greater regulatory harmonization worldwide to ensure that safe, effective, high-quality medicines are developed, registered, and maintained in the most resource-efficient manner.

By harmonizing the regulatory requirements in regions around the world, ICH guidelines enhance global drug development, improve manufacturing standards, and increase the availability of medications. For example, ICH guidelines have substantially reduced duplicative clinical studies, prevented unnecessary animal studies, standardized the reporting of important safety information, and standardized marketing application submissions.

The six Founding Members of the ICH are FDA; the Pharmaceutical Research and Manufacturers of America; the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; and the Japanese Pharmaceutical Manufacturers Association. The Standing Members of the ICH Association include Health Canada and Swissmedic. ICH membership continues to expand to include other regulatory authorities and industry associations from around the world (refer to *https://www.ich.org/*).

ICH works by engaging global regulatory and industry experts in a detailed, science-based, and consensus-driven process that results in the development of ICH guidelines. The regulators around the world are committed to consistently adopting these consensus-based guidelines, realizing the benefits for patients and for industry.

As a Founding Regulatory Member of ICH, FDA plays a major role in the development of each of the ICH guidelines, which FDA then adopts and issues as guidance for industry. FDA's guidance documents do not establish legally enforceable responsibilities. Instead, they describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

In the **Federal Register** of August 29, 2022 (87 FR 52801), FDA published a notice announcing the availability of the draft guidance entitled ''M12 Drug Interaction Studies.'' The notice gave interested persons an opportunity to submit comments by September 28, 2022.

After consideration of the comments received and revisions to the guideline, the final draft of the guideline and supplemental questions and answers were submitted to the ICH Assembly and endorsed by the regulatory agencies in May 2024.

This guidance finalizes the draft guidance issued on August 29, 2022. The guidance entitled ''M12 Drug Interaction Studies'' introduces minor formatting refinements and new key concepts to improve navigability and clarity of recommendations. Based on significant comments received and additional analysis, the final guidance refines descriptions of in vitro evaluation, clinical evaluation, reporting and interpretation, risk management, and predictive modeling. In addition to adding a glossary, the final guidance includes new sections on endogenous biomarkers and protein binding. Lastly, the supplemental questions and answers document, ''M12 Drug Interaction Studies: Questions and Answers,'' clarifies questions received during public consultation of the draft guidance ''M12 Drug Interaction Studies'' related to the evaluation of drug interactions.

The guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''M12 Drug Interaction Studies.'' The guidance and supplemental questions and answers document do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

## II. Paperwork Reduction Act of 1995

This guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

## III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.regulations.gov, https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances,* or *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.*

Dated: July 30, 2024.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2024–17103 Filed 8–1–24; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2024–N–0008]**

### Advisory Committee; Psychopharmacologic 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 Psychopharmacologic 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 Psychopharmacologic Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the June 4, 2026, expiration date.

**DATES:** Authority for the Psychopharmacologic Drugs Advisory Committee will expire on June 4, 2026, unless the Commissioner formally determines that renewal is in the public interest.

**FOR FURTHER INFORMATION CONTACT:** Joyce Frimpong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–7973, email: *PDAC@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 Psychopharmacologic 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 data concerning the safety and effectiveness of marketed and investigational human drug products for use in the practice of psychiatry and related fields and makes appropriate recommendations to the Commissioner of Food and Drugs.

Pursuant to its Charter, the Committee shall consist of a core of nine voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of psychopharmacology, psychiatry, epidemiology or statistics, and related specialties. 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/human-drug-advisory-committees/psychopharmacologic-drugs-advisory-committee* 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 (5 U.S.C. 1001 *et seq.*). For general information related to FDA advisory committees, please visit us at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: July 30, 2024.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2024–17089 Filed 8–1–24; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Scientific Advisory Committee on Alternative Toxicological Methods; Notice of Public Meeting; Request for Public Input

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the next meeting of the Scientific Advisory Committee on Alternative Toxicological Methods (SACATM). SACATM is a federally chartered external advisory group of scientists from the public and private sectors, including representatives of regulated industry and national animal protection organizations. SACATM advises the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), the National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM), and the Director of the National Institute of Environmental Health Sciences (NIEHS) and NTP regarding statutorily mandated duties of ICCVAM and activities of NICEATM.

**DATES:**

*Meeting:* September 17, 2024, 10 a.m. to approximately 4 p.m. EDT; September 18, 2024, 9:30 a.m. to approximately 4 p.m. EDT.

*Registration for Onsite Meeting:* Deadline is September 11, 2024, 5 p.m. EDT.

*Registration for Webcast Viewing:* Deadline is September 18, 2024, 4 p.m. EDT.

*Registration for Oral Statements:* Deadline is September 11, 2024, 5 p.m. EDT.

Registration to attend in person, view the webcast, and present oral public statements is required.

**ADDRESSES:** Interested individuals may attend the meeting in person or view the meeting webcast. Registration is required to attend in person, view the webcast, and/or present oral comments. Written public comments will be accepted. Information about the meeting and registration are available at *https://ntp.niehs.nih.gov/go/32822.*

*Meeting Location:* Building 35A, Room 620/630, National Institutes of Health (NIH), 35 Convent Dr., Bethesda, MD 20892.

*Meeting Web Page:* The preliminary agenda, registration, and other meeting materials will be available at *https://ntp.niehs.nih.gov/go/32822.*

*Virtual Meeting:* A link to access the meeting webcast will be emailed to registrants with their registration confirmation.

**FOR FURTHER INFORMATION CONTACT:** Dr. Milene Brownlow, Designated Federal Officer for SACATM, Office of Policy, Review, and Outreach, Division of Translational Toxicology, NIEHS. Phone: 984–287–3364, Email: *milene.brownlow@nih.gov.*

**SUPPLEMENTARY INFORMATION:**

*Meeting and Registration:* SACATM will provide input to ICCVAM, NICEATM, and NIEHS on programmatic activities and issues. Preliminary agenda items for the upcoming meeting include: (1) a review of the 2022–2023 ICCVAM Biennial Progress Report with a focus on activity gaps and future directions; (2) updates on validation and consideration of the new approach methodologies pipeline; (3) ICCVAM agency activities in the area of developmental neurotoxicity; and (4) update on NICEATM computational resources.

The preliminary agenda, roster of SACATM members, background materials, public comments, and any additional information will be posted when available on the SACATM meeting web page (*https://ntp.niehs.nih.gov/go/32822*) or may be requested from the Designated Federal Officer for SACATM. Individuals are encouraged to visit this web page often to stay abreast of the most current information regarding the meeting. Following the meeting, summary minutes will be prepared and made available on the SACATM meeting web page. Slides and video from the meeting will also be posted on this page once they have been formatted to meet government accessibility standards.

This meeting is open to the public. The public may attend the meeting at NIH, where attendance is limited only by the space available, or view remotely by webcast. Those planning to attend the meeting in person are encouraged to register at *https://ntp.niehs.nih.gov/go/32822* by September 11, 2024, to facilitate planning for appropriate meeting space. Those planning to view the webcast may register at *https://ntp.niehs.nih.gov/go/32822* any time before the meeting ends on September 18, 2024. A link to access the meeting webcast will be provided to registrants in a confirmation email.

NIH visitor and security information is available at *https://www.nih.gov/about-nih/visitor-information.* Individuals with disabilities who need accommodation to participate in this event should contact Robbin Guy at phone: 984–287–3136 or email: *robbin.guy@nih.gov.* TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

*Request for Public Comments:* The preliminary agenda allows for several public comment periods, each allowing up to six commenters a maximum of five minutes per speaker. Registration for those wishing to provide oral public comments is required and is open through September 11, 2024, 5 p.m. EDT, at *https://ntp.niehs.nih.gov/go/32822.* Registration is on a first-come, first-served basis. If the maximum number of speakers per comment period is exceeded, individuals registering to submit an oral comment for the topic will be placed on a wait list and notified should an opening become available. Commenters will be notified after September 11, 2024, to provide logistical information for their presentations. Submitters will be identified by their name and affiliation and/or sponsoring organization, if applicable. If possible, oral public commenters should send a copy of their slides and/or statement or talking points to Robbin Guy by email: *robbin.guy@nih.gov* by September 11, 2024, 5 p.m. EDT.

Written statements on topics relevant to ICCVAM's mission may be submitted to support an oral public comment or as standalone documents. These should be emailed to Robbin Guy at *robbin.guy@nih.gov* by September 11, 2024, 5 p.m. EDT. Materials submitted to accompany oral public statements or standalone written statements should include the submitter's name, affiliation (if any), mailing address, telephone, email, and sponsoring organization (if any) with the document. Guidelines for public statements are at *http://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.*

Responses to this notice are voluntary. No proprietary, classified, confidential, or sensitive information should be included in statements submitted in response to this notice or presented during the meeting. This request for input is for planning purposes only and is not a solicitation for applications or an obligation on the part of the U.S. Government to provide support for any ideas identified in response to the request. Please note that the U.S. Government will not pay for the preparation of any information submitted or for its use of that information.

*Background Information on ICCVAM, NICEATM, and SACATM:* ICCVAM is an interagency committee composed of representatives from 18 federal regulatory and research agencies that require, use, generate, or disseminate toxicological and safety testing information. ICCVAM conducts technical evaluations of new, revised, and alternative safety testing methods and integrated testing strategies with regulatory applicability. ICCVAM also promotes the scientific validation and regulatory acceptance of testing methods that more accurately assess the safety and hazards of chemicals and products and replace, reduce, or refine animal use.

The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) establishes ICCVAM as a permanent interagency committee of the National Institute of Environmental Health Sciences and provides the authority for ICCVAM involvement in activities relevant to the development of alternative test methods. Additional information about ICCVAM can be found at *https://ntp.niehs.nih.gov/go/iccvam.*

NICEATM administers ICCVAM, provides scientific and operational support for ICCVAM-related activities, and conducts and publishes analyses and evaluations of data from new, revised, and alternative testing approaches. NICEATM and ICCVAM work collaboratively to evaluate new and improved testing approaches applicable to the needs of U.S. federal agencies. NICEATM and ICCVAM welcome the public nomination of new, revised, and alternative test methods and strategies for validation studies and

technical evaluations. Additional information about NICEATM can be found at *https://ntp.niehs.nih.gov/go/niceatm.*

SACATM, established by the ICCVAM Authorization Act [Section 285*l*-3(d)], provides advice on priorities and activities related to the development, validation, scientific review, regulatory acceptance, implementation, and national and international harmonization of new, revised, and alternative toxicological test methods to ICCVAM, NICEATM, and Director of NIEHS and NTP. SACATM is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. ch.10), which sets forth standards for the formation and use of advisory committees.

Additional information about SACATM, including link to the charter, roster, and records of past meetings, can be found at *http://ntp.niehs.nih.gov/go/167.*

Dated: July 30, 2024.

**Richard P. Woychik,**

*Director, National Institute of Environmental Health Sciences and National Toxicology Program, National Institutes of Health.*

[FR Doc. 2024–17099 Filed 8–1–24; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required).

*Date:* August 29, 2024.

*Time:* 10:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71, Rockville, MD 20892 (Video Assisted Meeting).

*Contact Person:* Samita S. Andreansky, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71, Rockville, MD 20852, 240–669–2915, *samita.andreansky@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 29, 2024.

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–17048 Filed 8–1–24; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed 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:* Center for Scientific Review Special Emphasis Panel; Biomedical Technology Optimization and Dissemination Center (BTOD).

*Date:* September 26, 2024.

*Time:* 10:00 a.m. to 8:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Joseph Thomas Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9694, *petersonjt@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 29, 2024.

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–17049 Filed 8–1–24; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Collaboration Opportunity for Combination of Vaccine With Adoptive Cell Therapies Made at NCI for the Treatment of Solid Cancers

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The Surgery Branch (SB) at the National Cancer Institute (NCI), is seeking a partner in the private sector to provide Good Manufacturing Practice-grade vaccine directed against cancer neo-antigens with the goal of conducting a Phase-I human clinical trial for solid cancers.

**FOR FURTHER INFORMATION CONTACT:** Inquiries relating to this collaboration opportunity should be directed to: Aida Cremesti, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240) 276–5530; Email: *aida.cremesti@mail.nih.gov.* Inquiries related to licensing the related technology E–046–2022 should be directed to: Andrew Burke, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240)–276–5484; Email: *andy.burke@nih.gov.*

**SUPPLEMENTARY INFORMATION:**

#### Collaboration Opportunity Summary

The Surgery Branch (SB) at the National Cancer Institute (NCI), under the direction of Dr. Steven Rosenberg, is seeking a partner in the private sector to provide a GMP-grade vaccine directed against cancer neo-antigens, either private (patient-specific neo-antigens) or shared common tumor antigens (such as KRAS or P–53), with the goal of conducting a Phase-I human clinical trial for solid cancers. The trial would involve the combination of NCI-engineered cell therapies with a vaccine to be provided by the partner. The NCI SB has extensive expertise in the latest technology of tumor infiltrating lymphocyte (TIL) development, as well as T-Cell Receptor (TCR)-transduced Peripheral Blood Lymphocytes (PBL) development using NCI proprietary

methodologies, and NCI has the ability to provide GMP-Grade TIL's or PBL's to be combined with the vaccine. The vaccine would target the same neo-antigens found in the engineered PBL or TIL, which will be isolated and characterized using NCI proprietary methods. The NCI is seeking a partner with expertise in this area of vaccine manufacture to provide the GMP-grade vaccine to be used in combination with the NCI-engineered T cells. Recruitment of patients and conduct of the trial would be done at NCI.

**Related NIH Technology Summary**

This collaboration opportunity is related to NIH technology E–046–2022 entitled, ''Neoantigen T Cell Therapy with Neoantigen Vaccination as a Combination Immunotherapy Against Cancer,'' which is available for licensing.

The E–046–2022 patent family is primarily directed to a combination immunotherapy comprising a population of antigen-specific immune cells (*e.g.,* T cells) and a vaccine targeting the same antigen(s). In oncology, many investigational adoptive cell therapies rely on antigen-specific T cells isolated from the patient in need of treatment. However, these cells often exist in a terminally differentiated and exhausted state and are unable to mount a robust immune response following reinfusion. Recent evidence suggests that administration of a vaccine in parallel with the T cell product can ameliorate this performance defect when the vaccine targets antigen(s) recognized by the T cells. It is hoped that this two-part approach will enhance treatment efficacy.

Dated: July 30, 2024.

**Richard U. Rodriguez,**

*Associate Director, Technology Transfer Center, National Cancer Institute.*

[FR Doc. 2024–17129 Filed 8–1–24; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required).

*Date:* August 29, 2024.

*Time:* 10:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G56, Rockville, MD 20892 (Video Assisted Meeting).

*Contact Person:* Maryam Rohani, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G56, Rockville, MD 20892, (301) 761–6656, *maryam.rohani@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 29, 2024.

**Lauren A. Fleck,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–17047 Filed 8–1–24; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**[Docket No. USCG–2024–0384]**

### National Merchant Marine Personnel Advisory Committee; Vacancies

**AGENCY:** Coast Guard, Department of Homeland Security.

**ACTION:** Notice; request for applications.

**SUMMARY:** The U.S. Coast Guard is accepting applications to fill eleven vacancies on the National Merchant Marine Personnel Advisory Committee (Committee). This Committee advises the Secretary of Homeland Security via the Commandant of the U.S. Coast Guard on matters relating to personnel in the United States Merchant Marine, including the training, qualifications, certification, documentation, and fitness of mariners. Individuals currently holding these appointments will need to re-apply if they wish to continue as Committee members.

**DATES:** Complete applications must reach the U.S. Coast Guard on or before October 1, 2024.

**ADDRESSES:** Applications must include (a) a cover letter expressing interest in an appointment to the National Merchant Marine Personnel Advisory Committee, (b) a resume detailing the applicant's relevant experience for the position applied for (including the U.S. Coast Guard issued mariner reference number if applicable), and (c) a brief 2–3 paragraph biography written in third-person perspective. Applications should be submitted via email with subject line ''Application for NMERPAC'' to *megan.c.johns@uscg.mil.*

**FOR FURTHER INFORMATION CONTACT:** Ms. Megan Johns Henry, Alternate Designated Federal Officer of the National Merchant Marine Personnel Advisory Committee; telephone 202–372–1255 or email at *megan.c.johns@uscg.mil.*

**SUPPLEMENTARY INFORMATION:** The National Merchant Marine Personnel Advisory Committee is a Federal advisory committee. The Committee was established on December 4, 2018, by section 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018* (Pub. L. No 115–282, 132 Stat 4192), and is codified in 46 U.S.C. 15103. The Committee operates under the provisions of the *Federal Advisory Committee Act,* and 46 U.S.C. 15109.

The Committee is required to meet at least once a year in accordance with 46 U.S.C. 15109(a). We expect the Committee will hold meetings twice per year, typically in the last week of March and the week of September immediately following the Labor Day holiday. The meetings are held at locations across the country selected by the U.S. Coast Guard.

Under provisions in 46 U.S.C. 15109(f)(6), if you are appointed as a member of the Committee, your membership term will expire on December 31st of the third full year after the effective date of your appointment. Under provisions 46 U.S.C. 15109(f)(4) the Secretary of Homeland Security may require an individual to have passed an appropriate security background examination before appointment to the Committee. Committee members are required to attend and participate in meetings regularly; members may be recommended for removal if they miss two consecutive meetings without a valid reason that is acceptable to the Chair of the Committee and the Designated Federal Officer.

In this solicitation for Committee members, we will consider applications for eleven (11) positions, which include:

- Four United States citizens holding a valid Merchant Mariner Credential (MMC) issued under 46 U.S.C. chapter 71 or 46 U.S.C. chapter 73, including:
  - One credentialed deck officer who represents merchant marine deck officers who shall be: (1) endorsed for an inland or river route of limited or unlimited tonnage; (2) endorsed as Master of Towing Vessels; and (3) to the extent practicable, shall represent labor.
  - Two credentialed engineering officers, of which: (1) one shall be endorsed as Chief Engineer of unlimited horsepower; (1) one shall be endorsed either as Chief Engineer of limited horsepower or Designated Duty Engineer and to the extent practicable, (1) one shall represent management.
  - One credentialed rating, endorsed as able bodied seaman;
- Three Marine educators who represent other maritime training institutions (other than academies), of which one may also represent the small vessel industry;
- Two individuals who represent shipping companies employed in ship operation management; and,
- Two individuals who represent the general public.

Each member of the Committee must have expertise, knowledge, and experience on matters related to personnel in the United States merchant marine, including the training, qualifications, certification, documentation, and fitness of mariners.

All members serve at their own expense and receive no salary or other compensation from the Federal Government. The only compensation the members may receive is for travel expenses, including per diem in lieu of subsistence, and actual reasonable expenses incurred in the performance of their direct duties for the Committee in accordance with Federal Travel Regulations.

If you are appointed as a member of the Committee, you will be required to sign a Non-Disclosure Agreement and a Gratuitous Services Agreement.

If you are selected as a member drawn from the general public, you will be appointed and serve as a Special Government Employee as defined in 18 U.S.C. 202(a). Applicants for appointment as a Special Government Employee are required to complete a Confidential Financial Disclosure Report (OGE Form 450) for new entrants and if appointed as a member must submit an OGE Form 450 annually. The U.S. Coast Guard may not release the reports or the information in them to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Only the Designated U.S. Coast Guard Ethics Official or his or her designee may release a Confidential Financial Disclosure Report. Applicants can obtain this form by going to the website of the Office of Government Ethics (*www.oge.gov*) or by contacting the individual listed above in **FOR FURTHER INFORMATION CONTACT**.

Registered lobbyists are not eligible to serve on Federal Advisory Committees in an individual capacity. See ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions'' (79 FR 47482, August 13, 2014). Registered lobbyists are ''lobbyists,'' as defined in 2 U.S.C. 1602, who are required by 2 U.S.C. 1603 to register with the Secretary of the Senate and the Clerk of the House of Representatives.

In order for the Department to fully leverage broad-ranging experience and education, the National Merchant Marine Personnel Advisory Committee must be diverse with regard to professional and technical expertise. The Department is committed to pursuing opportunities, consistent with applicable law, to compose a committee that reflects the diversity of the Nation's people.

If you are interested in applying to become a member of the Committee, email your application to *megan.c.johns@uscg.mil* as provided in the **ADDRESSES** section of this notice. Applications must include: (1) a cover letter expressing interest in an appointment to the National Merchant Marine Personnel Advisory Committee; (2) a resume detailing the applicant's relevant experience; and (3) a brief 2–3 paragraph biography of the applicant written in third-person perspective by the deadline in the **DATES** section of this notice. Applications for members who will serve to represent the general public must be accompanied by a completed OGE Form 450. Once we receive your application we will send you an email confirming receipt.

The U.S. Coast Guard will not consider incomplete or late applications.

**Privacy Act Statement**

*Purpose:* To obtain qualified applicants to fill one vacancy on the National Merchant Marine Personnel Advisory Committee. When you apply for appointment to the DHS' Merchant Marine Personnel Advisory Committee, DHS collects your name, contact information, and any other personal information that you submit in conjunction with your application. DHS will use this information to evaluate your candidacy for Committee membership. If you are chosen to serve as a Committee member, your name will appear in publicly available Committee documents, membership lists, and Committee reports.

*Authorities:* 14 U.S.C. 504; 46 U.S.C. 15103 and 15109; 18 U.S.C. 202(a), and Department of Homeland Security Delegation No. 00915.

*Routine Uses:* Authorized U.S. Coast Guard personnel will use this information to consider and obtain qualified candidates to serve on the Committee. Any external disclosures of information within this record will be made in accordance with DHS/ALL–009, Department of Homeland Security Advisory Committee (73 FR 57642, October 3, 2008).

*Consequences of Failure to Provide Information:* Furnishing this information is voluntary. However, failure to furnish the requested information may result in your application not being considered for the Committee.

Dated: July 30, 2024.

**Jeffrey G. Lantz,**

*Director of Commercial Regulations and Standards.*

[FR Doc. 2024–17119 Filed 8–1–24; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–6380–N–03]**

## Tribal Intergovernmental Advisory Committee (TIAC) Fall 2024 Meeting

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the next meeting of HUD's TIAC.

**DATES:** The meeting will be held on Wednesday, September 11, 2024, and Thursday, September 12, 2024. On Wednesday, the session will begin at approximately 9 a.m. CDT and adjourn at approximately 5 p.m. CDT. The session on Thursday will be a site visit to the Choctaw Nation in Durant, OK.

**ADDRESSES:** The Wednesday session will take place at the HUD Fort Worth Office, 307 W 7th Street, Fort Worth, TX 76102.

**FOR FURTHER INFORMATION CONTACT:** Heidi Frechette, Deputy Assistant Secretary for Native American Programs, Office of Public and Indian Housing, Department of Housing and

Urban Development, 451 Seventh Street SW, Room 4108, Washington, DC 20410, telephone number 202–401–7914 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible call, please visit *https://www.fcc.gov/consumers/guides/telecomunicationsrelay-service-trs.*

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On March 31, 2022 (87 FR 18807), HUD published a notice in the **Federal Register** that announced the final structure of the TIAC and requested the submission of Tribal nominations to the TIAC. On November 29, 2022, HUD published a notice (87 FR 73317) announcing the TIAC membership. Thus, to strengthen HUD's engagement with Tribal Nations, HUD established its first Tribal advisory committee. The first in-person TIAC meeting was held on Wednesday, April 12, 2023, and Thursday, April 13, 2023, in Washington DC. On September 27, 2023, and September 28, 2023, the second in-person meeting of the TIAC was held in Tucson, Arizona. On May 15, 2024, and May 16, 2024, the third in-person meeting was held in Washington DC.

**II. Next Committee Meeting**

The next in-person meeting will be held on Wednesday, September 11, 2024, and Thursday, September 12, 2024. On Wednesday, the session will begin at approximately 9:00 a.m., and adjourn at approximately 5 p.m. The meeting will take place at the HUD Fort Worth Office, 307 W 7th Street, Fort Worth, TX 76102. The session on Thursday will consist of a site visit to the Choctaw Nation.

The Committee will operate under the Tribal government statutory exemption to the Federal Advisory Committee Act (FACA) found in the Unfunded Mandates Reform Act (UMRA) at 2 U.S.C. 1534(b). Accordingly, participation in the meeting is limited to TIAC members. Members of the public may not formally participate in the meeting or make statements during the meeting.

**III. Future Committee Meetings**

Decisions with respect to future meetings will be made at the first meeting and from time to time thereafter. Notices of all future meetings will be published in the **Federal Register**. HUD will make every effort to publish such notices at least 30 calendar days prior to each meeting.

**Marianne Nazzaro,**

*Deputy Assistant Secretary for Public and Housing Investments.*

[FR Doc. 2024–17116 Filed 8–1–24; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–7092–N–34]**

## Privacy Act of 1974; System of Records

**AGENCY:** Office of the Chief Financial Officer, HUD.

**ACTION:** Notice of a new system of records.

**SUMMARY:** Under the Privacy Act of 1974, as amended, the Department of the Housing and Urban Development (HUD), Office of the Chief Financial Officer (OCFO), is issuing a public notice of its intent to create a new system of records, Voice of the Customer (VoC). HUD has developed VoC system of records to satisfy the Executive Order 14058, on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government, issued on December 13, 2021. The VoC platform provides customers with the ability to share their likes and dislikes about HUD's products or services. Customers feedback lets HUD focus on improving areas that would result in customer satisfaction and improve trust in the federal government.

**DATES:** Comments will be accepted on or before September 3, 2024. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by docket number or by one of the following methods:

*Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions provided on that site to submit comments electronically.

*Fax:* 202–619–8365.

*Email: www.privacy@hud.gov.*

*Mail:* Attention: Privacy Office; LaDonne White, Chief Privacy Officer; The Executive Secretariat; 451 Seventh Street SW, Room 10139; Washington, DC 20410–0001.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov.* including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** LaDonne White; 451 Seventh Street SW, Room 10139; Washington, DC 20410; telephone number (202) 708–3054 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

**SUPPLEMENTARY INFORMATION:** This system allows HUD to build surveys of varying complexity, distribute surveys via different delivery methods, centrally manage customer feedback data, and enable enterprise-wide qualitative and quantitative data analysis on both data collected through the system and data imported into the system. The Voice of the Customer data can come in through a variety of ways. It can be a web/paper survey, a phone call, an email, or anything having all that separate data on one platform will help OCFO's Customer Experience team hear what customers have to say holistically. The gathered feedback is both customer and employee experience data as it pertains to their interactions with HUD. Contact information will be requested, but is voluntary/optional, and is only collected/used for future research. This would include gathering a person's name and contact information they are willing to provide (email or phone number). This data would be used for research purposes only to further investigate how to improve customers' experiences with HUD. These interactions would include moments when the customer/employee interacts with HUD (For example, a customer visits the HUD website for information, or an employee visits the intranet for information). The data would be collected via surveys or conversations regarding their experience within that specific moment and/or overall experience.

**SYSTEM NAME AND NUMBER:**

Voice of the Customer (VoC), HUD/OCFO–02.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Medallia GovCloud is hosted within Amazon Web Services (AWS) Inc.; 12900 Worldgate Dr., Suite 800, Herndon VA 20170.

**SYSTEM MANAGER(S):**

Katherine M. Darling, Assistant Chief Financial Officer for Systems, Office of the Chief Financial Officer, Department of Housing and Urban Development, 451 Seventh Street SW, Room 3100, Washington, DC 20410–1000; Phone (202) 402–3912.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is authorized by Section 2 of The Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3531; and Executive Order 14058, on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.

**PURPOSES OF THE SYSTEM:**

HUD's Office of the Chief Financial Officer (OCFO) maintains the Voice of the Customer (VoC) system of records. The VoC Customer Experience (CX) is a FedRAMP Software as a Service (SaaS) system and services for enterprise-wide Customer Experience Management (CXM). The VoC system, Medallia Experience Cloud (MEC), will allow HUD and its internal program offices to build surveys of varying complexity, distribute surveys via different delivery methods, centrally manage customer feedback data, and enable enterprise-wide qualitative and quantitative data analysis on both data collected through the system and data imported into the system.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Members of the Public, HUD Employees, and contractors.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, Email address (work/personal), Phone Number (work/personal), zip code (work/home).

**RECORD SOURCE CATEGORIES:**

Records are obtained from individuals who participated in the customer satisfaction surveys, Housing Discrimination Process Survey and Salesforce HUD Central.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

(1) To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

(2) To a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

(3) To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or their parties, and entities and their agents with whom HUD has a contract, service agreement, grant, cooperative agreement, or other agreement for the purposes of statistical analysis and research in support of program operations, management, performance monitoring, evaluation, risk management, and policy development, to otherwise support the Department's mission, or for other research and statistical purposes not otherwise prohibited by law or regulation. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. The results of the matched information may not be disclosed in identifiable form.

(4) To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, cooperative agreement, or other agreement with HUD, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function.

(5) To contractors, experts and consultants with whom HUD has a contract, service agreement, or other assignment of the Department, when necessary to utilize relevant data for the purpose of testing new technology and systems designed to enhance program operations and performance.

(6) To appropriate agencies, entities, and persons when (1) HUD suspects or has confirmed that there has been a breached of the system of records, (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, (including its information systems, programs, and operations), the Federal Government, or national security; (3) and the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(7) To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(8) To appropriate Federal, State, local, tribal, or other governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would assist in the enforcement of civil or criminal laws and when such records, either alone or in conjunction with other information, indicate a violation or potential violation of law.

(9) To a court, magistrate, administrative tribunal, or arbitrator in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, mediation, or settlement negotiations, or in connection with criminal law proceedings; when HUD determines that use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (a) HUD, or any component thereof; or (b) any HUD employee in his or her official capacity; or (c) any HUD employee in his or her individual capacity where HUD has agreed to represent the employee; or (d) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(10) To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (a) HUD, or any component thereof; or (b) any HUD employee in his or her official capacity; or (c) any HUD employee in his or her individual capacity where the Department of Justice or agency conducting the litigation has agreed to

represent the employee; or (d) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(11) To the Office of Management and Budget, in order to comply with Circular A–11, part 6, Section 280 reporting requirements. Records provided under this routine use will be de-identified and may become publicly available on *performance.gov.*

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Electronic only.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Name and work email addresses.

**POLICIES AND PRACTICIES FOR RETENTION AND DISPOSAL OF RECORDS:**

Temporary—Destroy 1 year after resolved, or when no longer needed for business use, whichever is appropriate.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Voice of the Customer (VoC) Customer Experience (CX) uses Medallia, which is a FedRAMP Software as a Service (SaaS) system and services for enterprise-wide Customer Experience Management (CXM). They are responsible for implementing the physical, administrative, and technical security/privacy controls. In addition, HUD employees/contractors who access this system must first log into the HUD network using their PIV card and PIN number.

Medallia provides secure and controlled access to systems and data. Medallia's data access controls and authorizations determine what a user can and cannot do after logging in. Medllia supports a fine-grained authorization model, allowing an administrator to grant access based on user groups/roles, organization hierarchy, and data permissions. Medallia also offers predefined user roles, automatically masking personal or other sensitive data, by obscuring fields from unauthorized users. The masking feature supports Health Insurance Portability and Accountability Act (HIPAA) and other regulations.

Records are secured with the data at rest (AWS volume encryption is applied) and data in transit encryption (data transmission over https protocols).

**RECORD ACCESS PROCEDURES:**

Individuals requesting records of themselves should address written inquiries to the Department of Housing Urban and Development, 451 7th Street SW, Washington, DC 20410–0001. For verification, individuals should provide their full name, current address, and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

**CONTESTING RECORD PROCEDURES:**

The HUD rule for contesting the content of any record pertaining to the individual by the individual concerned is published in 24 CFR 16.8 or may be obtained from the system manager.

**NOTIFICATION PROCEDURES:**

Individuals requesting notification of records of themselves should address written inquiries to the Department of Housing Urban Development, 451 7th Street SW, Washington, DC 20410–0001. For verification purposes, individuals should provide their full name, office or organization where assigned, if applicable, and current address and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

N/A.

**HISTORY:**

Docket No. 88 FR 68647 (October 4, 2023).

**LaDonne White,**

*Chief Privacy Officer, Office of Administration.*

[FR Doc. 2024–17051 Filed 8–1–24; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R8–ES–2024–0089; FXES11140800000–245–FF08EVEN00]**

### Receipt of Incidental Take Permit Application for Participation in the General Conservation Plan for Oil and Gas Activities; Categorical Exclusion; Santa Barbara County, CA

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from the Southern California Gas Company (SoCalGas) for an incidental take permit (ITP), pursuant to the Endangered Species Act, under the approved General Conservation Plan for Oil and Gas Activities (GCP). If granted, the ITP would authorize take of the California red-legged frog (*Rana draytonii*), incidental to activities within unincorporated Santa Barbara County, California. We request public comment on the application, and on the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a low-effect screening form. The application and the screening form are available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

**DATES:** We must receive your written comments on or before September 3, 2024.

**ADDRESSES:**

*Obtaining Documents:* The document this notice announces (draft screening form), as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS–R8–ES–2024–0089 at *https://www.regulations.gov.* The approved GCP and the associated final environmental assessment/finding of no significant impact are also available on that site. However, we are no longer taking comments on those finalized, approved documents.

*Submitting Comments:* If you wish to submit comments, you may do so in writing by one of the following methods:

- *Online: https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R8–ES–2024–0089.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R8–ES–2024–0089; U.S. Fish and Wildlife Service, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

**FOR FURTHER INFORMATION CONTACT:** Daniel Cisneros, Fish and Wildlife Biologist, by email at *fw8venturaitp@fws.*gov, by telephone at 805–677–1766, or by U.S. mail at the Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from the Southern California Gas company for an incidental take permit (ITP), pursuant to the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), under the approved General Conservation Plan for Oil and Gas Activities (GCP). A GCP is a mechanism that meets the definition of a conservation plan in section 10(a)(1)(B) of the ESA and enables the construct of a programmatic permitting and conservation process to address a defined suite of proposed activities over a defined planning area. The application for an incidental take permit was made pursuant to section 10(a)(1)(B) of the ESA. The ITP, if granted, would authorize take of the federally threatened California red-legged frog (*Rana draytonii*) incidental to activities associated with temporary excavations and pipeline replacement of the existing natural gas transmission Line 247, west of the city of Goleta at 100 El Capitan Terrace Lane within unincorporated Santa Barbara County, California. The permit would be issued to the applicant under the GCP for Oil and Gas Activities, which was approved on June 27, 2022. Prior to approval, a notice of availability of the draft programmatic environmental assessment (EA) and GCP published on March 6, 2020 (85 FR 13181). The approved GCP and the associated final programmatic environmental assessment/finding of no significant impact are available on the Ventura Fish and Wildlife Office web page at *https://www.fws.gov/media/habitat-conservation-plans-and-general-conservation-plans.* We have also uploaded them to *https://www.regulations.gov.* However, we are no longer taking comments on these finalized, approved documents.

**Documents for Public Comment**

We invite public comment on the application for an ITP, the draft screening form we prepared in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), and on our preliminary determination that this proposed ITP may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)).

**Background**

The Service listed the California red-legged frog as threatened on May 23, 1996 (61 FR 25813). Section 9 of the ESA prohibits ''take'' of fish and wildlife species listed as threatened or endangered (16 U.S.C. 1538), where take is defined to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532). Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered and threatened species are in the Code of Federal Regulations (CFR) at 50 CFR 17.22 and 17.32, respectively. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species. The permittee would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

**Applicant's Proposed Activities**

The applicant has applied for a permit for incidental take of California red-legged frog. The take would occur in association with activities necessary to provide safety upgrades and replacement of the existing natural gas transmission Line 247, west of the city of Goleta at 100 El Capitan Terrace Lane within an unincorporated area of Santa Barbara County, California. Project activities would include the removal of an existing 1,200-foot-long bypass line to the west of El Capitan Creek. Removal of the bypass line will require an approximately 3-foot (ft)-wide by 1,200-ft-long trench in a 15-ft-wide workspace. Removal of the bypass line is anticipated to take approximately 6 weeks. Segment 2 of project activities will require a jack and bore method of drilling of approximately 175 linear ft to install a replacement 16-inch (in) steel pipeline by excavation of an open trench. The existing pipeline under El Capitan Creek will be abandoned in place to limit disturbance to riparian habitat. A temporary 8-in-diameter and 56-ft-long bypass line will be tied in on the eastern end to provide service during construction. Segment 2 of project activities is anticipated to take approximately 16 weeks to complete. The applicant will backfill trenches with a layer of sand slurry at the bottom and then recompact with native soil following the installation of the replacement pipeline. Additionally, the applicant will a return all excavated areas to their original grades and revegetate them with native seed mix. Project activities will not occur in El Capitan Creek or its riparian habitat; thus, no California red-legged frog breeding habitat will be disturbed. However, transient adult California red-legged frogs may be encountered in upland habitat during project activities. The nearest known location of California red-legged frogs is within 1 mile south of the project site. The proposed pipeline repair would temporarily impact dispersal habitat through ground disturbance by excavation and vegetation removal for workspace development, as well as the potential for direct injury or mortality from crushing.

The project includes minimization measures for the California red-legged frog and mitigation for unavoidable impacts to the species and its habitat. The applicant has proposed a one-time fixed payment of $21,350 to the California red-legged frog mitigation account managed by the National Fish and Wildlife Foundation to compensate for unavoidable impacts to the California red-legged frog.

**Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

**Authority**

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500–1508 and 43 CFR 46).

**Stephen P. Henry,**

*Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.*

[FR Doc. 2024–17004 Filed 8–1–24; 8:45 am]

**BILLING CODE 4333–15–P**

## DEPARTMENT OF THE INTERIOR

### Geological Survey

**[GX24EN05ESBJF00]**

### Public Meeting of the Advisory Council for Climate Adaptation Science

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act (FACA) of 1972, the U.S. Geological Survey (USGS) is publishing this notice to announce that a Federal advisory committee meeting of the Advisory Council for Climate Adaptation Science (ACCAS) will take place and is open to members of the public.

**DATES:** The meeting will be held virtually on August 23, 2024, from 10 a.m. EDT to 5 p.m. EDT. The final schedule will be made available in advance of the meeting at: *https://www.usgs.gov/programs/climate-adaptation-science-centers/advisory-council-climate-adaptation-science.*

**ADDRESSES:** The meeting will be held online via the Zoom meeting platform. A registration link for public attendees will be posted on the ACCAS website page no later than two weeks prior to the meeting: *https://www.usgs.gov/programs/climate-adaptation-science-centers/advisory-council-climate-adaptation-science.*

**FOR FURTHER INFORMATION CONTACT:** Holly Chandler, ACCAS Designated Federal Officer, USGS, by email at *casc@usgs.gov* or by telephone at (406) 207–9500. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** This meeting is being held consistent with the provisions of the FACA (5 U.S.C. ch. 10), the Government in the Sunshine Act of 1976 (5 U.S.C. 552B, as amended), and 41 CFR part 102–3.

*Purpose of the Meeting:* The ACCAS advises the Secretary of the Interior on the operations of the USGS Climate Adaptation Science Centers (CASCs). ACCAS members represent state and local governments; Tribes and Indigenous organizations; non-governmental organizations; academia; and the private sector. Additional information about the ACCAS is available at: *https://www.usgs.gov/programs/climate-adaptation-science-centers/advisory-council-climate-adaptation-science.*

*Agenda Topics:* Agenda topics will cover (a) ACCAS subcommittee progress to date, (b) subcommittee recommendations for full ACCAS consideration and potential action, and (c) next steps and priorities for subcommittees. The final agenda will be made available in advance of the meeting at: *https://www.usgs.gov/programs/climate-adaptation-science-centers/advisory-council-climate-adaptation-science.* The meeting will include an opportunity for public comment. Please check the final agenda for the exact time for public comment. Comments may also be submitted to the ACCAS in writing via this form: *https://app.smartsheetgov.com/b/form/11e7a5e6bb4f413ea7842dbb8ff1891c.*

*Meeting Accessibility/Special Accommodations:* The meeting is open to the public. Public attendees should register by completing the registration form which will be posted at: *https://www.usgs.gov/programs/climate-adaptation-science-centers/advisory-council-climate-adaptation-science.* Registrations are due by August 21, 2024.

Please make requests in advance for sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations. We ask that you contact *hchandler@usgs.gov* at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

*Public Disclosure of Comments:* There will be an opportunity for public comment during the meeting. Depending on the number of people who wish to speak and the time available, the time for individual comments may be limited. Written comments may also be sent to the ACCAS for consideration. To allow for full consideration of information by ACCAS members, written comments may be provided here: *https://app.smartsheetgov.com/b/form/11e7a5e6bb4f413ea7842dbb8ff1891c* or be emailed to *casc@usgs.gov* at least three (3) business days prior to the meeting.

Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you may ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

*Authority:* 5 U.S.C. Ch. 10.

**Holly Chandler,**

*Designated Federal Officer, Advisory Council for Climate Adaptation Science, U.S. Geological Survey.*

[FR Doc. 2024–17133 Filed 8–1–24; 8:45 am]

**BILLING CODE 4338–11–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[BLM_AK_FRN_MO4500180097; AA–41952]**

### Alaska Native Claims Selection

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of modified decision approving lands for conveyance.

**SUMMARY:** The Bureau of Land Management hereby provides constructive notice that the decision approving lands for conveyance to Cook Inlet Region, Inc., notice of which was published in the **Federal Register** on May 2, 2024, will be modified by removing the Remaining Obligation Entitlement account balance figure, and correcting the appraised value of the lands approved in the decision.

**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, Alaska 99513–7504.

**FOR FURTHER INFORMATION CONTACT:** Cameron Means, BLM Alaska State Office, at 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 decision approving lands for conveyance to Cook Inlet Region, Inc., notice of which was published in the **Federal Register** on May 2, 2024, 89 FR 35857, 35858, will be modified by removing the Remaining

Obligation Entitlement account balance figure and by correcting the appraised value of the lands approved in the decision.

Notice of the modified decision will also be published once a week for four consecutive weeks in the *Anchorage Daily News*.

Any party claiming a property interest in the lands affected by the changes made in the modified 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 September 3, 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. Except as modified, the decision of May 2, 2024, notice of which was given May 2, 2024, is final.

**Cameron G. Means,**

*Land Law Examiner, Branch of Adjudication.*

[FR Doc. 2024–17050 Filed 8–1–24; 8:45 am]

**BILLING CODE 4331–10–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[FSRS84221GLKX0–16X–FF01R05000; IDI 039529/IDID105860944]**

### Notice of Proposed Withdrawal, Transfer of Administrative Jurisdiction, and Opportunity for Public Meeting for the Grays Lake National Wildlife Refuge, ID

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of proposed withdrawal.

**SUMMARY:** At the request of the United States Fish and Wildlife Service (USFWS) and subject to valid existing rights, the Secretary of the Interior proposes to withdraw 158.72 acres of public lands managed by the Bureau of Land Management (BLM) from settlement, sale, location, or entry under the public land laws, from location and entry under the United States mining laws, and from leasing under the mineral and geothermal leasing laws for an indefinite period and transfer administrative jurisdiction over these acres to USFWS for management as part of the National Wildlife Refuge System to support conservation of the aquatic and riparian habitats in the Grays Lake National Wildlife Refuge (NWR), Idaho. Publication of this notice temporarily segregates the lands from settlement, sale, location, or entry under the public land laws, from location and entry under the United States mining laws, and from leasing under the mineral and geothermal leasing laws, subject to valid existing rights, for up to 2 years, while the application is being processed. This notice initiates a 90-day comment period and announces an opportunity for the public to request a public meeting on the proposed withdrawal.

**DATES:** Comments and requests for a public meeting must be received by October 31, 2024.

**ADDRESSES:** All comments and meeting requests should be sent to the BLM Idaho State Office, Attn: 933-Realty/Grays Lake Withdrawal, 1387 S Vinnell Way, Boise, ID 83709, or email *BLM_ID_LLID933000_Withdrawal@blm.gov.*

**FOR FURTHER INFORMATION CONTACT:** Christine Sloand, BLM Idaho State Office, telephone: 208–373–3897, email: *csloand@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** The applicant is USFWS, and the petition/application requests the Secretary of the Interior to withdraw the following 158.72 acres of BLM-managed public lands from settlement, sale, location, or entry under the public land laws, from location and entry under the United States mining laws, and from leasing under the mineral and geothermal leasing laws for an indefinite period, subject to valid existing rights, and transfer administrative jurisdiction over these acres to USFWS for management as part of the National Wildlife Refuge System to support conservation of the aquatic and riparian habitats in the Grays Lake NWR, Idaho:

**Boise Meridian, Idaho**

T. 3 S., R. 43 E.,
Sec. 21, SE¼SW¼;
Sec. 28, NE¼NW¼;
Sec. 30, lot 3.
T. 4 S., R. 43 E.,
Sec. 26, NW¼SW¼.

The areas described aggregate 158.72 acres in Bonneville County.

This petition/application has been approved for publication by a Secretarial officer in the Department of the Interior and therefore constitutes a withdrawal proposal of the Secretary of the Interior (43 CFR 2310.1–3(e)).

The use of a right-of-way, interagency agreement, or cooperative agreement would not adequately protect the lands from nondiscretionary uses, which could result in a permanent loss of significant values and capital investments.

The USFWS requires continued use of rights contained in Water Right Partial Decree 13–13725 that is appurtenant to Tract 1b (T. 4 S., R. 43 E., sec. 26, NW¼SW¼).

There are no suitable alternative sites with equal or greater benefit to the government.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments or desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a request to the BLM Idaho State Office (see **ADDRESSES**). If the authorized officer determines that a public meeting will be held, a notice of the date, time, and place will be published in the **Federal Register** and local newspapers and on the BLM website at *www.blm.gov* at least 30 days before the scheduled date of the meeting.

Comments, including name and street address of respondents, will be available for public review at the BLM Idaho State Office during regular business hours, 8:00 a.m. to 4:30 p.m. Mountain Time, Monday through Friday, except Federal holidays. 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 personally 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. All submissions from organizations or businesses, and from individuals identifying themselves as representatives of officials of organizations or businesses, will be made available for public inspection in their entirety.

For a period until August 3, 2026, the lands will be segregated as specified above unless the application is denied

or cancelled, or the withdrawal is approved prior to that date.

This withdrawal application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

(Authority: 43 U.S.C. 1714)

**Peter Ditton,**

*Acting Idaho State Director.*

[FR Doc. 2024–17007 Filed 8–1–24; 8:45 am]

**BILLING CODE 4331–15–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NRNHL–DTS#–38380; PPWOCRADI0, PCU00RP14.R50000]**

### National Register of Historic Places; Notification of Pending Nominations and Related Actions

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The National Park Service is soliciting electronic comments on the significance of properties nominated before July 20, 2024, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted electronically by August 19, 2024.

**ADDRESSES:** Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

**SUPPLEMENTARY INFORMATION:** The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 20, 2024. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers

*Key:* State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

**DISTRICT OF COLUMBIA**

**District of Columbia**

Youth Pride, Inc. (aka Pride, Inc.), (20th Century African American Civil Rights Sites in Washington, DC, 1912–1974 MPS), 1536 U Street NW, Washington, MP100010724

**INDIANA**

**Allen County**

Shawnee Place Historic District, (Historic Residential Suburbs in the United States, 1830–1960 MPS), Roughly bounded by Killea Street, Kinnaird Avenue, Webster Street, and the second alley west of Hoagland Avenue, Fort Wayne, MP100010747

**Clay County**

Kennedy-Hoffa House, 501 East Main Street, Center Point, SG100010746

**Hamilton County**

Applegate-Johnson Farmstead, 9680 Haverstick Road, Carmel, SG100010740

**Hancock County**

Fortville Carnegie Library, 115 N Main Street, Fortville, SG100010744

Fortville Methodist Episcopal Church, 125 East Staat Street, Fortville, SG100010745

**Lake County**

Andrew Means Park Manor Historic District, (Residential Planning and Development in Indiana, 1940–1973 MPS), Bounded by 19th Avenue, 21st Avenue, and Madison and Polk Streets, Gary, MP100010739

**Lawrence County**

Bedford Northside Residential Historic District, Roughly bounded by the alley between 13th Street and 14th Street to the north, L Street to the east, 16th Street/US 50/IN 450 to the south, and O Street to the west, Bedford, SG100010741

**Monroe County**

Cascades Park, 2851 Old State Rd. 37, Bloomington, SG100010743

**Ripley County**

Versailles Courthouse Square Historic District, Roughly bounded by East Third North Street on the north, Alley 1–45 on the east, Water Street on the south, and Alley 9–70 on the west, Versailles, SG100010748

**Starke County**

Chesapeake & Ohio 2–8–4 Steam Engine No. 2789, Hoosier Valley Railroad Museum, 507 Mulberry St., North Judson, SG100010742

**MICHIGAN**

**Wayne County**

Millwood Apartments, (Apartment Buildings in Detroit, Michigan, 1892–1970 MPS), 36 East Milwaukee Street, Detroit, MP100010751

**NEW MEXICO**

**Bernalillo County**

Albuquerque Public Library, 423 Central Avenue NE, Albuquerque, SG100010754

**Rio Arriba County**

MacFie, Franklin, House, 220 County Road 140, Hernandez vicinity, SG100010755

**PENNSYLVANIA**

**Philadelphia County**

Upsal Gardens Apartments, (Garden Apartments of Philadelphia, Pennsylvania Before the Great Depression, 1885–1933 MPS), 246 W Upsal Street, Philadelphia, MP100010726

**VIRGINIA**

**Fauquier County**

Warrenton Historic District (Boundary Increase), Alexandria Pike, Chestnut St., Culper St., East St., Falmouth St., Franklin St., Green St., John Marshall St., Keith St., Lee St., Pelham St., Washington St., Winchester St. City or town: Warrenton, Warrenton, BC100010752

**Richmond INDEPENDENT CITY**

St. John's United Holy Church of America. Inc., 1507 North 28th Street, Richmond, SG100010723

**Staunton INDEPENDENT CITY**

Staunton Coca-Cola Bottling Works, 709 North Augusta Street, Staunton, SG100010736

**WYOMING**

**Teton County**

John and Gladys Wort House, 155 W Pearl Street, Jackson, SG100010735

Additional documentation has been received for the following resource(s):

**ARIZONA**

**Maricopa County**

Miracle Mile Historic District (Additional Documentation), 1325–1812 East McDowell Rd., Phoenix, AD100008193

**CALIFORNIA**

**Ventura County**

Anacapa Island Light Station (Additional Documentation), (Light Stations of California MPS), Anacapa Island, Channel Islands National Park, Oxnard vicinity, AD91001101

**COLORADO**

**Denver County**

Central Presbyterian Church (Additional Documentation), 1660 Sherman St., Denver, AD74000565

**Montrose County**

Knights of Pythias (KP) Building (Additional Documentation), 33 South Cascade Avenue, Montrose, AD100010081

**MICHIGAN**

**Charlevoix County**

Beaver Island Light Station (Additional Documentation), S of St. James on Beaver Island, St. James vicinity, AD78001495

**VIRGINIA**

**Northampton County**

Almshouse Farm at Machipongo (Additional Documentation), 12402 Lankford Hwy., Machipongo, AD02000317

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

**CALIFORNIA**

**Ventura County**

Anacapa Island Light Station (Boundary Increase) (Light Stations of California MPS), Anacapa Island, Channel Islands National Park, Oxnard vicinity, BC100010729

*Authority:* Section 60.13 of 36 CFR part 60.

**Sherry A. Frear,**

*Chief, National Register of Historic Places/ National Historic Landmarks Program.*

[FR Doc. 2024–17052 Filed 8–1–24; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–AKRO–ANIA–DENA–CAKR–LACL–KOVA–WRST–GAAR–38082; PPAKAKROR4] [PPMPRLE1Y.LS0000]**

### Public Meetings of the National Park Service Alaska Region Subsistence Resource Commission Program

**AGENCY:** National Park Service, Interior.

**ACTION:** Meeting notice.

**SUMMARY:** The National Park Service (NPS) is hereby giving notice that the Aniakchak National Monument Subsistence Resource Commission (SRC), the Denali National Park SRC, the Cape Krusenstern National Monument SRC, the Lake Clark National Park SRC, the Kobuk Valley National Park SRC, the Wrangell-St. Elias National Park SRC, and the Gates of the Arctic National Park SRC will meet as indicated below.

**DATES:** The Aniakchak National Monument SRC will meet in-person and via videoconference from 10 a.m. to 1 p.m. or until business is completed on Monday, October 28, 2024. The alternate meeting date is Wednesday, November 6, 2024, from 10 a.m. to 1 p.m. or until business is completed at the same location and via videoconference. If an in-person meeting is not feasible or advisable, the meeting will be held solely by videoconference.

The Denali National Park SRC will meet in-person and via teleconference from 10 a.m. to 5 p.m. or until business is completed on both Wednesday, August 21, 2024, and Thursday, August 22, 2024. If business is completed on August 21, 2024, the meeting will adjourn, and no meeting will take place on August 22, 2024. The alternate meeting dates are Wednesday, August 28, 2024, and Thursday, August 29, 2024, from 10 a.m. to 5 p.m. or until business is completed at the same location and via teleconference. If an in-person meeting is not feasible or advisable, the meeting will be held solely by teleconference.

The Cape Krusenstern National Monument SRC will meet in-person and via teleconference from 1 p.m. to 5 p.m. on Monday, October 7, 2024, and from 9 a.m. to 12 p.m. on Tuesday, October 8, 2024, or until business is completed. If business is completed on October 7, 2024, the meeting will adjourn, and no meeting will take place on October 8, 2024. The alternate meeting dates are Monday, October 21, 2024, from 1 p.m. to 5 p.m., and Tuesday, October 22, 2024, from 9 a.m. to 12 p.m. or until business is completed at the same location in-person and via teleconference. If an in-person meeting is not feasible or advisable, the meeting will be held solely by teleconference.

The Lake Clark National Park SRC will meet in-person and via teleconference from 1 p.m. to 4 p.m. or until business is completed on Saturday, September 28, 2024. The alternate meeting date is Saturday, October 5, 2024, from 1 p.m. to 4 p.m. or until business is completed at the same location and via teleconference. If an in-person meeting is not feasible or advisable, the meeting will be held solely by teleconference.

The Kobuk Valley National Park SRC will meet in-person and via teleconference from 1 p.m. to 5 p.m. on Wednesday, October 9, 2024, and from 9 a.m. to 12 p.m. on Thursday, October 10, 2024, or until business is completed. If business is completed on October 9, 2024, the meeting will adjourn, and no meeting will take place on Thursday, October 10, 2024. The alternate meeting dates are Wednesday, October 23, 2024, from 1 p.m. to 5 p.m., and Thursday, October 24, 2024, from 9 a.m. to 12 p.m. or until business is completed at the same location and via teleconference. If an in-person meeting is not feasible or advisable, the meeting will be held solely by teleconference.

The Wrangell-St. Elias National Park SRC will meet in-person and via teleconference from 9 a.m. to 5 p.m. or until business is completed on both Monday, September 23, 2024, and Tuesday, September 24, 2024. If business is completed on September 23, 2024, the meeting will adjourn, and no meeting will take place on September 24, 2024. The alternate meeting dates are Friday, October 4, 2024, and Saturday, October 5, 2024, from 9 a.m. to 5 p.m., or until business is completed at the same location and via teleconference. If an in-person meeting is not feasible or advisable, the meeting will be held solely by teleconference.

The Gates of the Arctic National Park SRC will meet in-person and via teleconference from 9 a.m. to 5 p.m. or until business is completed on both Wednesday, November 13, 2024, and Thursday, November 14, 2024. If business is completed on November 13, 2024, the meeting will adjourn, and no meeting will take place on November 14, 2024. The alternate meeting dates are Wednesday, November 20, 2024, from 9 a.m. to 5 p.m., and Thursday, November 21, 2024, from 9 a.m. to 5 p.m. or until business is completed at the same location and via teleconference. If an in-person meeting is not feasible or advisable, the meeting will be held solely by teleconference.

**ADDRESSES:** The Aniakchak National Monument SRC will in-person meet at the Katmai National Park Office, 1001 Silver Street, King Salmon AK 99613 and via videoconference. Videoconference participants must call the NPS office at (907) 246–2121 prior to the meeting to receive videoconference passcode information.

For more detailed information regarding these meetings, or if you are interested in applying for SRC membership, contact Designated Federal Officer Mark Sturm, Superintendent, at (907) 246–2120 or via email at *mark_sturm@nps.gov,* or Jenya (Evguenia) Anichtchenko, Acting Cultural Resource Manager, at (907) 246–2154 or via email at *evguenia_anichtchenko@nps.gov,* or Eva Patton, Federal Advisory Committee Group Federal Officer, at (907) 644–3601 or via email at *eva_patton@nps.gov.*

The Denali National Park SRC will meet in-person at the Denali Totem Inn, 248.7 Milepost Parks Highway, Healy AK 99743 and via teleconference. Teleconference participants must call the NPS office at (907) 644–3604 prior to the meeting to receive teleconference passcode information. For more detailed information regarding these meetings, or if you are interested in applying for SRC membership, contact Designated Federal Officer Brooke Merrell, Superintendent, at (907) 683–9627 or via email at *brooke_merrell@nps.gov,* or Amy Craver, Subsistence Coordinator, at (907) 644–3604 or via email at *amy_craver@nps.gov,* or Eva Patton, Federal Advisory Committee Group Federal Officer, at (907) 644–3601 or via email at *eva_patton@nps.gov.*

The Cape Krusenstern National Monument SRC will meet in-person at the Northwest Arctic Heritage Center, 171 3rd Avenue, Kotzebue, AK 99752 and via teleconference. Teleconference participants must call the NPS office at (907) 442–8342 prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting or if you are interested in applying for SRC membership, contact Designated Federal Officer Ray McPadden, Superintendent, at (907) 442–3890 or via email at *raymond_mcpadden@nps.gov,* or Emily Creek, Subsistence Coordinator, at (907) 442–8342 or via email at *emily_creek@nps.gov,* or Eva Patton, Federal Advisory Committee Group Federal Officer, at (907) 644–3601 or via email at *eva_patton@nps.gov.*

The Lake Clark National Park SRC will meet in-person at 1 Flight Line Road, Port Alsworth, AK 99653 and via teleconference. Teleconference participants must call the NPS office at (907) 644–3648 prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting or if you are interested in applying for SRC membership, contact Designated Federal Officer Susanne Green, Superintendent, at (907) 644–3627 or via email at *susanne_green@nps.gov,* or Liza Rupp, Subsistence Manager, at (907) 644–3648 or via email at *elizabeth_rupp@nps.gov,* or Eva Patton, Federal Advisory Committee Group Federal Officer, at (907) 644–3601 or via email at *eva_patton@nps.gov.*

The Kobuk Valley National Park SRC will meet in-person at the Northwest Arctic Heritage Center, 171 3rd Avenue, Kotzebue, AK 99752 and via teleconference. Teleconference participants must call the NPS office at (907) 442–8342 prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting or if you are interested in applying for SRC membership, contact Designated Federal Officer Ray McPadden, Superintendent, at (907) 442–3890 or via email at *raymond_mcpadden@nps.gov,* or Emily Creek, Subsistence Coordinator, at (907) 442–8342 or via email at *emily_creek@nps.gov,* or Eva Patton, Federal Advisory Committee Group Federal Officer, at (907) 644–3601 or via email at *eva_patton@nps.gov.*

The Wrangell-St. Elias National Park SRC will meet in-person at the Wrangell-St. Elias National Park and Preserve Visitor Center, Mile 106.8 Richardson Highway, Copper Center, AK 99573 and via teleconference. Teleconference participants must contact Subsistence Coordinator, Barbara Cellarius, at (907) 822–7236 or *wrst_subsistence@nps.gov* prior to the meeting to receive teleconference passcode information. For more detailed information regarding these meetings, or if you are interested in applying for SRC membership, contact Designated Federal Officer Ben Bobowski, Superintendent, at (907) 822–5234 or via email at *ben_bobowski@nps.gov,* or Barbara Cellarius, Subsistence Coordinator, at (907) 822–7236 or via email at *barbara_cellarius@nps.gov,* or Eva Patton, Federal Advisory Committee Group Federal Officer, at (907) 644–3601 or via email at *eva_patton@nps.gov.*

The Gates of the Arctic National Park SRC will meet in-person at the Sophie Station Hotel, Zach's Boardroom, 1717 University Avenue, Fairbanks, AK 99709 and via teleconference. Teleconference participants must call the NPS office at (907) 455–0639 prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting or if you are interested in applying for SRC membership, contact Designated Federal Officer Mark Dowdle, Superintendent, at (907) 455–0614 or via email at *mark_dowdle@nps.gov,* or Marcy Okada, Subsistence Coordinator, at (907) 455–0639 or via email at *marcy_okada@nps.gov,* or Eva Patton, Federal Advisory Committee Group Federal Officer, at (907) 644–3601 or via email at *eva_patton@nps.gov.*

**SUPPLEMENTARY INFORMATION:** The NPS is holding meetings pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. ch. 10). The NPS SRC program is authorized under title VIII, section 808 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3118).

SRC meetings are open to the public and will have time allocated for public testimony. The public is welcome to present written or oral comments to the SRC. SRC meetings will be recorded and detailed meeting minutes will be available upon request from the Superintendent for public inspection within 90 days of the meeting.

*Request for Accommodations:* The meetings are open to the public. Please make requests in advance for sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations. We ask that you contact the person listed in the (see **ADDRESSES**) section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis. 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.

*Purpose of the Meeting:* The agenda may change to accommodate SRC business. The proposed meeting agenda for each meeting includes the following:

1. Call to Order—Confirm Quorum
2. Welcome and Introduction
3. Review and Adoption of Agenda
4. Approval of Minutes
5. Superintendent's Welcome and Review of the SRC Purpose
6. SRC Membership Status
7. SRC Chair and Members' Reports
8. Superintendent's Report
9. Old Business
10. New Business
11. Federal Subsistence Board Update
12. Alaska Boards of Fish and Game Update
13. National Park Service Staff Reports
    a. Superintendent/Ranger Reports
    b. Resource Manager's Report
    c. Subsistence Manager's Report
14. Public and Other Agency Comments
15. Work Session

16. Set Tentative Date and Location for Next SRC Meeting
17. Adjourn Meeting

SRC meeting location and date may change based on inclement weather or exceptional circumstances, including public health advisories or mandates. If the meeting date and location are changed, the Superintendent will issue a press release and use local newspapers and/or radio stations to announce the rescheduled meeting.

*Public Disclosure of Comments:* Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment–including your personal identifying information–may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Authority:* 5 U.S.C. ch. 10.

**Alma Ripps,**

*Chief, Office of Policy.*

[FR Doc. 2024–17132 Filed 8–1–24; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

**[Docket No. BOEM–2024–0033]**

### Notice of Availability of a Final Environmental Impact Statement for US Wind Inc.'s Proposed Wind Energy Facility Offshore Maryland

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Notice of availability; final environmental impact statement.

**SUMMARY:** The Bureau of Ocean Energy Management (BOEM) announces the availability of the final environmental impact statement (FEIS) on US Wind Inc.'s (US Wind) construction and operations plan (COP) for its proposed Maryland Offshore Wind Project (Project). The FEIS analyzes the potential environmental impacts of the Project as described in the COP (the proposed action) and the alternatives to the proposed action, including the no action alternative. The FEIS will inform BOEM's decision whether to approve, approve with modifications, or disapprove the COP.

**ADDRESSES:** The FEIS and detailed information about the Project, including the COP, can be found on BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/maryland-offshore-wind.*

**FOR FURTHER INFORMATION CONTACT:** Lorena Edenfield, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, Sterling, Virginia 20166, (907) 231–7679 or *Lorena.Edenfield@boem.gov.*

**SUPPLEMENTARY INFORMATION:**

*Proposed Action:* US Wind seeks approval to construct, operate, and maintain a wind energy facility and its associated export cables on the Outer Continental Shelf (OCS) offshore Maryland. The Project would be developed within the range of design parameters outlined in the Maryland Offshore Wind COP, subject to the applicable mitigation measures.

The Project as proposed in the COP would include up to 121 wind turbine generators (WTGs), up to four offshore substations with one offshore export cable route, and one meteorological tower under the terms of Renewable Energy Lease OCS–A 0490. The lease area is located ten miles off the coast of Maryland. The onshore components of the Project would include a cable landfall area at 3Rs beach in Delaware. From the landfall, onshore cables would continue along an inshore cable export route in Indian River Bay to connect to a single onshore substation adjacent to the point of interconnection in Dagsboro, Delaware.

*Alternatives:* BOEM considered 14 alternatives when preparing the draft environmental impact statement and carried forward five alternatives for further analysis. These five alternatives include four action alternatives and a no action alternative. Nine alternatives were not analyzed in detail because they did not meet the purpose and need for the proposed action or did not meet screening criteria, which are presented in Chapter 2 of the final EIS. The screening criteria included consistency with law and regulations, technical and economic feasibility, environmental impact, and geographic considerations.

*Availability of the FEIS:* The FEIS, US Wind COP, and associated information are available on BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/maryland-offshore-wind.* BOEM has distributed digital copies of the FEIS to all parties listed in FEIS Appendix N. If you would like a flash drive or paper copy, BOEM will provide one upon request, as long as supplies are available. You may request a flash drive or paper copy of the FEIS by contacting Lorena Edenfield at (907) 231–7679 or *Lorena.Edenfield@boem.gov.*

*Cooperating Agencies:* The following Federal agencies and State governmental entities participated as cooperating agencies under the National Environmental Policy Act in the preparation of the FEIS: Bureau of Safety and Environmental Enforcement; U.S. Environmental Protection Agency; National Marine Fisheries Service; U.S. Army Corps of Engineers; U.S. Coast Guard; National Park Service; and Delaware Department of Natural Resources and Environmental Control.

*Authority:* 42 U.S.C. 4231 *et seq.* (NEPA, as amended) and 40 CFR 1506.6.

**Karen Baker,**

*Chief, Office of Renewable Energy Programs, Bureau of Ocean Energy Management.*

[FR Doc. 2024–17035 Filed 8–1–24; 8:45 am]

**BILLING CODE 4340–98–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–1318 (Rescission (III))]**

### Certain Graphics Systems, Components Thereof, and Digital Televisions Containing the Same; Notice of Commission Determination To Institute a Rescission Proceeding and To Rescind a Limited Exclusion Order; Termination of the Rescission Proceeding

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to institute a rescission proceeding and to rescind, based on a settlement agreement, a modified limited exclusion order (''LEO'') issued in the underlying investigation. The rescission proceeding is terminated.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the

Commission's TDD terminal, telephone (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on June 7, 2022, based on a complaint filed by Advanced Micro Devices, Inc. of Santa Clara, California and ATI Technologies ULC of Ontario, Canada (together, ''AMD''). 87 FR 34718–19 (June 7, 2022). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on certain graphics systems, components thereof, and digital televisions containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,742,053; 8,760,454; 11,184,628; 8,468,547; and 8,854,381 (''the '381 patent''). *Id.* at 34718. The complaint further alleges that a domestic industry exists. *Id.* The notice of institution named 14 respondents: (1) TCL Industries Holdings Co., Ltd. of Guangdong, China; (2) TCL Industries Holdings (H.K.) Co. Limited of Hong Kong, China; (3) TCL Electronics Holdings Ltd. f/k/a TCL Multimedia Technology Holdings, Ltd. of Hong Kong, China; (4) TCL Technology Group Corporation of Guangdong, China; (5) TTE Corporation of Hong Kong, China; (6) TCL Holdings (BVI) Ltd. of Hong Kong, China; (7) TCL King Electrical Appliances (Huizhou) Co. Ltd. of Guangdong, China; (8) Shenzhen TCL New Technology Co., Ltd. of Guangdong, China; (9) TCL MOKA International Ltd. of Hong Kong, China; (10) TCL Smart Device (Vietnam) Co., Ltd. of Binh Duong Province, Vietnam; (11) Manufacturas Avanzadas SA de CV of Chihuahua, Mexico; (12) TCL Electronics Mexico, S de RL de CV of Benito Juarez, Mexico; (13) TCL Overseas Marketing Ltd. of Hong Kong, China; and (14) Realtek Semiconductor Corporation (''Realtek'') of Hsinchu, Taiwan. *Id.* at 34719, as amended, 87 FR 62452–53 (Oct. 14, 2022). The Office of Unfair Import Investigations was not named as a party to this investigation. 87 FR at 34719.

On September 26, 2022, the Commission allowed TTE Technology, Inc. of Corona, California to intervene in this investigation as an additional respondent (collectively, with all named respondents except for Realtek, ''TCL''). *See* Order No. 17 (Aug. 30, 2022), *unreviewed by* Comm'n Notice (Sept. 26, 2022).

On January 24, 2024, the Commission issued a final determination finding a violation of section 337 by TCL and Realtek with respect to claims 19 and 20 of the '381 patent. 89 FR 5934–35 (Jan. 30, 2024); *see* Comm'n Opinion (Jan. 24, 2024). The Commission determined that the appropriate remedy is: (i) an LEO against TCL's and Realtek's infringing products and (ii) cease and desist orders (''CDOs'') against each of the TCL entities, but not against Realtek. 89 FR at 5935. The Commission also set the bond during the period of Presidential review at zero (0) percent of the entered value of the infringing articles. *Id.*

On March 28, 2024, Realtek filed an appeal from the Commission's final determination with the U.S. Court of Appeals for the Federal Circuit. *See Realtek Semiconductor Corp.* v. *ITC,* Appeal Nos. 24–1613. On July 1, 2024, the Federal Circuit granted Realtek's voluntary dismissal of the appeal. *See id.,* ECF No. 28.

On June 7, 2024, the Commission issued a modified LEO, which is directed only to Realtek's infringing products, and rescinded the CDOs against TCL based on a settlement agreement between AMD and TCL. *See* Modified LEO at 1 (June 7, 2024); Comm'n Order at 6 (June 7, 2024).

On May 21, 2024, the Commission instituted a modification proceeding as to the LEO based on a changed condition of fact alleged by Realtek. 89 FR 46158–59 (May 28, 2024). On June 27, 2024, AMD and Realtek filed a joint motion to terminate the modification proceeding based on a settlement agreement between AMD and Realtek dated June 17, 2024, attaching thereto the same Exhibits A and B attached to the present petition. On July 5, 2024, the ALJ issued Order No. 78, which (i) ordered AMD and Realtek to ''revise and refile the non-confidential version of the agreement required by Commission Rules 210.21(a)(2) and 210.21(b)(1) [19 CFR 210.21(a)(2) and (b)(1)], and in accordance with Commission Rule 201.6 [19 CFR 201.6],'' and (ii) stated that the motion to terminate will be ruled upon after the revised non-confidential version of the agreement is refiled. Order No. 78 at 2 (July 5, 2024).

On July 12, 2024, in response to Order No. 78, Realtek filed a revised non-confidential version of the subject agreement (Ex. B). On July 15, 2024, the ALJ issued an initial determination (Order No. 79) granting the joint motion to terminate the modification proceeding. The ALJ found that the motion complies with the requirements of Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)), including the submission of confidential and public versions of the subject agreement in compliance with Commission Rule 201.6 (19 CFR 201.6), and that there is no evidence that terminating the proceeding would be contrary to the public interest in accordance with Commission Rule 210.50(b)(2) (19 CFR 210.50(b)(2)). Order No. 79 at 2 (July 15, 2024).

On June 27, 2024, AMD and Realtek (together, ''Petitioners'') filed a joint petition (''Pet.'') to rescind the modified LEO based on the settlement agreement between the Petitioners. Attached to the petition is the same redacted copy of a ''binding settlement term sheet'' between the Petitioners (Ex. B) dated June 17, 2024, as was filed with the motion to terminate the modification proceeding. Pet. at 1, Ex. B. On June 28, 2024, AMD filed a separate correspondence to the Secretary requesting confidential treatment of business information contained in Exhibit A attached thereto (the unredacted version of Exhibit B attached to the petition). On July 22, 2024, Petitioners filed a corrected joint petition to rescind the modified LEO, and attached thereto the same revised, non-confidential version of the subject agreement (Ex. B) as was filed by Realtek in response to Order No. 78.

The Commission, having reviewed the record in this investigation, including Petitioners' petition, AMD's request for confidential treatment of business information contained in Exhibit A, Petitioners' corrected petition, and revised Exhibit B, has determined that the conditions justifying the modified LEO against Realtek no longer exist, and, therefore, granting the corrected joint petition is warranted under section 337(k), 19 U.S.C. 1337(k), and Commission Rule 210.76(a)(3), 19 CFR 210.76(a)(3). Accordingly, the Commission has determined to institute a rescission proceeding and to rescind the modified LEO based on the settlement agreement between Petitioners. The rescission proceeding is terminated. The Commission issues an order herewith setting forth its determinations.

The Commission vote for this determination took place on July 29, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 29, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024–17039 Filed 8–1–24; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–1355]**

## Certain Compact Wallets and Components Thereof; Notice of the Commission's Final Determination Finding a Violation of Section 337; Issuance of a General Exclusion Order and Cease and Desist Orders; Termination of the Investigation

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930, as amended, in this investigation and has issued a general exclusion order prohibiting the importation of infringing compact wallets and components thereof and cease and desist orders directed against Respondents Rosemar Enterprises LLC d/b/a RossM Wallet (''RossM''); INSGG; Shenzhen Swztech Co., Ltd. d/b/a SWZA (''SWZA''); and Shenzhen Pincan Technology Co., Ltd. d/b/a ARW-Wallet (''ARW'').

**FOR FURTHER INFORMATION CONTACT:** Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. For help accessing EDIS, please email *EDIS3Help@usitc.gov*. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on March 15, 2023, based on a complaint filed by The Ridge Wallet, LLC of Santa Monica, California (''Ridge'' or ''Complainant''). 88 FR 16030–031 (Mar. 15, 2023). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain compact wallets and components thereof by reason of trade dress infringement and infringement of claims 1–4, 9, and 12–17 of U.S. Patent No. 10,791,808 (''the '808 patent''). *Id.* The Commission's notice of investigation named as respondents RossM of Palm Springs, California; INSGG of Hangzhou City, Zhejiang Province, China; Mosaic Brands, Inc. of Alamo, California (''Mosaic''); SWZA of Shenzhen, Guangdong, China; and ARW of Shenzhen, Guangdong, China. The Office of Unfair Import Investigations (''OUII'') also participated in this investigation.

After institution, Respondents RossM and INSGG were found in default (collectively, the ''Defaulting Respondents''). *See* Order No. 12 (Jul. 11, 2023), *unreviewed by* Comm'n Notice (Jul. 28, 2023). In addition, Respondent Mosaic was terminated from the investigation based on settlement. *See* Order No. 16 (Sept. 6, 2023), *unreviewed by* Comm'n Notice (Sept. 22, 2023).

Before the evidentiary hearing, the investigation was terminated as to Ridge's trade dress allegations and as to Ridge's infringement allegations with respect to claims 3, 4, 9, 12, 13, 15, 16, and 17 of the '808 patent. *See* Order No. 25 (Oct. 6, 2023), *unreviewed by* Comm'n Notice (Nov. 6, 2023).

Only Respondents SWZA and ARW (collectively, the ''Participating Respondents'') participated at the evidentiary hearing held on November 6–7, 2023. After the hearing, counsel for the Participating Respondents withdrew after being ''discharged'' by the Participating Respondents. Final Initial Determination (''ID'') at 2 (citing Order No. 30 (Dec. 13, 2023)). The Participating Respondents did not file post-hearing briefs. *Id.* at 3.

On March 15, 2024, the ALJ issued a combined ID and recommended determination (''RD''), finding a violation of section 337 by the Defaulting Respondents and the Participating Respondents. Specifically, the ID found, *inter alia,* that the ''Commission has subject matter, personal, and *in rem* jurisdiction in this investigation,'' *id.* at 72; that the importation requirement is satisfied as to the accused products; that the accused products infringe claims 1, 2, and 14 of the '808 patent; that Ridge has satisfied the domestic industry requirement with respect to the '808 patent under sections 337(a)(3)(A) and (B); and that claims 1, 2, and 14 have not been shown to be invalid. In addition, the RD recommended that the Commission issue a general exclusion order and a cease and desist order directed to each of the respondents. The RD also recommended that the Commission impose a one hundred percent (100%) bond during the period of Presidential review.

On April 15, 2024, Ridge filed a statement on public interest pursuant to Commission Rule 210.50(a)(4), 19 CFR 210.50(a)(4).

No petitions for review were filed, which means each party has abandoned all issues decided adversely to that party. *See* 19 CFR 210.43(b)(4). No public interest submissions were filed in response to the **Federal Register** notice seeking such submissions, 89 FR 20248 (Mar. 21, 2024).

On May 16, 2024, the Commission issued a notice determining to review the ID in part on its own initiative. 89 FR 45010 (May 22, 2024); 19 CFR 210.44. Specifically, the Commission determined to review the ID's findings with respect to jurisdiction and the economic prong of domestic industry. The Commission also requested briefing related to the economic prong of domestic industry and briefing on remedy, bonding, and the public interest.

On May 30, 2024, Ridge and OUII filed their respective initial submissions on the issues under review, and on remedy, bonding, and the public interest. On June 6, 2024, Ridge and OUII filed their respective response submissions. No other party filed a submission before the Commission.

Having reviewed the record of the investigation, including the ID and the parties' submissions, the Commission has found a violation of section 337 as claims 1, 2, and 14 of the '808 patent. Specifically, the Commission has determined to vacate the ID's use of the language ''subject matter jurisdiction'' and clarifies that this term, along with ''*in rem* jurisdiction'' and ''personal jurisdiction,'' are merely shorthand for the Commission's statutory authority over the present investigation. The Commission has also determined to affirm, with modifications, the ID's finding that Ridge has satisfied the economic prong of the domestic industry requirement under section 337(a)(3)(B).

The Commission has determined that the appropriate remedy is: (1) a general exclusion order prohibiting the entry of infringing compact wallets and components thereof; and (2) cease and desist orders directed to Respondents RossM, SWZA, ARW, and INSGG. The Commission has determined that the public interest factors do not preclude issuance of the general exclusion order or the cease and desist orders. The Commission has determined that a bond is required during the period of Presidential review and sets the bond in the amount of one hundred percent

(100%) of the imported articles. 19 U.S.C. 1337(j)(3).

The investigation is terminated. The Commission's reasoning in support of its determinations is set forth more fully in its opinion. The Commission's orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

The Commission vote for this determination took place on July 29, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 29, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024–17038 Filed 8–1–24; 8:45 am]

**BILLING CODE 7020–02–P**

## NATIONAL CREDIT UNION ADMINISTRATION

### Renewal of Agency Information Collections for Comments Request: Proposed Collections

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice and request for comments.

**SUMMARY:** The National Credit Union Administration (NCUA) will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

**DATES:** Written comments should be received on or before October 1, 2024 to be assured consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on the information collection to Dacia Rogers, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314, Suite 5067; Fax No. (703) 519–8161; or email at *PRAComments@NCUA.gov.*

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission may be obtained by contacting Dacia Rogers at (703) 718–1155.

**SUPPLEMENTARY INFORMATION:**

*OMB Number:* 3133–0121.

*Title:* Notice of Change of Officials and Senior Executive Officers.

*Type of Review:* Extension of a previously approved collection.

*Abstract:* In order to comply with statutory requirements, the agency must obtain sufficient information from new officials or senior executive officers of troubled or newly chartered credit unions to determine their fitness for the position. This is established by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Public Law 101–73. The forms provide a standardize format to collect the information needed.

*Affected Public:* Private Sector: Not-for-profit institutions.

*Estimated Total Annual Burden Hours:* 759.

*OMB Number:* 3133–0169.

*Title:* Purchase of Assets and Assumptions of Liabilities, 12 CFR 741.8.

*Type of Review:* Extension of a previously approved collection.

*Abstract:* In accordance with § 741.8, federally insured credit unions (FICUs) must request approval from the NCUA prior to purchasing assets or assuming liabilities of a privately insured credit union, other financial institution, or their successor interest. A FICU seeking approval must submit a letter to the appropriate Regional Director stating the nature of the transaction, and include copies of relevant transaction documents. Relevant transactions documents may include, but are not limited to: the credit union's financial statements, strategic plan, and budget, inventory of the assets and liabilities to be transferred, and any relevant contracts or agreements regarding the transfer. NCUA will use the information to determine the safety and soundness of the transaction and risk to the National Credit Union Share Insurance Fund (NCUSIF).

*Affected Public:* Private Sector: Not-for-profit institutions.

*Estimated Total Annual Burden Hours:* 1,920.

*OMB Number:* 3133–0015.

*Title:* Chartering and Field of Membership Manual, 12 CFR 701.1, App. B to Part 701.

*Type of Review:* Extension of a previously approved collection.

*Abstract:* The FCU Act requires NCUA to administer chartering and field of membership requirements for FCUs. This is implemented through the Chartering and Field of Membership (Chartering) Manual as incorporated into NCUA regulations at 12 CFR 701.1 and appendix B to part 701. The Chartering Manual requires credit unions to prepare and submit forms with regard to chartering, field of membership amendments, service to underserved areas, and conversions from federal to state credit unions and state to federal credit unions.

*Affected Public:* Private Sector: Not-for-profit institutions.

*Estimated Total Annual Burden Hours:* 16,223.

*Request for Comments:* Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

**Melane Conyers-Ausbrooks,**

*Secretary of the Board.*

[FR Doc. 2024–17088 Filed 8–1–24; 8:45 am]

**BILLING CODE 7535–01–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

### Notice of Proposed Information Collection Request: Public Libraries Survey FY 2024–FY 2026

**AGENCY:** Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

**ACTION:** Notice, request for comments on this collection of information.

**SUMMARY:** The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden

(time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments concerning the modifications to and continuance of the Public Libraries Survey for Fiscal Years 2024–2026. The Agency is particularly interested in public comments addressing the following issues: 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; the accuracy of the agency's estimate of the burden of the proposed collection of information; 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 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). A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before October 4, 2024.

**ADDRESSES:** Send comments to: Julie Balutis, Director of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Ms. Balutis can be reached by telephone at 202–653–4636, or by email at *jbalutis@imls.gov.* Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the documents contact: Matthew Birnbaum, Ph.D., Director of Research and Evaluation, Office of Research and Evaluation, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Birnbaum can be reached by telephone: 202–653–4760, or by email at *mbirnbaum@imls.gov.* Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. To learn more, visit *www.imls.gov.*

**II. Current Actions**

Pursuant to *Public Law 107–279,* this Public Libraries Survey collects annual administrative data on the universe of public libraries in the United States and the Outlying Areas. Information such as public service hours per year, circulation of library books, number of librarians, population of legal service area, expenditures for library collection, programs for children, young adults, adults, and general, staff salary data, and access to technology, etc., would be collected. The request includes new public library data regarding electronic content and circulation of electronic materials. The Public Libraries Survey has been conducted by the Institute of Museum and Library Services under the clearance number 3137–0074, which expires November 30, 2024. This action is to request a new three-year approval.

*Agency:* Institute of Museum and Library Services.

*Title:* Public Libraries Survey, FY 2024–FY 2026.

*OMB Number:* 3137–0074.

*Agency Number:* 3137.

*Affected Public:* State and local governments, State library administrative agencies, and public libraries.

*Number of Respondents:* 56.

*Frequency:* Annually.

*Burden Hours per Respondent:* 138.3.

*Total Burden Hours:* 7,744.8.

*Total Annual Costs:* $239,701.56.

*Total Annual Federal Costs:* $877,063.96.

*Public Comments Invited:* Comments submitted in response to this Notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: July 30, 2024.

**Suzanne Mbollo,**

*Grants Management Specialist, Institute of Museum and Library Services.*

[FR Doc. 2024–17058 Filed 8–1–24; 8:45 am]

**BILLING CODE 7036–01–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

### 60-Day Notice for the ''Applications From Students for Agency Initiatives Poetry Out Loud or the Musical Theater Songwriting Challenge for High School Students''

**AGENCY:** National Endowment for the Arts, National Foundation on the Arts and the Humanities.

**ACTION:** Notice of proposed collection; comment request.

**SUMMARY:** The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data is provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents is properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection of: ''Applications from Students for Agency Initiatives Poetry Out Loud or the Musical Theater Songwriting Challenge for High School Students.'' A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

**DATES:** Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**.

**ADDRESSES:** Email comments to Daniel Beattie, Director, Office of Guidelines and Panel Operations, National Endowment for the Arts, at: *beattied@arts.gov.*

**SUPPLEMENTARY INFORMATION:** The NEA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Can help the agency minimize the burden of the collection of information on those who are to respond, including through the electronic submission of responses.

Dated: July 30, 2024.

**David Travis,**

*Guidelines and Panel Operations Specialist, National Endowment for the Arts.*

[FR Doc. 2024–17094 Filed 8–1–24; 8:45 am]

**BILLING CODE 7537–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–333; NRC–2024–0137]**

## Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; License Amendment Request

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Opportunity to comment, request a hearing, and petition for leave to intervene.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Renewed Facility Operating License No. DPR–59, issued to Constellation Energy Generation, LLC (Constellation, the licensee), for operation of the James A. FitzPatrick Nuclear Power Plant. The proposed amendment would revise the technical specifications based on the updated fuel handling accident analysis.

**DATES:** Submit comments by September 3, 2024. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only of comments received on or before this date. Requests for a hearing or petition for leave to intervene must be filed by October 1, 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–2024–0137. 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:** James Kim, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4125; email: *James.Kim@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Obtaining Information and Submitting Comments

*A. Obtaining Information*

Please refer to Docket ID NRC–2024–0137 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–2024–0137.
- *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 and supplements are available in ADAMS under Accession Nos. ML23215A012, ML23243A946, ML24059A130, ML24085A233 (package), and ML24211A122.
- *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–2024–0137 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 Renewed Facility Operating License No. DPR–59, issued to Constellation Energy Generation, LLC, for operation of the James A. FitzPatrick Nuclear Power Plant, located in Scriba, New York. The proposed amendment would revise the technical specifications based on the updated fuel handling accident analysis.

Before 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 section 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Issuance of amendment,'' 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 amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

*Response:* No.

The proposed amendment does not change any behavior or operation of the Fuel Handling Equipment due to transition from Refuel Bridge Mast NF–400 to NF–500 and time definition for Recently Irradiated Fuel.

The proposed change results in an increase in the Fuel Handling Accident (FHA) analysis radiological dose to a Control Room occupant. However, the resultant FHA Control Room dose consequences remain within the acceptance criteria provided by the NRC for use with the Alternative Source Term. These criteria are presented in 10 CFR 50.67 and Regulatory Guide 1.183. Therefore, the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

The proposed amendment does not result in a significant increase in the probability or consequences of any previously evaluated accident.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

*Response:* No.

The NF–500 mast is similar enough in design and function to the NF–400 mast to not create the possibility of a new or different kind of accident. The proposed change does not significantly alter the Fuel Handling system design, create new failure modes, or change any modes of operation. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

*Response:* No.

The change preserves the original design requirements and ensures adequate validation to confirm continued design capability. The margin of safety is considered to be that provided by meeting the applicable regulatory limits. The change to the FHA modeling results in an increase in Control Room dose following the FHA; however, since the Control Room dose following the design basis accident remains within the regulatory limits, there is not a significant reduction in a margin of safety.

Based on the above, Constellation concludes that the proposed change to the Fuel Handling Accident analysis does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of no significant hazards consideration is justified.

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. The licensee's supplement dated July 29, 2024, requested that the amendment be processed under exigent circumstances, in accordance with the provisions in 10 CFR 50.91(a)(6). Processing an amendment under exigent circumstances allows a reduced period for public comment on the proposed no significant hazards consideration determination, other than the normal 30-day comment period. However, the NRC staff has determined that exigent circumstances does not apply to this amendment. As such, the amendment is not being processed as an exigent amendment.

Normally, the Commission will not issue an amendment until 60 days after the date of publication of the notice providing an opportunity for hearing. However, the Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes 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. A final no significant hazards consideration determination, if made, will consider all public and State comments received. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance.

## 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 this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

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 August 3, 2023 (ADAMS Accession No. ML23215A012), as supplemented by letters dated August 31, 2023, February 28, 2024, March 25, 2024, and July 29, 2024 (ADAMS Accession Nos. ML23243A946, ML24059A130, ML24085A233 (package), and ML24211A122, respectively).

*Attorney for licensee:* Jason Zorn, Associate General Counsel, Constellation Energy Generation, LLC, 101 Constitution Ave. NW, Suite 400 East, Washington, DC 20001.

*NRC Branch Chief:* Hipolito Gonzalez.

Dated: July 30, 2024.

For the Nuclear Regulatory Commission.

**James S. Kim,**

*Project Manager, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2024–17085 Filed 8–1–24; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

### Revised 718th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on September 4–6, 2024. The Committee will be conducting meetings that will include some Members being physically present at the NRC while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via MS Teams or via phone at 301–576–2978, passcode 250909179#. A more detailed agenda including the MSTeams link may be found at the ACRS public website at *https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html.* If you would like the MSTeams link forwarded to you, please contact the Designated Federal Officer (DFO) as

follows: *Quynh.Nguyen@nrc.gov,* or *Lawrence.Burkhart@nrc.gov.*

**Wednesday, September 4, 2024**

*8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chair* (Open)—The ACRS Chair will make opening remarks regarding the conduct of the meeting.

*8:35 a.m.–10:30 a.m.: X-energy Principal Design Criteria Topical Report* (Open)—The Committee will have presentations and discussion with the applicant representatives and NRC staff regarding the subject topic.

*10:30 a.m.–1:00 p.m.: Committee Deliberation on X-energy Principal Design Criteria Topical Report* (Open)—The Committee will deliberate with the NRC staff regarding the subject topic.

*1:00 p.m.–6:00 p.m.: Seabrook Alkali-Silica Reaction (ASR) Update* (Open)—The Committee will have presentations and discussion with the licensee representatives and NRC staff regarding the subject topic.

**Thursday, September 5, 2024**

*8:30 a.m.–6:00 p.m.: Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/ Preparation of Reports* (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports.

*[NOTE: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]*

*[NOTE: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]*

**Friday, September 6, 2024**

*8:30 a.m.–6:00 p.m.: Committee Deliberation and Preparation of Reports* (Open)—The Committee will proceed to preparation of reports and Committee deliberation.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the DFO (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chair as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the cognizant ACRS staff at least one day before the meeting.

In accordance with subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chair. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at *https://www.nrc.gov/reading-rm/adams.html* or *https://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Dated: July 30, 2024.

**Russell E. Chazell,**

*Federal Advisory Committee Management Officer, Office of the Secretary.*

[FR Doc. 2024–17098 Filed 8–1–24; 8:45 am]

**BILLING CODE 7590–01–P**

## POSTAL REGULATORY COMMISSION

**[Docket Nos. MC2024–457 and CP2024–464]**

## New Postal Products

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* August 6, 2024.

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

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

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

I. Introduction
II. Docketed Proceeding(s)

### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633,

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

**II. Docketed Proceeding(s)**

1. *Docket No(s).:* MC2024–457 and CP2024–464; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 183 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 29, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 6, 2024.

This Notice will be published in the **Federal Register**.

**Jennie L. Jbara,**

*Primary Certifying Official.*

[FR Doc. 2024–17114 Filed 8–1–24; 8:45 am]

**BILLING CODE 7710–FW–P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 89 FR 60938, July 29, 2024.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** Thursday, August 1, 2024 at 2:00 p.m.

**CHANGES IN THE MEETING:** The Closed Meeting scheduled for Thursday, August 1, 2024 at 2:00 p.m., has been cancelled.

**CONTACT PERSON FOR MORE INFORMATION:** For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

*Authority:* 5 U.S.C. 552b.

Dated: July 31, 2024.

**J. Matthew DeLesDernier,**

*Deputy Secretary.*

[FR Doc. 2024–17202 Filed 7–31–24; 4:15 pm]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–100612; File No. SR–GEMX–2024–20]**

### Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 2, Sections 5, 6 and 10; and Options 3, Sections 7 and 17; and Options 7, Section 6

July 29, 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 24, 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 Options 2, Sections 5, 6 and 10; and Options 3, Sections 7 and 17; and Options 7, Section 6.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Options 2, Section 5, Market Maker Quotations, to amend intra-day quoting requirements. The Exchange proposes to amend Options 2, Section 6, Market Maker Orders, and Options 3, Section 7(g), Reserve Orders, to bring additional clarity to the types of orders available to Market Makers. The Exchange proposes to amend Options 2, Section 10, Preferenced Orders, to define various terms related to Preferenced Orders and harmonize the rule text to other Nasdaq affiliated markets. The Exchange proposes to amend Options 3, Section 17, Kill Switch, to indicate the configurations available in the Kill Switch. Finally, the Exchange proposes to remove dated rule text in Options 7, Section 6, Ports and Other Services. Each change is described below.

Options 2, Section 5

The Exchange proposes to amend the quoting requirements of a Competitive Market Maker and a Preferred CMM in Options 2, Section 5.

With respect to a Competitive Market Maker, today, a Competitive Market Maker is not required to enter quotations in the options classes to which it is appointed. A Competitive Market Maker may initiate quoting in options classes to which it is appointed intra-day. If a Competitive Market Maker initiates quoting in an options class, the Competitive Market Maker, associated with the same Member, is collectively required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading.

The Exchange proposes to amend the quoting obligations for a Competitive Market Maker by requiring a Competitive Market Maker to enter quotations each day in the options classes to which it is appointed. Specifically, the Exchange proposes to require in proposed Options 2, Section 5(e)(1) that,

> Competitive Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. Competitive Market Maker are not required to make two-sided markets pursuant

to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and exchange-traded funds (''ETFs'') or with an expiration of twelve months or greater for index options.

As is the case today, Competitive Market Makers may continue to choose to quote a Quarterly Options Series, any adjusted options series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index option, in addition to regular series in the options class. Such quotations will not be considered when determining whether a Competitive Market Maker has met the obligation contained in Options 2, Section 5(e)(1). The Exchange believes that requiring a Competitive Market Maker to quote each day will increase liquidity on the Exchange.

Additionally, the Exchange proposes to amend the quoting requirements for a Preferred CMM. Today, the last sentence of Options 2, Section 5(e) provides, ''A Competitive Market Maker who receives a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10, (''Preferred CMM'') shall be held to the standard of a Preferred CMM in the options series of any options class in which it receives the Preferenced Order.'' Further, today, Options 2, Section 5(e)(3) provides,

> Preferred CMMs, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. A Member shall be considered preferenced in an assigned options class once the Member receives a Preferenced Order in any option class in which they are assigned and shall be considered preferenced for that day in all series for that option class in which it received the Preferenced Order. Notwithstanding the foregoing, a Preferred CMM shall not be required to make two-sided markets pursuant to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options. Preferred CMMs may choose to quote such series in addition to regular series in the options class, but such quotations will not be considered when determining whether a Preferred CMM has met the obligation contained in this paragraph (e)(3). A Preferred CMM may be preferenced in such series and receive enhanced allocations pursuant to Options 3, Section 10(c)(1)(C), only if it complies with the heightened 90% quoting requirement contained in this paragraph (e)(3).

Today, Preferred CMMs, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. A Member is considered preferenced in an assigned options class once the Member receives a Preferenced Order in any option class in which they are assigned and shall be considered a Preferred CMM/Preferred PMM for that day in all series for that option class in which it received the Preferenced Order. Today, the Member must be quoting at the NBBO at the time the Preferenced Order is received and must execute the order. If a CMM does not receive a Preferenced Order, it will not be considered a Preferred CMM in that options class and any quotations in that options class by the CMM will not be considered when determining whether it met its Preferred CMM quoting obligations.

At this time, the Exchange proposes to utilize the term ''Preferred Market Maker'' instead of ''Preferred CMM'' as both Competitive Market Makers and Primary Market Makers are Preferred Market Makers pursuant to proposed renumbered Options 2, Section 10(a)(1)(iii).[3] Also, the Exchange proposes replacing the word ''receives'' with the word ''executes'' in Options 2, Section 5(e). The proposed new sentence would provide, ''A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10, (''Preferred Market Maker'') shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.'' The Exchange proposes to amend this sentence to specify that the 90% quoting obligation described herein would be among all options series instead of in each assigned option series.

Additionally, the Exchange proposes amendments to Options 2, Section 5(e)(3) to utilize the term ''Preferred Market Maker'' and amend the quoting obligation as stated in the last sentence of Options 2, Section 5(e) to require that the Preferred Market Maker collectively meet the 90% quoting obligation among all options series in which the Preferred Market Maker executes a Preferenced Order. The Exchange proposes to replace the word ''receives'' with ''executes.'' As amended, Options 2, Section 5(e)(3) would state,

> Preferred Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis, except that a Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options. A Preferred Market Maker has the ongoing quoting obligation from the time a Preferred Market Maker executes its first Preferenced Order in the options in which the Preferred Market Maker is assigned until a Preferred Market Maker notifies the Exchange that the Preferred Market Maker is no longer preferenced.
>
> A Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options and would receive a participation entitlement in the Quarterly Options Series, the Adjusted Options Series, and an options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options for the Preferenced Order, only if it complies with the heightened 90% quoting requirement.

The Exchange is amending the Preferred Market Maker quoting obligation to first require that a Market Maker indicate interest in the program with the Exchange.[4] Once the Market Maker indicates it would like to receive a Preferenced Order, that Market Maker would be obligated, collectively, to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis, except that a Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options.

A Preferred Market Maker has an ongoing 90% quoting obligation, on a

[3] Renumbered Options 2, Section 10(a)(1)(iii) states that a Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class.

[4] The Exchange would issue an Options Trader Alert to notify Members that they are required to express their interest in receiving Preferenced Orders.

daily basis, from the time a Preferred Market Maker executes its first Preferenced Order in the option in which the Preferred Market Maker is assigned until a Preferred Market Maker notifies the Exchange that it is no longer preferenced.

The Exchange proposes to replace the word ''receives'' with ''executes'' in Options 2, Section 5(e) and (e)(3) rule text because for a Market Maker to become aware of their quoting obligations, the Market Maker must be allocated pursuant to Options 2, Section 10 as a Preferenced Order. Market Makers are unaware if an order is preferenced to them until such time as they execute the Preferenced Order and received their enhanced allocation. A Market Maker must be quoting at the NBBO at the time the Preferenced Order is received to be allocated.

A Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options and would receive a participation entitlement in the Quarterly Option Series, the Adjusted Option Series, and an option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options for the Preferenced Order, only if it complies with the heightened 90% quoting requirement.

To make clear the manner in which the quoting obligations will be applied, below are some examples.

Example 1

- Assume a Competitive Market Maker was assigned in options overlying AAPL, SPY, NFLX, ORCL and ADBE.
- Assume this Competitive Market Maker had previously executed a Preferenced Order and executes a Preferenced Order in NFLX and ADBE on February 27, 2024.
- The Preferred Market Maker obligation is a daily obligation once triggered and continues until the Preferred Market Maker notifies the Exchange that it no longer desires to be a part of the Preferenced Order program.
- Moreover, on February 28, 2024 and each day thereafter the Preferred Market Maker is required to provide two-sided quotations in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis until a Preferred Market Maker notifies the Exchange that it is no longer preferenced. Therefore, the Preferred Market Maker would be required to quote at 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order each day, regardless of whether the Preferred Market Maker executed a Preferenced Order that day.

Obligations

This Competitive Market Maker is required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options series are open for trading among AAPL, SPY, and ORCL to fulfill its Competitive Market Maker obligation.

Separately, this Competitive Market Maker would be obligated, separate and apart from its Competitive Market Maker obligations described in this example, to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among NFLX and ADBE to fulfill its Preferred Market Maker Obligation.

This Competitive Market Maker would not be required to make two-sided markets in any Quarterly Option Series, any Adjusted Option Series, and any option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options in AAPL, SPY, NFLX, ORCL and ADBE when meeting its Competitive Market Maker or Preferred Market Maker requirements.

Example 2

- Assume a Primary Market Maker [5] was assigned in options overlying AAPL, SPY, NFLX, ORCL and ADBE.
- Assume this Primary Market Maker had previously executed a Preferenced Order and executes a Preferenced Order in NFLX and ADBE on February 27, 2024.
- The Preferred Market Maker obligation is a daily obligation once triggered and continues until the Preferred Market Maker notifies the Exchange that it no longer desires to be a part of the Preferenced Order program.
- Moreover, on February 28, 2024 and each day thereafter the Preferred Market Maker is required to provide two-sided quotations in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis until a Preferred Market Maker notifies the Exchange that it is no longer preferenced. Therefore, the Preferred Market Maker would be required to quote at 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order each day, regardless of whether the Preferred Market Maker executed a Preferenced Order that day.

Obligations

This Primary Market Maker, associated with the same Options Participant, is collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among AAPL, SPY, and ORCL to fulfill its Primary Market Maker obligation.[6]

Separately, this Primary Market Maker would be obligated, separate and apart from its Primary Market Maker obligations described in this example, to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among NFLX and ADBE to fulfill its Preferred Market Maker obligation.

A Primary Market Maker would not be required to make two-sided markets in any Quarterly Option Series, any Adjusted Option Series, and any option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options in AAPL, SPY, NFLX, ORCL and ADBE when meeting its Primary Market Maker or Preferred Market Maker requirements.

The Exchange proposes to amend Options 2, Section 5(e)(5) that currently states, ''GEMX Regulation may consider exceptions to the above-referenced requirement to quote based on

[5] Pursuant to Options 2, Section 5(e), a Member is required to meet each market making obligation separately. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Primary Market Maker, will be counted toward the requirement to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as GEMX may announce. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Competitive Market Maker, will be counted toward the requirement to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as GEMX may announce. Today, a Primary Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10, (''Preferred PMM'') shall be held to the standard of a Preferred PMM in the options series of any options class in which it receives the Preferenced Order.

[6] *See* Options 2, Section 4(j)(1).

demonstrated legal or regulatory requirements or other mitigating circumstances. For purposes of the Exchange's surveillance of Member compliance with this Rule, the Exchange will determine compliance on a monthly basis.'' The Exchange proposes to instead provide that ''For purposes of the Exchange's surveillance of Member compliance with this Rule, the Exchange will determine compliance on at least a monthly basis.'' The Exchange notes that it may increase the frequency of the surveillance in particular circumstances but that it would conduct monthly surveillance at a minimum.

The Exchange will implement the amendments to Options 2, Section 5 on or before April 30, 2025.[7]

Options 2, Section 6 and Options 3, Section 7

Options 2, Section 6, Market Maker Orders, provides Market Makers with information as to the types of orders that may be entered on the Exchange. The current rule text at Options 2, Section 6(a) provides that, in options classes in which the Market Maker is appointed, a Market Maker may enter all order types defined in Options 3, Section 7 in the options classes to which they are appointed under Options 2, Section 3, except Reserve Orders and Customer Cross Orders. Competitive Market Makers shall comply with the provisions of Options 2, Section 5(e)(1) upon the entry of such orders if they were not previously quoting in the series.

With the changes proposed to the Competitive Market Maker quoting requirements, the Exchange is also removing the last sentence of Options 2, Section 6 which provides, ''Competitive Market Makers shall comply with the provisions of Options 2, Section 5(e)(1) upon the entry of such orders if they were not previously quoting in the series.'' Competitive Market Makers will be required to quote throughout the day with the proposed amendments to Options 2, Section 5.

The Exchange is not proposing to amend the restrictions applicable to Market Maker Orders. The Exchange proposes to modify the current rule text so that it will read clearly and harmonize with rule text on Phlx and BX at Options 2, Section 6. The Exchange proposes to first note that, today, Market Makers may enter all Complex Order types. To make this clear in the rule text, the Exchange proposes to cite to Options 3, Section 14, which governs Complex Orders, in addition to citing to Options 3, Section 7 which governs single-leg orders. Further, the Exchange proposes to remove the current rule text in Options 3, Section 6(b)(1) as the language is superfluous. In its place, the Exchange proposes to amend the text in Options 2, Section 6(a) to remove the title ''Options Classes to Which Appointed'' and add ''non-appointed'' to the paragraph so that it reflects all the order types for Market Makers in both appointed and non-appointed classes. The current language in Options 2, Section 6(b)(1) provides,

> A Market Maker may enter all order types permitted to be entered by non-customer participants under the Rules to buy or sell options in classes of options listed on the Exchange to which the Market Maker is not appointed under Options 2, Section 3, except for Reserve Orders, provided that:
>
> (i) the spread between a limit order to buy and a limit order to sell the same options contract complies with the parameters contained in Options 2, Section 4(b)(4); and
>
> (ii) the Market Maker does not enter orders in options classes to which it is otherwise appointed, either as a Competitive or Primary Market Maker.

The Exchange believes that the rule will read more clearly by adding non-appointed to Options 2, Section 6(a) and removing current Options 2, Section 6(b)(1) which says the same thing. Today, Market Makers may not enter Customer Cross Orders in non-appointed options classes because only Priority Customers may enter Customer Cross Orders pursuant to Options 3, Section 7(i). Further Options 2, Section 6(b)(1)(i) is a requirement provided for in Options 2, Section 4(b)(4) and does not need to be repeated in this rule. Finally, Options 2, Section 6(b)(1)(ii) is circular because Options 2, Section 6(a) allows Market Makers to enter all orders in appointed options classes except for Reserve Orders which is the same restriction applicable to non-appointed options classes.

The Exchange also proposes to amend Options 3, Section 7, Types of Orders and Order and Quote Protocols. The Exchange proposes to amend Options 3, Section 7(g), concerning Reserve Orders, that Market Makers may not enter Reserve Orders pursuant to Options 2, Section 6. The Exchange believes that the addition of this language will remind Market Makers of the obligations noted within Options 2, Section 6.

Options 2, Section 10

Options 2, Section 10 describes Preferenced Orders. An Electronic Access Member may designate a ''Preferred Market Maker'' on orders it enters into the System (''Preferenced Orders'').[8] The Exchange proposes to amend the definition of a ''Preferenced Order'' and add a definition for ''Order Flow Provider'' in new subsection (1). The Exchange proposes to amend the definition of a ''Preferenced Order'' to mean any order to buy or sell which has been directed to a particular Market Maker by an Order Flow Provider.[9] The Exchange proposes to provide that the term ''Order Flow Provider'' means any Member that submits, as agent, orders to the Exchange.[10] Finally, the Exchange proposes to renumber current Options 2, Section 10(a)(1) which states, ''A Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class'' as Options 2, Section 10(a)(1)(iii). These definitions will bring greater clarity to Options 2, Section 10 and Options 2, Section 5 and will harmonize these definitions to those of Phlx at Options 2, Section 10.

Options 3, Section 17

The Exchange proposes to amend Options 3, Section 17, Kill Switch. Previously, the Exchange amended Options 3, Section 17 in order to decommission graphical user interface (''GUI'') functionality.[11] In eliminating the GUI functionality, the Exchange amended Options 3, Section 17(a)(1) to remove language related to the GUI functionality, including rule text related to purging orders at both the user and group level. While the GUI permitted a purge at both the user and group level, the remaining port functionality only removes orders at the user level, as specified in Options 3, Section 17(a)(1). At this time, the Exchanges proposes to remove the group level language from Options 3, Section 17(a).[12] This proposed change is intended to clarify the current rule text.

Options 2, Section 6

The Exchange proposes to remove the italicized language in Options 7, Section 6. C related to a technology migration that took place in 2023. In 2023, GEMX

[7] The Exchange will provide Members with notification of these changes in an Options Regulatory Alert and the Exchange will announce the implementation date in a second Options Regulatory Alert.

[8] *See* Options 2, Section 10(a).

[9] *See* proposed Options 2, Section 10(a)(1)(i).

[10] *See* proposed Options 2, Section 10(a)(1)(ii).

[11] *See* Securities Exchange Act Release No. 96817 (February 6, 2023), 88 FR 8922 (February 10, 2023) (SR–GEMX–2023–02).

[12] The Exchange proposes to remove the words ''or group'' and the following sentence that applies to a group. The Exchange proposes to remove this sentence, ''Permissible groups must reside within a single broker-dealer.''

filed a pricing change [13] to permit Members to request certain duplicative ports at no additional cost, from November 1, 2023 through November 30, 2023, to facilitate a technology migration. The rule text related to the 2023 technology migration is no longer necessary because the migration is complete and the pricing is no longer applicable. At this time, the Exchange proposes to remove this rule text.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Options 2, Section 5

The Exchange's proposal to amend the quoting obligations of a Competitive Market Maker are consistent with the act as the enhanced requirement to provide two-sided quotations, collectively, in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading each day will increase liquidity on the Exchange. The Exchange notes that other markets have similar requirements.[16]

The Exchange's proposal to amend the quoting obligations for a Preferred CMM are consistent with the Act. The Exchange proposes to amend the current rule text in Options 2, Section 5 to apply the obligation to a Preferred Market Maker more generally for ease of understanding the rule. The obligations for a Preferred CMM and Preferred PMM are the same and combining the obligations will make this clear. Today, pursuant to Options 2, Section 10, a Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class. Further, the Exchange proposes to first require that a Market Maker indicate interest in the program with the Exchange.[17] Once a Market Maker indicates interest in the program, the Preferred Market Maker has an ongoing obligation, collectively, to quote in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis until a Preferred Market Maker notifies the Exchange that it is no longer preferenced. The Exchange notes that other markets have similar requirements to quote, collectively, in 90% of the cumulative number of seconds among all options series on a daily basis.[18]

Similar to the last sentence of Options 2, Section 5(e), the Exchange proposes to revise Options 2, Section 5(e) to require a Preferred Market Maker who executes a Preferenced Order, as described in Options 2, Section 10, to be held to the standard of a Preferred Market Maker among all options series in which the Preferred Market Maker executed a Preferenced Order and to quote, collectively, in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis.

The Preferred Market Maker requirement to quote, collectively, in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis is in addition to the quoting requirements for a Competitive Market Maker and Primary Market Maker. The Exchange believes that these quoting requirements create a direct nexus between the allocation that would be received by a Preferred Market Maker pursuant to Options 3, Section 10 and the liquidity that the Preferred Market Maker would be required to provide to the market in that particular options series. The Exchange notes that any Preferred Market Maker would need, collectively, to provide two-sided quotes in 90% of the cumulative number of seconds or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order for the entire day and on a daily basis. The Exchange believes that this quoting obligation is designed to promote just and equitable principles of trade by ensuring that Preferred Market Makers quote competitively in as many series as possible to attract Preferenced Orders so that they may receive an enhanced allocation as a Preferred Market Maker.

The Exchange's proposal to replace the word ''receives'' with the word ''executes'' in Options 2, Section 5(e) and (e)(3) is consistent with the Act and protects investors and the public interest because for a Market Maker to become aware of their quoting obligations, the Market Maker must be allocated pursuant to Options 2, Section 10 as a Preferenced Order. Market Makers are unaware if an order is preferenced to them until such time as they execute the Preferenced Order and receive their enhanced allocation. Of note, a Market Maker must be quoting at the NBBO at the time the Preferenced Order is received to be allocated. Therefore, a Preferred Market Maker has an ongoing quoting obligation from the time a Preferred Market Maker executes its first Preferenced Order in the options in which the Preferred Market Maker is assigned until a Preferred Market Maker notifies the Exchange that the Preferred Market Maker is no longer preferenced.

The Exchange's proposal to amend Options 2, Section 5(e)(5) to provide that ''For purposes of the Exchange's surveillance of Member compliance with this Rule, the Exchange will determine compliance on at least a monthly basis'' is consistent with the Act. The Exchange notes that it may increase the frequency of the surveillance in particular circumstances but that it would conduct monthly surveillance at a minimum.

Options 2, Section 6 and Options 3, Section 7

The Exchange's proposal to amend Options 2, Section 6, Market Maker Orders, to cite to Options 3, Section 14, which governs Complex Orders, remove the title ''Options Classes to Which Appointed'' and add ''non-appointed'' to the paragraph is consistent with the Act for several reasons. Market Makers may not enter Reserve Orders, as is the case today, but may utilize all other single-leg and Complex Order types, in their appointed and non-appointed classes. Today, Market Makers may not enter Customer Cross Orders in their appointed or non-appointed options classes as only Priority Customers may enter Customer Cross Orders pursuant to Options 3, Section 7(i). With this proposal, the Exchange is not proposing to amend the restrictions applicable to Market Maker Orders. Removing the last sentence of Options 2, Section 6 is consistent with the Act because

[13] *See* Securities Exchange Act Release No. 97360 (April 24, 2023), 88 FR 26349 (April 28, 2023) (SR–GEMX–2023–05) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend GEMX's Pricing Schedule at Options 7).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* Nasdaq Phlx LLC and Nasdaq BX, Inc. Options 2, Section 5.

[17] The Exchange would issue an Options Trader Alert to notify Members that they are required to express their interest in receiving Preferenced Orders.

[18] *See* NYSE Arca, Inc. (''NYSE Arca'') Rule 6.88–O and NYSE American LLC (''NYSE American'') Rule 964.1NY. NYSE Arca Rule 6.88–O(iv) states that these obligations will apply collectively to all series in all of the issues for which the Directed Order Market Maker receives Directed Orders, rather than on an issue-by-issue basis.

Competitive Market Makers will be required to quote throughout the day with the proposed amendments to Options 2, Section 5. Removing Options 2, Section 6(b) is consistent with the Act because the language is repetitive of rule text contained in Options 2, Section 6(a) and Options 2, Section 4(b)(4). Finally, adding rule text that states that ''Market Makers may not enter Reserve Orders pursuant to Options 2, Section 6'' in Options 3, Section 7(g) is consistent with the Act because it will remind Market Makers of the obligations noted within Options 2, Section 6. The language would harmonize GEMX's rule text to that of BX and Phlx in Options 2, Section 6.

Options 2, Section 10

The Exchange's proposal to amend the definition of a ''Preferenced Order'' and add a definition for ''Order Flow Provider'' in new subsection (1) are consistent with the Act and protect investors and the general public because they clarify the meaning of terms utilized with respect to Preferenced Orders. The definitions will bring greater clarity to Options 2, Section 10 and Options 2, Section 5 and will harmonize these definitions to those of Phlx at Options 2, Section 10.

Options 3, Section 17

The Exchange's proposal to remove rule text from Options 3, Section 17(a) related to GUI functionality which is being decommissioned is consistent with the Act. The Exchange notes that purging orders through ports can only occur at the user level as specified in Options 3, Section 17(a)(1). The amendment will clarify the current rule text.

Options 7, Section 6

The Exchange's proposal to remove the italicized language in Options 7, Section 6.C related to a technology migration that took place in 2023 is reasonable, equitable and not unfairly discriminatory because the rule text related to the technology migration is no longer necessary because the migration is complete and the fees are no longer applicable. No Member is subject to the pricing described for the 2023 technology migration.

*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.

Options 2, Section 5

The Exchange's proposal to amend the quoting obligations of a Competitive Market Maker does not impose an undue burden on competition as the enhanced requirement to provide two-sided quotations, collectively, in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading each day would apply uniformly to all Electronic Access Members that elect to become Competitive Market Makers.

The Exchange's proposal to amend the quoting obligations for a Preferred Market Maker does not impose an undue burden on competition because as amended the quoting obligations of Preferred Market Maker would apply uniformly to all Electronic Access Members that elect to become Competitive Market Makers or Primary Market Makers. The proposal does not impose an undue burden on inter-market competition as other options markets may impose similar quoting obligations.

Finally, amending Options 2, Section 5(e)(5) to provide that ''For purposes of the Exchange's surveillance of Member compliance with this Rule, the Exchange will determine compliance on at least a monthly basis'' does not impose an undue burden on competition. The Exchange notes that it may increase the frequency of the surveillance in particular circumstances but that it would conduct monthly surveillance at a minimum. Nor does the amendment to Options 2, Section 5(e)(5) impose an undue burden on inter-market competition as other markets may elect to perform their surveillance in a similar fashion.

Options 2, Section 6 and Options 3, Section 7

The Exchange's proposal to amend Options 2, Section 6, Market Maker Orders, to cite to Options 3, Section 14, which governs Complex Orders, remove the title ''Options Classes to Which Appointed'' and add ''non-appointed'' to the paragraph does not impose an undue burden on competition as the Exchange is not amending the restrictions applicable to Market Maker Orders. Rather, the changes will make clear that Market Makers may not enter Reserve Orders, as is the case today, but may utilize all other single-leg and Complex Order types, as is the case today. Additionally, today, Market Makers may not enter Customer Cross Orders in non-appointed options classes because only Priority Customers may enter Customer Cross Orders pursuant to Options 3, Section 7(i). Adding rule text that states that ''Market Makers may not enter Reserve Orders pursuant to Options 2, Section 6'' in Options 3, Section 7(g) does not impose an undue burden on competition because it will remind Market Makers of the obligations noted within Options 2, Section 6. Removing the last sentence of Options 2, Section 6 does not impose an undue burden on competition because all Competitive Market Makers will be required to quote throughout the day with the proposed amendments to Options 2, Section 5. The rule text will harmonize GEMX's language to Phlx and BX Options 2, Section 6. The proposal does not impose an undue burden on inter-market competition as other options markets may similarly copy GEMX's order types and impose similar restrictions.

Options 2, Section 10

The Exchange's proposal to amend the definition of ''Preferenced Order'' and add a definition for ''Order Flow Provider'' in new subsection (1) does not impose an undue burden on competition because the defined terms provide additional clarity and harmonize to rule text in Phlx at Options 2, Section 10. The proposed changes are not substantive in nature.

Options 3, Section 17

The Exchange's proposal to remove rule text from Options 3, Section 17(a) related to GUI functionality which is being decommissioned does not impose an undue burden on competition because no Member may purge orders at the group level. The amendment will clarify the current rule text. The proposal does not impose an undue burden on inter-market competition as other options markets may similarly copy GEMX's Kill Switch functionality.

Options 7, Section 6

The Exchange's proposal to remove the italicized language in Options 7, Section 6. C related to a technology migration that took place in 2023 does not impose an undue burden on competition because the rule text related to the technology migration is no longer necessary because the migration is complete and the fees are no longer applicable. No Member is subject to the pricing described for the 2023 technology migration.

*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**

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [19] and subparagraph (f)(6) of Rule 19b–4 thereunder.[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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–GEMX–2024–20 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–2024–20. 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–2024–20 and should be submitted on or before August 23, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

**Sherry R. Haywood,**

*Assistant Secretary.*

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[19] 15 U.S.C. 78s(b)(3)(A)(iii).

[20] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[21] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–100611; File No. SR–MRX–2024–27]**

## Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 2, Sections 5, 6 and 10; and Options 3, Sections 7 and 17; and Options 7, Section 6

July 29, 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 24, 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 Options 2, Sections 5, 6 and 10; and Options 3, Sections 7 and 17; and Options 7, Section 6.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Options 2, Section 5, Market Maker Quotations, to amend intra-day quoting requirements. The Exchange proposes to amend Options 2, Section 6, Market Maker Orders, and Options 3, Section 7(g), Reserve Orders, to bring additional clarity to the types of orders available to Market Makers. The Exchange proposes to amend Options 2, Section 10, Preferenced Orders, to define various terms related to Preferenced Orders and harmonize the rule text to other Nasdaq affiliated markets. The Exchange proposes to amend Options 3, Section 17, Kill Switch, to indicate the configurations available in the Kill Switch. Finally, the Exchange proposes to remove dated rule text in Options 7, Section 6, Ports and Other Services. Each change is described below.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Options 2, Section 5

The Exchange proposes to amend the quoting requirements of a Competitive Market Maker and a Preferred CMM in Options 2, Section 5.

With respect to a Competitive Market Maker, today, a Competitive Market Maker is not required to enter quotations in the options classes to which it is appointed. A Competitive Market Maker may initiate quoting in options classes to which it is appointed intra-day. If a Competitive Market Maker initiates quoting in an options class, the Competitive Market Maker, associated with the same Member, is collectively required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading.

The Exchange proposes to amend the quoting obligations for a Competitive Market Maker by requiring a Competitive Market Maker to enter quotations each day in the options classes to which it is appointed. Specifically, the Exchange proposes to require in proposed Options 2, Section 5(e)(1) that,

> Competitive Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. Competitive Market Maker are not required to make two-sided markets pursuant to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and exchange-traded funds (''ETFs'') or with an expiration of twelve months or greater for index options.

As is the case today, Competitive Market Makers may continue to choose to quote a Quarterly Options Series, any adjusted options series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index option, in addition to regular series in the options class. Such quotations will not be considered when determining whether a Competitive Market Maker has met the obligation contained in Options 2, Section 5(e)(1). The Exchange believes that requiring a Competitive Market Maker to quote each day will increase liquidity on the Exchange.

Additionally, the Exchange proposes to amend the quoting requirements for a Preferred CMM. Today, the last sentence of Options 2, Section 5(e) provides, ''A Competitive Market Maker who receives a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10, (''Preferred CMM'') shall be held to the standard of a Preferred CMM in the options series of any options class in which it receives the Preferenced Order.'' Further, today, Options 2, Section 5(e)(3) provides,

> Preferred CMMs, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. A Member shall be considered preferenced in an assigned options class once the Member receives a Preferenced Order in any option class in which they are assigned and shall be considered preferenced for that day in all series for that option class in which it received the Preferenced Order. Notwithstanding the foregoing, a Preferred CMM shall not be required to make two-sided markets pursuant to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options. Preferred CMMs may choose to quote such series in addition to regular series in the options class, but such quotations will not be considered when determining whether a Preferred CMM has met the obligation contained in this paragraph (e)(3). A Preferred CMM may be preferenced in such series and receive enhanced allocations pursuant to Nasdaq MRX Options 3, Section 10, Supplementary Material .02, only if it complies with the heightened 90% quoting requirement contained in this paragraph (e)(3).

Today, Preferred CMMs, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. A Member is considered preferenced in an assigned options class once the Member receives a Preferenced Order in any option class in which they are assigned and shall be considered a Preferred CMM/Preferred PMM for that day in all series for that option class in which it received the Preferenced Order. Today, the Member must be quoting at the NBBO at the time the Preferenced Order is received and must execute the order. If a CMM does not receive a Preferenced Order, it will not be considered a Preferred CMM in that options class and any quotations in that options class by the CMM will not be considered when determining whether it met its Preferred CMM quoting obligations.

At this time, the Exchange proposes to utilize the term ''Preferred Market Maker'' instead of ''Preferred CMM'' as both Competitive Market Makers and Primary Market Makers are Preferred Market Makers pursuant to proposed renumbered Options 2, Section 10(a)(1)(iii).[3] Also, the Exchange proposes replacing the word ''receives'' with the word ''executes'' in Options 2, Section 5(e). The proposed new sentence would provide, ''A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10, (''Preferred Market Maker'') shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.'' The Exchange proposes to amend this sentence to specify that the 90% quoting obligation described herein would be among all options series instead of in each assigned option series.

Additionally, the Exchange proposes amendments to Options 2, Section 5(e)(3) to utilize the term ''Preferred Market Maker'' and amend the quoting obligation as stated in the last sentence of Options 2, Section 5(e) to require that the Preferred Market Maker collectively meet the 90% quoting obligation among all options series in which the Preferred Market Maker executes a Preferenced Order. The Exchange proposes to replace the word ''receives'' with ''executes.'' As amended, Options 2, Section 5(e)(3) would state,

> Preferred Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis, except that a Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options. A Preferred Market Maker has the ongoing quoting obligation from the time a Preferred Market Maker executes its first Preferenced Order in the options in which the Preferred Market Maker is assigned until a Preferred Market Maker notifies the Exchange that the Preferred Market Maker is no longer preferenced.
>
> A Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with

[3] Renumbered Options 2, Section 10(a)(1)(iii) states that a Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class.

an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options and would receive a participation entitlement in the Quarterly Options Series, the Adjusted Options Series, and an options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options for the Preferenced Order, only if it complies with the heightened 90% quoting requirement.

The Exchange is amending the Preferred Market Maker quoting obligation to first require that a Market Maker indicate interest in the program with the Exchange.[4] Once the Market Maker indicates it would like to receive a Preferenced Order, that Market Maker would be obligated, collectively, to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis, except that a Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options.

A Preferred Market Maker has an ongoing 90% quoting obligation, on a daily basis, from the time a Preferred Market Maker executes its first Preferenced Order in the option in which the Preferred Market Maker is assigned until a Preferred Market Maker notifies the Exchange that it is no longer preferenced.

The Exchange proposes to replace the word ''receives'' with ''executes'' in the Options 2, Section 5(e) and (e)(3) rule text because for a Market Maker to become aware of their quoting obligations, the Market Maker must be allocated pursuant to Options 2, Section 10 as a Preferenced Order. Market Makers are unaware if an order is preferenced to them until such time as they execute the Preferenced Order and receive their enhanced allocation. Of note, a Market Maker must be quoting at the NBBO at the time the Preferenced Order is received to be allocated.

A Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options and would receive a participation entitlement in the Quarterly Option Series, the Adjusted Option Series, and an option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options for the Preferenced Order, only if it complies with the heightened 90% quoting requirement.

To make clear the manner in which the quoting obligations will be applied, below are some examples.

Example 1

- Assume a Competitive Market Maker was assigned in options overlying AAPL, SPY, NFLX, ORCL and ADBE.
- Assume this Competitive Market Maker had previously executed a Preferenced Order and executes a Preferenced Order in NFLX and ADBE on February 27, 2024.
- The Preferred Market Maker obligation is a daily obligation once triggered and continues until the Preferred Market Maker notifies the Exchange that it no longer desires to be a part of the Preferenced Order program.
- Moreover, on February 28, 2024 and each day thereafter the Preferred Market Maker is required to provide two-sided quotations in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis until a Preferred Market Maker notifies the Exchange that it is no longer preferenced. Therefore, the Preferred Market Maker would be required to quote at 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order each day, regardless of whether the Preferred Market Maker executed a Preferenced Order that day.

Obligations

This Competitive Market Maker is required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options series are open for trading among AAPL, SPY, and ORCL to fulfill its Competitive Market Maker obligation.

Separately, this Competitive Market Maker would be obligated, separate and apart from its Competitive Market Maker obligations described in this example, to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among NFLX and ADBE to fulfill its Preferred Market Maker Obligation.

This Competitive Market Maker would not be required to make two-sided markets in any Quarterly Option Series, any Adjusted Option Series, and any option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options in AAPL, SPY, NFLX, ORCL and ADBE when meeting its Competitive Market Maker or Preferred Market Maker requirements.

Example 2

- Assume a Primary Market Maker[5] was assigned in options overlying AAPL, SPY, NFLX, ORCL and ADBE.
- Assume this Primary Market Maker had previously executed a Preferenced Order and executes a Preferenced Order in NFLX and ADBE on February 27, 2024.
- The Preferred Market Maker obligation is a daily obligation once triggered and continues until the Preferred Market Maker notifies the Exchange that it no longer desires to be a part of the Preferenced Order program.
- Moreover, on February 28, 2024 and each day thereafter the Preferred Market Maker is required to provide two-sided quotations in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis until a Preferred Market Maker notifies the Exchange that it is no longer preferenced. Therefore, the Preferred Market Maker would be required to quote at 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order each day, regardless

[4] The Exchange would issue an Options Trader Alert to notify Members that they are required to express their interest in receiving Preferenced Orders.

[5] Pursuant to Options 2, Section 5(e), a Member is required to meet each market making obligation separately. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Primary Market Maker, will be counted toward the requirement to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as MRX may announce. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Competitive Market Maker, will be counted toward the requirement to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as MRX may announce. Today, a Primary Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10, (''Preferred PMM'') shall be held to the standard of a Preferred PMM in the options series of any options class in which it receives the Preferenced Order.

of whether the Preferred Market Maker executed a Preferenced Order that day.

Obligations

This Primary Market Maker, associated with the same Options Participant, is collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among AAPL, SPY, and ORCL to fulfill its Primary Market Maker obligation.[6]

Separately, this Primary Market Maker would be obligated, separate and apart from its Primary Market Maker obligations described in this example, to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among NFLX and ADBE to fulfill its Preferred Market Maker obligation.

A Primary Market Maker would not be required to make two-sided markets in any Quarterly Option Series, any Adjusted Option Series, and any option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options in AAPL, SPY, NFLX, ORCL and ADBE when meeting its Primary Market Maker or Preferred Market Maker requirements.

The Exchange proposes to amend Options 2, Section 5(e)(5) that currently states, ''MRX Regulation may consider exceptions to the above-referenced requirement to quote based on demonstrated legal or regulatory requirements or other mitigating circumstances. For purposes of the Exchange's surveillance of Member compliance with this Rule, the Exchange will determine compliance on a monthly basis.'' The Exchange proposes to instead provide that ''For purposes of the Exchange's surveillance of Member compliance with this Rule, the Exchange will determine compliance on at least a monthly basis.'' The Exchange notes that it may increase the frequency of the surveillance in particular circumstances but that it would conduct monthly surveillance at a minimum.

The Exchange will implement the amendments to Options 2, Section 5 on or before April 30, 2025.[7]

Options 2, Section 6 and Options 3, Section 7

Options 2, Section 6, Market Maker Orders, provides Market Makers with information as to the types of orders that may be entered on the Exchange. The current rule text at Options 2, Section 6(a) provides that, in options classes in which the Market Maker is appointed, a Market Maker may enter all order types defined in Options 3, Section 7 in the options classes to which they are appointed under Options 2, Section 3, except Reserve Orders and Customer Cross Orders. Competitive Market Makers shall comply with the provisions of Options 2, Section 5(e)(1) upon the entry of such orders if they were not previously quoting in the series.

With the changes proposed to the Competitive Market Maker quoting requirements, the Exchange is also removing the last sentence of Options 2, Section 6 which provides, ''Competitive Market Makers shall comply with the provisions of Options 2, Section 5(e)(1) upon the entry of such orders if they were not previously quoting in the series.'' Competitive Market Makers will be required to quote throughout the day with the proposed amendments to Options 2, Section 5.

The Exchange is not proposing to amend the restrictions applicable to Market Maker Orders. The Exchange proposes to modify the current rule text so that it will read clearly and harmonize with rule text on Phlx and BX at Options 2, Section 6. The Exchange proposes to first note that, today, Market Makers may enter all Complex Order types. To make this clear in the rule text, the Exchange proposes to cite to Options 3, Section 14, which governs Complex Orders, in addition to citing to Options 3, Section 7 which governs single-leg orders. Further, the Exchange proposes to remove the current rule text in Options 3, Section 6(b)(1) as the language is superfluous. In its place, the Exchange proposes to amend the text in Options 2, Section 6(a) to remove the title ''Options Classes to Which Appointed'' and add ''non-appointed'' to the paragraph so that it reflects all the order types for Market Makers in both appointed and non-appointed classes. The current language in Options 2, Section 6(b)(1) provides,

A Market Maker may enter all order types permitted to be entered by non-customer participants under the Rules to buy or sell options in classes of options listed on the Exchange to which the Market Maker is not appointed under Options 2, Section 3, except for Reserve Orders, provided that:

(i) the spread between a limit order to buy and a limit order to sell the same options contract complies with the parameters contained in Options 2, Section 4(b)(4); and

(ii) the Market Maker does not enter orders in options classes to which it is otherwise appointed, either as a Competitive or Primary Market Maker.

The Exchange believes that the rule will read more clearly by adding non-appointed to Options 2, Section 6(a) and removing current Options 2, Section 6(b)(1) which says the same thing. Today, Market Makers may not enter Customer Cross Orders in non-appointed options classes because only Priority Customers may enter Customer Cross Orders pursuant to Options 3, Section 7(i). Further Options 2, Section 6(b)(1)(i) is a requirement provided for in Options 2, Section 4(b)(4) and does not need to be repeated in this rule. Finally, Options 2, Section 6(b)(1)(ii) is circular because Options 2, Section 6(a) allows Market Makers to enter all orders in appointed options classes except for Reserve Orders which is the same restriction applicable to non-appointed options classes.

The Exchange also proposes to amend Options 3, Section 7, Types of Orders and Order and Quote Protocols. The Exchange proposes to amend Options 3, Section 7(g), concerning Reserve Orders, that Market Makers may not enter Reserve Orders pursuant to Options 2, Section 6. The Exchange believes that the addition of this language will remind Market Makers of the obligations noted within Options 2, Section 6.

Options 2, Section 10

Options 2, Section 10 describes Preferenced Orders. An Electronic Access Member may designate a ''Preferred Market Maker'' on orders it enters into the System (''Preferenced Orders'').[8] The Exchange proposes to amend the definition of a ''Preferenced Order'' and add a definition for ''Order Flow Provider'' in new subsection (1). The Exchange proposes to amend the definition of a ''Preferenced Order'' to mean any order to buy or sell which has been directed to a particular Market Maker by an Order Flow Provider.[9] The Exchange proposes to provide that the term ''Order Flow Provider'' means any Member that submits, as agent, orders to the Exchange.[10] Finally, the Exchange proposes to renumber current Options 2, Section 10(a)(1) which states, ''A Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market

[6] *See* Options 2, Section 4(j)(1).

[7] The Exchange will provide Members with notification of these changes in an Options Regulatory Alert and the Exchange will announce the implementation date in a second Options Regulatory Alert.

[8] *See* Options 2, Section 10(a).

[9] *See* proposed Options 2, Section 10(a)(1)(i).

[10] *See* proposed Options 2, Section 10(a)(1)(ii).

Maker appointed to the options class'' as Options 2, Section 10(a)(1)(iii). These definitions will bring greater clarity to Options 2, Section 10 and Options 2, Section 5 and will harmonize these definitions to those of Phlx at Options 2, Section 10.

Options 3, Section 17

The Exchange proposes to amend Options 3, Section 17, Kill Switch. Previously, the Exchange amended Options 3, Section 17 in order to decommission graphical user interface (''GUI'') functionality.[11] In eliminating the GUI functionality, the Exchange amended Options 3, Section 17(a)(1) to remove language related to the GUI functionality, including rule text related to purging orders at both the user and group level. While the GUI permitted a purge at both the user and group level, the remaining port functionality only removes orders at the user level, as specified in Options 3, Section 17(a)(1). At this time, the Exchanges proposes to remove the group level language from Options 3, Section 17(a).[12] This proposed change is intended to clarify the current rule text.

Options 2, Section 6

The Exchange proposes to remove the italicized language in Options 7, Section 6 related to a technology migration that took place in 2022. In 2022, MRX filed a pricing change [13] to permit Members to request certain duplicative ports at no additional cost, from November 1, 2022 through December 30, 2022, to facilitate a technology migration. The rule text related to the 2022 technology migration is no longer necessary because the migration is complete and the pricing is no longer applicable. At this time, the Exchange proposes to remove this rule text.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Options 2, Section 5

The Exchange's proposal to amend the quoting obligations of a Competitive Market Maker are consistent with the act as the enhanced requirement to provide two-sided quotations, collectively, in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading each day will increase liquidity on the Exchange. The Exchange notes that other markets have similar requirements.[16]

The Exchange's proposal to amend the quoting obligations for a Preferred CMM are consistent with the Act. The Exchange proposes to amend the current rule text in Options 2, Section 5 to apply the obligation to a Preferred Market Maker more generally for ease of understanding the rule. The obligations for a Preferred CMM and Preferred PMM are the same and combining the obligations will make this clear. Today, pursuant to Options 2, Section 10, a Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class. Further, the Exchange proposes to first require that a Market Maker indicate interest in the program with the Exchange.[17] Once a Market Maker indicates interest in the program, the Preferred Market Maker has an ongoing obligation, collectively, to quote in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis until a Preferred Market Maker notifies the Exchange that it is no longer preferenced. The Exchange notes that other markets have similar requirements to quote, collectively, in 90% of the cumulative number of seconds among all options series on a daily basis.[18]

Similar to the last sentence of Options 2, Section 5(e), the Exchange proposes to revise Options 2, Section 5(e) to require a Preferred Market Maker who executes a Preferenced Order, as described in Options 2, Section 10, to be held to the standard of a Preferred Market Maker among all options series in which the Preferred Market Maker executed a Preferenced Order and to quote, collectively, in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis.

The Preferred Market Maker requirement to quote, collectively, in 90% of the cumulative number of seconds among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis is in addition to the quoting requirements for a Competitive Market Maker and Primary Market Maker. The Exchange believes that these quoting requirements create a direct nexus between the allocation that would be received by a Preferred Market Maker pursuant to Options 3, Section 10 and the liquidity that the Preferred Market Maker would be required to provide to the market in that particular options series. The Exchange notes that any Preferred Market Maker would need, collectively, to provide two-sided quotes in 90% of the cumulative number of seconds or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order for the entire day and on a daily basis. The Exchange believes that this quoting obligation is designed to promote just and equitable principles of trade by ensuring that Preferred Market Makers quote competitively in as many series as possible to attract Preferenced Orders so that they may receive an enhanced allocation as a Preferred Market Maker.

The Exchange's proposal to replace the word ''receives'' with the word ''executes'' in Options 2, Section 5(e) and (e)(3) is consistent with the Act and protects investors and the public interest because for a Market Maker to become aware of their quoting obligations, the Market Maker must be allocated pursuant to Options 2, Section 10 as a Preferenced Order. Market Makers are unaware if an order is preferenced to them until such time as they execute the Preferenced Order and receive their enhanced allocation. Of note, a Market Maker must be quoting at the NBBO at the time the Preferenced Order is received to be allocated. Therefore, a Preferred Market Maker has the ongoing quoting obligation from the

[11] *See* Securities Exchange Act Release No. 95982 (October 4, 2022), 87 FR 61391 (October 11, 2022) (SR–MRX–2022–18).

[12] The Exchange proposes to remove the words ''or group'' and the following sentence that applies to a group. The Exchange proposes to remove this sentence, ''Permissible groups must reside within a single broker-dealer.''

[13] *See* Securities Exchange Act Release No. 96120 (October 21, 2022), 87 FR 65105 (October 27, 2022) (SR–MRX–2022–21) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7 in Connection With a Technology Migration).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* Nasdaq Phlx LLC and Nasdaq BX, Inc. Options 2, Section 5.

[17] The Exchange would issue an Options Trader Alert to notify Members that they are required to express their interest in receiving Preferenced Orders.

[18] *See* NYSE Arca, Inc. (''NYSE Arca'') Rule 6.88–O and NYSE American LLC (''NYSE American'') Rule 964.1NY. NYSE Arca Rule 6.88–O(iv) states that these obligations will apply collectively to all series in all of the issues for which the Directed Order Market Maker receives Directed Orders, rather than on an issue-by-issue basis.

time a Preferred Market Maker executes its first Preferenced Order in the options in which the Preferred Market Maker is assigned until a Preferred Market Maker notifies the Exchange that the Preferred Market Maker is no longer preferenced.

The Exchange's proposal to amend Options 2, Section 5(e)(5) to provide that ''For purposes of the Exchange's surveillance of Member compliance with this Rule, the Exchange will determine compliance on at least a monthly basis'' is consistent with the Act. The Exchange notes that it may increase the frequency of the surveillance in particular circumstances but that it would conduct monthly surveillance at a minimum.

Options 2, Section 6 and Options 3, Section 7

The Exchange's proposal to amend Options 2, Section 6, Market Maker Orders, to cite to Options 3, Section 14, which governs Complex Orders, remove the title ''Options Classes to Which Appointed'' and add ''non-appointed'' to the paragraph is consistent with the Act for several reasons. Market Makers may not enter Reserve Orders, as is the case today, but may utilize all other single-leg and Complex Order types, in their appointed and non-appointed classes. Today, Market Makers may not enter Customer Cross Orders in their appointed or non-appointed options classes as only Priority Customers may enter Customer Cross Orders pursuant to Options 3, Section 7(i). With this proposal, the Exchange is not proposing to amend the restrictions applicable to Market Maker Orders. Removing the last sentence of Options 2, Section 6 is consistent with the Act because Competitive Market Makers will be required to quote throughout the day with the proposed amendments to Options 2, Section 5. Removing Options 2, Section 6(b) is consistent with the Act because the language is repetitive of rule text contained in Options 2, Section 6(a) and Options 2, Section 4(b)(4). Finally, adding rule text that states that ''Market Makers may not enter Reserve Orders pursuant to Options 2, Section 6'' in Options 3, Section 7(g) is consistent with the Act because it will remind Market Makers of the obligations noted within Options 2, Section 6. The language would harmonize MRX's rule text to that of BX and Phlx in Options 2, Section 6.

Options 2, Section 10

The Exchange's proposal to amend the definition of a ''Preferenced Order'' and add a definition for ''Order Flow Provider'' in new subsection (1) are consistent with the Act and protect investors and the general public because they clarify the meaning of terms utilized with respect to Preferenced Orders. The definitions will bring greater clarity to Options 2, Section 10 and Options 2, Section 5 and will harmonize these definitions to those of Phlx at Options 2, Section 10.

Options 3, Section 17

The Exchange's proposal to remove rule text from Options 3, Section 17(a) related to GUI functionality which is being decommissioned is consistent with the Act. The Exchange notes that purging orders through ports can only occur at the user level as specified in Options 3, Section 17(a)(1). The amendment will clarify the current rule text.

Options 7, Section 6

The Exchange's proposal to remove the italicized language in Options 7, Section 6 related to a technology migration that took place in 2022 is reasonable, equitable and not unfairly discriminatory because the rule text related to the technology migration is no longer necessary because the migration is complete and the fees are no longer applicable. No Member is subject to the pricing described for the 2022 technology migration.

*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.

Options 2, Section 5

The Exchange's proposal to amend the quoting obligations of a Competitive Market Maker does not impose an undue burden on competition as the enhanced requirement to provide two-sided quotations, collectively, in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading each day would apply uniformly to all Electronic Access Members that elect to become Competitive Market Makers.

The Exchange's proposal to amend the quoting obligations for a Preferred Market Maker does not impose an undue burden on competition because as amended the quoting obligations of Preferred Market Maker would apply uniformly to all Electronic Access Members that elect to become Competitive Market Makers or Primary Market Makers. The proposal does not impose an undue burden on inter-market competition as other options markets may impose similar quoting obligations.

Finally, amending Options 2, Section 5(e)(5) to provide that ''For purposes of the Exchange's surveillance of Member compliance with this Rule, the Exchange will determine compliance on at least a monthly basis'' does not impose an undue burden on competition. The Exchange notes that it may increase the frequency of the surveillance in particular circumstances but that it would conduct monthly surveillance at a minimum. Nor does the amendment to Options 2, Section 5(e)(5) impose an undue burden on inter-market competition as other markets may elect to perform their surveillance in a similar fashion.

Options 2, Section 6 and Options 3, Section 7

The Exchange's proposal to amend Options 2, Section 6, Market Maker Orders, to cite to Options 3, Section 14, which governs Complex Orders, remove the title ''Options Classes to Which Appointed'' and add ''non-appointed'' to the paragraph does not impose an undue burden on competition as the Exchange is not amending the restrictions applicable to Market Maker Orders. Rather, the changes will make clear that Market Makers may not enter Reserve Orders, as is the case today, but may utilize all other single-leg and Complex Order types, as is the case today. Additionally, today, Market Makers may not enter Customer Cross Orders in non-appointed options classes because only Priority Customers may enter Customer Cross Orders pursuant to Options 3, Section 7(i). Adding rule text that states that ''Market Makers may not enter Reserve Orders pursuant to Options 2, Section 6'' in Options 3, Section 7(g) does not impose an undue burden on competition because it will remind Market Makers of the obligations noted within Options 2, Section 6. Removing the last sentence of Options 2, Section 6 does not impose an undue burden on competition because all Competitive Market Makers will be required to quote throughout the day with the proposed amendments to Options 2, Section 5. The rule text will harmonize MRX's language to Phlx and BX Options 2, Section 6. The proposal does not impose an undue burden on inter-market competition as other options markets may similarly copy MRX's order types and impose similar restrictions.

Options 2, Section 10

The Exchange's proposal to amend the definition of ''Preferenced Order''

and add a definition for ''Order Flow Provider'' in new subsection (1) does not impose an undue burden on competition because the defined terms provide additional clarity and harmonize to rule text in Phlx at Options 2, Section 10. The proposed changes are not substantive in nature.

Options 3, Section 17

The Exchange's proposal to remove rule text from Options 3, Section 17(a) related to GUI functionality which is being decommissioned does not impose an undue burden on competition because no Member may purge orders at the group level. The amendment will clarify the current rule text. The proposal does not impose an undue burden on inter-market competition as other options markets may similarly copy MRX's Kill Switch functionality.

Options 7, Section 6

The Exchange's proposal to remove the italicized language in Options 7, Section 6 related to a technology migration that took place in 2022 does not impose an undue burden on competition because the rule text related to the technology migration is no longer necessary because the migration is complete and the fees are no longer applicable. No Member is subject to the pricing described for the 2022 technology migration.

*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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[19] and subparagraph (f)(6) of Rule 19b–4 thereunder.[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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MRX–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–MRX–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–MRX–2024–27 and should be submitted on or before August 23, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

**Sherry R. Haywood,**

*Assistant Secretary.*

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[19] 15 U.S.C. 78s(b)(3)(A)(iii).

[20] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[21] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–100613; File No. SR–NASDAQ–2024–042]**

## Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Nasdaq Rule 5710(k)(i) Relating to Equity Index-Linked Securities

July 29, 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 22, 2024, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the 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 its listing rules under Rule 5710(k)(i) related to the criteria for Equity Index-Linked Securities.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange is submitting this proposal in order to bring its listing rules related to Equity Index-Linked Securities in line with those of NYSE Arca, Inc. (''Arca'') and Cboe BZX Exchange, Inc. (''BZX'').[3] Rule 5710(k) sets forth certain rules related to the listing and trading of Linked Securities [4] on the Exchange and Rule 5710(k)(i) relates specifically to the generic listing standards applicable to Equity Index-Linked Securities.[5] Specifically, Rule 5710(k)(i)(A) provides that each index underlying a series of Equity Index-Linked Securities must include at least 10 component securities and meet the requirements of either Rule 5710(k)(i)(A)(1) or (2). Rule 5710(k)(i)(A)(1) provides that each index must have been reviewed and approved for the trading of options or other derivatives by the Commission under Section 19(b)(2) of the Act and rules thereunder and the conditions set forth in the Commission's approval order, including comprehensive surveillance sharing agreements for non-U.S. stocks, continue to be satisfied. Rule 5710(k)(i)(A)(2) provides certain quantitative standards related to the market cap, trading volume, rebalancing, concentration, and surveillance sharing.[6] As noted above, where an index has at least 10 component securities and meets the criteria of either Rule 5710(k)(i)(A)(1) or (2), it meets the initial listing criteria for Equity Index-Linked Securities. Rule 5710(k)(i)(B) includes the continued listing criteria for Equity Index-Linked Securities and provides that Nasdaq will commence delisting or removal proceedings (unless the Commission has approved the continued trading of the subject Equity Index-Linked Security), if any of the standards set forth in Rule 5710(k)(i)(A) are not continuously met, with some additional concentration and trading volume criteria.

The Exchange proposes to amend Rule 5710(k)(i) related to Equity Index-Linked Securities in order to make it substantively identical to the comparable rules on Arca and BZX. In particular, the Exchange is proposing to make certain changes to its rules consistent with Arca's and BZX's rules such that: (i) Derivative Securities Products [7] and Linked Securities will be excluded from several initial and continued listing criteria; (ii) the rule text makes clear that Rule 5710(k)(i)(A)(1) includes a series of Index Fund Shares approved by the Commission under Section 19(b)(2) of the Act; (iii) the existing trading volume requirement under Rule 5710(k)(i)(A)(2)(b) is replaced with a more flexible trading volume standard; (iv) rules with standards applicable only to certain index weightings, including equal-dollar, modified equal-dollar, capitalization-weighted, and modified capitalization-weighted, are eliminated; and (v) Rule 5710(k)(i)(A)(2)(g) [8] provides that securities of a foreign issuer (including when they underlie ADRs) whose primary trading market outside the United States is not a member of the Intermarket Surveillance Group (''ISG'') or a party to a comprehensive surveillance sharing agreement with the Exchange will not in the aggregate represent more than 50% of the dollar weight of the index, and (i) the securities of any one such market may not represent more than 20% of the dollar weight of the index, and (ii) the securities of any two such markets may not represent more than 33% of the dollar weight of the index.

The Exchange also proposes to amend the continued listing criteria for Equity Index-Linked Securities in Rule 5710(k)(i)(B) to exclude Derivative Securities Products and Linked Securities, similar to the changes being proposed in its initial listing criteria for Equity Index-Linked Securities in Rule 5710(k)(i)(A). The Exchange notes that Arca and BZX likewise exclude these products from their relevant continued listing standards.[9]

The Exchange believes that these proposed changes are non-controversial because the changes would make the Exchange's listing rules related to Equity Index-Linked Securities substantively identical to the rules of other listing exchanges [10] and do not present any new or novel issues that have not been previously considered by the Commission.

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 Section 6(b)(5) of the Act,[12] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The proposed changes to Rule 5710(k)(i) related to the listing of Equity Index-Linked Securities on the Exchange remain consistent with the Act because as noted above, the changes will make the Exchange's listing rules for Equity Index-Linked Securities substantively identical to those of Arca and BZX.[13]

As such, the Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest because there are no substantive issues raised by this

[3] *See* Arca Rule 5.2–E(j)(6)(B)(I) and BZX Rule 14.11(d)(2)(K)(i). *See also* Securities Exchange Act Release Nos. 81442 (August 18, 2017), 82 FR 40178 (August 24, 2017) (SR–NYSEArca–2017–54) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend the Generic Listing Criteria Applicable to Equity Index-Linked Securities); and 82895 (March 16, 2018), 83 FR 12633 (March 22, 2018) (SR–CboeBZX–2018–020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Listing Rules Under Rule 14.11(d)(2)(K)(i) Related to Equity Index-Linked Securities).

[4] Linked Securities are securities that qualify for Exchange listing and trading under Rule 5710 and include the following: Equity Index-Linked Securities, Commodity-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities, and Multifactor Index-Linked Securities. *See* Rule 5710.

[5] *See* Securities Exchange Act Release No. 66648 (March 23, 2012), 77 FR 19428 (March 30, 2012) (SR–NASDAQ–2012–013) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to the Adoption of Listing Standards for Certain Securities).

[6] The Exchange notes that today, it does not use dollar weighting in Rule 5710(k)(i)(A)(2)(a) like Arca in Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(i). In this respect, the Exchange's current initial listing criteria aligns instead to BZX's listing criteria in BZX Rule 14.11(d)(2)(K)(i)(a)(2)(A).

[7] Derivative Securities Products include the following: Exchange Traded Fund Shares (Rule 5704); Portfolio Depository Receipts and Index Fund Shares (Rule 5705); Trust Issued Receipts (Rule 5720); Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, Managed Trust Shares (Rule 5711); and Managed Fund Shares (Rule 5735). *See* Rule 5705(b)(3)(A)(i)(a).

[8] Current Rule 5710(k)(i)(A)(2)(g) will be renumbered to Rule 5710(k)(i)(A)(2)(e) under this proposal.

[9] *See supra* note 3.

[10] *See supra* note 6.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See supra* note 6.

proposal that were not otherwise addressed by the Commission.

*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 purpose of the Act. The Exchange believes that the proposal will allow the Exchange to better compete with Arca and BZX by putting Nasdaq on equal footing with the other two exchanges as it relates to listing standards applicable to Equity Index-Linked Securities.

*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

Pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) [15] thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[16]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The proposed rule change, which modifies certain listing standards applicable to Equity Index-Linked Securities, conforms to substantially similar rules of other exchanges [18] and raises no unique or novel legal or regulatory issues. Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2024–042 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2024–042. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2024–042 and should be submitted on or before August 23, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024–17026 Filed 8–1–24; 8:45 am]

**BILLING CODE 8011–01–P**

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. *See id.* The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See, e.g.,* BZX Rule 14.11(d)(2)(K)(i)(a) and (b) (setting forth the initial and continued listing standards for Equity Index-Linked Securities). *See also supra* note 3 and accompanying text.

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12), (59).

## DEPARTMENT OF STATE

**[Public Notice: 12478]**

## Plenary Meeting of the Binational Bridges and Border Crossings Group in Mexico City

**ACTION:** Notice of a meeting.

**SUMMARY:** Delegates from the U.S. and Mexican governments, the states of California, Arizona, New Mexico, and Texas, and the Mexican states of Baja California, Sonora, Chihuahua, Coahuila, Nuevo Laredo, and Tamaulipas will participate in a plenary meeting of the U.S.-Mexico Binational Bridges and Border Crossings Group on Wednesday, September 4, 2024, in Mexico City. The purpose of this meeting is to discuss operational matters involving existing and proposed international bridges and border crossings and their related infrastructure and to exchange technical information as well as views on policy. This meeting will include a public session on Wednesday, September 4, 2024, from 8:30 a.m. until 11:30 a.m. This session will allow interested parties with views on proposed bridges and border crossings and related projects to make presentations to the delegations and members of the public.

**DATES:** September 4, 2024.

**FOR FURTHER INFORMATION CONTACT:** For further information on the meeting and/

or to attend the public session, please contact Beney Lee, Acting Border Coordinator, via email at *WHA-BorderAffairs@state.gov,* by phone at 771–204–0192, or by mail at the Office of Mexican Affairs, Room 3924, Department of State, 2201 C Street NW, Washington, DC 20520.

**Beney J. Lee,**

*Acting Border Coordinator, Office of Mexican Affairs.*

[FR Doc. 2024–17086 Filed 8–1–24; 8:45 am]

**BILLING CODE 4710–29–P**

## SURFACE TRANSPORTATION BOARD

**[Docket No. EP 670 (Sub-No. 2)]**

### Notice of Rail Energy Transportation Advisory Committee Vacancies

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of vacancies on Federal advisory committee and solicitation of nominations.

**SUMMARY:** The Surface Transportation Board (Board) hereby gives notice of five vacancies on its Rail Energy Transportation Advisory Committee (RETAC) for three representatives from electric utilities; one representative from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; and one representative from the petroleum shipping industry. The Board is soliciting nominations from the public for candidates to fill these vacancies.

**DATES:** Nominations for candidates for membership on RETAC are due September 2, 2024.

**ADDRESSES:** Nominations may be submitted either via the Board's e-filing format or in paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E–FILING link on the Board's website, at *http://www.stb.gov.* Any person submitting a filing in paper format should send the original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 670 (Sub-No. 2), 395 E Street SW, Washington, DC 20423–0001.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth McGrath at 202–748–4566. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

**SUPPLEMENTARY INFORMATION:** The Board exercises broad authority over transportation by rail carriers, including rates and services (49 U.S.C. 10701–10747, 11101–11124), construction, acquisition, operation, and abandonment of railroad lines (49 U.S.C. 10901–10907), and consolidation, merger, or common control arrangements between railroads (49 U.S.C. 10902, 11323–11327).

The Board established RETAC in 2007 as a federal advisory committee consisting of a balanced cross-section of energy and rail industry stakeholders to provide independent, candid policy advice to the Board and to foster open, effective communication among the affected interests on issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, railroads, and users of energy resources. RETAC operates under the Federal Advisory Committee Act (5 U.S.C. app. 2, sections 1–16).

RETAC's membership is balanced and representative of interested and affected parties, consisting of not less than: five representatives from the Class I railroads; three representatives from Class II and III railroads; three representatives from coal producers; five representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility); four representatives from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; two representatives from private car owners, car lessors, or car manufacturers; one representative from the petroleum shipping industry; two representatives from renewable energy sources; and one representative from a labor organization. The Committee may also include up to two at large members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors.

Members are selected by the Chair of the Board with the concurrence of a majority of the Board. The Chair may invite representatives from the U.S. Departments of Agriculture, Energy, and Transportation and the Federal Energy Regulatory Commission to serve on RETAC in advisory capacities as *ex officio* (non-voting) members. The members of the Board serve as *ex officio* members of the Committee.

RETAC meets at least twice per year. Meetings are typically held at the Board's headquarters in Washington, DC, but may be held virtually or in other locations. Members of RETAC serve without compensation and without reimbursement of travel expenses. Further information about RETAC is available on the RETAC page of the Board's website at *https://www.stb.gov/resources/stakeholder-committees/retac/.*

The Board is soliciting nominations from the public for candidates to fill five vacancies: three representatives from electric utilities; one representative from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; and one representative from the petroleum shipping industry. All the vacancies are for three-year terms ending September 30, 2027. According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RETAC, as long as they do so in a representative capacity, rather than an individual capacity. *See Revised Guidance on Appointment of Lobbyists to Fed. Advisory Comms., Bds., & Comm'ns,* 79 FR 47482 (Aug. 13, 2014). Members of RETAC are appointed to serve in a representative capacity.

Nominations for candidates to fill the vacancies should be submitted in letter form and should include: (1) the name, position, and business contact information of the candidate to include email address and phone number; (2) the interest the candidate will represent; (3) a summary of the candidate's experience and qualifications for the position; (4) a representation that the candidate is willing to serve as a member of RETAC; and, (5) a statement that the candidate agrees to serve in a representative capacity. Candidates may nominate themselves. The Chair is committed to having a committee reflecting diverse communities and viewpoints and strongly encourages the nomination of candidates from diverse backgrounds. Nominations for candidates for membership on RETAC should be filed with the Board by September 2, 2024. Please note that submissions will be posted publicly on the Board's website under Docket No. EP 670 (Sub-No. 2).

*Authority:* 49 U.S.C. 1321; 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: July 29, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Regena Smith-Bernard,**

*Clearance Clerk.*

[FR Doc. 2024–17124 Filed 8–1–24; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Docket No.: FAA–2024–0431; Summary Notice No. –2024–30]**

### Petition for Exemption; Summary of Petition Received; Elliot Aviation, LLC

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before August 22, 2024.

**ADDRESSES:** Send comments identified by docket number FAA–2024–0431 using any of the following methods:

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

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

*Docket:* Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

**Dan Ngo,**

*Manager, Part 11 Petitions Branch, Office of Rulemaking.*

#### Petition for Exemption

*Docket No.:* FAA–2024–0431.
*Petitioner:* Elliot Aviation, LLC.
*Sections of 14 CFR Affected:* 14 CFR 120.109(a), 120.111(c), 120.115, 120.219(c)(1), 120.223(a), and 120.223(b).
*Description of Relief Sought:* Elliot Aviation, LLC (Elliot) seeks an exemption from §§ 120.109(a), 120.111(c), 120.115, 120.219(c)(1), 120.223(a), and 120.223(b) of title 14, Code of Federal regulations to allow The Maintenance Group, Inc. to combine drug and alcohol testing programs with Elliot, whose program is established under a contractor registration.

[FR Doc. 2024–17059 Filed 8–1–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Docket No.: FAA–2024–1403; Summary Notice No. 2024–26]**

### Petition for Exemption; Summary of Petition Received; Parachute Industry Association

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before August 22, 2024.

**ADDRESSES:** Send comments identified by docket number FAA–2024–1403 using any of the following methods:

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

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

*Docket:* Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Alexander Kem at (202) 267–7571, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

**Dan Ngo,**

*Manager, Part 11 Petitions Branch, Office of Rulemaking.*

#### Petition for Exemption

*Docket No.:* FAA–2024–1403.
*Petitioner:* Parachute Industry Association.
*Section(s) of 14 CFR Affected:* 105.43(a), and 105.45(b)(1).
*Description of Relief Sought:* Parachute Industry Association (PIA) is seeking an exemption from 14 CFR

105.43(a) and 105.45(b)(1) to train Main Parachute Packers (MPP) under an approved pilot program that will qualify, train, and evaluate riggers for the single-harness parachute system, dual-parachute system, and tandem parachute system for the main parachutes. Upon completion of the training program, the MPP will be able to rig main parachutes without the supervision of a certificate parachute rigger.

[FR Doc. 2024–17060 Filed 8–1–24; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2024–0104]**

### Request for Comments on the Renewal of a Previously Approved Collection: Determining Vessel Services Categories for Purposes of the Cargo Preference Act

**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 2133–0540 (Determining Vessel Services Categories for Purposes of the Cargo Preference Act) will be used to create a list of Vessel Self-Designations. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies. A 60-day **Federal Register** Notice soliciting comments on this information collection was published on April 3, 2024 (**Federal Register** (FR) 23082, Vol. 89, No. 65).

**ADDRESSES:** Written comments and recommendations for the proposed information collections 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:** Matthew Duggan, 202–366–5787, Office of Cargo and Commercial Sealift, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *matthew.duggan@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Determining Vessel Services Categories for Purposes of the Cargo Preference Act.

*OMB Control Number:* 2133–0540.

*Type of Request:* Extension Without Change of a Previously Approved Information Collection.

*Abstract:* OMB 2133–0540 (Determining Vessel Services Categories for Purposes of the Cargo Preference Act) is used in the designation of service categories of individual vessels, which is required for compliance with the Cargo Preference Act under a Memorandum of Understanding entered into by the U.S. Department of Agriculture, U.S. Agency for International Development, and the Maritime Administration (MARAD). MARAD will use the data submitted by vessel operators to create a list of Vessel Self-Designations.

*Respondents:* Vessel owners/operators or their appointed agents.

*Affected Public:* Business or other for-profit entities owning and/or operating ocean vessels.

*Estimated Number of Respondents:* 200.

*Estimated Number of Responses:* 200.

*Estimated Hours per Response:* 0.25.

*Annual Estimated Total Annual Burden Hours:* 50.

*Frequency of Response:* Once annually (if needed).

(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. 2024–17055 Filed 8–1–24; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2024–0105]**

### Request for Comments on the Renewal of a Previously Approved Information Collection: Title XI Obligation Guarantees

**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 2133–0018 (Title XI Obligations Guarantees) will be used to evaluate an applicant's project and capabilities, make the required determinations, and administer any agreements executed upon approval of loan guarantees. This collection is being updated to include minor changes to the instructions to streamline the data collection process through electronic submission capability. There is also a reduction in the public burden since the last renewal. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies. A 60-day **Federal Register** Notice soliciting comments on this information collection was published on May 3, 2024 (**Federal Register** (FR) 36847, Vol. 89, No. 87) indicating comments should be submitted on or before July 2, 2024. No comments were received.

**ADDRESSES:** Written comments and recommendations for the proposed information collections 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:** David Gilmore, Director, 202–366–5737, Office of Marine Financing, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *marinefinaning@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Title XI Obligations Guarantees—46 CFR part 298.

*OMB Control Number:* 2133–0018.

*Type of Request:* Extension with Change of a Previously Approved Collection.

*Abstract:* In accordance with 46 U.S.C. chapter 537, MARAD is authorized to execute a full faith and credit guarantee by the United States of debt obligations issued to finance or refinance the construction or reconstruction of vessels. In addition, the program allows for financing shipyard modernization and improvement projects.

*Respondents:* Individuals/businesses interested in obtaining loan guarantees for construction or reconstruction of vessels as well as businesses interested in shipyard modernization and improvements.

*Affected Public:* Business and other for-profit.

*Estimated Number of Respondents:* 5.

*Estimated Number of Responses:* 5.

*Estimated Hours per Response:* 150.

*Annual Estimated Total Annual Burden Hours:* 750.

*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. 2024–17054 Filed 8–1–24; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2024–0517]**

### Request for Comments on the Renewal of a Previously Approved Information Collection: Approval of Underwriters for Marine Hull Insurance

**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 2133–0517 (Approval of Underwriters for Marine Hull Insurance) will be used to provide approval of foreign underwriters based on an assessment of their financial condition, the regulatory regime under which they operate, and a statement attesting to a lack of discrimination in their country against U.S. hull insurers. The regulations also require that American underwriters be given an opportunity to compete for every placement, thereby necessitating in some cases certification that such opportunity was offered. 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 October 1, 2024.

**ADDRESSES:** You may submit comments identified by Docket No. MARAD–2024–0517 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:** Cameryn L. Miller, 202–366–0907, Office of Marine Insurance, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, Email: *cameryn.miller@dot.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Approval of Underwriters for Marine Hull Insurance.

*OMB Control Number:* 2133–0517.

*Type of Request:* Extension Without Change of a Currently Approved Collection.

*Abstract:* This collection of information involves the approval of marine hull underwriters to insure MARAD program vessels. Applicants will be required to submit financial data upon which MARAD approval would be based. This information is needed in order that MARAD officials can evaluate the underwriters and determine their suitability for providing marine hull insurance on MARAD vessels.

*Respondents:* Marine Insurance Underwriters and Brokers.

*Affected Public:* Businesses or other for profit.

*Estimated Number of Respondents:* 66.

*Estimated Number of Responses:* 66.

*Estimated Hours per Response:* .5–1 hour.

*Annual Estimated Total Annual Burden Hours:* 49.

*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. 2024–17056 Filed 8–1–24; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

### Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Procedures To Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act of 2003

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transactions Act of 2003.'' The OCC also is giving notice that it has sent the collection to OMB for review.

**DATES:** Comments must be received by September 3, 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: 1557–0238, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 293–4835.

*Instructions:* You must include ''OCC'' as the agency name and ''1557–0238'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other

supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

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 ''1557–0238'' or ''Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transactions Act of 2003.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

**FOR FURTHER INFORMATION CONTACT:** Shaquita 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:* Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transactions Act of 2003.

*OMB Control No.:* 1557–0238.

*Type of Review:* Regular.

*Description:* Pursuant to section 312 of the FACT Act, the OCC issued guidelines for use by furnishers regarding the accuracy and integrity of the information about consumers that they furnish to consumer reporting agencies and prescribed regulations that require furnishers to establish reasonable policies and procedures for implementing the guidelines. Section 312 also required the issuance of regulations identifying the circumstances under which a furnisher must reinvestigate disputes about the accuracy of information contained in a consumer report based on a direct request from a consumer.

Twelve CFR 1022.42(a) requires furnishers to establish and implement reasonable written policies and procedures regarding the accuracy and integrity of consumer information that they provide to a consumer reporting agency (CRA).

Twelve CFR 1022.43(a) requires a furnisher to conduct a reasonable investigation of a dispute initiated directly by a consumer in certain circumstances. Furnishers are required to have procedures to ensure that disputes received directly from consumers are handled in a substantially similar manner to those complaints received through CRAs.

Twelve CFR 1022.43(f)(2) incorporates the statutory requirement that a furnisher must notify a consumer by mail or other means (if authorized by the consumer) not later than five business days after making a determination that a dispute is frivolous or irrelevant.

Twelve CFR 1022.43(f)(3) incorporates the statute's content requirements for the notices.

*Affected Public:* Businesses or other for-profit.

*Estimated Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 1,032.

*Estimated Total Annual Burden:* 185,603 hours.

*Comments:* On May 28, 2024, the OCC published a 60-day notice for this information collection, (89 FR 46304). 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.

**Eden M. Gray,**

*Assistant Director, Office of the Comptroller of the Currency.*

[FR Doc. 2024–17097 Filed 8–1–24; 8:45 am]

**BILLING CODE 4810–33–P**

## 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 five entities, two individuals, and five vessels 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 and vessels are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. OFAC is additionally updating the entries on the SDN List for two persons and one vessel.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Bradley 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 (*https://www.treasury.gov/ofac*).

**Notice of OFAC Action(s)**

On July 18, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons and vessels are blocked under the relevant sanctions authority listed below.

BILLING CODE 4810–AL–P

## Entities

1. ALPHA SHINE MARINE SERVICES L.L.C (Arabic: الفا شاين للخدمات البحرية ش.ذ.م.م), Office R09-0427, Al Zarooni Building, Dubai, United Arab Emirates; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 18 Jan 2023; Identification Number IMO 6382422; License 1141798 (United Arab Emirates); Economic Register Number (CBLS) 12004404 (United Arab Emirates) [SDGT].

   Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism" (E.O. 13224), 3 CFR, 2019 Comp., p. 356., as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SA'ID AHMAD MUHAMMAD AL-JAMAL (SA'ID AL-JAMAL), a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. BARCO SHIP MANAGEMENT INC, Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro MH96960, Marshall Islands; Office 201, Art Thamani Tower, Al-Asayel Street, Dubai, United Arab Emirates; Registration Country Marshall Islands; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 21 Feb 2023; Identification Number IMO 6389977; Business Registration Number 118561 (Marshall Islands) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. SEA KNOT SHIPPING INC., Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 17 Aug 2021; Identification Number IMO 6253546; Business Registration Number 110481 (Marshall Islands) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support

for, or goods or services to or in support of, the SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

4. FORNACIS ENERGY TRADING CO. L.L.C (Arabic: فورناسيس انرجي للتجارة شركة الشخص الواحد ذ.م.م), Dubai, United Arab Emirates; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 07 Sep 2023; License 1232954 (United Arab Emirates); Economic Register Number (CBLS) 12166455 (United Arab Emirates) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

5. ASCENT GENERAL INSURANCE COMPANY (a.k.a. "AGI"), AGI, Independence Ave, P1520, Victoria, Mahe, Seychelles; 23/180 Sailord Paknam, Samut Prakan 10270, Thailand; Level 40, Sintex Tower Three, 8 Twmasek Boulevard, 038988, Singapore; Website ascentgeneralinsurance.com; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Type: Financial and Insurance Activities [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

**Individuals**

1. BIN AHMAD, Mohammad Roslan (a.k.a. CHIREN, Royston Wu; a.k.a. ROYSTON, Mohammad Roslan; a.k.a. WU, Royston), Batam, Indonesia; DOB 05 Nov 1968; citizen Singapore; alt. citizen Malaysia; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; National ID No. S6837315H (Singapore) (individual) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. ZHUANG, Liang (a.k.a. ZHUANG, Jack), China; DOB 09 Jul 1978; POB Taigu, China; nationality China; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport EB8537291 (China) expires 12 Dec 2027; National ID No. 142429197807090035 (China) (individual) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support

for, or goods or services to or in support of, SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

**Vessels**

1. KASPER (3E5069) Crude Oil Tanker Panama flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9293143; MMSI 352002776 (vessel) [SDGT] (Linked To: ALPHA SHINE MARINE SERVICES L.L.C).

   Identified as property in which ALPHA SHINE MARINE SERVICES L.L.C, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended, has an interest.

2. OCEANIC II (VRJR3) Products Tanker Hong Kong flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9275995; MMSI 477274300 (vessel) [SDGT] (Linked To: BARCO SHIP MANAGEMENT INC).

   Identified as property in which BARCO SHIP MANAGEMENT INC, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended, has an interest.

3. TIREX (3E5098) Crude Oil Tanker Panama flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9203772; MMSI 352002811 (vessel) [SDGT] (Linked To: BARCO SHIP MANAGEMENT INC).

   Identified as property in which BARCO SHIP MANAGEMENT INC, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended, has an interest.

4. WANJI (3EQC8) Chemical/Products Tanker Panama flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9215103; MMSI 351309000 (vessel) [SDGT] (Linked To: BARCO SHIP MANAGEMENT INC).

   Identified as property in which BARCO SHIP MANAGEMENT INC, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended, has an interest.

5. MIROVA DYNAMIC (a.k.a. GULF KNOT) Crude Oil Tanker Unknown flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9237618 (vessel) [SDGT] (Linked To: SEA KNOT SHIPPING INC.).

   Identified as property in which SEA KNOT SHIPPING INC., a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended, has an interest.

On July 18, 2024, OFAC updated the entries on the SDN List for the following persons, which continue to be blocked under the relevant sanctions authorities listed below.

**Individual:**

1. MAHAMUD, Abdi Nasir Ali (Arabic: عبدي ناصر علي محمود) (a.k.a. MAHMOUD, Abdi Naser; a.k.a. MAHMUD, Abdi Nasir Ali; a.k.a. MUHAMMAD, 'Abd-al-Nasir 'Ali), United Arab Emirates; Istanbul, Turkey; DOB 01 May 1977; nationality United Kingdom; Additional Sanctions Information - Subject to Secondary Sanctions; Gender Male; Passport 548347810 (United Kingdom) expires 20 Jan 2029; (individual) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

-to-

MAHAMUD, Abdi Nasir Ali (Arabic: عبدي ناصر علي محمود) (a.k.a. MAHMOUD, Abdi Naser; a.k.a. MAHMUD, Abdi Nasir Ali; a.k.a. MAHMUT, Abdulnasir Ali; a.k.a MUHAMMAD, 'Abd-al-Nasir 'Ali), United Arab Emirates; Istanbul, Turkey; DOB 01 May 1977; nationality United Kingdom; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport (United Kingdom) expires 20 Jan 2029; alt. Passport D00015633 (Somalia) 548347810 expires 13 Aug 2027; alt. Passport 528911113 (United Kingdom) expires 04 Nov 2026 .(individual) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad)

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. AL-JAMAL, Sa'id Ahmad Muhammad (a.k.a. AL GAMAL, Saeed Ahmed Mohammed; a.k.a. RAMI, Abu-Ahmad; a.k.a. "ABU-'ALI"; a.k.a. "AHMAD, Abu"; a.k.a. "HISHAM"), Iran; DOB 01 Jan 1979; nationality Yemen; Additional Sanctions Information - Subject to Secondary Sanctions; Gender Male; Passport 04716186 (Yemen) (individual) [SDGT] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

-to-

AL-JAMAL, Sa'id Ahmad Muhammad (a.k.a. AL GAMAL, Saeed Ahmed Mohammed; a.k.a. RAMI, Abu-Ahmad; a.k.a. SAEIDI, Ahmad; a.k.a. SA'IDI, Ahmad; a.k.a. "ABU-'ALI"; a.k.a. "AHMAD, Abu"; a.k.a. "CAIHONG" (Chinese Simplified: "彩虹"); a.k.a. "HISHAM"), Iran; DOB 01 Jan 1979; alt. DOB 28 Jul 1978; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 04716186 (Yemen); alt. Passport U63475649 (Iran) expires 24 Jun 2028; alt. Passport E49297849 (Iran) expires 24 Aug 2024 (individual) [SDGT] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the ISLAMIC REVOLUTIONARY GUARD CORPS- QODS FORCE, a person whose property and interests in property are blocked pursuant to E.O. 13224.

On July 8, 2024, OFAC updated the entry on the SDN List for the following vessel, which continues to be blocked under the relevant sanctions authorities listed below.

1. ARGO I (f.k.a. AMOL; a.k.a. ARGO 1; f.k.a. CASTOR; f.k.a. CHRISTINA; f.k.a. SILVER CLOUD) (T2EM4) Crude/Oil Products Tanker 99,094DWT 56,068GRT Iran flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information - Subject to Secondary Sanctions; Vessel Registration Identification IMO 9187667; MMSI 256843000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

-to-

ARGO I (|f.k.a. AMOL; a.k.a. ARGO 1; f.k.a. CASTOR; f.k.a. SILVER CLOUD; f.k.a. "CHRISTINA"|) (T2EM4) Crude/Oil Products Tanker 99,094DWT 56,068GRT Iran flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information - Subject to Secondary Sanctions; Vessel Registration Identification IMO 9187667; MMSI 256843000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Dated: July 18, 2024.

**Bradley T. Smith,**

*Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2024–17005 Filed 8–1–24; 8:45 am]

**BILLING CODE 4810–AL–C**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0074]**

### Agency Information Collection Activity Under OMB Review: Request for Change of Program or Place of Training

**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. 2900–0074.''

**FOR FURTHER INFORMATION CONTACT:** *VA PRA information:* Maribel Aponte, 202–461–8900, *vacopaperworkreduact@va.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Request for Change of Program or Place of Training, VA Form 22–1995.

*OMB Control Number:* 2900–0074, *https://www.reginfo.gov/public/do/PRASearch.*

*Type of Review:* Revision of a currently approved collection.

*Abstract:* The VA uses the information requested on this form to determine the applicant's continued eligibility to educational assistance administered by VA when a change of program or place of training occurs.

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 47242, May 31, 2024.

*Affected Public:* Individuals and Households.

*Estimated Annual Burden:* 66,951 hours.

*Estimated Average Burden Time per Respondent:* 20 minutes.

*Frequency of Response:* Once Occasionally.

*Estimated Number of Respondents:* 243,462.

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

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2024–17062 Filed 8–1–24; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0618]**

### Agency Information Collection Activity: Application by Insured Terminally Ill Person for Accelerated Benefit

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public

comment in response to the notice.
DATES: Comments must be received on or before October 1, 2024.

**ADDRESSES:** Comments must be submitted through *www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:**

*Program—Specific information:* Nancy J. Kessinger, 202–632–8924, *Nancy.Kessinger@va.gov.*

*VA PRA information:* Maribel Aponte, 202–461–8900, *vacopaperworkreduact@va.gov.*

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Application by Insured Terminally Ill Person for Accelerated Benefit, Forms SGLV 8284 and SGLV 8284A.

*OMB Control Number:* 2900–0618.

*https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA has amended regulations for the Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs to add accelerated death benefit (Accelerated Benefit) provisions that permit terminally ill policyholders access to the death benefits of their policies before they die. Traditionally, an individual purchases life insurance in order to safeguard his or her dependents against major financial loss due to his or her death. Life insurance serves to replace the lost income of an insured and to provide for his or her final expenses. In recent years, the insurance industry has recognized the financial needs of terminally ill policyholders and has begun offering policies with accelerated benefit provisions. A recent statutory amendment (section 302 of the Veterans Programs Enhancement Act of 1998, Pub. L. 105–368, 112 Stat. 3315, 3332–3333) added section 1980 to title 38, United States Code, which extends an accelerated benefit option to terminally ill persons insured in the SGLI and VGLI programs.

*Affected Public:* Individuals and households.

*Estimated Annual Burden:* 40 hours.

*Estimated Average Burden Per Respondent:* 12 minutes.

*Frequency of Response:* One-time.

*Estimated Number of Respondents:* 200.

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

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2024–17063 Filed 8–1–24; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0516]**

### Agency Information Collection Activity Under OMB Review: Loan Guaranty: Processing Assumptions of VA-Guaranteed Home Loans Under 38 U.S.C. 3714

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

**DATES:** 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. 2900–0516.''

**FOR FURTHER INFORMATION CONTACT:** *VA PRA information:* Maribel Aponte, 202–461–8900, *vacopaperworkreduact@va.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Loan Guaranty: Processing Assumptions of VA-Guaranteed Home Loans under 38 U.S.C. 3714.

*OMB Control Number:* 2900–0516.

*Type of Review:* Reinstatement of a previously approved collection.

*Abstract:* The collection of information is through electronic submission and is accomplished only once per respondent, per loan assumption transaction. This collection is necessary to identify the individual case to ensure VA has met all legal requirements concerning collection of the above-discussed credit package under 38 CFR 36.4301 and copy of the executed deed and/or assumption agreement pursuant to 38 CFR 36.4303(l)(1)(i)(A).

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 46573, May 29, 2024.

*Affected Public:* Individuals and households.

*Estimated Annual Burden:* 514 hours.

*Estimated Average Burden per Respondent:* 15 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 2,055.

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

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2024–17064 Filed 8–1–24; 8:45 am]

**BILLING CODE 8320–01–P**

# FEDERAL REGISTER

Vol. 89 Friday,
No. 149 August 2, 2024

Part II

## Environmental Protection Agency

40 CFR Part 52
Air Plan Approval; IA; Regional Haze State Implementation Plan for the Second Implementation Period; Proposed Rule

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R07–OAR–2024–0313; FRL–12096–01–R7]**

## Air Plan Approval; IA; Regional Haze State Implementation Plan for the Second Implementation Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the regional haze state implementation plan (SIP) revision submitted by Iowa on August 15, 2023, as satisfying applicable requirements under the Clean Air Act (CAA) and EPA's Regional Haze Rule (RHR) for the program's second implementation period. Iowa's SIP submission addresses the requirement that states must periodically revise their long-term strategies for making reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. The EPA is taking this action pursuant to the CAA.

**DATES:** Written comments must be received on or before September 3, 2024.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R07–OAR–2024–0313 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

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**SUPPLEMENTARY INFORMATION:** Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

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### I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2024–0313, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

### II. What is being addressed in this document?

On August 15, 2023, the Iowa Department of Natural Resources (IDNR) submitted a plan to satisfy the regional haze program requirements pursuant to CAA sections 169A and 40 CFR 51.308. The EPA is proposing to approve Iowa's Regional Haze plan for the second planning period. As required by section 169A of the CAA, the Federal RHR calls for state and Federal agencies to work together to improve visibility in 156 national parks and wilderness areas. The rule requires the states, in coordination with the EPA, the National Parks Service (NPS), the U.S. Fish and Wildlife Service (FWS), the U.S. Forest Service (USFS), and other interested parties, to develop and implement air quality protection plans to reduce the pollution that causes visibility impairment. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide ($SO_2$), nitrogen oxides ($NO_X$), and, in some cases, volatile organic compounds (VOC) and ammonia ($NH_3$)). As discussed in further detail below and in the technical support document (TSD) included in this docket, the EPA is proposing to find that Iowa has submitted a Regional Haze plan that

meets the Regional Haze requirements for the second planning period. The State's submission can be found in the docket for this action.

## III. Background and Requirements for Regional Haze Plans

### *A. Regional Haze Background*

In the 1977 CAA amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and wilderness areas.[1] CAA section 169A. The CAA establishes as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.'' CAA section 169A(a)(1). The CAA further directs the EPA to promulgate regulations to assure reasonable progress toward meeting this national goal. CAA section 169A(a)(4). On December 2, 1980, the EPA promulgated regulations to address visibility impairment in mandatory Class I Federal areas (hereinafter referred to as ''Class I areas'') that is ''reasonably attributable'' to a single source or small group of sources. (45 FR 80084, December 2, 1980) These regulations, codified at 40 CFR 51.300 through 51.307, represented the first phase of the EPA's efforts to address visibility impairment. In 1990, Congress added section 169B to the CAA to further address visibility impairment, specifically, impairment from regional haze. CAA section 169B. The EPA promulgated the Regional Haze Rule (RHR), codified at 40 CFR 51.308,[2] on July 1, 1999. (64 FR 35714, July 1, 1999) These regional haze regulations are a central component of the EPA's comprehensive visibility protection program for Class I areas.

Regional haze is visibility impairment that is produced by a multitude of anthropogenic sources and activities which are located across a broad geographic area and that emit pollutants that impair visibility. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide ($SO_2$), nitrogen oxides ($NO_X$), and, in some cases, volatile organic compounds (VOC) and ammonia ($NH_3$)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the perception of clarity and color, as well as visible distance.[3]

To address regional haze visibility impairment, the 1999 RHR established an iterative planning process that requires both states in which Class I areas are located and states ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to periodically submit SIP revisions to address such impairment. CAA section 169A(b)(2);[4] see also 40 CFR 51.308(b), (f) (establishing submission dates for iterative regional haze SIP revisions) (64 FR 35768, July 1, 1999). Under the CAA, each SIP submission must contain ''a long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal,'' CAA section 169A(b)(2)(B); the initial round of SIP submissions also had to address the statutory requirement that certain older, larger sources of visibility impairing pollutants install and operate the best available retrofit technology (BART). CAA section 169A(b)(2)(A); 40 CFR 51.308(d), (e). States' first regional haze SIPs were due by December 17, 2007, 40 CFR 51.308(b), with subsequent SIP submissions containing updated long-term strategies originally due July 31, 2018, and every ten years thereafter. (64 FR 35768, July 1, 1999) The EPA established in the 1999 RHR that all states either have Class I areas within their borders or ''contain sources whose emissions are reasonably anticipated to contribute to regional haze in a Class I area''; therefore, all states must submit regional haze SIPs.[5] *Id.* at 35721.

Much of the focus in the first implementation period of the regional haze program, which ran from 2007 through 2018, was on satisfying states' BART obligations. First implementation period SIPs were additionally required to contain long-term strategies for making reasonable progress toward the national visibility goal, of which BART is one component. The core required elements for the first implementation period SIPs (other than BART) are laid out in 40 CFR 51.308(d). Those provisions required that states containing Class I areas establish reasonable progress goals (RPGs) that are measured in deciviews and reflect the anticipated visibility conditions at the end of the implementation period including from implementation of states' long-term strategies. The first planning period RPGs were required to provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period. In establishing the RPGs for any Class I area in a state, the state was required to consider four statutory factors: the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources. CAA section 169A(g)(1); 40 CFR 51.308(d)(1).

States were also required to calculate baseline (using the five year period of 2000–2004) and natural visibility conditions (*i.e.,* visibility conditions without anthropogenic visibility impairment) for each Class I area, and to calculate the linear rate of progress needed to attain natural visibility conditions, assuming a starting point of baseline visibility conditions in 2004 and ending with natural conditions in

[1] Areas statutorily designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. CAA section 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

[2] In addition to the generally applicable regional haze provisions at 40 CFR 51.308, the EPA also promulgated regulations specific to addressing regional haze visibility impairment in Class I areas on the Colorado Plateau at 40 CFR 51.309. The latter regulations are applicable only for specific jurisdictions' regional haze plans submitted no later than December 17, 2007, and thus are not relevant here.

[3] There are several ways to measure the amount of visibility impairment, *i.e.,* haze. One such measurement is the deciview, which is the principal metric used by the RHR. Under many circumstances, a change in one deciview will be perceived by the human eye to be the same on both clear and hazy days. The deciview is unitless. It is proportional to the logarithm of the atmospheric extinction of light, which is the perceived dimming of light due to its being scattered and absorbed as it passes through the atmosphere. Atmospheric light extinction ($b^{ext}$) is a metric used for expressing visibility and is measured in inverse megameters ($Mm^{-1}$). The EPA's Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (''2019 Guidance'') offers the flexibility for the use of light extinction in certain cases. Light extinction can be simpler to use in calculations than deciviews, since it is not a logarithmic function. See, *e.g.,* 2019 Guidance at 16, 19, *https://www.epa.gov/visibility/guidance-regional-haze-state-implementation-plans-second-implementation-period,* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (August 20, 2019). The formula for the deciview is 10 ln ($b^{ext}$)/10 $Mm^{-1}$). 40 CFR 51.301.

[4] The RHR expresses the statutory requirement for states to submit plans addressing out-of-state class I areas by providing that states must address visibility impairment ''in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State.'' 40 CFR 51.308(d), (f).

[5] In addition to each of the fifty states, the EPA also concluded that the Virgin Islands and District of Columbia must also submit regional haze SIPs because they either contain a Class I area or contain sources whose emissions are reasonably anticipated to contribute regional haze in a Class I area. *See* 40 CFR 51.300(b), (d)(3).

2064. This linear interpolation is known as the uniform rate of progress (URP) and is used as a tracking metric to help states assess the amount of progress they are making towards the national visibility goal over time in each Class I area.[6] 40 CFR 51.308(d)(1)(i)(B), (d)(2). The 1999 RHR also provided that States' long-term strategies must include the ''enforceable emissions limitations, compliance, schedules, and other measures as necessary to achieve the reasonable progress goals.'' 40 CFR 51.308(d)(3). In establishing their long-term strategies, states are required to consult with other states that also contribute to visibility impairment in a given Class I area and include all measures necessary to obtain their shares of the emission reductions needed to meet the RPGs. 40 CFR 51.308(d)(3)(i), (ii). Section 51.308(d) also contains seven additional factors states must consider in formulating their long-term strategies, 40 CFR 51.308(d)(3)(v), as well as provisions governing monitoring and other implementation plan requirements. 40 CFR 51.308(d)(4). Finally, the 1999 RHR required states to submit periodic progress reports—SIP revisions due every five years that contain information on states' implementation of their regional haze plans and an assessment of whether anything additional is needed to make reasonable progress, see 40 CFR 51.308(g), (h)—and to consult with the Federal Land Manager(s)[7] (FLMs) responsible for each Class I area according to the requirements in CAA section 169A(d) and 40 CFR 51.308(i).

On January 10, 2017, the EPA promulgated revisions to the RHR, (82 FR 3078, January 10, 2017), that apply for the second and subsequent implementation periods. The 2017 rulemaking made several changes to the requirements for regional haze SIPs to clarify States' obligations and streamline certain regional haze requirements. The revisions to the regional haze program for the second and subsequent implementation periods focused on the requirement that States' SIPs contain long-term strategies for making reasonable progress towards the national visibility goal. The reasonable progress requirements as revised in the 2017 rulemaking (referred to here as the 2017 RHR Revisions) are codified at 40 CFR 51.308(f). Among other changes, the 2017 RHR Revisions adjusted the deadline for States to submit their second implementation period SIPs from July 31, 2018, to July 31, 2021, clarified the order of analysis and the relationship between RPGs and the long-term strategy, and focused on making visibility improvements on the days with the most *anthropogenic* visibility impairment, as opposed to the days with the most visibility impairment overall. The EPA also revised requirements of the visibility protection program related to periodic progress reports and FLM consultation. The specific requirements applicable to second implementation period regional haze SIP submissions are addressed in detail below.

The EPA provided guidance to the states for their second implementation period SIP submissions in the preamble to the 2017 RHR Revisions as well as in subsequent, stand-alone guidance documents. In August 2019, the EPA issued ''Guidance on Regional Haze State Implementation Plans for the Second Implementation Period'' (''2019 Guidance'').[8] On July 8, 2021, the EPA issued a memorandum containing ''Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period'' (''2021 Clarifications Memo'').[9] Additionally, the EPA further clarified the recommended procedures for processing ambient visibility data and optionally adjusting the URP to account for international anthropogenic and prescribed fire impacts in two technical guidance documents: the December 2018 ''Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program'' (''2018 Visibility Tracking Guidance''),[10] and the June 2020 ''Recommendation for the Use of Patched and Substituted Data and Clarification of Data Completeness for Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program'' and associated Technical Addendum (''2020 Data Completeness Memo'').[11]

As explained in the 2021 Clarifications Memo, the EPA intends the second implementation period of the regional haze program to secure meaningful reductions in visibility impairing pollutants that build on the significant progress states have achieved to date. The Agency also recognizes that analyses regarding reasonable progress are state-specific and that, based on states' and sources' individual circumstances, what constitutes reasonable reductions in visibility impairing pollutants will vary from state-to-state. While there exist many opportunities for states to leverage both ongoing and upcoming emission reductions under other CAA programs, the Agency expects states to undertake rigorous reasonable progress analyses that identify further opportunities to advance the national visibility goal consistent with the statutory and regulatory requirements. See generally 2021 Clarifications Memo. This is consistent with Congress's determination that a visibility protection program is needed in addition to the CAA's National Ambient Air Quality Standards and Prevention of Significant Deterioration programs, as further emission reductions may be necessary to adequately protect visibility in Class I areas throughout the country.[12]

[6] The EPA established the URP framework in the 1999 RHR to provide ''an equitable analytical approach'' to assessing the rate of visibility improvement at Class I areas across the country. The start point for the URP analysis is 2004 and the endpoint was calculated based on the amount of visibility improvement that was anticipated to result from implementation of existing CAA programs over the period from the mid-1990s to approximately 2005. Assuming this rate of progress would continue into the future, the EPA determined that natural visibility conditions would be reached in 60 years, or 2064 (60 years from the baseline starting point of 2004). However, the EPA did not establish 2064 as the year by which the national goal *must* be reached. 64 FR 35731–32. That is, the URP and the 2064 date are not enforceable targets but are rather tools that ''allow for analytical comparisons between the rate of progress that would be achieved by the state's chosen set of control measures and the URP.'' (82 FR 3078, 3084, January 10, 2017).

[7] The EPA's regulations define ''Federal Land Manager'' as ''the Secretary of the department with authority over the Federal Class I area (or the Secretary's designee) or, with respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt-Campobello International Park Commission.'' 40 CFR 51.301.

[8] Guidance on Regional Haze State Implementation Plans for the Second Implementation Period. *https://www.epa.gov/visibility/guidance-regional-haze-state-implementation-plans-second-implementation-period.* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (August 20, 2019).

[9] Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period. *https://www.epa.gov/system/files/documents/2021-07/clarifications-regarding-regional-haze-state-implementation-plans-for-the-second-implementation-period.pdf.* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (July 8, 2021).

[10] Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program. *https://www.epa.gov/visibility/technical-guidance-tracking-visibility-progress-second-implementation-period-regional.* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (December 20, 2018).

[11] Recommendation for the Use of Patched and Substituted Data and Clarification of Data Completeness for Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program. *https://www.epa.gov/visibility/memo-and-technical-addendum-ambient-data-usage-and-completeness-regional-haze-program.* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (June 3, 2020).

[12] See, *e.g.,* H.R. Rep No. 95–294 at 205 (''In determining how to best remedy the growing visibility problem in these areas of great scenic

*B. Roles of Agencies in Addressing Regional Haze*

Because the air pollutants and pollution affecting visibility in Class I areas can be transported over long distances, successful implementation of the regional haze program requires long-term, regional coordination among multiple jurisdictions and agencies that have responsibility for Class I areas and the emissions that impact visibility in those areas. To address regional haze, states need to develop strategies in coordination with one another, considering the effect of emissions from one jurisdiction on the air quality in another. Five regional planning organizations (RPOs),[13] which include representation from state and Tribal governments, the EPA, and FLMs, were developed in the lead-up to the first implementation period to address regional haze. RPOs evaluate technical information to better understand how emissions from State and Tribal land impact Class I areas across the country, pursue the development of regional strategies to reduce emissions of particulate matter and other pollutants leading to regional haze, and help states meet the consultation requirements of the RHR.

The Central Regional Air Planning Association (CenRAP), one of the five RPOs described above, that Iowa was a member of during the first planning period, was a collaborative effort of State governments, Tribal governments, and Federal agencies established to initiate and coordinate activities associated with the management of Regional Haze, visibility, and other air quality issues in parts of Great Plains, Midwest, Southwest, and South Regions of the United States.

After the first planning period SIPs were submitted, the CenRAP was disbanded, and the relevant regulatory entities reorganized as the Central States Air Resources Agencies (CenSARA). CenSARA is a collaborative effort of State governments established to initiate and coordinate activities associated with the management of Regional Haze and other air quality issues in parts of the Great Plains, Midwest, Southwest, and South Regions of the United States. Member States include: Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas. Unlike CenRAP, CenSARA's voting members are only comprised of state agency representatives. However, CenSARA continues to include interested Tribal and Federal partners on communications and regular meetings. The Federal partners of CenSARA are the EPA, NPS, FWS, and USFS.

Iowa also benefited from planning activities of the Lake Michigan Air Directors Consortium (LADCO). Like CenSARA, LADCO is a collaborative effort to improve air quality in the Great Lakes Region of the United States. Though Iowa is not a member State of LADCO, Iowa does impact LADCO State Class I Areas in Minnesota and Michigan, and utilized resources available through LADCO for the second planning period, as referenced throughout the submission.

## IV. Requirements for Regional Haze Plans for the Second Implementation Period

Under the CAA and EPA's regulations, all 50 states, the District of Columbia, and the U.S. Virgin Islands are required to submit regional haze SIPs satisfying the applicable requirements for the second implementation period of the regional haze program by July 31, 2021. Each state's SIP must contain a long-term strategy for making reasonable progress toward meeting the national goal of remedying any existing and preventing any future anthropogenic visibility impairment in Class I areas. CAA section 169A(b)(2)(B). To this end, § 51.308(f) lays out the process by which states determine what constitutes their long-term strategies, with the order of the requirements in § 51.308(f)(1) through (3) generally mirroring the order of the steps in the reasonable progress analysis[14] and (f)(4) through (6) containing additional, related requirements. Broadly speaking, a state first must identify the Class I areas within the state and determine the Class I areas outside the state in which visibility may be affected by emissions from the state. These are the Class I areas that must be addressed in the state's long-term strategy. See 40 CFR 51.308(f) introductory text, (f)(2). For each Class I area within its borders, a state must then calculate the baseline, current, and natural visibility conditions for that area, as well as the visibility improvement made to date and the URP. See 40 CFR 51.308(f)(1). Each state having a Class I area and/or emissions that may affect visibility in a Class I area must then develop a long-term strategy that includes the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress in such areas. A reasonable progress determination is based on applying the four factors in CAA section 169A(g)(1) to sources of visibility impairing pollutants that the state has selected to assess for controls for the second implementation period. Additionally, as further explained below, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five ''additional factors'' [15] that states must consider in developing their long-term strategies. See 40 CFR 51.308(f)(2). A state evaluates potential emission reduction measures for those selected sources and determines which are necessary to make reasonable progress. Those measures are then incorporated into the state's long-term strategy. After a state has developed its long-term strategy, it then establishes RPGs for each Class I area within its borders by modeling the visibility impacts of all reasonable progress controls at the end of the second implementation period, *i.e.,* in 2028, as well as the impacts of other requirements of the CAA. The RPGs include reasonable progress controls not only for sources in the state in which the Class I area is located, but also for sources in other states that contribute to visibility impairment in that area. The RPGs are then compared to the baseline visibility conditions and the URP to ensure that progress is being made towards the statutory goal of preventing any future and remedying any existing anthropogenic visibility impairment in Class I areas. 40 CFR 51.308(f)(2) and (3).

In addition to satisfying the requirements at 40 CFR 51.308(f) related to reasonable progress, the regional haze SIP revisions for the second implementation period must address the requirements in § 51.308(g)(1) through (5) pertaining to periodic reports describing progress towards the RPGs, 40 CFR 51.308(f)(5), as well as requirements for FLM consultation that apply to all visibility protection SIPs and SIP revisions. 40 CFR 51.308(i).

A state must submit its regional haze SIP and subsequent SIP revisions to the EPA according to the requirements applicable to all SIP revisions under the CAA and EPA's regulations. See CAA

importance, the committee realizes that as a matter of equity, the national ambient air quality standards cannot be revised to adequately protect visibility in all areas of the country.''), (''the mandatory class I increments of [the PSD program] do not adequately protect visibility in class I areas'').

[13] RPOs are sometimes also referred to as ''multi-jurisdictional organizations,'' or MJOs. For the purposes of this document, the terms RPO and MJO are synonymous.

[14] The EPA explained in the 2017 RHR Revisions that we were adopting new regulatory language in 40 CFR 51.308(f) that, unlike the structure in 51.308(d), ''tracked the actual planning sequence.'' (82 FR 3091, January 10, 2017).

[15] The five ''additional factors'' for consideration in § 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

section 169A(b)(2); CAA section 110(a). Upon EPA approval, a SIP is enforceable by the Agency and the public under the CAA. If EPA finds that a state fails to make a required SIP revision, or if the EPA finds that a state's SIP is incomplete or disapproves the SIP, the Agency must promulgate a Federal implementation plan (FIP) that satisfies the applicable requirements. CAA section 110(c)(1).

*A. Identification of Class I Areas*

The first step in developing a regional haze SIP is for a state to determine which Class I areas, in addition to those within its borders, ''may be affected'' by emissions from within the state. In the 1999 RHR, the EPA determined that all states contribute to visibility impairment in at least one Class I area, 64 FR 35720–22, and explained that the statute and regulations lay out an ''extremely low triggering threshold'' for determining ''whether States should be required to engage in air quality planning and analysis as a prerequisite to determining the need for control of emissions from sources within their State.'' *Id.* at 35721.

A state must determine which Class I areas must be addressed by its SIP by evaluating the total emissions of visibility impairing pollutants from all sources within the state. While the RHR does not require this evaluation to be conducted in any particular manner, EPA's 2019 Guidance provides recommendations for how such an assessment might be accomplished, including by, where appropriate, using the determinations previously made for the first implementation period. 2019 Guidance at 8–9. In addition, the determination of which Class I areas may be affected by a state's emissions is subject to the requirement in 40 CFR 51.308(f)(2)(iii) to ''document the technical basis, including modeling, monitoring, cost, engineering, and emissions information, on which the State is relying to determine the emission reduction measures that are necessary to make reasonable progress in each mandatory Class I Federal area it affects.''

*B. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress*

As part of assessing whether a SIP submission for the second implementation period is providing for reasonable progress towards the national visibility goal, the RHR contains requirements in § 51.308(f)(1) related to tracking visibility improvement over time. The requirements of this section apply only to states having Class I areas within their borders; the required calculations must be made for each such Class I area. EPA's 2018 Visibility Tracking Guidance [16] provides recommendations to assist states in satisfying their obligations under § 51.308(f)(1); specifically, in developing information on baseline, current, and natural visibility conditions, and in making optional adjustments to the URP to account for the impacts of international anthropogenic emissions and prescribed fires. See 82 FR 3103–05.

The RHR requires tracking of visibility conditions on two sets of days: the clearest and the most impaired days. Visibility conditions for both sets of days are expressed as the average deciview index for the relevant five-year period (the period representing baseline or current visibility conditions). The RHR provides that the relevant sets of days for visibility tracking purposes are the 20% clearest (the 20% of monitored days in a calendar year with the lowest values of the deciview index) and 20% most impaired days (the 20% of monitored days in a calendar year with the highest amounts of anthropogenic visibility impairment).[17] 40 CFR 51.301. A state must calculate visibility conditions for both the 20% clearest and 20% most impaired days for the baseline period of 2000–2004 and the most recent five-year period for which visibility monitoring data are available (representing current visibility conditions). 40 CFR 51.308(f)(1)(i), (iii). States must also calculate natural visibility conditions for the clearest and most impaired days,[18] by estimating the conditions that would exist on those two sets of days absent anthropogenic visibility impairment. 40 CFR 51.308(f)(1)(ii). Using all these data, states must then calculate, for each Class I area, the amount of progress made since the baseline period (2000–2004) and how much improvement is left to achieve to reach natural visibility conditions.

Using the data for the set of most impaired days only, states must plot a line between visibility conditions in the baseline period and natural visibility conditions for each Class I area to determine the URP—the amount of visibility improvement, measured in deciviews, that would need to be achieved during each implementation period to achieve natural visibility conditions by the end of 2064. The URP is used in later steps of the reasonable progress analysis for informational purposes and to provide a non-enforceable benchmark against which to assess a Class I area's rate of visibility improvement.[19] Additionally, in the 2017 RHR Revisions, the EPA provided states the option of proposing to adjust the endpoint of the URP to account for impacts of anthropogenic sources outside the United States and/or impacts of certain types of wildland prescribed fires. These adjustments, which must be approved by the EPA, are intended to avoid any perception that states should compensate for impacts from international anthropogenic sources and to give states the flexibility to determine that limiting the use of wildland-prescribed fire is not necessary for reasonable progress. 82 FR 3107 footnote 116.

EPA's 2018 Visibility Tracking Guidance can be used to help satisfy the 40 CFR 51.308(f)(1) requirements, including in developing information on baseline, current, and natural visibility conditions, and in making optional adjustments to the URP. In addition, the 2020 Data Completeness Memo provides recommendations on the data completeness language referenced in § 51.308(f)(1)(i) and provides updated natural conditions estimates for each Class I area.

*C. Long-Term Strategy for Regional Haze*

The core component of a regional haze SIP submission is a long-term strategy that addresses regional haze in each Class I area within a state's borders and each Class I area that may be affected by emissions from the state. The long-term strategy ''must include the enforceable emissions limitations, compliance schedules, and other

[16] The 2018 Visibility Tracking Guidance references and relies on parts of the 2003 Tracking Guidance: ''Guidance for Tracking Progress Under the Regional Haze Rule,'' which can be found at *https://www.epa.gov/sites/default/files/2021-03/documents/tracking.pdf.*

[17] This document also refers to the 20% clearest and 20% most anthropogenically impaired days as the ''clearest'' and ''most impaired'' or ''most anthropogenically impaired'' days, respectively.

[18] The RHR at 40 CFR 51.308(f)(1)(ii) contains an error related to the requirement for calculating two sets of natural conditions values. The rule says ''most impaired days or the clearest days'' where it should say ''most impaired days and clearest days.'' This is an error that was intended to be corrected in the 2017 RHR Revisions but did not get corrected in the final rule language. This is supported by the preamble text at 82 FR 3098: ''In the final version of 40 CFR 51.308(f)(1)(ii), an occurrence of ''or'' has been corrected to ''and'' to indicate that natural visibility conditions for both the most impaired days and the clearest days must be based on available monitoring information.''

[19] Being on or below the URP is not a ''safe harbor''; *i.e.,* achieving the URP does not mean that a Class I area is making ''reasonable progress'' and does not relieve a state from using the four statutory factors to determine what level of control is needed to achieve such progress. *See, e.g.,* 82 FR 3093.

measures that are necessary to make reasonable progress, as determined pursuant to (f)(2)(i) through (iv).'' 40 CFR 51.308(f)(2). The amount of progress that is ''reasonable progress'' is based on applying the four statutory factors in CAA section 169A(g)(1) in an evaluation of potential control options for sources of visibility impairing pollutants, which is referred to as a ''four-factor'' analysis. The outcome of that analysis is the emission reduction measures that a particular source or group of sources needs to implement to make reasonable progress towards the national visibility goal. See 40 CFR 51.308(f)(2)(i). Emission reduction measures that are necessary to make reasonable progress may be either new, additional control measures for a source, or they may be the existing emission reduction measures that a source is already implementing. See 2019 Guidance at 43; 2021 Clarifications Memo at 8–10. Such measures must be represented by ''enforceable emissions limitations, compliance schedules, and other measures'' (*i.e.,* any additional compliance tools) in a state's long-term strategy in its SIP. 40 CFR 51.308(f)(2).

Section 51.308(f)(2)(i) provides the requirements for the four-factor analysis. The first step of this analysis entails selecting the sources to be evaluated for emission reduction measures; to this end, the RHR requires states to consider ''major and minor stationary sources or groups of sources, mobile sources, and area sources'' of visibility impairing pollutants for potential four-factor control analysis. 40 CFR 51.308(f)(2)(i). A threshold question at this step is which visibility impairing pollutants will be analyzed. As EPA previously explained, consistent with the first implementation period, EPA generally expects that each state will analyze at least $SO_2$ and $NO_X$ in selecting sources and determining control measures. See 2019 Guidance at 12, 2021 Clarifications Memo at 4. A state that chooses not to consider at least these two pollutants should demonstrate why such consideration would be unreasonable. 2021 Clarifications Memo at 4.

While states have the option to analyze *all* sources, the 2019 Guidance explains that ''an analysis of control measures is not required for every source in each implementation period,'' and that ''[s]electing a set of sources for analysis of control measures in each implementation period is . . . consistent with the Regional Haze Rule, which sets up an iterative planning process and anticipates that a state may not need to analyze control measures for all its sources in a given SIP revision.'' 2019 Guidance at 9. However, given that source selection is the basis of all subsequent control determinations, a reasonable source selection process ''should be designed and conducted to ensure that source selection results in a set of pollutants and sources the evaluation of which has the potential to meaningfully reduce their contributions to visibility impairment.'' 2021 Clarifications Memo at 3.

EPA explained in the 2021 Clarifications Memo that each state has an obligation to submit a long-term strategy that addresses the regional haze visibility impairment that results from emissions from within that state. Thus, source selection should focus on the in-state contribution to visibility impairment and be designed to capture a meaningful portion of the state's total contribution to visibility impairment in Class I areas. A state should not decline to select its largest in-state sources on the basis that there are even larger out-of-state contributors. 2021 Clarifications Memo at 4.[20]

Thus, while states have discretion to choose any source selection methodology that is reasonable, whatever choices they make should be reasonably explained. To this end, 40 CFR 51.308(f)(2)(i) requires that a state's SIP submission include ''a description of the criteria it used to determine which sources or groups of sources it evaluated.'' The technical basis for source selection, which may include methods for quantifying potential visibility impacts such as emissions divided by distance metrics, trajectory analyses, residence time analyses, and/or photochemical modeling, must also be appropriately documented, as required by 40 CFR 51.308(f)(2)(iii).

Once a state has selected the set of sources, the next step is to determine the emissions reduction measures for those sources that are necessary to make reasonable progress for the second implementation period.[21] This is accomplished by considering the four factors—''the costs of compliance, the time necessary for compliance, and the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements.'' CAA section 169A(g)(1). The EPA has explained that the four-factor analysis is an assessment of potential emission reduction measures (*i.e.,* control options) for sources; ''use of the terms 'compliance' and 'subject to such requirements' in section 169A(g)(1) strongly indicates that Congress intended the relevant determination to be the requirements with which sources would have to comply to satisfy the CAA's reasonable progress mandate.'' 82 FR 3091. Thus, for each source it has selected for four-factor analysis,[22] a state must consider a ''meaningful set'' of technically feasible control options for reducing emissions of visibility impairing pollutants. *Id.* at 3088. The 2019 Guidance provides that ''[a] state must reasonably pick and justify the measures that it will consider, recognizing that there is no statutory or regulatory requirement to consider all technically feasible measures or any particular measures. A range of technically feasible measures available to reduce emissions would be one way to justify a reasonable set.'' 2019 Guidance at 29.

EPA's 2021 Clarifications Memo provides further guidance on what constitutes a reasonable set of control options for consideration: ''A reasonable four-factor analysis will consider the full range of potentially reasonable options for reducing emissions.'' 2021 Clarifications Memo at 7. In addition to add-on controls and other retrofits (*i.e.,* new emissions reduction measures for sources), EPA explained that states should generally analyze efficiency improvements for sources' existing measures as control options in their four-factor analyses, as in many cases

[20] Similarly, in responding to comments on the 2017 RHR Revisions the EPA explained that ''[a] state should not fail to address its many relatively low-impact sources merely because it only has such sources and another state has even more low-impact sources and/or some high impact sources.'' Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016) at 87–88.

[21] The CAA provides that, ''[i]n determining reasonable progress there shall be taken into consideration'' the four statutory factors. CAA section 169A(g)(1). However, in addition to four-factor analyses for selected sources, groups of sources, or source categories, a state may also consider additional emission reduction measures for inclusion in its long-term strategy, *e.g.,* from other newly adopted, on-the-books, or on-the-way rules and measures for sources not selected for four-factor analysis for the second planning period.

[22] ''Each source'' or ''particular source'' is used here as shorthand. While a source-specific analysis is one way of applying the four factors, neither the statute nor the RHR requires states to evaluate individual sources. Rather, states have ''the flexibility to conduct four-factor analyses for specific sources, groups of sources or even entire source categories, depending on state policy preferences and the specific circumstances of each state.'' 82 FR 3088. However, not all approaches to grouping sources for four-factor analysis are necessarily reasonable; the reasonableness of grouping sources in any particular instance will depend on the circumstances and the manner in which grouping is conducted. If it is feasible to establish and enforce different requirements for sources or subgroups of sources, and if relevant factors can be quantified for those sources or subgroups, then states should make a separate reasonable progress determination for each source or subgroup. 2021 Clarifications Memo at 7–8.

such improvements are reasonable given that they typically involve only additional operation and maintenance costs. Additionally, the 2021 Clarifications Memo provides that states that have assumed a higher emissions rate than a source has achieved or could potentially achieve using its existing measures should also consider lower emissions rates as potential control options. That is, a state should consider a source's recent actual and projected emission rates to determine if it could reasonably attain lower emission rates with its existing measures. If so, the state should analyze the lower emission rate as a control option for reducing emissions. 2021 Clarifications Memo at 7. The EPA's recommendations to analyze potential efficiency improvements and achievable lower emission rates apply to both sources that have been selected for four-factor analysis and those that have forgone a four-factor analysis on the basis of existing ''effective controls.'' See 2021 Clarifications Memo at 5, 10.

After identifying a reasonable set of potential control options for the sources it has selected, a state then collects information on the four factors with regard to each option identified. The EPA has also explained that, in addition to the four statutory factors, states have flexibility under the CAA and RHR to reasonably consider visibility benefits as an additional factor alongside the four statutory factors.[23] The 2019 Guidance provides recommendations for the types of information that can be used to characterize the four factors (with or without visibility), as well as ways in which states might reasonably consider and balance that information to determine which of the potential control options is necessary to make reasonable progress. See 2019 Guidance at 30–36. The 2021 Clarifications Memo contains further guidance on how states can reasonably consider modeled visibility impacts or benefits in the context of a four-factor analysis. 2021 Clarifications Memo at 12–13, 14–15. Specifically, the EPA explained that while visibility can reasonably be used when comparing and choosing between multiple reasonable control options, it should not be used to summarily reject controls that are reasonable given the four statutory factors. 2021 Clarifications Memo at 13. Ultimately, while states have discretion to reasonably weigh the factors and to determine what level of control is needed, § 51.308(f)(2)(i) provides that a state ''must include in its implementation plan a description of . . . how the four factors were taken into consideration in selecting the measure for inclusion in its long-term strategy.''

As explained above, § 51.308(f)(2)(i) requires states to determine the emission reduction measures for sources that are necessary to make reasonable progress by considering the four factors. Pursuant to § 51.308(f)(2), measures that are necessary to make reasonable progress towards the national visibility goal must be included in a state's long-term strategy and in its SIP.[24] If the outcome of a four-factor analysis is a new, additional emission reduction measure for a source, that new measure is necessary to make reasonable progress towards remedying existing anthropogenic visibility impairment and must be included in the SIP. If the outcome of a four-factor analysis is that no new measures are reasonable for a source, continued implementation of the source's existing measures is generally necessary to prevent future emission increases and thus to make reasonable progress towards the second part of the national visibility goal: preventing future anthropogenic visibility impairment. See CAA section 169A(a)(1). That is, when the result of a four-factor analysis is that no new measures are necessary to make reasonable progress, the source's existing measures are generally necessary to make reasonable progress and must be included in the SIP. However, there may be circumstances in which a state can demonstrate that a source's existing measures are *not* necessary to make reasonable progress. Specifically, if a state can demonstrate that a source will continue to implement its existing measures and will not increase its emissions rate, it may not be necessary to have those measures in the long-term strategy to prevent future emissions increases and future visibility impairment. The EPA's 2021 Clarifications Memo provides further explanation and guidance on how states may demonstrate that a source's existing measures are not necessary to make reasonable progress. See 2021 Clarifications Memo at 8–10. If the state can make such a demonstration, it need not include a source's existing measures in the long-term strategy or its SIP.

As with source selection, the characterization of information on each of the factors is also subject to the documentation requirement in § 51.308(f)(2)(iii). The reasonable progress analysis, including source selection, information gathering, characterization of the four statutory factors (and potentially visibility), balancing of the four factors, and selection of the emission reduction measures that represent reasonable progress, is a technically complex exercise, but also a flexible one that provides states with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility, § 51.308(f)(2)(iii) plays an important function in requiring a state to document the technical basis for its decision making so that the public and the EPA can comprehend and evaluate the information and analysis the state relied upon to determine what emission reduction measures must be in place to make reasonable progress. The technical documentation must include the modeling, monitoring, cost, engineering, and emissions information on which the state relied to determine the measures necessary to make reasonable progress. This documentation requirement can be met through the provision of and reliance on technical analyses developed through a regional planning process, so long as that process and its output has been approved by all state participants. In addition to the explicit regulatory requirement to document the technical basis of their reasonable progress determinations, states are also subject to the general principle that those determinations must be reasonably moored to the statute.[25] That is, a state's decisions about the emission reduction measures that are necessary to make reasonable progress must be consistent with the statutory goal of remedying existing and preventing future visibility impairment.

The four statutory factors (and potentially visibility) are used to

[23] See, *e.g.,* Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016) (December 2016), Docket Number EPA–HQ–OAR–2015–0531, U.S. Environmental Protection Agency at 186; 2019 Guidance at 36–37.

[24] States may choose to, but are not required to, include measures in their long-term strategies beyond just the emission reduction measures that are necessary for reasonable progress. See 2021 Clarifications Memo at 16. For example, states with smoke management programs may choose to submit their smoke management plans to the EPA for inclusion in their SIPs but are not required to do so. See, *e.g.,* 82 FR 3108–09 (requirement to consider smoke management practices and smoke management programs under 40 CFR 51.308(f)(2)(iv) does not require states to adopt such practices or programs into their SIPs, although they may elect to do so).

[25] See Arizona ex rel. *Darwin* v. *U.S. EPA,* 815 F.3d 519, 531 (9th Cir. 2016); *Nebraska* v. *U.S. EPA,* 812 F.3d 662, 668 (8th Cir. 2016); *North Dakota* v. *EPA,* 730 F.3d 750, 761 (8th Cir. 2013); *Oklahoma* v. *EPA,* 723 F.3d 1201, 1206, 1208–10 (10th Cir. 2013); cf. also *Nat'l Parks Conservation Ass'n* v. *EPA,* 803 F.3d 151, 165 (3d Cir. 2015); *Alaska Dep't of Envtl. Conservation* v. *EPA,* 540 U.S. 461, 485, 490 (2004).

determine what emission reduction measures for selected sources must be included in a state's long-term strategy for making reasonable progress. Additionally, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five ''additional factors'' [26] that states must consider in developing their long-term strategies: (1) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (2) measures to reduce the impacts of construction activities; (3) source retirement and replacement schedules; (4) basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs; and (5) the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy. The 2019 Guidance provides that a state may satisfy this requirement by considering these additional factors in the process of selecting sources for four-factor analysis, when performing that analysis, or both, and that not every one of the additional factors needs to be considered at the same stage of the process. See 2019 Guidance at 21. The EPA provided further guidance on the five additional factors in the 2021 Clarifications Memo, explaining that a state should generally not reject cost-effective and otherwise reasonable controls merely because there have been emission reductions since the first planning period owing to other ongoing air pollution control programs or merely because visibility is otherwise projected to improve at Class I areas. Additionally, states generally should not rely on these additional factors to summarily assert that the state has already made sufficient progress and, therefore, no sources need to be selected or no new controls are needed regardless of the outcome of four-factor analyses. 2021 Clarifications Memo at 13.

Because the air pollution that causes regional haze crosses state boundaries, § 51.308(f)(2)(ii) requires a state to consult with other states that also have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area. Consultation allows for each state that impacts visibility in an area to share whatever technical information, analyses, and control determinations may be necessary to develop coordinated emission management strategies. This coordination may be managed through inter- and intra-RPO consultation and the development of regional emissions strategies; additional consultations between states outside of RPO processes may also occur. If a state, pursuant to consultation, agrees that certain measures (*e.g.,* a certain emission limitation) are necessary to make reasonable progress at a Class I area, it must include those measures in its SIP. 40 CFR 51.308(f)(2)(ii)(A). Additionally, the RHR requires that states that contribute to visibility impairment at the same Class I area consider the emission reduction measures the other contributing states have identified as being necessary to make reasonable progress for their own sources. 40 CFR 51.308(f)(2)(ii)(B). If a state has been asked to consider or adopt certain emission reduction measures, but ultimately determines those measures are not necessary to make reasonable progress, that state must document in its SIP the actions taken to resolve the disagreement. 40 CFR 51.308(f)(2)(ii)(C). The EPA will consider the technical information and explanations presented by the submitting state and the state with which it disagrees when considering whether to approve the state's SIP. See *Id.*; 2019 Guidance at 53. Under all circumstances, a state must document in its SIP submission all substantive consultations with other contributing states. 40 CFR 51.308(f)(2)(ii)(C).

*D. Reasonable Progress Goals*

Reasonable progress goals ''measure the progress that is projected to be achieved by the control measures states have determined are necessary to make reasonable progress based on a four-factor analysis.'' 82 FR 3091. Their primary purpose is to assist the public and the EPA in assessing the reasonableness of states' long-term strategies for making reasonable progress towards the national visibility goal. See 40 CFR 51.308(f)(3)(iii) and (iv). States in which Class I areas are located must establish two RPGs, both in deciviews—one representing visibility conditions on the clearest days and one representing visibility on the most anthropogenically impaired days—for each area within their borders. 40 CFR 51.308(f)(3)(i). The two RPGs are intended to reflect the projected impacts, on the two sets of days, of the emission reduction measures the state with the Class I area, as well as all other contributing states, have included in their long-term strategies for the second implementation period.[27] The RPGs also account for the projected impacts of implementing other CAA requirements, including non-SIP based requirements. Because RPGs are the modeled result of the measures in states' long-term strategies (as well as other measures required under the CAA), they cannot be determined before states have conducted their four-factor analyses and determined the control measures that are necessary to make reasonable progress. See 2021 Clarifications Memo at 6.

For the second implementation period, the RPGs are set for 2028. Reasonable progress goals are not enforceable targets, 40 CFR 51.308(f)(3)(iii); rather, they ''provide a way for the states to check the projected outcome of the [long-term strategy] against the goals for visibility improvement.'' 2019 Guidance at 46. While states are not legally obligated to achieve the visibility conditions described in their RPGs, § 51.308(f)(3)(i) requires that ''[t]he long-term strategy and the reasonable progress goals must provide for an improvement in visibility for the most impaired days since the baseline period and ensure no degradation in visibility for the clearest days since the baseline period.'' Thus, states are required to have emission reduction measures in their long-term strategies that are projected to achieve visibility conditions on the most impaired days that are better than the baseline period and shows no degradation on the clearest days compared to the clearest days from the baseline period. The baseline period for the purpose of this comparison is the baseline visibility condition—the annual average visibility condition for the period 2000–2004. See 40 CFR 51.308(f)(1)(i), 82 FR 3097–98.

So that RPGs may also serve as a metric for assessing the amount of progress a state is making towards the national visibility goal, the RHR requires states with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the URP line (representing visibility conditions in 2028 if visibility

[26] The five ''additional factors'' for consideration in § 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

[27] RPGs are intended to reflect the projected impacts of the measures all contributing states include in their long-term strategies. However, due to the timing of analyses, control determinations by other states, and other on-going emissions changes, a particular state's RPGs may not reflect all control measures and emissions reductions that are expected to occur by the end of the implementation period. The 2019 Guidance provides recommendations for addressing the timing of RPG calculations when states are developing their long-term strategies on disparate schedules, as well as for adjusting RPGs using a post-modeling approach. 2019 Guidance at 47–48.

were to improve at a linear rate from conditions in the baseline period of 2000–2004 to natural visibility conditions in 2064). If the most impaired days RPG in 2028 is above the URP (*i.e.,* if visibility conditions are improving more slowly than the rate described by the URP), each state that contributes to visibility impairment in the Class I area must demonstrate, based on the four-factor analysis required under 40 CFR 51.308(f)(2)(i), that no additional emission reduction measures would be reasonable to include in its long-term strategy. 40 CFR 51.308(f)(3)(ii). To this end, 40 CFR 51.308(f)(3)(ii) requires that each state contributing to visibility impairment in a Class I area that is projected to improve more slowly than the URP provide ''a robust demonstration, including documenting the criteria used to determine which sources or groups [of] sources were evaluated and how the four factors required by paragraph (f)(2)(i) were taken into consideration in selecting the measures for inclusion in its long-term strategy.'' The 2019 Guidance provides suggestions about how such a ''robust demonstration'' might be conducted. See 2019 Guidance at 50–51.

The 2017 RHR, 2019 Guidance, and 2021 Clarifications Memo also explain that projecting an RPG that is on or below the URP based on only on-the-books and/or on-the-way control measures (*i.e.,* control measures already required or anticipated before the four-factor analysis is conducted) is not a ''safe harbor'' from the CAA's and RHR's requirement that all states must conduct a four-factor analysis to determine what emission reduction measures constitute reasonable progress. The URP is a planning metric used to gauge the amount of progress made thus far and the amount left before reaching natural visibility conditions. However, the URP is not based on consideration of the four statutory factors and therefore cannot answer the question of whether the amount of progress being made in any particular implementation period is ''reasonable progress.'' See 82 FR 3093, 3099–3100; 2019 Guidance at 22; 2021 Clarifications Memo at 15–16.

*E. Monitoring Strategy and Other State Implementation Plan Requirements*

Section 51.308(f)(6) requires states to have certain strategies and elements in place for assessing and reporting on visibility. Individual requirements under this section apply either to states with Class I areas within their borders, states with no Class I areas but that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area, or both. A state with Class I areas within its borders must submit with its SIP revision a monitoring strategy for measuring, characterizing, and reporting regional haze visibility impairment that is representative of all Class I areas within the state. SIP revisions for such states must also provide for the establishment of any additional monitoring sites or equipment needed to assess visibility conditions in Class I areas, as well as reporting of all visibility monitoring data to the EPA at least annually. Compliance with the monitoring strategy requirement may be met through a state's participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring network, which is used to measure visibility impairment caused by air pollution at the 156 Class I areas covered by the visibility program. 40 CFR 51.308(f)(6) introductory text and (f)(6)(i) and (iv). The IMPROVE monitoring data is used to determine the 20% most anthropogenically impaired and 20% clearest sets of days every year at each Class I area and tracks visibility impairment over time.

All states' SIPs must provide for procedures by which monitoring data and other information are used to determine the contribution of emissions from within the state to regional haze visibility impairment in affected Class I areas. 40 CFR 51.308(f)(6)(ii), (iii). Section 51.308(f)(6)(v) further requires that all states' SIPs provide for a statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area; the inventory must include emissions for the most recent year for which data are available and estimates of future projected emissions. States must also include commitments to update their inventories periodically. The inventories themselves do not need to be included as elements in the SIP and are not subject to EPA review as part of the Agency's evaluation of a SIP revision.[28] All states' SIPs must also provide for any other elements, including reporting, recordkeeping, and other measures, that are necessary for states to assess and report on visibility. 40 CFR 51.308(f)(6)(vi). Per the 2019 Guidance, a state may note in its regional haze SIP that its compliance with the Air Emissions Reporting Rule (AERR) in 40 CFR part 51, subpart A, satisfies the requirement to provide for an emissions inventory for the most recent year for which data are available. To satisfy the requirement to provide estimates of future projected emissions, a state may explain in its SIP how projected emissions were developed for use in establishing RPGs for its own and nearby Class I areas.[29]

Separate from the requirements related to monitoring for regional haze purposes under 40 CFR 51.308(f)(6), the RHR also contains a requirement at § 51.308(f)(4) related to any additional monitoring that may be needed to address visibility impairment in Class I areas from a single source or a small group of sources. This is called ''reasonably attributable visibility impairment.'' [30] Under this provision, if the EPA or the FLM of an affected Class I area has advised a state that additional monitoring is needed to assess reasonably attributable visibility impairment, the state must include in its SIP revision for the second implementation period an appropriate strategy for evaluating such impairment.

*F. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals*

Section 51.308(f)(5) requires a state's regional haze SIP revision to address the requirements of paragraphs 40 CFR 51.308(g)(1) through (5) so that the plan revision due in 2021 will serve also as a progress report addressing the period since submission of the progress report for the first implementation period. The regional haze progress report requirement is designed to inform the public and the EPA about a state's implementation of its existing long-term strategy and whether such implementation is in fact resulting in the expected visibility improvement. See 81 FR 26942, 26950 (May 4, 2016), (82 FR 3119, January 10, 2017). To this end, every state's SIP revision for the second implementation period is required to describe the status of implementation of all measures included in the state's long-term strategy, including BART and reasonable progress emission reduction measures from the first implementation period, and the resulting emissions reductions. 40 CFR 51.308(g)(1) and (2).

A core component of the progress report requirements is an assessment of changes in visibility conditions on the clearest and most impaired days. For second implementation period progress reports, § 51.308(g)(3) requires states with Class I areas within their borders

[28] See ''Step 8: Additional requirements for regional haze SIPs'' in 2019 Guidance at 55.

[29] *Id.*

[30] The EPA's visibility protection regulations define ''reasonably attributable visibility impairment'' as ''visibility impairment that is caused by the emission of air pollutants from one, or a small number of sources.'' 40 CFR 51.301.

to first determine current visibility conditions for each area on the most impaired and clearest days, 40 CFR 51.308(g)(3)(i)(B), and then to calculate the difference between those current conditions and baseline (2000–2004) visibility conditions to assess progress made to date. See 40 CFR 51.308(g)(3)(ii)(B). States must also assess the changes in visibility impairment for the most impaired and clearest days since they submitted their first implementation period progress reports. See 40 CFR 51.308(g)(3)(iii)(B), (f)(5). Since different states submitted their first implementation period progress reports at different times, the starting point for this assessment will vary state by state.

Similarly, states must provide analyses tracking the change in emissions of pollutants contributing to visibility impairment from all sources and activities within the state over the period since they submitted their first implementation period progress reports. See 40 CFR 51.308(g)(4), (f)(5). Changes in emissions should be identified by the type of source or activity. Section 51.308(g)(5) also addresses changes in emissions since the period addressed by the previous progress report and requires states' SIP revisions to include an assessment of any significant changes in anthropogenic emissions within or outside the state. This assessment must explain whether these changes in emissions were anticipated and whether they have limited or impeded progress in reducing emissions and improving visibility relative to what the state projected based on its long-term strategy for the first implementation period.

### *G. Requirements for State and Federal Land Manager Coordination*

CAA section 169A(d) requires that before a state holds a public hearing on a proposed regional haze SIP revision, it must consult with the appropriate FLM or FLMs; pursuant to that consultation, the state must include a summary of the FLMs' conclusions and recommendations in the notice to the public. Consistent with this statutory requirement, the RHR also requires that states ''provide the [FLM] with an opportunity for consultation, in person and at a point early enough in the State's policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the [FLM] can meaningfully inform the State's decisions on the long-term strategy.'' 40 CFR 51.308(i)(2). Consultation that occurs 120 days prior to any public hearing or public comment opportunity will be deemed ''early enough,'' but the RHR provides that in any event the opportunity for consultation must be provided at least 60 days before a public hearing or comment opportunity. This consultation must include the opportunity for the FLMs to discuss their assessment of visibility impairment in any Class I area and their recommendations on the development and implementation of strategies to address such impairment. 40 CFR 51.308(i)(2). For the EPA to evaluate whether FLM consultation meeting the requirements of the RHR has occurred, the SIP submission should include documentation of the timing and content of such consultation. The SIP revision submitted to the EPA must also describe how the state addressed any comments provided by the FLMs. 40 CFR 51.308(i)(3). Finally, a SIP revision must provide procedures for continuing consultation between the state and FLMs regarding the state's visibility protection program, including development and review of SIP revisions, five-year progress reports, and the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas. 40 CFR 51.308(i)(4).

## V. The EPA's Evaluation of Iowa's Regional Haze Submission for the Second Implementation Period

### *A. Background on Iowa's First Implementation Period SIP Submission*

IDNR submitted its regional haze SIP for the first implementation period to the EPA on March 25, 2008. Iowa relied on the Clean Air Interstate Rule (CAIR) to satisfy BART requirements. In July 2008, the CAIR rule was vacated by the District of Columbia Circuit Court.[31] In response on August 8, 2011, the EPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR). On June 7, 2012, the EPA promulgated the CSAPR better than BART rule, allowing states to rely on CSAPR to satisfy BART requirements. In that same action, the EPA finalized the limited disapproval of Iowa's regional haze SIP and imposed a Federal Implementation Plan (FIP) for Iowa to replace reliance on CAIR for BART with reliance on CSAPR to satisfy BART requirements (77 FR 33642, June 7, 2012). On June 26, 2012, the EPA finalized a limited approval for certain elements of Iowa's first implementation period regional haze SIP submission (77 FR 38006, June 26, 2012). On May 14, 2019, Iowa submitted a SIP revision to change their reliance on CAIR for BART to relying on CSAPR for BART. The EPA fully approved Iowa's regional haze SIP for the first implementation period on December 3, 2019 (84 FR 66075, December 3, 2019). The requirements for regional haze SIPs for the first implementation period are contained in 40 CFR 51.308(d) and (e). Pursuant to 40 CFR 51.308(g), Iowa was also responsible for submitting a five-year progress report as a SIP revision for the first implementation period, which it did on July 19, 2013. The EPA approved the progress report into the Iowa SIP on August 15, 2016 (81 FR 53924, August 15, 2016).

### *B. Iowa's Second Implementation Period SIP Submission and the EPA's Evaluation*

In accordance with CAA section 169A and the RHR at 40 CFR 51.308(f), (g), and (i), on August 15, 2023, IDNR submitted a revision to the Iowa SIP to address its regional haze obligations for the second implementation period, which runs through 2028. Iowa made its 2023 Regional Haze SIP submission available for public comment from February 13, 2023, through March 16, 2023. The State held a public hearing for the plan on March 16, 2023. IDNR received and responded to public comments and included the comments and responses to those comments in its submission.

The following sections describe Iowa's SIP submission. This document also contains the EPA's evaluation of Iowa's submission against the requirements of the CAA and RHR for the second implementation period of the regional haze program.

### *C. Identification of Class I Areas*

Section 169A(b)(2) of the CAA requires each state in which any Class I area is located or ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to have a plan for making reasonable progress toward the national visibility goal. The RHR implements this statutory requirement at 40 CFR 51.308(f) introductory text, which provides that each state's plan ''must address regional haze in each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State,'' and (f)(2), which requires each state's plan to include a long-term strategy that addresses regional haze in such Class I areas.

The EPA explained in the 1999 RHR preamble that the CAA section 169A(b)(2) requirement that states submit SIPs to address visibility

[31] *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), modified on rehearing, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008).

impairment establishes ''an 'extremely low triggering threshold' in determining which States should submit SIPs for regional haze.'' 64 FR 35721. In concluding that each of the contiguous 48 states and the District of Columbia meet this threshold,[32] the EPA relied on ''a large body of evidence demonstrat[ing] that long-range transport of fine PM contributes to regional haze,'' *Id.,* including modeling studies that ''preliminarily demonstrated that each State not having a Class I area had emissions contributing to impairment in at least one downwind Class I area.'' *Id.* at 35722. In addition to the technical evidence supporting a conclusion that each state contributes to *existing* visibility impairment, the EPA also explained that the second half of the national visibility goal—preventing *future* visibility impairment—requires having a framework in place to address future growth in visibility impairing emissions and makes it inappropriate to ''establish criteria for excluding States or geographic areas from consideration as potential contributors to regional haze visibility impairment.'' *Id.* at 35721. Thus, the EPA concluded that the agency's ''statutory authority and the scientific evidence are sufficient to require all States to develop regional haze SIPs to ensure the prevention of any future impairment of visibility, and to conduct further analyses to determine whether additional control measures are needed to ensure reasonable progress in remedying existing impairment in downwind Class I areas.'' *Id.* at 35722. The EPA's 2017 revisions to the RHR did not disturb this conclusion. *See* 82 FR 3094.

Iowa contains no Class I Areas. In Iowa's Regional Haze plan for the first planning period, Iowa analyzed ten Class I areas: Boundary Waters Canoe Area, Minnesota; Voyageurs National Park, Minnesota; Seney Wilderness Area, Michigan; Isle Royale National Park, Michigan; Hercules Glades Wilderness Area, Missouri; Mingo Wilderness Area, Missouri; Caney Creek Wilderness, Arkansas; Upper Buffalo Wilderness, Arkansas; Badlands National Park, South Dakota; and Wind Cave National Park, South Dakota.[33] In Iowa's Regional Haze plan for the second planning period, Iowa analyzed potential contributions to visibility impairment in twelve Class I areas: the ten Class I areas analyzed in the first planning period, plus Mammoth Cave, Kentucky and Wichita Mountains Wilderness Area, Oklahoma. To make this determination, Iowa used photochemical source apportionment modeling completed by LADCO and contained in appendix A–1 and appendix A–2 of the state submission. The 2021 LADCO analysis used Particulate Matter Source Apportionment Technology (PSAT) results from the Comprehensive Air Quality Model with extensions (CAMx) to track state contributions to downwind Class I areas for the 2018 to 2028 Regional Haze planning period. Based on LADCO's analysis using 2028 projected emissions, the State compiled Iowa's modeled anthropogenic sulfate, nitrate, and primary particulate (elemental carbon, primary organic aerosols, fine soil and course mass) source contributions to visibility impairment in inverse megameters ($Mm^{-1}$) on the 20% most impaired days at each of the twelve Class I areas in table 2–2 of the State submission. Iowa also included the results as a percentage of the total modeled impact (excluding Rayleigh and sea salt contributions) in table 2–3 of the State's plan.

In Iowa's regional haze plan for the first planning period, Iowa determined State emissions could contribute to visibility impairment in four Class I areas: Isle Royale, Michigan; Seney, Michigan; Boundary Waters Canoe Area, Minnesota; and Voyageurs, Minnesota. Based on the LADCO CAMx PSAT results provided in table 2–3 of the State submission, Iowa's projected 2028 anthropogenic contributions to visibility impairment for each of those Class I areas ranges from 3 percent (Voyageurs, Minnesota) to 3.9 percent (Isle Royale, Michigan). For consistency with the SIP-approved regional haze plan from the first period, Iowa determined it was reasonable to retain the same linkages in the second planning period and to include any additional Class I areas where State contributions were 3 percent or greater. Based on that approach, the State added one additional linkage for the second planning period to Hercules-Glades Wilderness Area, Missouri because Iowa's contribution was 3.9 percent. The State contributions did not exceed the 3 percent threshold for any of the other Class I areas modeled by LADCO. Table 1 summarizes Iowa's modeled contributions to the twelve Class I areas based on LADCO's 2028 CAMx PSAT analysis and identifies the five Class I areas linked to Iowa's emissions in the State's regional haze plan for the second implementation period using the State's chosen 3% contribution threshold.

TABLE 1—SUMMARY OF MODELED CONTRIBUTIONS ON 20% MOST IMPAIRED DAYS FROM LADCO'S 2028 CAMx PSAT ANALYSIS AND DETERMINATION OF CLASS I AREAS LINKED TO IOWA'S EMISSIONS IN 2ND PLANNING PERIOD

| State | Class I area | Total modeled extinction excluding Rayleigh & Sea Salt ($Mm^{-1}$) | Iowa's modeled anthropogenic contributions* | | Class I areas linked to Iowa's emissions in 2nd planning period |
|---|---|---|---|---|---|
| | | | $Mm^{-1}$ | % | |
| Arkansas | Caney Creek | 42.95 | 0.59 | 1.4 | |
| Arkansas | Upper Buffalo | 42.96 | 0.90 | 2.1 | |
| Kentucky | Mammoth Cave | 62.89 | 1.81 | 2.9 | |
| Michigan | Isle Royale | 36.36 | 1.42 | 3.9 | X |
| Michigan | Seney | 45.12 | 1.49 | 3.3 | X |
| Minnesota | Boundary Waters | 29.31 | 0.94 | 3.2 | X |
| Minnesota | Voyageurs | 28.74 | 0.87 | 3.0 | X |
| Missouri | Hercules-Glades | 48.13 | 1.86 | 3.9 | X |
| Missouri | Mingo | 57.35 | 1.34 | 2.3 | |
| Oklahoma | Wichita Mountains | 44.82 | 0.56 | 1.2 | |
| South Dakota | Badlands | 22.47 | 0.25 | 1.1 | |
| South Dakota | Wind Cave | 18.10 | 0.18 | 1.0 | |

*The anthropogenic contributions account for sulfates, nitrates, and primary particulates.

[32] The EPA determined that ''there is more than sufficient evidence to support our conclusion that emissions from each of the 48 contiguous states and the District of Columba may reasonably be anticipated to cause or contribute to visibility impairment in a Class I area.'' 64 FR 35721. Hawaii, Alaska, and the U.S. Virgin Islands must also submit regional haze SIPs because they contain Class I areas.

[33] Iowa State Implementation Plan for Regional Haze—Final March 2008.

We acknowledge that the 3 percent or greater State contribution threshold used to determine whether Iowa emissions contribute to visibility impairment at a particular Class I area may be higher than what EPA believes is an ''extremely low triggering threshold'' intended by the statute and regulations. However, we note that although Iowa did not establish formal linkages to Class I areas other than Isle Royale, Seney, Boundary Waters, Voyageurs, and Hercules-Glades, the State evaluated source impacts on all twelve of the Class I areas listed in table 1 in the source-selection process as discussed in section V.E.a. of this document. Furthermore, Iowa consulted with other states and FLMs regarding their long-term strategy for regional haze through regional calls organized by CenSARA and LADCO. At the time of submission, no other states requested additional emission reduction measures or evaluation of other Class I areas. As discussed in further detail below, the EPA is proposing to find that Iowa has submitted a regional haze plan that meets the requirements of 40 CFR 51.308(f)(2) related to the development of a long-term strategy. Thus, although the 3 percent contribution threshold used in this analysis may be higher than intended by the statute and regulation, we propose to find that Iowa appropriately evaluated its visibility impact at twelve out of State Class I areas and has satisfied the applicable requirements for making reasonable progress towards natural visibility conditions in Class I areas that may be affected be emissions from the State.

*D. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress*

Section 51.308(f)(1) requires states to determine the following for ''each mandatory Class I Federal area located within the State'': baseline visibility conditions for the most impaired and clearest days, natural visibility conditions for the most impaired and clearest days, progress to date for the most impaired and clearest days, the differences between current visibility conditions and natural visibility conditions, and the URP. This section also provides the option for states to propose adjustments to the URP line for a Class I area to account for visibility impacts from anthropogenic sources outside the United States and/or the impacts from wildland prescribed fires that were conducted for certain, specified objectives. 40 CFR 51.308(f)(1)(vi)(B).

These requirements only apply to states with Class I areas. These statutory requirements do not apply because Iowa does not have any Class I areas.

*E. Long-Term Strategy for Regional Haze*

a. Iowa's Source Selection and Four Factor Analysis

Each state having a Class I area within its borders or emissions that may affect visibility in a Class I area must develop a long-term strategy for making reasonable progress towards the national visibility goal. CAA section 169A(b)(2)(B). As explained in the Background section of this document, reasonable progress is achieved when all states contributing to visibility impairment in a Class I area are implementing the measures determined—through application of the four statutory factors to sources of visibility impairing pollutants—to be necessary to make reasonable progress. 40 CFR 51.308(f)(2)(i). Each state's long-term strategy must include the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress. 40 CFR 51.308(f)(2). All new (*i.e.,* additional) measures that are the outcome of four-factor analyses are necessary to make reasonable progress and must be in the long-term strategy. If the outcome of a four-factor analysis and other measures necessary to make reasonable progress is that no new measures are reasonable for a source, that source's existing measures are necessary to make reasonable progress, unless the state can demonstrate that the source will continue to implement those measures and will not increase its emission rate. Existing measures that are necessary to make reasonable progress must also be in the long-term strategy. In developing its long-term strategies, a state must also consider the five additional factors in § 51.308(f)(2)(iv). As part of its reasonable progress determinations, the state must describe the criteria used to determine which sources or group of sources were evaluated (*i.e.,* subjected to four-factor analysis) for the second implementation period and how the four factors were taken into consideration in selecting the emission reduction measures for inclusion in the long-term strategy. 40 CFR 51.308(f)(2)(iii).

The following paragraphs summarize how Iowa's SIP submission addressed the requirements of § 51.308(f)(2)(i). The EPA's evaluation of Iowa's SIP revision with regard to the same is contained in the following section V.E.b. and in the technical support document (TSD) in the docket for this action.

States may rely on technical information developed by the RPOs of which they are members to select sources for four-factor analysis and to conduct that analysis, as well as to satisfy the documentation requirements under § 51.308(f). Where an RPO has performed source selection and/or four-factor analyses (or considered the five additional factors in § 51.308(f)(2)(iv)) for its member states, those states may rely on the RPO's analyses for the purpose of satisfying the requirements of § 51.308(f)(2)(i) so long as the states have a reasonable basis to do so and all state participants in the RPO process have approved the technical analyses. 40 CFR 51.308(f)(2)(iii). States may also satisfy the requirement of § 51.308(f)(2)(ii) to engage in interstate consultation with other states that have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area under the auspices of intra- and inter-RPO engagement.

Iowa is a member of the CenSARA RPO. CenSARA and its contractor provided member States with an area of influence (AOI) study for Class I areas throughout and near the CenSARA region. The AOI study provided by CenSARA is a technical analysis product to help assess source and State-level contributions to visibility impairment and the need for interstate consultation. Iowa relied upon the AOI study to conduct an analysis of emission sources and select sources for a four-factor analysis.

The cumulative sulfate and nitrate extinction weighted residence time (EWRT) multiplied by Q/d (emissions divided by distance) analysis was performed by a CenSARA contractor using 2016 actual emissions data and 2028 emissions projections. It relied on a back-trajectory model combined with air quality measurement data and emission inventories to identify the geographic areas and emission sources with a high probability of contributing to anthropogenically impaired visibility at Class I areas within CenSARA and nearby states. For the EWRT multiplied by Q/d analysis, back trajectory residence times were first calculated by summing the amount of time trajectories reside in a specific geographic area (*e.g.,* modeling grid cell). The trajectory residence times were then weighted by sulfate and nitrate extinction coefficients to account for the varying contributions of sulfates and nitrates to total light extinction. To determine the potential impact from sources of $SO_2$ and $NO_X$ emissions (precursors of $SO_4$

and $NO_3$, respectively), the EWRT values for $SO_4$ and $NO_3$ were combined with emissions (*Q*) from sources of $SO_2$ and $NO_X$, respectively. CenSARA States chose to focus on electric generating units (EGU) and non-EGU point sources since these sources comprise major fractions of the $NO_X$ and $SO_2$ emissions inventory. To incorporate the effects of dispersion, deposition, and chemical transformation along the path of the trajectories, emissions were inversely weighted by the distance (*d*) between the centers of the grid cell emitting the emissions and the grid cell containing the IMPROVE site. The AOI study and analysis tool are included in appendix B and appendix C–1 of the State submission.

For its own analysis, IDNR decided to sum the sulfate and nitrate contributions for each facility based on 2016 emissions. Rather than evaluating all sources with an individual impact greater than a given percentage, such as 1 percent, Iowa used the per-facility percentage contributions (ranked from largest to smallest) for Iowa facilities, as well as sources in other states, to compute a cumulative (rolling total) percentage of the total visibility impairment for a Class I area. The cumulative rankings for each of the 12 Class I areas evaluated by IDNR is provided in appendix C–2 of the State submission.

Based on that analysis, Iowa decided to select sources for a four-factor analysis based upon a cumulative percentage threshold of 50 percent, or all sources contributing to a majority of the combined (sulfate plus nitrate) impacts in any Class I area. This approach of focusing on cumulative sulfate and nitrate impacts among all sources at each Class I area resulted in the selection of sources with fairly low individual contributions to those Class I areas. This analysis resulted in Iowa selecting two sources for four-factor analysis: Louisa Generating Station (LGS) and Walter Scott Jr. Energy Center (WSEC). The LGS and WSEC each contributed to a majority of the combined visibility impacts at Isle Royale, even though their individual sulfate plus nitrate impacts were 0.86% and 0.55%, respectively. No other Iowa source contributed above the 50 percent threshold chosen by IDNR in any other Class I area.

To support the development of emissions reduction measures, Iowa gathered information on each of the four statutory factors for the two sources identified. Both sources are coal-fired EGUs operated by MidAmerican Energy Company. Source-specific data included explanations of source characteristics, existing controls for $SO_2$ and $NO_X$, unit-level emissions, projected boiler operations, and the identification of technically feasible control options for $SO_2$ and $NO_X$. In section 5 of Iowa's submittal, the State explains the four-factor analyses performed by the MidAmerican Energy Company for the two facilities. The analyses evaluated the costs of control options, potential time frames for compliance with control options, potential energy, and non-air quality environmental impacts of certain control options, and how the remaining useful lives of sources might be considered in a control analysis. The state also considered the visibility impacts of control options as an additional factor. Iowa's emission reduction measures were based on these analyses and looked to either optimize the use of existing controls or require the addition of new controls.

LGS has one boiler that is currently equipped with dry lime flue gas desulfurization (FGD) system to reduce $SO_2$ emissions and low $NO_X$ burners (LNB) with overfire air (OFA) to reduce $NO_X$ emissions. WSEC has two boilers, identified as Unit 3 (WSEC–3) and Unit 4 (WSEC–4). Both units are equipped with dry lime FGD to reduce $SO_2$ emissions and LNB with OFA to reduce $NO_X$. Unit 4 additionally includes a selective catalytic reduction (SCR) system to further control $NO_X$ emissions. Based on the analysis of technically feasible control options, Iowa determined that WSEC–4 is currently equipped with all feasible control options.

Four potential control options were identified for LGS and WSEC–3. The two evaluated $SO_2$ controls were operational improvements to the existing dry FGD systems or replacement with new wet FGDs. The two evaluated $NO_X$ controls included the addition of either selective noncatalytic reduction (SNCR) or SCR systems.

The source evaluated the cost of each identified control option for LGC and WSEC. The results for the $SO_2$ control options are shown in table 2 and the results of the $NO_X$ control options are shown in table 3. The full cost control analysis was provided in appendix D–1 of the State submission and is included in the docket for this action.

TABLE 2—COST OF EVALUATED $SO_2$ CONTROL OPTIONS

| Facility | Control technology | Total annualized cost ($) | Emission reduction (tons/year) | Effective cost ($/ton) |
|---|---|---|---|---|
| LGS (Unit 101) | Improve Existing Dry FGD | $1,102,000 | 3,903 | $282 |
| | Wet FGD | 42,122,000 | 4,722 | 8,920 |
| WSEC–3 | Improve Existing Dry FGD | 1,248,000 | 5,785 | 216 |
| | Wet FGD | 41,163,000 | 6,687 | 6,160 |

TABLE 3—COST OF EVALUATED $NO_X$ CONTROL OPTIONS

| Facility | Control technology | Total annualized cost ($) | Emission reduction (tons/year) | Effective cost ($/ton) |
|---|---|---|---|---|
| LGS (Unit 101) | SNCR | $3,621,000 | 566 | $6,398 |
| | SCR | 24,271,942 | 2,739 | 8,862 |
| WSEC–3 | SNCR | 4,240,300 | 755 | 5,616 |
| | SCR | 24,771,688 | 3,849 | 6,436 |

MidAmerican evaluated the time necessary for compliance for each potential control option for the two sources. MidAmerican estimated that improvements to the existing dry FGD systems at both LGC and WSEC–3 could be implemented within approximately six months. The company estimated that the time needed to install and implement new wet FGD systems would be approximately five years. The company estimated SNCR could be implemented within three years and SCR could be implemented within five years. Iowa determined these timeframes were appropriate for considering the time necessary for compliance, but this factor was not used to eliminate any potential control options.

In the State submission, Iowa characterized the information provided by MidAmerican on the statutory factors of energy and non-air quality environmental impacts and the remaining useful life of the sources consistent with 2019 Guidance. MidAmerican evaluated energy and non-air quality environmental impacts for each technically feasible control option but this factor was not used to eliminate any potential control options. The remaining useful life of the two sources was also evaluated but was not a determining factor in selecting control measures because operation of these units is not limited. In completing the control cost analysis, the company considered the useful life of the control systems.

Iowa also evaluated the visibility impacts of control measures as a fifth factor and presented this analysis in section 5.8 of the State's submission. As explained in section IV.C. of this proposed rule, states have flexibility under the CAA and RHR to reasonably consider visibility benefits as an optional additional factor alongside the four statutory factors. The 2019 Guidance and the 2021 Clarification Memo provide recommendations and guidance on how states can consider modeled visibility impacts or benefits in the context of a four-factor analysis. For its analysis, Iowa calculated a ratio of sulfate impacts relative to nitrate impacts from LGS and WSEC on the 20% most impaired days at the five linked Class I areas. Iowa first quantified the State's predicted anthropogenic sulfate and nitrate contributions to the 20% most impaired days at each of the Class I areas based on LADCO's 2028 CAMx PSAT modeling results. The results are presented as extinction values in Mm-1 and percent of total modeled visibility impairment in tables 5–7 and 5–8 of the State's submission. Iowa then chose the maximum predicted sulfate and nitrate contributions attributed to the State's anthropogenic emissions among the five linked Class I areas (Isle Royale, Seney, Boundary Waters, Voyageurs, and Hercules-Glades). The maximum sulfate impact is 1.000 Mm-1 at Hercules-Glades, and the maximum nitrate impact is 0.798 Mm-1 at Seney. The maximum sulfate and nitrate extinction values were then apportioned to LGS and WSEC based on the 2028 projected anthropogenic emissions inventory for Iowa, which is summarized in table 5–9 and Figure 5–4 of the State's submission. EGUs are projected to emit 78.8% and 22.2% of Iowa's 2028 $SO_2$ and $NO_X$ emissions, respectively.[34] To calculate factors for apportioning sulfate and nitrate contributions to LGS and WSEC, Iowa assumed that LGS and WSEC emit the entirety of the State's projected 2028 EGU $SO_2$ and $NO_X$ emissions totals. For each pollutant, the percentage of statewide EGU emissions was multiplied by the ratio of each facility's emissions to the sum of LGS and WSEC emissions.[35] The resulting factors were then multiplied by the statewide maximum sulfate and nitrate impact values. LGS's estimated sulfate contribution is 0.285 Mm-1 and its nitrate contribution is 0.064 Mm-1. The corresponding sulfate and nitrate impacts for WSEC are 0.503 Mm-1 and 0.133 Mm-1, respectively. For both LGS and WSEC, Iowa's analysis indicates that sulfate impacts are estimated to be 4.4 times the nitrate impacts. Table 4 summarizes Iowa's calculations and the resulting estimated sulfate and nitrate impacts from LGS and WSEC.

TABLE 4—ESTIMATED SULFATE AND NITRATE IMPACTS ATTRIBUTED TO LGS AND WSEC ON THE 20% MOST IMPAIRED DAYS AT IOWA'S FIVE LINKED CLASS I AREAS

| Facility | 2028 Projected emissions | | Apportionment factor | | Sulfate impact (Mm-1) | Nitrate impact (Mm-1) | Ratio (sulfate/ nitrate impact) |
|---|---|---|---|---|---|---|---|
| | $SO_2$ (tpy) | $NO_X$ (tpy) | $SO_2$ (%) | $NO_X$ (%) | | | |
| LGS | 5,605 | 3,403 | 28.5 | 8.0 | 0.285 | 0.064 | 4.4 |
| WSEC | 9,897 | 6,025 | 50.3 | 14.2 | 0.503 | 0.113 | 4.4 |

Based upon the four-factor analysis for LGS and WSEC, Iowa determined that implementing operational improvements to the existing dry FGD systems at LGS and WSEC–3 were necessary to make reasonable progress. The cost effectiveness of this control option at LGS is less than $300 per ton and results in an estimated reduction of actual $SO_2$ emissions by 3,903 tons per year from this source. The cost effectiveness of this control option at WSEC is less than $300 per ton and results in an estimated reduction of actual $SO_2$ emissions by 5,785 tons per year from this source. The state determined the new wet FGD systems were not considered reasonable due to the cost and estimated incremental decrease in $SO_2$ emissions being relatively small compared to improvements to the existing dry FGD systems (less than 14 percent versus baseline emissions at LGS and less than 11 percent versus baseline emissions at WSEC–3).[36] Iowa decided not to require the addition of SNCR or SCR control systems to further control $NO_X$ emissions at either facility at this time due to the estimated cost effectiveness of both options exceeding $5,000 per ton and the lower visibility benefits than compared to $SO_2$ controls.

Based on the conclusions from the four-factor analysis, Iowa modified the air construction permits for the main

[34] Based on LADCO's 2028 emissions projections as summarized in table 5–9 of Iowa's regional haze plan submission, Iowa EGUs are projected to emit 28,002 tons/year of the total statewide $SO_2$ emissions of 35,538 tons/year. For $NO_X$, Iowa EGUs are projected to emit 21,442 tons/year of the state's total 96,398 tons/year.

[35] For example, the $SO_2$ apportionment for LGS is calculated as follows: 78.8% * (5,605/(5,605 + 9,897)) = 28.5%. The $NO_X$ apportionment for LGS is: 22.2% * (3,403/(3,403 + 6,025)) = 8.0%.

[36] See table 5.5 of the State submission, included in the docket for this action.

boiler at LGS and WSEC–3 to implement operational improvements to the existing dry FGD systems. The permits include new $SO_2$ emissions limits and compliance schedules. The new $SO_2$ emission limit for the main boiler at LGS is 800 lb/hr based on a 30-day rolling average. The new $SO_2$ emission limit for WSEC–3 is 770 lb/hr based on a 30-day rolling average. Iowa issued both permits on July 20, 2023, with compliance dates of December 31, 2023. Iowa determined that WSEC–4 is currently equipped with all feasible control options. The current permit restricts WSEC–4 to an enforceable best available control technology (BACT) $SO_2$ emission limit of 0.1 lb/MMBtu and a $NO_X$ emission limit of 0.07 lb/MMBtu. To establish permanent emission limits for its long-term strategy for regional haze, Iowa submitted the air construction permits for LGS, WSEC–3, and WSEC–4 for incorporation into the SIP in 40 CFR 52.820(d), *EPA approved state source-specific requirements.* The State's SIP submission requested that the EPA not act on Condition 11 of the permits for LGS and WSEC–3 nor Condition 6 of the permit for WSEC–4, and accordingly those conditions are not included in this action. The full permits are included in appendix E of the State submission in the docket for this action.

b. The EPA's Evaluation of Iowa's Emissions Reduction Measures and Compliance With § 51.308(f)(2)(i)

The EPA is proposing to find that Iowa has satisfied the requirements of § 51.308(f)(2)(i) related to evaluating sources and determining the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors. We are proposing to find that Iowa reasonably evaluated the two pollutants—$SO_2$ and $NO_X$—that currently drive visibility impairment within the linked Class I areas and that it adequately explained and supported its decision to focus on these two pollutants through its technical analyses included in the state submission.[37]

Section 51.308(f)(2)(i) requires states to evaluate and determine the emission reduction measures that are necessary to make reasonable progress by applying the four statutory factors to sources in a control analysis. The State must include in its implementation plan a description of the criteria it used to determine which sources or groups of sources it evaluated and how the four factors were taken into consideration in selecting the measures for inclusion in its long-term strategy. As explained above, Iowa relied on the cumulative sulfate and nitrate emissions weighted residence time (EWRT) multiplied by Q/d (emissions divided by distance) analysis performed by a CenSARA contractor to compute a cumulative percentage of the total visibility impairment from major sources for each Class I area. Iowa used the per-facility percentage contributions (ranked from largest to smallest) to compute a cumulative (rolling total) percentage of the total visibility impairment to each Class I area. Iowa selected sources for four-factor analysis based upon a cumulative impact threshold of 50 percent in any Class I area. Based on this analysis, Iowa selected two sources: Louisa Generating Station and Walter Scott Jr. Generating Station.

Pursuant to the RHR, states must consider selecting sources identified by other states or by FLMs. A state receiving a request to select a particular source(s) should either perform a four-factor analysis on the source(s) or provide a well-reasoned explanation as to why it is choosing not to do so. See 2021 Clarifications Memo at 4. No other states identified additional sources for evaluation. During initial consultations with FLMs, Iowa received recommendations from FLMs to evaluate several sources. The U.S. Forest Service identified three sources based on its review of emission rate data (lb/MMBtu) and results from a LADCO Q/d analysis: University of Northern Iowa, Burlington Generating Station, and Muscatine Power and Water, Unit 8. The National Park Service identified eleven Iowa sources using a Q/d($SO_2$ + $NO_X$) threshold of 1.2 based on 2017 National Emissions Inventory (NEI) emissions data for the non-EGUs and 2019 Clean Air Markets Division (CAMD) data for EGUs: Walter Scott Jr. Energy Center (EGU), Louisa Generating Station (EGU), George Neal North (EGU), George Neal South (EGU), Burlington Generating Station (EGU), Muscatine Power and Water (EGU), Ottumwa Generating Station (EGU), ADM Corn Processing—Cedar Rapids (non-EGU), Continental Cement Company—Davenport (non-EGU), Natural Gas Pipeline Co. Of America—Station 107 (non-EGU), and Northern Natural Gas Co.—Ogden (non-EGU). However, Iowa chose to rely on a different source selection methodology based on CenSARA's AOI analysis, as explained above and in the State submission. While Iowa did not select additional sources identified by FLMs for four-factor analysis, it provided supplemental information supporting its decision to use CenSARA's AOI analysis because it resulted in more technical data.

During the formal FLM consultation and public comment period, Iowa received several comments to broaden its source selection criteria by using a higher percent contribution threshold and expand its source selection to include two additional sources in Iowa: George Neal North and George Neal South. As explained in the 2021 Clarifications Memo, states have the discretion to choose any source selection threshold or methodology that is reasonable, as long as whatever choices states make are reasonably explained and produce a reasonable outcome. 2021 Memo at 3. Iowa described its source selection criteria in the state submission and selected all sources that met the source selection threshold. In this case, the 50 percent cumulative impact threshold identified two sources in Iowa. We note that Iowa selected its two largest EGUs for four-factor analysis and that the evaluation of these sources had the potential to meaningfully reduce their contributions to visibility impairment. Furthermore, the 2019 Guidance explains that the Regional Haze Rule ''sets up an iterative planning process and anticipates that a state may not need to analyze control measures for all its sources in a given SIP revision.'' 2019 Guidance at 9. Thus, although the source selection threshold resulted in two sources being evaluated, Iowa reasonably chose factors to consider when selecting sources and applied these factors in a reasonable way. Therefore, we propose to find Iowa's source selection methodology and the sources selected for further analysis to be reasonable for the second planning period.

As detailed above, Iowa included four-factor analyses performed by MidAmerican Energy Company for each of the two sources selected for further analysis. The state chose to evaluate visibility benefits of control measures along with the four statutory factors and described how each of the factors were considered in the SIP submission. In considering whether compliance costs for sources were reasonable, Iowa evaluated the cost estimates for each technically feasible control option for both $SO_2$ and $NO_X$ completed by MidAmerican.

Based on the EPA's review, we find that Iowa's control cost analysis was both reasonable and consistent with the EPA Air Pollution Control Cost

[37] See section 3.3 of the State submission, included in the docket for this action.

Manual.[38] The State submission included details on the consideration of the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources. EPA finds the consideration of these statutory factors was reasonable and consistent with the 2019 Guidance and 2021 Clarifications Memo. The EPA further reviews the control cost analyses in the TSD contained in the docket for this rulemaking.

Iowa also included a visibility benefits analysis that estimated sulfate impacts relative to nitrate impacts from LGS and WSEC on the 20% most impaired days at the five linked Class I areas, as described in section V.E.a. of this document. Based on that analysis, the State estimated that sulfate impacts to visibility in the linked Class I areas are 4.4 times greater than nitrate impacts for both LGS and WSEC. While visibility is not an explicitly listed factor to consider when determining whether additional controls are reasonable, the purpose of the four-factor analysis is to determine what degree of progress toward natural visibility conditions is reasonable. Therefore, the EPA has interpreted the CAA and the RHR as allowing states to consider visibility alongside the four statutory factors when comparing multiple emission reduction control options that may be necessary to make reasonable progress. See 2021 Clarifications Memo at 12. We find that Iowa's consideration of visibility improvements was reasonable and consistent with the requirements of the CAA.

The State determined that operational improvements to the existing FGD systems at both LGS and WSEC–3 were the most cost-effective control option and showed reducing $SO_2$ emissions increased visibility benefits in several Class I areas. Iowa stated that these emission reduction measures will reduce actual $SO_2$ emissions by an estimated 9,688 tons per year. The State determined that WSEC–4 is currently equipped with all feasible control options and that the existing measures are necessary to reasonable progress. Iowa submitted the air construction permits for LGS, WSEC–3, and WSEC–4 for inclusion in its long-term strategy. The permits are included in appendix E of the State submission in the docket for this action. Section 51.308(f)(2) of the RHR requires that emission reduction measures must be represented by ''enforceable emissions limitations, compliance schedules, and other measures'' (*i.e.,* any additional compliance tools) in a state's long-term strategy in its SIP. 40 CFR 51.308(f)(2). The permits for LGS and WSEC–3 include limits in lb/hour, with compliance determined on thirty-day rolling averages through the use of Continuous Emission Monitors (CEMs) to the EPA standards, necessary recordkeeping and reporting requirements, and cover all times of operation. The new limits are: 800 lb/hr for MidAmerican Energy Co.—Louisa Station Unit EU1, Louisa Boiler, and 770 lb/hr for MidAmerican Energy Co.—Walter Scott Jr. Energy Center, Unit 003, Boiler #3. WSEC–4 was subject to the prevention of significant deterioration (PSD) preconstruction permitting for $SO_2$ and $NO_X$ emissions in 2003. As part of the PSD review process, BACT was required for $SO_2$ and $NO_X$ controls. The air construction permit includes a BACT $SO_2$ emission limit of 0.1 lb/MMBtu (30-day rolling average) and an annual emission restriction of 3,362 tons per rolling 12-month period. The BACT emission limit for $NO_X$ is 0.07 lb/MMBtu (30-day rolling average) and an annual emission restriction of 2,353 tons per rolling 12-month period. Compliance with $SO_2$ and $NO_X$ BACT limits is demonstrated using continuous emissions monitoring systems (CEMS). The EPA finds the air quality construction permits, submitted by Iowa to serve as the enforceable mechanism of the long-term strategy, meet the requirements of § 51.308(f)(2) to include enforceable emissions limitations. We propose to find Iowa's four-factor analysis and emission reduction measures to be reasonable for the second planning period.

In sum, the EPA proposes to find that Iowa has satisfied the requirements that states determine the emission reduction measures that are necessary to make reasonable progress by considering the four factors, and that its long-term strategy includes the enforceable emission limitations, compliance schedules, and other measures necessary to make reasonable progress.

c. Additional Long-Term Strategy Requirements

The consultation requirements of § 51.308(f)(2)(ii) provides that states must consult with other states that are reasonably anticipated to contribute to visibility impairment in a Class I area to develop coordinate emission management strategies containing the emission reductions measures that are necessary to make reasonable progress. Section 51.308(f)(2)(ii)(A) and (B) require states to consider the emission reduction measures identified by other states as necessary for reasonable progress and to include agreed upon measures in their SIPs, respectively. Section 51.308(f)(2)(ii)(C) speaks to what happens if states cannot agree on what measures are necessary to make reasonable progress.

Iowa included documentation of its consultation with RPOs and individual states in its SIP submission. Specifically, Iowa consulted with three states containing the five Class I Areas that Iowa sources were expected to impact: Minnesota, Michigan, and Missouri. Documentation of consultation with each state is contained in appendix H to the State submittal. In addition, Iowa consulted with CenSARA and LADCO through its participation in regular planning calls each RPO. Iowa did not receive any requests from other states nor did it encounter any disagreements. We propose to determine that Iowa has satisfied the consultation requirements of § 51.308(f)(2)(ii).

The documentation requirement of § 51.308(f)(2)(iii) provides that states may meet their obligations to document the technical bases on which they are relying to determine the emission reductions measures that are necessary to make reasonable progress through an RPO, as long as the process has been ''approved by all State participants.''

Section 51.308(f)(2)(iii) also requires that the emissions information considered to determine the measures that are necessary to make reasonable progress include information on emissions for the most recent year for which the state has submitted triennial emissions data to the EPA (or a more recent year), with a 12-month exemption period for newly submitted data. Iowa's SIP submission included in section 7 emissions information by sector and pollutant from LADCO's 2016 modeling inventory and from the 2017 NEI. The state analysis included data from the 2016 base year and 2028 modeled emissions inventories for $NO_X$, $SO_2$, $PM_{2.5}$, VOCs, and $NH_3$. The State's four factor analysis relied on emission data from 2009–2021. The State also included emission data from 2009–2021 for Iowa EGUs. Based on Iowa's consideration of the emission data in their SIP submittal, the EPA proposes to find that Iowa has satisfied the emissions information requirement in § 51.308(f)(2)(iii).

We also propose to find that Iowa reasonably considered the five additional factors in § 51.308(f)(2)(iv) in

[38] EPA Air Pollution Control Cost Manual, *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution.*

developing its long-term strategy. Pursuant to § 51.308(f)(2)(iv)(A), Iowa noted that existing and ongoing state and Federal emission control programs that contribute to emission reductions through 2028 would impact emissions of visibility impairing pollutants from point and nonpoint sources in the second implementation period. Iowa included in its SIP submission details of control measures with their effective dates and pollutants addressed.

Iowa's consideration of measures to mitigate the impacts of construction activities as required by § 51.308(f)(2)(iv)(B) is included in section 6.2.2. of its SIP submission. Iowa described the minor NSR permit requirements for aggregate processing plants, concrete batch plants, and asphalt plants and its rules to reduce fugitive dust emissions from beyond the property line.[39] Iowa noted that construction activities are unlikely to contribute to visibility impairment in Class I areas due to the extensive transport distances in combination with relatively low emissions and release heights for construction activities.

Pursuant to § 51.308(f)(2)(iv)(C), source retirements and replacement schedules are addressed in section 6.2.3 of Iowa's submission. The LADCO modeling used by Iowa considered known source retirements and replacements in developing the 2028 emission projections. The Iowa EGU source retirements, refuelings, or replacements that occurred during or after the 2016 base year are identified in table 6–4 of the State submission.[40]

Iowa's consideration of smoke management as required in 40 CFR 51.308(f)(2)(iv)(D) is included in section 6.2.4. of the SIP submission. Iowa explained that source apportionment modeling conducted by Central Regional Air Planning Association (CENRAP) for the first implementation period demonstrated that fires in Iowa do not significantly contribute to visibility in Class I areas. Iowa determined that conclusion is still valid since Iowa's total prescribed fire and agricultural fire emissions represent less than one percent of the U.S. totals in the 2017 NEI, as shown in tables 6–5 and 6–6 of the State submission.

Iowa considered the anticipated net effect of projected changes in emissions as required by § 51.308(f)(2)(iv)(E) by discussing, in section 8 of its submission, the photochemical modeling for the 2018–2028 period it conducted by LADCO. Table 8–1 of the State submission summarizes the visibility improvements in linked Class I areas. The results show improvements of 0.71 to 1.24 deciviews on the 20 percent most impaired days and no visibility degredation on the clearest days. Iowa explained the results are conservative because they do not incorporate the scrubber improvements from its long term strategy (LTS), which will further improve visibility.

Because Iowa has reasonably considered each of the five additional factors the EPA proposes to find that Iowa has satisfied the requirements of 40 CFR 51.308(f)(2)(iv).

*F. Reasonable Progress Goals*

Section 51.308(f)(3) contains the requirements pertaining to RPGs for each Class I area. This provision does not apply to Iowa because it does not have a Class I Area. Section 51.308(f)(3)(ii)(B) requires that if a state contains sources that are reasonably anticipated to contribute to visibility impairment in a Class I area in *another* state, and the RPG for the most impaired days in that Class I area is above the URP, the upwind state must provide the same demonstration. This provision does not apply because the states with Class I areas that are affected by Iowa sources did not submit any RPGs that are above the URP.

*G. Monitoring Strategy and Other Implementation Plan Requirements*

Section 51.308(f)(6) specifies that each comprehensive revision of a state's regional haze SIP must contain or provide for certain elements, including monitoring strategies, emissions inventories, and any reporting, recordkeeping and other measures needed to assess and report on visibility. A main requirement of this subsection is for states with Class I areas to submit monitoring strategies for measuring, characterizing, and reporting on visibility impairment. Section 51.308(f)(6)(ii) requires SIPs to provide for procedures by which monitoring data and other information are used in determining the contribution of emissions from within the state to regional haze visibility impairment at mandatory Class I Federal areas both within and outside the state. As noted previously, most regulatory requirements in § 51.308(f)(6) do not apply to states without Class I Areas.

However, § 51.308(f)(6)(iii) and (v) apply to all states that have emissions that contribute to a Class I Area, including Iowa. Section 51.308(f)(6)(iii) requires SIPs to provide procedures by which monitoring data and other information are used in determining the contribution of emissions from within the state to Regional Haze visibility impairment at mandatory Class I Federal areas in other states.

Iowa included details on the monitoring data the State used to estimate its visibility contribution to out-of-state Class I Areas, to address § 51.308(f)(6)(iii). Iowa relies on the IMPROVE monitoring network for monitoring at the Class I areas Iowa selected. We note Iowa included details on two IMPROVE protocol monitors previously operated by the State in section 9 of the state plan. Iowa's 2023 Ambient Air Monitoring Network Plan included the removal of the IMPROVE protocol monitors and was separately reviewed and approved by EPA. The removal of the IMPROVE protocol monitors does not impact this action because IMPROVE protocol monitors are not located at and do not represent visibility at mandatory Class I Federal areas. Therefore, neither the presence nor lack of IMPROVE protocol monitors has any direct impact on ''determining the contribution of emissions from within the state to out-of-state Class I areas''.

Section 51.308(f)(6)(v) requires SIPs to provide for a statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment, including emissions for the most recent year for which data are available and estimates of future projected emissions. It also requires a commitment to update the inventory periodically. Section 51.308(f)(6)(v) also requires states to include estimates of future projected emissions and include a commitment to update the inventory periodically.

To address § 51.308(f)(6)(v), Iowa included emissions information by pollutant from LADCO's 2016 modeling inventory and from the 2017 NEI.[41] The State's four factor analysis relied on emission data from 2009–2021. The State also included emission data from 2009–2021 for Iowa EGUs. Iowa also included future projections for 2028. Iowa committed to update the inventory periodically and comply with the Air Emissions Reporting Requirements. Based on Iowa's consideration of the emission data in their SIP submittal, the EPA proposes to find that Iowa has satisfied the emissions information requirement in § 51.308(f)(6)(v).

[39] 567 IAC 23.3(2)''c.''

[40] See table 6–4 of the Iowa Regional Haze SIP—Final August 2023.

[41] See section 7 and 11 of the Iowa Regional Haze SIP—Final August 2023, included in the docket for this action.

*H. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals*

Section 51.308(f)(5) requires that periodic comprehensive revisions of states' regional haze plans also address the progress report requirements of 40 CFR 51.308(g)(1) through (5). The purpose of these requirements is to evaluate progress towards the applicable RPGs for each Class I area within the state and each Class I area outside the state that may be affected by emissions from within that state. Section 51.308(g)(1) and (2) apply to all states and require a description of the status of implementation of all measures included in a state's first implementation period regional haze plan and a summary of the emission reductions achieved through implementation of those measures. Section 51.308(g)(3) applies only to states with Class I areas within their borders and requires such states to assess current visibility conditions, changes in visibility relative to baseline (2000–2004) visibility conditions, and changes in visibility conditions relative to the period addressed in the first implementation period progress report. Section 51.308(g)(4) applies to all states and requires an analysis tracking changes in emissions of pollutants contributing to visibility impairment from all sources and sectors since the period addressed by the first implementation period progress report. This provision further specifies the year or years through which the analysis must extend depending on the type of source and the platform through which its emission information is reported. Finally, § 51.308(g)(5), which also applies to all states, requires an assessment of any significant changes in anthropogenic emissions within or outside the state have occurred since the period addressed by the first implementation period progress report, including whether such changes were anticipated and whether they have limited or impeded expected progress towards reducing emissions and improving visibility.

Iowa's submission describes the status of measures of the long-term strategy from the first implementation period. Iowa relied upon the Clean Air Interstate Rule (CAIR), later replaced by the Cross-State Air Pollution Rule (CSAPR), to satisfy long-term strategy obligations and Best Available Retrofit Technology (BART) requirements for EGUs. Iowa met all the identified reasonable measures during the first implementation period. Iowa's SIP submission includes EGU emission data demonstrating the reductions achieved throughout the State in table 10–1. The included emission data demonstrates a decrease in $SO_2$ and $NO_X$ emissions since 2008, the year preceding CAIR implementation. Between 2008 and 2021, $SO_2$ and $NO_X$ emissions declined by 81,258 and 30,078 tons, respectively.

The EPA proposes to find that Iowa has met the requirements of 40 CFR 51.308(g)(1) and (2) because its SIP submission describes the measures included in the long-term strategy from the first implementation period, as well as the status of their implementation and the emission reductions achieved through such implementation. Section 51.308(g)(3) does not apply to Iowa because it does not have a Class I Area.

Pursuant to § 51.308(g)(4), in section 10 of their submittal, Iowa provided a summary of NEI data for $SO_2$, $NO_X$, VOCs, $PM_{10}$, $PM_{2.5}$, and $NH_3$ for the years 2008 and 2017. The summarized emissions data in tables 10–2 and 10–3 of the state submission include anthropogenic emissions represented by point source EGU, point source non-EGU, nonpoint sources, on-road mobile sources and nonroad mobile sources; fire emissions including wildfire, prescribed fire and agriculture fire; and biogenic emissions from vegetation and soils. Iowa also included CAMD data in table 10–1 showing annual total EGU $SO_2$ and $NO_X$ emissions for the time period from 2002 to 2021.

The reductions achieved through Iowa emission control measures are seen in the emissions inventory. Based on Iowa's SIP submittal, $NO_X$ emissions have significantly declined in Iowa from 2008 to 2017 based on decreased emissions in the point EGU, point non-EGU, on-road and non-road sectors. $NO_X$ emissions from the EGU sector decreased by 28,009 tpy, equating to a sector reduction of 55%. Total $NO_X$ reductions decreased by 103,080 tpy, or 34%.

Emissions of $SO_2$ have shown a significant decline in Iowa from 2008 to 2017, particularly in the point EGU sector. During that period, $SO_2$ emissions from EGUs decreased by 86,091 tpy, equating to a sector reduction of 73%. Overall, $SO_2$ emissions declined by 125,347 tpy, or 76%.

Iowa's submission includes a summary of $PM_{10}$ emissions from all NEI data categories point EGU, point non-EGU, nonpoint, on-road, nonroad, and fire for 2008 and 2017 in Iowa. In Iowa, $PM_{10}$ emissions decreased in all categories except fire during that period. The $PM_{10}$ emissions decreased by more than 200,000 tpy, or 37%.

Iowa's submission shows a summary of $PM_{2.5}$ emissions from all NEI data categories for 2008 and 2017 in Iowa. $PM_{2.5}$ emissions decreased all categories except the fire sector. Decreases in $PM_{2.5}$ emissions are attributed to Federal new engine standards for nonroad vehicles and equipment, Federal and State regulations for on-road vehicles, and reductions in the nonpoint sector. The other large decrease in $PM_{2.5}$ emissions is primarily due to the decrease in emissions from fuel combustion at EGU and Industrial stationary sources.

VOC emissions declined in Iowa from 477,959 tpy in 2008 to 141,289 tpy in 2017. VOC decreases were achieved in all sectors except the fire sector.

Overall, ammonia ($NH_3$) emissions increased in Iowa from 2008 to 2017, primarily driven by increased emissions from the nonpoint source category. Nonpoint increases are due to reporting, grouping and methodology changes, as well as estimated emissions increase from agricultural sources. Overall, ammonia emissions increased by 11% in Iowa from 2008 to 2017.

The EPA is proposing to find that Iowa has satisfied the requirements of § 51.308(g)(4) by providing emissions information for $NO_X$, $SO_2$, $PM_{10}$, $PM_{2.5}$, VOCs, and $NH_3$ broken down by type of source.

Iowa uses the emissions trend data in the SIP submission [42] to support the assessment that anthropogenic haze-causing pollutant emissions in Iowa have decreased during the reporting period and that changes in emissions have not limited or impeded progress in reducing pollutant emissions and improving visibility. Overall, Iowa's 2017 emission inventories for $NO_X$, $SO_2$, $PM_{10}$, $PM_{2.5}$, and VOCs were lower than their 2008 emission inventories and the forecasted 2018 emissions from Iowa's regional haze SIP for the first planning period [43] for those same pollutants emissions. The 2017 emission inventory for $NH_3$ were higher than the 2008 emission inventory and the forecasted 2018 emissions. However, the slight increase did not impede progress towards improving visibility in Class I Areas. The EPA is proposing to find that Iowa has met the requirements of § 51.308(g)(5).

*I. Requirements for State and Federal Land Manager Coordination*

Section 169A(d) of the CAA requires states to consult with FLMs before

[42] See section 10.5 ''Emissions Changes Assessment'' of the Iowa Region Haze SIP—Final August 2023, included in the docket for this action.

[43] See table 10–5 of the Iowa Regional Haze SIP—Final August 2023, included in the docket for this action.

holding the public hearing on a proposed regional haze SIP, and to include a summary of the FLMs' conclusions and recommendations in the notice to the public. In addition, § 51.308(i)(2)'s FLM consultation provision requires a state to provide FLMs with an opportunity for consultation that is early enough in the state's policy analyses of its emission reduction obligation so that information and recommendations provided by the FLMs' can meaningfully inform the state's decisions on its long-term strategy. If the consultation has taken place at least 120 days before a public hearing or public comment period, the opportunity for consultation will be deemed early enough. Regardless, the opportunity for consultation must be provided at least sixty days before a public hearing or public comment period at the state level. Section 51.308(i)(2) also provides two substantive topics on which FLMs must be provided an opportunity to discuss with states: assessment of visibility impairment in any Class I area and recommendations on the development and implementation of strategies to address visibility impairment. Section 51.308(i)(3) requires states, in developing their implementation plans, to include a description of how they addressed FLMs' comments. Section 51.308(i)(4) requires states to provide for ongoing consultation between the state and FLM's on the implementation of the given plan and on development of future plan revisions or progress reports.

Iowa conducted informal FLM consultation early in the planning process to inform the state's decision-making process. As part of this early engagement with the FLMs, the U.S. Forest Service and the National Park Service each provided a recommendation to Iowa suggesting that it consider specific individual sources in its long-term strategies. In March 2020, the Forest Service identified three sources based on its review of emission rate data (lb/MMBtu) and results from a LADCO Q/d analysis. In June 2020, the National Park Service identified eleven Iowa sources using a $Q/d(SO_2 + NO_X)$ threshold of 1.2 based on 2017 NEI emissions data for the non-EGUs and 2019 CAMD data for EGUs. As part of the consultation, Iowa reviewed its source selection methods and results with FLMs on June 3, 2020. On January 20, 2022, the state met with FLMs to informally discuss Iowa's four-factor analysis.

On October 11, 2022, Iowa submitted a draft Regional Haze SIP to the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the National Park Service for a 60-day review and comment period pursuant to 40 CFR 51.308(i)(2).[44] On November 3, 2022, Iowa held a virtual consultation meeting with the FLMs. Iowa received comments from the Forest Service and the National Park Service on December 8, 2022.[45] Iowa responded to the FLM comments and included the responses in section 11.5 of its submission to EPA and their public notice, in accordance with the requirements in CAA section 169A(d) and § 51.308(i)(3). Notices of the proposed SIP, availability and the public hearing were published on IDNR's website, published in the *Des Moines Register* on February 13, 2023, and issued on the IDNR air quality listserv. A virtual public hearing on the proposed SIP revision was held on March 16, 2023. Written comments relevant to the proposal were accepted until the close of business March 16, 2023. Iowa's August 2023 SIP includes a commitment to ongoing consultation with FLMs in accordance with § 51.308(i)(4).

For the reasons stated above, the EPA proposes to find that Iowa has satisfied the requirements under 40 CFR 51.308(i) to consult with the FLMs on its regional haze SIP for the second implementation period.

Iowa's August 2023 SIP submission includes a commitment to submit periodic progress reports in accordance with § 51.308(f) and a commitment to evaluate progress towards the reasonable progress goal for each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State in accordance with § 51.308(g).[46]

## VI. What action is the EPA proposing?

The EPA is proposing to approve the Iowa SIP submission received on August 15, 2023, as satisfying the regional haze requirements for the second implementation period contained in 40 CFR 51.308(f). We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

## VII. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference ''Iowa Regional Haze Plan for the Second Implementation Period'' source specific requirements for MidAmerican Energy Company Louisa Station (Permit number 05–A–031–P6) and MidAmerican Energy Company Walter Scott Jr. Energy Center (Permit numbers 75–A–357–P9 and 03–A–425–P4), submitted on August 15, 2023. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## VIII. Environmental Justice Considerations

The 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.'' The 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.'' [47]

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 Executive Order 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples. However, recognizing the importance of environmental justice considerations to local communities, the EPA conducted an environmental justice screening analysis around the location of the facilities associated with this action to identify potential environmental stressors on these communities and the potential impacts of this action. The EPA is providing the information associated with this analysis for informational purposes only. The information provided herein is not a basis of the proposed action. The EPA conducted the screening analyses using EJScreen, an EJ mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining various environmental and demographic

[44] *Id.*

[45] See appendix F of the State submission, included in the docket for this action.

[46] See section 10.5 of the ''Iowa Regional Haze SIP—Final August 2023.''

[47] See *https://www.epa.gov/environmentaljustice/learn-about-environmentaljustice.*

indicators.[48] The EJScreen tool presents these indicators at a Census block group (CBG) level or a larger user specified ''buffer'' area that covers multiple CBGs.[49] An individual CBG is a cluster of contiguous blocks within the same census tract and generally contains between 600 and 3,000 people. EJScreen is not a tool for performing in-depth risk analysis, but is instead a screening tool that provides an initial representation of indicators related to EJ and is subject to uncertainty in some underlying data (*e.g.,* some environmental indicators are based on monitoring data which are not uniformly available; others are based on self-reported data).[50] For informational purposes, we have summarized EJScreen data within larger ''buffer'' areas covering multiple block groups and representing the average resident within the buffer areas surrounding the facilities selected by Iowa for further control analysis. EJScreen environmental indicators help screen for locations where residents may experience a higher overall pollution burden than would be expected for a block group with the same total population in the U.S. These indicators of overall pollution burden include estimates of ambient $PM_{2.5}$ and ozone concentration, a score for traffic proximity and volume, percentage of pre-1960 housing units (lead paint indicator), and scores for proximity to Superfund sites, risk management plan (RMP) sites, and hazardous waste facilities.[51] EJScreen also provides information on demographic indicators, including percent low-income, communities of color, linguistic isolation, and less than high school education.

The EPA prepared EJScreen reports covering buffer areas of approximately 6-mile radius around the facilities selected by Iowa for further analysis. For each facility, the EPA indicates in the following statements whether there is an environmental or socioeconomic indicator for the selected source area above the 80th percentile nationally.[52] These indicators are displayed in the table on page 3 of each report. The report for Walter Scott Jr. Energy Center showed environmental indicators greater than the 80th national percentiles superfund proximity and RMP facility proximity. The report for Louis Generating Station does not include environmental or socioeconomic indicators greater than the 80th national percentiles. The full, detailed EJScreen reports for the two facilities selected by Iowa for further analysis are provided in the docket for this rulemaking for informational purposes only.

This action is proposing to approve Iowa's second planning period regional haze plan as meeting the requirements of the CAA and the EPA's RHR. Exposure to PM and $SO_2$ is associated with significant public health effects. Short-term exposures to $SO_2$ can harm the human respiratory system and make breathing difficult. People with asthma, particularly children, are sensitive to these effects of $SO_2$.[53] Exposure to PM can affect both the lungs and heart and is associated with: premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing. People with heart or lung diseases or conditions, children, and older adults are the most likely to be affected by PM exposure.[54] We expect that this action and resulting emissions reductions will generally be neutral or contribute to reduced environmental and health impacts on all populations near both Walter Scott Jr. Energy Center and Louisa Generating Station. There is nothing in the record which indicates that this proposed action, if finalized, would have disproportionately high or adverse human health or environmental effects on communities with environmental justice concerns.

This action is proposing to approve Iowa's second planning period regional haze plan as meeting the requirements of the CAA and the EPA's RHR. However, as stated previously, the EPA is not required to, but has provided the information associated with the environmental justice analysis for informational purposes only. The information provided herein does not serve as a basis of the proposed action.

## IX. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

[48] The EJSCREEN tool is available at *https://www.epa.gov/ejscreen.*

[49] See *https://www.census.gov/programssurveys/geography/about/glossary.html.*

[50] In addition, EJSCREEN relies on the five-year block group estimates from the U.S. Census American Community Survey. The advantage of using five-year over single-year estimates is increased statistical reliability of the data (*i.e.,* lower sampling error), particularly for small geographic areas and population groups. For more information, see *https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs_general_handbook_2020.pdf.*

[51] For additional information on environmental indicators and proximity scores in EJSCREEN, see ''EJSCREEN Environmental Justice Mapping and Screening Tool: EJSCREEN Technical Documentation,'' Chapter 3 and appendix C (September 2019) at *https://www.epa.gov/sites/default/files/2021-04/documents/ejscreen_technical_document.pdf.*

[52] For a place at the 80th percentile nationwide, that means 20% of the U.S. population has a higher value. EPA identified the 80th percentile filter as an initial starting point for interpreting EJScreen results. The use of an initial filter promotes consistency for EPA programs and regions when interpreting screening results.

[53] See *https://www.epa.gov/so2-pollution/sulfurdioxide-basics#effects.*

[54] See *https://www.epa.gov/pm-pollution/healthand-environmental-effects-particulate-matter-pm.*

and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.'' The Iowa Department of Natural Resources did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA performed an environmental justice analysis, as is described above in the section titled, ''Environmental Justice Considerations.'' The analysis was done for the purpose of providing additional context and information about this rulemaking to the public, not as a basis of the 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. In addition, there is no information in the record upon which this decision is based inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

In addition, this proposed rulemaking action, pertaining to Iowa regional haze SIP submission for the second planning period, is not approved to apply on any Indian reservation land or in any other area where the 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).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: July 22, 2024.

**Meghan A. McCollister,**

*Regional Administrator, Region 7.*

Title 40, chapter I, of the Code of Federal Regulations is proposed to be amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

### Subpart Q—Iowa

■ 2. In § 52.820:

■ a. The table in paragraph (d) is amended by adding the entries ''(170)'', ''(171)'', and ''(172)'' in numerical order.

■ b. The table in paragraph (e) is amended by adding the entry ''(56)'' in numerical order.

The additions read as follows:

**§ 52.820 Identification of plan.**

* * * * *

(d) * * *

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS

| Name of source | Order/ permit No. | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| * | * | * | * * | * * |
| (170) MidAmerican Energy Co.—Louisa Station. | 05–A–031–P6 | 7/20/2023 | [Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule]. | Regional Haze Plan for the second implementation period; condition 11 of the permit is not part of the SIP. |
| (171) MidAmerican Energy Co—Walter Scott Jr. Energy Center. | 75–A–357–P9 | 7/20/2023 | [Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule]. | Regional Haze Plan for the second implementation period; condition 11 of the permit is not part of the SIP. |
| (172) MidAmerican Energy Company—Walter Scott, Jr. Energy Center. | 03–A–425–P4 | 12/5/2011 | [Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule]. | Regional Haze Plan for the second implementation period; condition 6 of the permit is not part of the SIP. |

(e) * * *

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|---|---|---|---|
| * | * * | * | * * | * |
| (56) Iowa Regional Haze Plan for the Second Implementation Period. | Statewide ..... | 8/15/2023 | [Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule]. | [EPA–R07–OAR–2024–0313; FRL–12096–01–R7]. |

■ 3. Revise § 52.842 to read as follows:

**§ 52.842 Visibility protection.**

(a) The requirements of section 169A of the Clean Air Act are met because the Regional Haze plan submitted by Iowa on March 25, 2008, and supplemented on May 14, 2019, includes fully approvable measures for meeting the requirements of the Regional Haze Rule including 40 CFR 51.308(d)(3) and (e) with respect to emissions of $NO_X$ and $SO_2$ from electric generating units.

(b) The requirements of section 169A of the Clean Air Act are met because the Regional Haze plan submitted by Iowa on August 15, 2023, includes fully approvable measures for meeting the requirements of the Regional Haze Rule in 40 CFR 51.308.

[FR Doc. 2024–16502 Filed 8–1–24; 8:45 am]

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